



An
Coimisiún
Pleanála

Inspector's Report PL-500179-LH

Development	Retention and completion of domestic garage and all other site works.
Location	The Burren , Dunleer , Co. Louth
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	2560524
Applicant(s)	Hazel Brennan
Type of Application	Retention
Planning Authority Decision	Refuse Retention
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	Hazel Brennan
Observer(s)	none
Date of Site Inspection	9th January 2026
Inspector	Aisling MacNamara

1.0 Site Location and Description

1.1. The proposed development relates to an existing outbuilding currently under construction, on the site of an existing two storey detached house within the rural area of Dunleer, County Louth. The site is adjoined to either side on the east and west by existing residential properties and by agricultural lands to the rear / south. The house is accessed by an entrance to the L62742 public road which abuts the northern boundary of the site.

2.0 Proposed Development

2.1. Permission is sought for:

- The retention and completion of extension to domestic garage and fuel store granted permission under Planning Ref No. 17417

3.0 Planning Authority Decision

3.1. Decision

By order dated 14th May 2025, the planning authority refused permission for one reason:

1. *The proposed garage and fuel store, with a total floor area of approximately 136 square metres and a ridge height of 6.95 metres, is considered excessive in scale and not proportionate to the existing dwelling. The development includes a first-floor domestic store and home office, which go beyond what is typically incidental to residential use. The proposal is, therefore, contrary to Section 13.9.10 of the Louth County Development Plan 2021–2027, as varied, which requires garages to be ancillary in nature, proportionate in scale, and reflective of domestic use.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The report of the case planner dated 01/10/2025 sets out an assessment and recommendation to refuse permission as per the decision. The assessment notes that the scale of the development exceeds what would typically be considered incidental to a domestic residence, raises concerns that the height is akin to a two storey residential building, states that no justification is provided for a functional need for garage of this scale and height with considerable massing and visual impact, the proposal does not comply with section 13.9.10.

3.2.2. Other Technical Reports

None

3.3. Prescribed Bodies

None

3.4. Third Party Observations

None

4.0 Planning History

- PA 17/417 – grant – retention permission for the development that will consist of the retention and completion of a 48sqm domestic garage/fuel store and all associated site development works

Condition 2 The retained garage shall be used solely for purposes incidental to the enjoyment of the dwelling house and not for any industrial business or commercial purposes. Reason: To protect the amenity of the area

- PA 09/422 – grant – retention and completion of sunroom extension to the east of dwelling house granted permission under 05/736 – Application form indicates that the dwelling has floor area of 345sqm
- PA 05/736 – grant – permission for dwelling, site area to 0.46 hectares, domestic garage, WWTS and associated site development works

5.0 Policy Context

5.1. Development Plan

The Louth County Development Plan 2021-2027 (as varied) applies to the proposed development. The following provisions are of relevance:

The site is located within Rural Policy Zone 2 which is an 'area under strong urban influence'.

The site is located in the Muirhevna Plain landscape character area (a large plain occupying the midland region and containing the most fertile agricultural farmland) which is designated of local importance.

The site is not on lands or in proximity to lands designated Area of Outstanding Natural Beauty or Area of High Scenic Quality (map 8.15).

There are no designated views and prospects at or near the site (map 8.16).

There are no designated scenic routes at or near the site (map 8.20).

There are no national monuments or features of built heritage at or near the site.

Chapter 8 Natural Heritage, Green Infrastructure and Biodiversity

NBG 23 To ensure the preservation of the uniqueness of a landscape character type by having regard to its character, value and objectives in accordance with national policy and guidelines and the Louth Landscape Character Assessment and by ensuring that new development meets high standards of siting and design and does not unduly damage or detract from the character of a landscape or natural environment.

Chapter 13 Development Management Guidelines

13.9 Housing in the Open Countryside

13.9.10 Garages and Outbuildings

The purpose of garages and outbuildings within the curtilage of residential properties is normally for storage and needs that are incidental to the dwelling on site. Garages will normally be positioned to the side or rear of the dwelling and will be designed and finished in materials that match the dwelling. The design and scale of any

garage shall be proportionate to the dwelling. Outbuildings that will have a use incidental to the dwelling will be considered on a case-by-case basis and will be dependent on the location, the nature of the use and the design and scale of the building.

Note – ‘section 13.8 Housing in Urban Areas’ includes ‘section 13.8.37: Domestic Garages and Outbuildings’.

5.2. Natural Heritage Designations

There are no sites designated for natural heritage within or in proximity to the site. The closest natural heritage site is Barmeth Woods pNHA located c 2.8km from the site.

5.3. 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 and 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.

6.0 The Appeal

6.1. Grounds of Appeal

An appeal is received from the first party applicant. The grounds of appeal are summarised as follows:

- Request ACP grant permission.
- Appeal site context is described. Planning history and planning policy context is set out.
- The refusal decision is unsubstantiated, erroneous.

- The appeal structure is physically and visually subservient to the main house. It is of appropriate scale relative to the main house. It is not excessive in scale or dimension.
- The development does not contradict the development management guidelines of the CDP. The development is in keeping with proper planning and sustainable development.
- The site is in non-descript countryside that is not the subject of any other designation or site-specific objective. It is not located within or in proximity to an Area of Outstanding Natural Beauty or Area of High Scenic Quality. It is not located along any Scenic Route or visible from any View or Prospect of Special Amenity Value.
- The structure will be used for ancillary domestic purposes in keeping with the long-established residential use of the site. The appellant is amenable to a planning condition restricting the use of the structure to uses ancillary and incidental to the main dwelling.
- The additional ground floor garage space is needed to accommodate space for a workstation, various tools and equipment, for the secure storage of their ride-on lawn mower and other gardening equipment. The ground floor fuel store has not increased in size from that approved under 17417. The upstairs home office is needed to replace the small alcove office area in the main house. The adjoining first floor domestic storage area will be used to store furniture, decorations and other incidental domestic items which are not readily accessible in the main dwelling due to limited attic crawl space.
- A table is set out demonstrating that the appeal structure complies with the criteria of sections 13.8.37 and 13.9.10 of the CDP.
- The appeal structure plan design and three-dimensional form contrasts with the main dwellings' multi-faceted 'busy' elevational treatment and varying roof heights. The appeal structure is physically smaller, less bulky, located to the side and rear of the main dwelling, near a tall row of Leylandii trees providing screening. The appeal structure measures 5.4m x 14.97m x 6.95m high. The main dwelling is 25.8m x 15.8m x 7.25m high. The appeal structure is oriented

perpendicular to the main dwelling. The appeal structure has narrow frontage and the main dwelling has a wider frontage. The front elevation presents a minimal aspect to the public road. The appeal structure uses similar materials to the main structure. The house is visually and physically subservient.

- The appeal structure is not visible from the public road until one passes the site western leylandii treeline. The side elevation of the appeal structure is only visible from the public road when viewed at a very narrow and oblique angle.
- The appeal structure integrates well within the surrounding rural area. The structure is not of excessive scale, bulk or height that it interrupts any skyline or ridgeline and is not visually dominant on Burren Road. There is no detrimental effect on any sensitive or protected landscape.
- The appeal structure is not out of context. There are 4 no. other ancillary two storey garage / outbuildings of a size, scale and height comparable to the appeal structure located on other sites on the Burren Road (sites identified in the appeal submission). The proposal is in keeping with the pattern and grain of existing development in the area.

6.2. Planning Authority Response

The planning authority has responded to the grounds of appeal. This is summarised as follows:

- The appellants in their appeal have raised several issues in relation to the refusal reason.
- The planning matters have been comprehensively addressed in the planning report of the case officer.
- The planning authority have no further comments.
- The planning authority is not satisfied that the proposed development accords with the provisions of the Louth CDP 2021-2027 (as varied) or is in accordance with the proper planning and sustainable development of the area.

- Request ACP to uphold the decision to refuse permission.

6.3. Observations

None

7.0 Assessment

7.1. Having examined the application details and all other documentation on file including all submissions received in relation to the appeal and inspected the site and having regard to relevant policies and guidance, I consider that the main issues in this appeal are as follows:

- Compliance with section 13.9.10 of the Louth County Development Plan

7.2. Compliance with section 13.9.10 of the Louth County Development Plan

7.2.1. This is a first party appeal against the decision of the planning authority to refuse permission for the completion of an extended domestic outbuilding (granted permission under PA17/417) on the site of existing two storey detached dwelling house within the rural area.

7.2.2. The planning authority refused permission for a reason stating that the scale of the building is excessive relative to the main house, the first floor office and store use 'go beyond' that which is typically incidental to a residential use and that that the proposal is contrary to section 13.9.10 of the Louth County Development Plan (CDP). The applicant disagrees with the refusal and states that the proposal is physically and visually subordinate to the main house, is to be used incidental to the main house, does not adversely impact on the visual amenities of the area and is in keeping with the pattern of existing development in the area and is in accordance with section 13.9.10 of the CDP.

7.2.3. The original permitted building was a single storey 48sqm fuel/ domestic garage building. The constructed building is a larger two storey building. The ground and first floor extensions have a floor area of 87sqm. Based on the floor plan drawings submitted, the building comprises a ground floor 19sqm fuel store and 48sqm domestic garage and a first floor 19sqm home office and 40sqm domestic store. Based on this, the combined floor area of the building is 126sqm. It is served by

ground floor entrance doors to the fuel store and the garage and the first floor is accessed by an internal stairs from the garage to the first floor. There are windows serving all four rooms.

- 7.2.4. The relevant provision of the Louth County Development Plan (CDP) is set out under section '13.9 Housing in the Open Countryside'. Section 13.9.10 relates to garages and outbuildings and states the following:

The purpose of garages and outbuildings within the curtilage of residential properties is normally for storage and needs that are incidental to the dwelling on site. Garages will normally be positioned to the side or rear of the dwelling and will be designed and finished in materials that match the dwelling. The design and scale of any garage shall be proportionate to the dwelling. Outbuildings that will have a use incidental to the dwelling will be considered on a case-by-case basis and will be dependent on the location, the nature of the use and the design and scale of the building.

- 7.2.5. I note that the CDP also includes separate design guidance under 'section 13.8 Housing in Urban Areas' which is titled 'section 13.8.37 Domestic Garages and Outbuildings'. As section 13.8.37 relates to urban areas, this provision is not of relevance to the subject proposal.

7.2.6. Use of building

- 7.2.7. In the appeal submission, the applicant has provided information on the uses of the proposed building. It is stated that the structure will be used for ancillary domestic purposes – the garage space is for tools, equipment, storage of ride on lawn mower and workstation, the fuel store is as per originally permitted, the upstairs storage is for furniture, decorations and domestic items which are not accessible in the main dwelling due to limited attic crawl space and for a home office. I consider all these uses are domestic uses ancillary to the main house.

- 7.2.8. I consider that the applicant has adequately demonstrated a rationale for the additional space.

- 7.2.9. I consider that the proposal to construct an ancillary out building on the site of an existing permitted dwelling to be used by the occupants of the dwelling for their ancillary domestic use is acceptable in principle.

7.2.10. Design, scale and visual amenity

7.2.11. Section 13.9.10 sets out the design principles of the CDP that apply to new garage and outbuilding structures.

7.2.12. The proposed 126sqm building has a maximum ground to ridge height of 6.95m. It is to be finished in rubble stone cladding (to match existing dwelling house) to its front elevation and smooth plaster render, with slate roof, oak and black coloured upv windows and sheet hardwood doors to the garage. The building is simple traditional A pitched form.

7.2.13. The existing main house is a large traditional 345sqm two storey house with maximum ground to ridge height of 7.25m (as per PA09/422) and finished in plaster and stone cladding with slate roof.

7.2.14. The proposed outbuilding is located to the rear and side of the main dwelling. The form and finishes are in keeping with the existing house. The outbuilding is smaller size, lower height and of simpler architectural detailing and form. The outbuilding is a smaller scale to the main house. It is clear that the outbuilding visually and functionally 'reads' as an ancillary outbuilding subordinate to the main house. On design grounds, I am satisfied that the proposal is in accordance with the design principles set out in section 13.9.10.

7.2.15. In terms of visual impact on the surrounding area, the site is located on lands designated in the CDP with a locally important Muirheva Plain landscape. There are no protected views or scenic routes in the area surrounding the site. There are no national monuments or other features of built heritage in the surrounding area. The proposed outbuilding is located close to the rear of the main house. The site is flanked either side by existing residential properties and there is an existing hedge located along the western boundary of the site. The building integrates with the existing development on the site. Due to its considerable set back from the road and the intervening structures and vegetation, it is only partially visible from the main road and is not visually intrusive in views along this road.

7.2.16. I note from the information supplied in the appeal and from site visit, that there are other properties along this road, in the vicinity of the site, which also contain a double height outbuilding on the site of the main dwelling. I therefore consider that the proposal is in character with the surrounding area.

7.2.17. I am satisfied that the building can be accommodated without adversely impacting on the visual amenity of the surrounding area.

7.2.18. Conclusion

7.2.19. In conclusion, having regard to the use of the building for domestic residential use ancillary to the main dwelling and to the scale and design of the proposed development, including the nature of existing development on the site and the surrounding area, that the building is an acceptable form of development, is in accordance with section 13.9.10 of the CDP and would not have an adverse impact on residential or visual amenities in the area.

7.3. **Appropriate Assessment Screening**

7.3.1. I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended. The subject site is not located within or adjacent to any European site. The closest European site is the Dundalk Bay SAC located c 7.7km from the site.

7.3.2. Having considered the nature, scale and location of the proposed development, I am satisfied that it can be eliminated from further assessment because it could not have an appreciable effect on a European site. The reason for this conclusion is as follows:

- the modest scale and domestic nature of the development,
- the location of the development within an existing developed site,
- the distance to the Natura 2000 site network and
- the absence of any significant ecological or hydrological pathways to this network,

7.3.3. I consider that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects, on a European site and appropriate assessment is therefore not required.

7.4. **Water Framework Directive Screening**

7.4.1. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive (WFD) which seeks to protect and where necessary, restore surface water and ground water bodies in order to

reach good status (meaning both good chemical and good ecological status) and to prevent deterioration.

7.4.2. There are no surface water features on or in proximity to site. The site is c 350m to the closest river water body - Slieveboy_010 and overlays the Louth groundwater body. The Slieveboy_10 has moderate WFD status and has a risk status of under 'review'. The Louth groundwater body has good WFD status and is 'not at risk'.

7.4.3. Having regard to:

- the lack of connections to any surface water bodies,
- the low risk status of the groundwater body,
- the nature of the development which is for works to an already permitted outbuilding which is for domestic ancillary use and which is provided with no water supply and will not emit any foul drainage, including the proposal to discharge uncontaminated surface water on site by soakpit,

7.4.4. I consider that the proposed development will not result in a risk of deterioration of any water body or jeopardise any water body in reaching WFD objectives and consequently the proposed development can be excluded from further assessment.

8.0 Recommendation

8.1. I recommend that permission be granted for the proposed development.

9.0 Reasons and Considerations

Having regard to the established residential use on the site, the scale and design of the proposed development, the prevailing pattern and character of development in the area and the objectives of the Louth County Development Plan 2021-2027 including 'section 13.9.10: Garages and Outbuildings', it is considered that the proposed development would be in accordance with the provisions of the development plan and would not seriously injure the residential or visual amenities of the area or property in the vicinity. The proposed development would therefore be in accordance with the proper planning and development of the area.

10.0 Conditions

1	<p>The development shall be carried out and completed 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>Reason: In the interest of clarity.</p>
2	<p>The building shall be used for purposes incidental to the enjoyment of the dwelling and shall not be used for any commercial / trade / industrial use or for human habitation.</p> <p>Reason: In the interest of orderly development.</p>
3	<p>Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health and surface water management.</p>

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.

Aisling MacNamara

Planning Inspector

26th January 2026

Appendix 1: Form 1 - EIA Pre-Screening

Case Reference	500179-LH
Proposed Development Summary	Retention and completion of domestic garage and all other site works.
Development Address	The Burren, Dunleer, Co. Louth
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? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, 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.	State the Class here
<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.	No EIAR or preliminary examination required
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.	

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

<p>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)?</p>	
<p>Yes <input type="checkbox"/></p>	<p>Screening Determination required (Complete Form 3)</p>
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____ Date: _____