



An
Coimisiún
Pleanála

Inspector's Report ACP-323630-25

Development	Retention of the garage/storage as built and retain the garden recreation room and a metal storage unit as built.
Location	39 Sruth Na Ghleanna, Killeshin, Co Laois
Planning Authority	Laois County Council
Planning Authority Reg. Ref.	2550
Applicant(s)	Padraig Doyle
Type of Application	Retention
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Padraig Doyle
Observer(s)	None
Date of Site Inspection	26 th October 2025
Inspector	Mary Crowley

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	5
3.3. Prescribed Bodies	5
3.4. Third Party Observations	5
4.0 Planning History.....	5
5.0 Policy Context.....	7
5.1. Development Plan.....	7
5.2. Natural Heritage Designations	7
6.0 The Appeal	7
6.1. Grounds of Appeal	7
6.2. Planning Authority Response.....	9
6.3. Observations.....	9
6.4. Further Responses	9
7.0 Assessment.....	9
7.2. Principle	9
7.3. Visual Amenity & Precedent.....	10
7.4. Other Issues.....	11
8.0 Environmental Impact Assessment.....	11
9.0 Appropriate Assessment Screening.....	11
10.0 Water Framework Directive	12

11.0	Recommendation	12
12.0	Reasons and Considerations.....	13
14.0	Appendix 1 - Form 1 - EIA Pre-Screening	14

1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 0.1292 ha is located within a newly developed section of an existing housing estate at the southeastern end of Killeshin village, c. 4 kms north-west of Carlow. The site itself comprises a detached two storey dwelling with a side vehicular entrance and off streetcar parking to the front. Part of the southern boundary of the site adjoins the R430 Carlow-Castlecomer Strategic Regional Route. A set of photographs of the site and its environs taken during the course of my site inspection is attached. I also refer the Board to the photos available to view throughout the appeal file and the previous appeal file, APB-317613-23 refers. These serve to describe the site and location in further detail.

2.0 Proposed Development

- 2.1. Retention permission is sought for the garage / storage (96.56 sqm) as built and retention of the garden recreation room (33.13 sqm) and a metal storage unit (16.67 sqm) as built all to the rear of the main house. Submitted that these were subsequently built for the applicants' children and for storage of gardening equipment. The gross floor space to be retained is 146 sqm.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Carlow County Council issued notification of decision to refuse permission for the following reason:

The garden / store, garden recreation room and metal storage unit, by virtue of their scale, would be out of character with the pattern for development in the vicinity, would constitute an unduly obtrusive feature within the existing residential development and would detract from the visual amenities of the area. As such, the development contravenes the policies and objectives as set out in the Laois County Development Plan 2021 – 2027 and would seriously injure the visual amenities of the area and lead to undesirable precedent for

similar developments in urban residential areas contrary to the proposed planning and sustainable development of the area.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

- The Case Planner recommended that permission be refused. The notification of decision to refuse permission issued by Laois County Council reflects this recommendation.

3.2.2. Other Technical Reports

- None

3.3. **Prescribed Bodies**

3.3.1. None

3.4. **Third Party Observations**

- 3.4.1. There is one observation recorded on the planning file from Keith & Michelle O'Rourke, Killeshin, Carlow. The issues raised relate to history of refusals, the garage is the subject of enforcement, permission was granted for a garage with a floor area of 77.4 sqm and not 124 sqm or 109 sqm, impact to residential amenities and excessive number of authorised developments and retention permissions in this estate already.

4.0 **Planning History**

4.1. I refer to the previous appeal report on this site (ABP-317613-23 refers).

4.2. There was a previous appeal on this site that may be summarised as follows:

- **ABP-317613-23 (Reg Ref 23/109)** – Carlow County Council issued a split decision to grant permission for the retention of alterations to the dwelling and refusal for the retention of the rear garage for visual impact and undesirable precedent. Following a first party appeal the Board issued a split decision as follows:

- 1) **Grant** permission for the retention of first floor extension over a pre-existing ground floor kitchen to the rear of the dwelling house and

2) **Refuse** permission for the retention of the garage for the following reason:

The garage by virtue of its scale, height and design would be out of character with the pattern for development in the vicinity, would constitute an unduly obtrusive feature within the Quakers residential development and would detract from the visual amenities of the area. As such, the garage contravenes the relevant policies and objectives as set out in the Laois County Development Plan 2021 – 2027, would seriously injure the visual amenities of the area and lead to undesirable precedent for similar developments in urban residential areas and would therefore be contrary to the proposed planning and sustainable development of the area.

4.3. There have been numerous previous planning applications on this site and the overall site including the following. The Planning Authority submitted the following planning history and is available to view on the appeal file; Reg Ref 21/751, Reg Ref 22/181 and Reg Ref 25/25

- **Reg Ref 25/25** - Retention permission for the garage / storage as built and retention of the garden recreation room and a metal storage unit as built was refused permission for the same reason as this appeal case as follows:

The garden / store, garden recreation room and metal storage unit, by virtue of their scale, would be out of character with the pattern for development in the vicinity, would constitute an unduly obtrusive feature within the existing residential development and would detract from the visual amenities of the area. As such, the development contravenes the policies and objectives as set out in the Laois County Development Plan 2021 – 2027 and would seriously injure the visual amenities of the area and lead to undesirable precedent for similar developments in urban residential areas contrary to the proposed planning and sustainable development of the area.

- **Reg Ref 22/348** - Extend duration of time of planning permission reference 16/475. Unconditional
- **Reg Ref 22/181** - Construct a 99.6sqm garage to house no.39 at the Quakers, Killeshin, Co. Laois. This is further to permitted development register reference 16/475 and 21/571. Conditional (77.4sqm 4m high garage approved).

- **Reg Ref 21/751** - Change design of house no. 39 from a bungalow to a 2 storey, 4 bed house and to include on site a separate 169 sq.m. garage. This is further to permitted development register reference 16/475. Split Decision to grant permission for the change of house design and refusal of garage. The reason for the refusal was as follows:

The proposed garage, by virtue of its scale, height, design and finish would be out of character with the pattern of development in the vicinity, would constitute an unduly obtrusive feature within the Quakers residential development and would detract from the visual amenities of the area. As such the proposed development contravenes the policies and objectives as set out in the Laois County Development Plan 2017-2023. It is therefore considered that the proposed development would seriously injure the visual amenities of the area and lead to an undesirable precedent for similar developments in urban residential areas and would therefore be contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The operative Development Plan is the **Laois County Development Plan 2021-2027**. The appeal site is within the development envelope of Killeshin, a designated rural village.

5.2. Natural Heritage Designations

- 5.2.1. The site is not located within a designated Natura 2000 site.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The first party appeal against the notification of decision refuse permission was prepared and submitted by Larkin Architects and may be summarised as follows:

- The applicant is a carpenter / roofer and owns a van for work together with a boat, a horse box and motor home all of which need to be stored in a sheltered and secure garage / store. The garden recreation room is for the applicant and his family, and the metal storage unit is for work tools and house / garden maintenance equipment.
- The permitted garage area was 80 sqm and the garage / store as built is 80.94 sqm. The required area for the van, boat, horse box and motor home is the area as built. The difference in area from that permitted is 0.94 sqm.
- The rear wall of the garage now forms part of the rear boundary wall, and the side wall is built directly adjacent to the side boundary thus preventing an area for dirt and vermin. No part of the site boundary adjoins the R430 Carlow Castlecomer Regional Route but adjoins the laneway at this location.
- The refusal fails to adequately address how the proposed conflicts with the statutory and policy requirements. The refusal fails to adequately assesses the potential impacts of the proposed development on the surrounding environment, landscape and amenities and on the applicant who has a demonstrable need to store, secure and protect his property.
- The reason for refusal has not shown how it will be out of character with the surrounding area. The built garage is less obtrusive than that permitted as it fits between the walls of the rear garden.
- It is not reasonable to assert that if one views the garage / shed from inside the garden or from the laneway outside that it could not be described as an unduly obtrusive feature or detract from the visual amenities of the area.
- The development is within a large garden area with considerable space remaining for the enjoyment of the garden.
- The refusal has not shown how the development would detract from the visual amenities of the area. Both the recreation room and metal storage shed are practically invisible to anyone outside the garden being single storey structures inside a 2m high solid boundary wall.
- The observer is not impacted by way of the development.

6.2. **Planning Authority Response**

6.2.1. None

6.3. **Observations**

6.3.1. None

6.4. **Further Responses**

6.4.1. None

7.0 **Assessment**

7.1. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings.

- Principle
- Visual Amenity & Precedent
- Other Issues

7.2. **Principle**

7.2.1. Permission is sought for the retention of the garage / store on site, garden recreation room and metal storage units as built. The structures are located to the rear of an existing dwelling house within a new residential estate in the village of Killeshin. Further the uses proposed i.e. domestic storage and recreation use, are considered to be ancillary to the main dwelling. Accordingly, I consider the principle of the location and uses proposed to be acceptable subject to compliance with the requirements of the current County Development Plan. It is recommended that should the Coimisiun be minded to grant permission, and in the interests of clarity that a condition be attached restricting the use of said structures to uses ancillary to the main dwelling only. The matter of the scale of the structures proposed to be retained in order to accommodate such uses is a separate matter discussed separately below.

7.3. Visual Amenity & Precedent

- 7.3.1. Notwithstanding the acceptance of the uses proposed, it remains that the pertinent issue in this case is the scale and multiplicity of structures to be retained.
- 7.3.2. I refer to the Section 4.0 Planning History of this report above where it is evident that planning permission has been refused on 4 no separate occasions for the retention of the garage / store as built and more recently the garden recreation room and a metal storage unit, including on appeal to the Coimisiun (decided in 2024). The reasons in each refusal are essentially the same namely visual impact and undesirable precedent. I am concerned that despite the extensive history of planning refusals including on appeal there has been no obvious intervention or amendments put forward to address the issues raised in the reasons for refusal. The matter is further compounded by the fact that the applicant has added two further structures to the rear of their property without any reference to the planning authority or the statutory planning process.
- 7.3.3. I have considered this current appeal file and the previous appeal file together with the Case Planners reports and I note that there are variations in the stated floor area of the units to be retained between applications. In this appeal retention permission is sought for the garage / storage (96.56 sqm) as built and retention of the garden recreation room (33.13 sqm) and a metal storage unit (16.67 sqm) as built all to the rear of the main house. The stated gross floor space to be retained is 146 sqm.
- 7.3.4. Notwithstanding the noted variation in the stated floor areas between applications what is clear is that the proposed garage / store has been increased in area from 77.4sqm (permitted under planning file reference 22/181) to 96.56 sqm (although I note that the previous appeal had a stated area of 106.175 sqm for the same structure). It is worth noting that a 169 sqm garage was previously refused on the site under planning file reference 21/751 and a 99.6 sqm garage submitted for consideration under planning file reference 22/181 was deemed unacceptable and reduced to 77.4 sqm on foot of a request for further information where the applicant was advised that the floor area should be no more than 80 sqm.
- 7.3.5. As documented, planning permission was granted to construct a 77.4 sqm garage at this site (Reg Ref 22/181) and the stated gross floor space of the three structures to be retained under this appeal is 146 sqm. Given the lengthy planning history

associated with the site, this cannot reasonably be considered an oversight. Further, as mentioned above I am concerned that despite repeated refusals on the site no obvious attempt has been made to address the reasons for refusal in this case. Adding a further storage unit and recreation unit only serves to compound matters. It is also noted that the Development Plan applicable in this appeal case is the same as that referenced in the previous appeal. There have been no obvious changes to the Laois County Development Plan 2021-2027 whereby a different conclusion could be reached in this appeal. Refusal is recommended.

7.4. Other Issues

- 7.4.1. **Development Contributions** – I refer to the Laois County Council Development Contributions Scheme. It is recommended that should the Board be minded to grant permission that a Section 48 Development Contribution condition is attached.

8.0 Environmental Impact Assessment

- 8.1. 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 and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). 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.

9.0 Appropriate Assessment Screening

- 9.1. I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended. The proposed development comprises extensions and alterations to an existing dwelling. No nature conservation concerns were raised in the planning appeal.
- 9.2. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site. The reason for this conclusion is as follows:
- Nature of the works e.g. small scale and nature of the development.
 - Distance from nearest European site and lack of connections.

- Taking into account determination of the Planning Authority.

9.3. I conclude, 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. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Directive

10.1. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

10.2. The reason for this conclusion is as follows:

- Nature of the project, site and receiving environment
- Location-distance from nearest Water bodies and/or lack of hydrological connections.

10.3. On the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

Having considered the contents of the application the provision of the Development Plan, the grounds of appeal and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that permission be **REFUSED** for the following reason.

12.0 Reasons and Considerations

- 1) The garden / store, garden recreation room and metal storage unit, by virtue of its overall scale where the stated gross floor space to be retained is 146 sqm, would be out of character with the pattern of domestic development in the vicinity, would constitute an unduly obtrusive feature within the existing residential development and would detract from the visual amenities of the area. As such, the development contravenes the policies and objectives as set out in the Laois County Development Plan 2021 – 2027 and would seriously injure the visual amenities of the area and lead to undesirable precedent for similar developments in urban residential areas contrary to the proposed planning and sustainable development of the area.

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.

Mary Crowley

Senior Planning Inspector

12th November 2025

14.0 Appendix 1 - Form 1 - EIA Pre-Screening

Case Reference	ABP-323630-25
Proposed Development Summary	Retention of the garage/storage as built and retain the garden recreation room and a metal storage unit as built.
Development Address	39 Sruth Na Ghleanna, Killeshin, Co Laois
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	

<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	

Inspector _____ **Date** _____

DP/ADP _____ **Date** _____

(only where Schedule 7A information or EIAR required)