



An  
Coimisiún  
Pleanála

## Inspector's Report

**ACP-322625-25**

<b>Development</b>	Retention Permission for the construction of a domestic shed and cellar as constructed, permission for completion of same, and all associated works
<b>Location</b>	25 Brooklawns, Pollerton, Carlow, R93 X7H5
<b>Planning Authority</b>	Carlow County Council
<b>Planning Authority Reg. Ref.</b>	2460119
<b>Applicant(s)</b>	Tudor Cupcea
<b>Type of Application</b>	Retention
<b>Planning Authority Decision</b>	Grant Permission with Conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Sinead O'Keeffe
<b>Observer(s)</b>	None

**Date of Site Inspection**

19<sup>th</sup> July 2025

**Inspector**

Andrew Hersey

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## Appendix 1 – Form 1: EIA Pre-Screening

## **1.0 Site Location and Description**

- 1.1. The proposed development is located in the eastern suburbs of Carlow Town in a suburban estate. The site comprises of an existing semi-detached two storey dwelling with front and rear gardens.
- 1.2. 24 Brooklawns is located to the north, 26 to the south. The rear garden of the site shares party boundaries with 11 & 12 Burrindale to the west. The rear garden boundary comprises of block walls circa 2.0 metres in height
- 1.3. There is an uncompleted detached building in the rear garden of the property which is the subject of this appeal.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises of;
  - Retention permission for a detached building in the rear garden of the property which is described in the development description as a domestic shed
  - This includes for a basement level, a cellar under the shed, the use of which is for domestic use as stated in the development description
  - Permission to complete the same
  - The shed to be retained has a floorspace of 37.43sq.m. (as per the application form)

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. The Planning Authority granted permission for the said development subject to 11 conditions on the 1<sup>st</sup> May 2025

- 3.1.2. Conditions

- Condition No. 3 states that 'The domestic shed / garage shall be used solely for a purpose that is incidental to the enjoyment of the dwelling house. The

garage shall not be used as a self-contained dwelling unit, or for any business, trade or commercial activity.

- Condition No. 4 relates to the external finishes of the proposed shed to be the same as that of the house
- Condition 5 states that compels the applicant to ensure, within a 6 month timeframe, that the overhanging roof eaves of the shed are amended to ensure that they are entirely contained within the subject site
- Condition 11 relates to a Section 48 Development Contribution

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

- Further information was requested by the Planning Authority with respect to the following issues:
  - Issues with respect to overhanging eaves to adjacent properties
  - Issues with respect to the scale of the roof
  - Clarification on the use of the cellar and evidence that it has been constructed in accordance with relevant building regulations
  - That the applicant should address a submission on the file which relates to issues of overlooking and overshadowing
- A response to further information was received on the 8<sup>th</sup> April 2025. The response included for details of the eaves being set back and also letters of confirmation from the neighbours to the west of the proposed development site whom state that they have no issue with respect to the proposed development.
- The response also sets out a rationale for the roof which is not excessively high and has a standard 37 degree pitch and that the said shed for retention is broadly similar to that of a shed which would be otherwise exempt under the Planning and Development Regulations 2001, as amended.
- The response also includes for an overshadowing analysis.

- The case planner accepted the response and made a recommendation to grant planning permission

### 3.2.2. Other Technical Reports

- Environment (11<sup>th</sup> June 2025) - no objection

### 3.3. Prescribed Bodies

- No reports were received

### 3.4. Third Party Observations

There is one submission on file from Sinead O’Keeffe, 24 Brooklands received 12<sup>th</sup> June 2024. The submission raises the following issues;

- That the scale of the shed is more suited to a rural area. Its bulk and scale are excessive in the context of an urban residential area.
- That an existing shed on the site which was 8sq.m has been replaced with a shed 4 times larger
- Rainwater goods will further overhang adjacent properties and that the maintenance of these elements will require access from other properties, which may have different owners in the future and require a right of way.
- That the building is out of context with surrounding area, is imposing, is excessively overbearing and compromises the amenity of adjacent properties and their rear garden space.
- The development will de-value adjacent properties.
- The development will set an undesirable precedent

## 4.0 Planning History

- UD2391 – warning letter issued regarding unauthorised shed

## **5.0 Policy Context**

### **5.1. Development Plan**

5.1.1. The Carlow County Development Plan 2022-2028 is the statutory development plan in force at present. The following is relevant to the proposed development;

- The site is zoned as 'Established Residential' the objective of which is to 'Protect and enhance the amenity of developed residential communities
- Chapter 16 Development Management Standards
  - Section 16.8.8 Private Open Space. A three bedroomed house requires 60sq.m. and a four bedroomed 75sq.m.

### **5.2. Natural Heritage Designations**

- The River Barrow and River Nore SAC, Site Code 002162, is located 2.3km to the west of the site

## **6.0 EIA Screening**

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning & Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

7.1.1. A third party appeal was lodged by Sinead O'Keeffe on the 28<sup>th</sup> May 2025.

7.1.2. The appellant raises the following issues;

- That the building is out of context with the surrounding area and would compromise the quality of life of adjacent private residences.

- The proposed shed is four times larger than the previous existing shed which it replaced and over 1.9 metres higher
- It is hugely imposing on the adjacent property owners and their rear garden space. The building is excessively overbearing.
- That the proposal if granted will set an undesirable precedent in an established residential area due to its bulk and scale
- That permission be refused and the said structure deconstructed

## **7.2. Applicant Response**

- None received

## **7.3. Planning Authority Response**

7.3.1. A response from the Planning Authority was received on the 24<sup>th</sup> June 2025 and states the following;

- That the Planning Authority has no comments to make and that the Commission is directed to the details as set out in the planning reports, internal departmental reports and prescribed bodies.

## **7.4. Observations**

- None received

## **7.5. Further Responses**

- None received

## **8.0 Assessment**

### **8.1. Introduction**

8.1.1. I have examined the application details and all other documentation on file and I have inspected the site and have had regard to relevant local development plan policies and guidance.



8.1.2. I am satisfied the substantive issues arising from the grounds of this third party appeal relate to the following matters;

- Principle of Proposed Development/Development Plan Policy
- Design and Scale
- Residential Amenity Impacts
- Other Issues

## **8.2. Principle of Proposed Development/Development Plan Policy**

8.2.1. The site is located on lands zoned as 'Established Residential' the objective of which is to 'Protect and enhance the amenity of developed residential communities'.

8.2.2. It is considered that the proposed shed with associated cellar (for which retention permission is being sought), which is for domestic purposes only is a use which is considered to be acceptable in principle in this land use designation

8.2.3. On this basis, and subject to a condition being imposed with respect to its use for domestic storage as proposed, it is considered that the proposed development in principle is acceptable at this location.

## **8.3. Design and Scale**

8.3.1. The proposed development comprises of a detached garden shed with cellar which is located adjacent to the south western corner of the site.

8.3.2. The shed comprises of a ground floor 7.67m x 3.62m (with a stated area of 23.86 sq.m.) and a cellar 4.285m x 3.170m (with a stated area 13.57sq.m.). Total floorspace proposed is 37.43sq.m. The ground floor area is partially open to one side facing towards the rear of the house. There is a split level at the ground floor – an enclosed area is 400mm below the open area. The FFL of the open area is 9.99TBM.

8.3.3. The ridge height is 4.14m over a FFL of 9.99mTBM. The FFL of the house is stated as being 10.00mTBM. The roof has a standard 37 degree slope.

- 8.3.4. The private open space in the rear garden is over 95sq.m with the proposed shed for retention in place. This is excess of what is required under the development plan for private open space for a 4 bedroomed house (75sq.m.)
- 8.3.5. In general, I consider that the scale and design of the proposed shed for retention to be acceptable in this suburban context notwithstanding the appellants concerns in this regard.
- 8.3.6. The proposed shed is to be finished in a dash finish which is considered to be acceptable in this context. I do not consider it necessary to impose a condition with respect to finishes as per Condition 4 in the schedule of conditions imposed.

#### **8.4. Residential Amenity Issues**

- 8.4.1. The main issues raised by the appellants with respect to the proposed development relate to the impact the proposed development will have on her residential amenities. The appellant raises concerns with respect to overbearance.
- 8.4.2. The appellants accept that there will be no overshadowing impact as a consequence of the proposed development for retention and completion. I note that a shadow study has been submitted which shows that there will be no impact to adjacent properties.
- 8.4.3. The gable of the said shed is 2.9 metres from the party boundary with the appellants property which comprises of a block wall with concrete capping circa 2.0 metres in height. A photograph of the said (incomplete) shed is shown in the appeal document as taken from the appellants kitchen window.
- 8.4.4. The gable is to be blank facing towards the appellants property is to have a dash finish once completed. There are to be no opes on this gable elevation.
- 8.4.5. I do not consider that the shed for which the applicant is seeking retention overbears the appellants property.
- 8.4.6. With respect to the property to the south, No. 26 Brooklawns, I note that the said shed is located right on the party boundary of the same. The elevation facing this property is a gable and has a proposed dash finish. There are no opes proposed on this elevation.

- 8.4.7. I do not consider that there will therefore be an impact to the residential amenities of this property.
- 8.4.8. With respect to No 11 and 12 Burrindale, to the north west. I note that the said shed is shown as being just 230mm from the party wall. I note that there are mature trees within the boundaries of these properties which are much higher than that of the said shed for retention.
- 8.4.9. The appellants suggest that eaves and rainwater goods will overhang adjacent properties and that these will be difficult to maintain without access into these properties.
- 8.4.10. This issue was raised in a further information request and the applicant responded with revised drawings and letters from the property owners of 11 & 12 Burrindale stating that they support the proposed development though the same letters do not refer to the overhanging issue. It is also stated that the overhang has been scaled back at the boundary of No. 26 Brooklawns. The local authority case planner confirms that this is the case.
- 8.4.11. With respect to the issue of overhanging eaves, I consider that this issue can be resolved by way of planning condition as per Condition 5 of the schedule of conditions imposed.

## **8.5. Other Issues**

- 8.5.1. It is suggested by the appellant that the proposed development if granted will set a poor precedent for further such development in the area.
- 8.5.2. I would consider that the proposal is of a scale and form which is not out of character with the area and that the proposed development will not set a poor precedent for development in the area.

## **9.0 AA Screening**

- 9.1.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.

- 9.1.2. The subject site is located 2.3km from The River Barrow and River Nore SAC, Site Code 002162.
- 9.1.3. The proposed development comprises of the construction of a domestic garage in a suburban area. No nature conservation concerns were raised in the planning appeal.
- 9.1.4. Having considered the nature, scale and location of the project, and its location in a suburban area, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site
- 9.1.5. The reason for this conclusion is as follows:
- The relatively small scale nature of the works proposed
  - The lack thereof of any hydrological connection from the proposed development to the Natura 2000 site.
  - Having regard to the screening report/determination carried out by the Planning Authority
- 9.1.6. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 9.1.7. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required

## **10.0 Recommendation**

- 10.1. I recommend that permission granted for the proposed development.

## **11.0 Reasons and Considerations**

- 11.1. Having regard to the information submitted with the application and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would comply with the zoning objective for the site as set out in the Carlow County Development Plan 2022-2028, would not be injurious to the visual or residential amenities of the area, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 12.0 Conditions

1.	<p>The development shall be carried out in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The domestic shed and cellar shall be used solely for domestic storage purposes or a purpose that is incidental to the enjoyment of the dwelling house. The shed and cellar shall not be used as a self-contained dwelling unit, or for any business, trade or commercial activity</p> <p><b>Reason:</b> To define the use of the shed</p>
3	<p>Within a period of 6 months of the date of the final grant of permission, the applicant shall ensure that the overhanging roof eaves and gutters of the shed are amended to ensure that they are entirely contained within the subject site. The applicant shall submit substantiating documentation for the written agreement of the Planning Authority in the form of photographs, an updated site layout plan, roof plan and elevation drawings which demonstrate compliance with the same</p> <p><b>Reason:</b> In the interest of residential amenities.</p>
4.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Monday to Fridays, between 0800 and 1400 hours on Saturday and not at all on Sundays and Public Holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> To safeguard the residential amenities of adjoining property in the vicinity</p>

5.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Andrew Hersey  
Planning Inspector

31st July 2025

# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála Case Reference</b>	ACP-322625-25		
<b>Proposed Development Summary</b>	Retention of Domestic Shed		
<b>Development Address</b>	25 Brooklawns, Pollerton, Carlow, R93 X7H5		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)	<b>Yes</b>	√	
	<b>No</b>		
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>	Tick/or leave blank		
<b>No</b>	Tick or leave blank		√
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>			Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>			Preliminary examination required (Form 2)
<b>5. Has Schedule 7A information been submitted?</b>			
<b>No</b>		Screening determination remains as above (Q1 to Q4)	

Yes		Screening Determination required
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Inspector: \_\_\_\_\_ Date: \_\_\_\_\_



