



An  
Coimisiún  
Pleanála

# Inspector's Report

**PL-500398-LD-25**

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<b>Development</b>	Retention and completion of works to existing boiler house.
<b>Location</b>	No 16 Templemichael Glebe, Longford.
<b>Planning Authority</b>	Longford County Council
<b>Planning Authority Reg. Ref.</b>	2560201
<b>Applicant(s)</b>	Alexandrina & Grigore Zubcu
<b>Type of Application</b>	Retention.
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Alexandrina & Grigore Zubcu
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	17 <sup>th</sup> February 2026.
<b>Inspector</b>	Aisling Dineen

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## Appendix 1 –EIA Screening

## **1.0 Site Location and Description**

- 1.1. The site is located within the residential development of Templemichael Glebe, which is located off the Ballinalee Road, on the outskirts of Longford Town. The site occupies a corner site within the development and contains a detached single storey dwelling, with a drive to the front of the house and a rear garden area.
- 1.2. The rear of the site contains the subject structure for retention, which is described as 'existing boiler house' structure. It was also noted at the time of inspection that there are two other structures contained within the rear garden of the site; a structure along the rear boundary of the site, containing timber materials and what appears to be an extension (under construction) of the existing dwelling.

## **2.0 Proposed Development**

- 2.1. It is proposed to retain a two-storey structure in the rear garden in the general area of an existing boiler house. The structure is 5.3 metres in height and has a footprint of 4.4 x 5.9 metres. The front elevation contains a ground floor window and door. There is also a proposed window on the rear elevation and the side elevation contains a ground floor and first storey window. It is stated under the appeal submission that the intended use is for a utility/storage area with a first-floor gym/office use.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The planning authority made a decision to refuse permission on the 17<sup>th</sup> November 2025 for the following reason:

The proposed development for which retention permission is being sought has an excessive height and provides significant overshadowing of the rear bedroom of the applicants main dwelling. The overshadowing is such that the usability of the room is diminished and negatively impacted. The development is therefore considered to be out of character within the local area, would have a serious impact upon the residential amenity of the main dwelling and the neighbouring properties and by its

nature, size and dominance. The development would therefore set an undesirable precedent within the area and is considered contrary to the proper planning and sustainable development of the area.

Note: The applicant failed to clearly identify and reference all of the other outbuildings and sheds located within the rear garden area on the site layout plan and as such the submitted plans for retention following the enforcement case do not give an accurate representation of the site and the retained garden space.

The Chief Executive's decision reflects the planner's report.

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

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

- The planning report refers to the fact there is an enforcement file attached to this site which was issued on foot of a complaint via email regarding extensive building in the rear garden of the property.
- The report discusses the retention application under DMS16.90 in the Development Plan relating to - domestic garage / shed / store.
- The report says that the structure has a ground floor space of 20sqm, and the first floor serves as a loft area of 12sqm. The structure is 5.3m in height from the ground to the apex of the roof. There is a door and window on the front elevation and two windows on the side elevation, one on the ground floor and one serving the first floor. The report cites concern about proposed window on the south-west rear elevation and the rear bedroom of the dwelling as these windows directly look in on each, which is not deemed appropriate.
- The report cites concerns about other ancillary structures at the rear of the site, which are not included on the drawings.

#### **3.2.2. Other Technical Reports**

None.

### **3.3. Prescribed Bodies**

None

### **3.4. Third Party Observations**

Cllr Sheamus Butler

This application for retention of a structure in the rear garden of No 16 Templemichael Glebe does not show on the drawings that the structure is not connected to existing house and is some distance away from the house.

It is in effect a small house and is much more than a 'Boiler House' at 26 m<sup>2</sup> and 5.3m high.

It is totally out of proportion to any garden sheds in the estate.

The drawings do not also show that there is an extensive greenhouse at the bottom of the garden.

It would be imperative that these matters are inspected on the ground and the exact intended usage of this structure is ascertained.

This retention application should be rejected.

## 4.0 Planning History

**UNA2025-45-** Enforcement notice sent out to applicant by the County Council arising from a complaint via email regarding extensive building in the rear garden of the property.

## 5.0 Policy Context

### 5.1. Development Plan

#### **Longford County Development Plan 2021-2027**

Chapter 16 - Development Management Standards

#### DMS16.90 - domestic garage / shed / store

(a) The design, form and materials should be ancillary to, and consistent with the main dwelling on site.

(b) Structures should generally be detached and sited to the rear or side of the dwelling house and be visually subservient in terms of size, scale and bulk.

(c) Storage facilities should be used solely for purposes incidental to the enjoyment of the dwelling and not for any commercial, manufacturing, industrial use or habitable space in the absence of prior planning consent for such use.

## 5.2. **Natural Heritage Designations**

The site is not located within or proximate to a European site. The closest European sites are as follows:

Brown Bog SAC (Site Code SAC 002346) located c. 3.8km northwest of the site.

Mount Jessop Bog SAC (Site Code SAC 002202) located 4.4 km south of the site.

Lough Forbes Complex SAC (Site Code 001818) located c. 5.km northwest of the site.

## 6.0 **EIA Screening**

The development is not of 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 this report.

## 7.0 **The Appeal**

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

- It is submitted that the planning authority has concerns regarding the height of the structure which significantly overshadows the rear bedroom of the dwelling house and it impacts its useability. However, it is submitted that this room is used as a storage room and as an ironing room and it is not used as a habitable room.
- There is no intention of using the structure as habitable accommodation.
- It is intended that the structure will be used as a utility type structure e.g. for washing machine/dryer, boiler, solid fuel storage and as a storage space for the applicant's tools and equipment as the applicant is a carpenter.
- It is proposed to use the first-floor level as a home gym/home office.
- The location is the same location as the boiler and away from adjoining boundaries.

- The site is at the end of a cul-de-sac estate road and as the structure is located at the rear of the dwelling it is not visible from the front or from any point within the Templemichael estate. The western site boundary closest to the structure consists of a mature hedgerow and remaining boundaries are also landscaped, which screen the structure from view.
- There is 145 sq. m. clear garden space at the rear of the house, which far exceeds minimum private open space requirements. This space accounts for the other structures, which were omitted from the site layout in error.

## 7.2. **Planning Authority Response**

The planning authority examined the appeal submission and is satisfied that all of the issues raised under the appeal were addressed in the planner's report.

## 7.3. **Observations**

None

## 7.4. **Further Responses**

None

## 8.0 **Assessment**

Having examined all the application and appeal documentation on file and having regard to the relevant local and national policy and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal and the planning authorities' reasons for refusal and I am satisfied that no other substantive issues arise. AA also needs to be considered. The main issues, therefore, are as follows:

- Development Plan
- Residential & Visual Amenity
- Other Issues

### 8.1. Development Plan

8.2. The Longford Development Plan 2021 – 2027 sets out clear standards for the development of domestic garages/sheds/stores under DMS16.90 of the plan. The appellant submits that the structure proposed for retention is to be used as a utility type structure e.g. for washing machine/dryer, boiler, solid fuel storage and as a storage space for the applicant's tools and equipment as the applicant is a carpenter. Therefore, I am of the viewpoint that policy presented under DMS 16.90 is the appropriate policy to assess the subject structure against.

8.3. There are three aspects of the subject development, which require assessment under DMS16.90, these are listed as follows:

- (a) The design, form and materials should be ancillary to, and consistent with the main dwelling on site.
- (b) Structures should generally be detached and sited to the rear or side of the dwelling house and be visually subservient in terms of size, scale and bulk.
- (c) Storage facilities should be used solely for purposes incidental to the enjoyment of the dwelling and not for any commercial, manufacturing, industrial use or habitable space in the absence of prior planning consent for such use.

8.4. With regard to DMS 16.90 (a), in relation to the design and form of materials, it is considered that the subject shed is an A-shaped gable structure, with a proposed height of 5.3 metres, which appears to be roughly on par with the height of the main dwelling and in this regard, it does not appear to be ancillary in design form, to the main dwelling on site.

8.5. With regard to DMS 16.90 (b), whilst the structure is detached by a marginal distance, it does not appear as visually subservient, in terms of size and scale, to the main dwelling and presents as visually cluttered in terms of size, scale and proximity to the main dwelling on site.

8.6. With regard to DMS 16.90 (c), the appeal submission states that there is no intention of using the structure as a habitable unit and that the proposal is a typical utility type structure, with a first-floor office/gym use proposed. However, the proposed two storey structure, is not an A-typical utility structure in form and design and therefore

there is a legitimate concern about the proposed intended use. The concerns raised under the observation to the planning application are understandable.

- 8.7. The appeal submission states that the proposed structure would also be used for the storage of carpentry materials as the applicant is a carpenter. It was noted on the date of inspection, that there is an additional structure on the appeal site, which is not demarcated on documents lodged (See paras 8.16 & 8.17 below). This structure, described as a 'Greenhouse' under the appeal submission was clearly being used for the storage of timber at the time of site inspection. This raises the question of the proposed intended use of the subject structure, in terms of whether there is a commercial/carpentry use intended for the structure, which is the subject of retention.
- 8.8. Notwithstanding the stated intended use of the subject structure and the lack of clarity around same, it is clear that the structure, the subject of retention, does not have the characteristics associated with a domestic garage/store as prescribed under DMS 16.90 (a) and (b) and in this regard, I would concur with the planning authority, regarding conflict with the policy clearly cited policy within the development plan.
- 8.9. Residential & Visual Amenity
- 8.10. The submission to the appeal refers to the rear bed room of the main dwelling and refers to the height of the structure and the concern of the planning authority, regarding overshadowing of the rear bedroom of the dwelling house and impacts on its useability. The appeal submission argues that this room is used as a storage room and as an ironing room and it is not used as a habitable room. The appeal submission also argues that the location of the structure is the same place as the existing boiler house.
- 8.11. I am of the viewpoint that the existing boiler does not have the same visual and residential amenity impacts as the subject greatly enlarged structure. The subject structure is positioned at c.1 metres from the rear window of the extant dwelling house, at ground floor level. However, it also has a first-floor level, which overhangs the footpath to a depth of c.0.5 metres. There is a similar overhang on the rear elevation. The structure has also a steeply pitched A-Shaped gable, which appears as a discordant feature so close to the rear elevation of the property.

- 8.12. I am of the viewpoint that the combined height and proximity of the subject structure relative to the rear bedroom window would certainly compromise the amenity of the rear bedroom and therefore the main dwelling house for current and potential future occupants/owners of the dwelling. The stated use of the rear bedroom as an ironing room, which may be a temporary use, is not a sufficient justification for the construction of a permanent structure at this location, in such close proximity to the main dwelling. Ambient daylight within the house would clearly be impacted. Therefore, the residential amenity consequences of such a structure so close to the subject bedroom window are of concern. Therefore, I concur with the planning authority and I consider that the proposed development would negatively impact the residential amenity of the main dwelling and therefore would depreciate the value of the property.
- 8.13. Regarding residential amenity of the properties in the area, the appeal submission argues that the subject structure cannot be viewed from the residential estate at Templemichael Glebe, as it is screened from the front by the main dwelling itself. It also argues that it cannot be viewed from properties to the northwest owing to boundary screening along the northwest boundary of the site, or from properties to the north due to existing boundary screening within the site.
- 8.14. I would concur with the appeal submission that the subject structure cannot be seen from properties within the Templemichael Glebe estate, due to the structures' location directly behind the main dwelling. However, in relation to properties to the north along Ballinalee Road, I would submit that the first-floor windows of these properties are clearly visible from the appeal site and therefore there is naturally reverse visibility from these properties to the appeal site and the structures thereon. Therefore, I do not accept the supposition that there will be no impacts on the residential and visual amenity of properties in the vicinity and I would submit that the structure, the subject of retention, would appear as erratic and incongruous and in conflict with the established form of development in the area, due to its form, scale and mass. Therefore, I concur with the planning authority in regard to impacts on the neighbouring properties regarding its nature, size and dominance.
- 8.15. Other Issues
- 8.16. It was noted on the date of inspection there are 2 No other structures at the rear of the main dwelling, which are not subject of the present retention application. One structure appears to be an addition or extension to the main dwelling. The other

structure is a separate detached shed structure, described as a green-house under the appeal submission, which is located along the rear boundary of the appeal site. The latter structure appeared to be being used for the storage of timber/materials. The appellant submits that these structures were omitted in error at the time of the planning application for retention.

8.17. Under Article 23 (1) (a) of Planning and Development Regulations 2001 (as amended) it is required that, as part of a planning application that a site or layout plans shall be drawn to a scale of not less than 1:500, and that the site boundary shall be clearly delineated in red, and buildings, roads, *inter alia*, to which the application relates shall be shown. Therefore, I am of the viewpoint that the all the structures on the site should have been clearly identified and demarcated on the planning application and it is not sufficient to say that these items were omitted in error. However, having regard to the substantive reasons for refusal, it is not considered necessary to pursue this matter.

## 9.0 AA Screening

I have considered ABP PL-500398-LD-25 in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located c. 3.6km east of Brown Bog SAC (Site Code SAC 002346), c. 5.78km north of Mount Jessop Bog SAC (Site Code SAC 002202), c. 6.5 southeast of Lough Forbes Complex SAC (Site Code 001818).

The proposed development comprises retention of a rear structure within curtilage of a domestic dwelling house.

No nature conservation concerns were raised in the planning appeal.

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 European Site. The reason for this conclusion is as follows:

- Minimal nature of works in an established urban context.
- Location-distance from nearest European site and lack of connections.

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.

Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## 10.0 **Water Framework Directive**

10.1. The subject site is located in an urban residential area off the Ballinalee Road on the outskirts of Longford Town.

The proposed development comprises the retention of a rear of house structure.

No water deterioration concerns were raised in the planning appeal.

I have assessed the 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.

The reason for this conclusion is as follows:

Minor nature of proposed works and urban pattern of development in the area.

I conclude that 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**

11.1. I recommend that permission for retention be refused for the reasons and considerations set out below.

## 12.0 Reasons and Considerations

1. The proposed development for which retention permission is being sought has an excessive height and is in very close proximity to the main dwelling, which results in significant loss of ambient daylight to rear bedroom of the main dwelling. The structure so close to the dwelling would negatively impact the residential amenity of the main dwelling and would therefore depreciate the value of the property and would therefore be contrary to the proper planning and sustainable development of the area.
2. The overall scale and form of the development would represent an incongruous structure, which would be out of character with the established built form and pattern of development in the local area, and would have a negative impact upon the residential and visual amenity of property in the area and would also set an undesirable precedent for further similar development. The proposed development is therefore considered to be contrary to the proper planning and sustainable development of the area.

**Note:** It was noted at the time of site inspection that there are other structures extant on the site, which are not demarcated on the documents lodged with the planning application. The application is therefore not compliant with the relevant provisions under the Planning and Development Regulations 2001 (as amended), in particular Articles 22 and 23 (1) (a).

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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Aisling Dineen  
Planning Inspector  
2<sup>nd</sup> March 2026

## Appendix 1 - Form 1 EIA Pre-Screening

<b>Case Reference</b>	PL- 500398-LD-25
<b>Proposed Development Summary</b>	Retention and completion of works to existing boiler house
<b>Development Address</b>	No 16 Templemichael Glebe, Longford
<p><b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b></p> <p>(For the purposes of the Directive, "Project" means:</p> <ul style="list-style-type: none"> <li>- The execution of construction works or of other installations or schemes,</li> <li>- Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)</li> </ul>	<p><input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.</p> <p><input type="checkbox"/> No, No further action required.</p>
<p><b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b></p>	
<p><input type="checkbox"/> Yes, it is a Class specified in Part 1.</p> <p><b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b></p>	<p>State the Class here</p>
<p><input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3</p>	
<p><b>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?</b></p>	
<p><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</p>	

<p>Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	

<p><b>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)?</b></p>	
<p><input type="checkbox"/></p>	<p><b>Yes</b></p>
<p><input checked="" type="checkbox"/> <b>No</b></p>	<p><b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b></p>

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_