



An
Coimisiún
Pleanála

Inspector's Report

PL-501714-MN-26

Development

1) Retention permission of the attached pergola structure to the side and rear of the existing dwelling house 2) and associated works carried out outside the curtilage of the dwelling house together with all associated site works

Location

75 Station View, Kilnacloy, Monaghan

Planning Authority

Monaghan County Council

Planning Authority Reg. Ref.

2660174

Applicant

Guiling Liu

Type of Application

Retention permission

Planning Authority Decision

To refuse retention permission

Type of Appeal

First Party

Appellant

Guiling Liu

Observers

None

Date of Site Inspection

26th August 2026

Inspector

Trevor Rue

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1.0 Site Location and Description

- 1.1. The application site is in a residential area about 600 metres to the north of the town centre of Monaghan. It has a stated area of 0.25 hectares and comprises the curtilage of a detached two-storey three-bedroom dwelling, 75 Station View, which is located on the south-eastern side of the estate road. The dwelling has a ridge height of 8.7 metres. It has concrete roof tiles, white rendered walls and unplasticised polyvinyl chloride (uPVC) windows.
- 1.2. There is an area of public open space immediately to the south west of the dwelling. The front elevation of the dwelling faces the public open space and a gable elevation faces the estate road. There is an on-site parking area between the gable elevation and the road. A backyard area to the south east of the dwelling is separated from the public open space by fencing.
- 1.3. There are six pairs of semi-detached dwellings to the north east of the site (Nos. 66 to 55 Station View) with pitched roofs parallel to the estate road and alternate brick and rendered wall finishes.

2.0 Proposed Development

- 2.1. Retention permission is sought for a covered pergola, 58 square metres in floor area. It is attached to the north-eastern side and the rear gable of the dwelling and abuts the north-eastern site boundary shared with 66 Station View. The structure has a maximum roof height of about 2.6 metres and slopes slightly downwards towards the back of the site. According to the site layout plan, the remaining backyard is 25 square metres in area.
- 2.2. Retention permission is also sought for associated site works, including installation of an artificial grass surface outside the front door of the dwelling and unspecified works carried out outside the curtilage of the dwelling.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. By order dated 19th June 2026, Monaghan County Council decided to refuse permission for the following reasons:

1. Policy AEDP 1 Alterations and Extensions to Dwellings of the Monaghan County Development Plan 2025-2031 permits extensions to dwellings only where the proposed development complies with the following criteria;

- The form, proportion, heights, fenestration, design and materials shall be in keeping with those of the main dwelling, and, where;*
- The extension shall not result in an unacceptable loss of existing private open space area.*

It is considered the proposed extension fails to comply with these requirements. In particular, the form, design and choice of materials are not considered to be in keeping with the character of the existing dwelling. In addition, the scale and siting of the extension would result in a significant and unacceptable reduction in the amount of usable private open space available to serve the dwelling. Accordingly, the development would, if permitted, materially conflict with Policy AEDP1 of the Monaghan County Development Plan 2025-2031 and be contrary to the proper planning and sustainable development of the area.

2. The proposed development seeks to retain works outside the curtilage of the dwelling house. The applicant has not detailed the extant, nature and location of such works, nor demonstrated sufficient legal ability to carry out such works. Accordingly, to grant permission for any such works would be contrary to the provisions of the Planning and Development Act 2000 (as amended) and be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Report

3.2.1. A **planning and development report** dated 11th June 2026 provided the reasoning for the authority's decision. The main points were as follows:

- The structure is almost enclosed and effectively results in additional floor space serving the dwelling. The materials of the structure are not specified on the plans but appear to be corrugated PVC and drainage guttering pipes. The form, design and materials are unacceptable. They are not in keeping with those of the main dwelling and the extension adversely contrasts with the dwelling.
- The extension does not adversely affect the neighbouring properties. There are no concerns with regard to overshadowing.
- The parent permission (24/60129) for the three-bedroom urban dwelling provided for 80 square metres of private open space. The extension leaves 22 square metres, which is identified as a backyard on the submitted drawing. This area is currently laid out and used as a vegetable plot and does not constitute usable private open space ancillary to the dwelling. Ministerial Guidelines require a minimum of 40 square metres of private open space to serve a three-bedroom dwelling adequately. The development therefore results in an unacceptable loss of private open space.
- The granting of permission for such works would set an undesirable precedent within the Station View estate and the surrounding area.
- The artificial grass surface and associated landscaping, including works round the estate fencing, appear to be situated on the public open space. It would be inappropriate to consider granting permission for development on land outside the applicant's ownership.

4.0 Planning History

- 4.1. **18/307:** On 16th December 2018, permission was granted for residential development comprising 73 dwellings at Kilnacloy, Monaghan.
- 4.2. **24/60129:** On 5th June 2024, permission was granted for modifications to the previous permission 18/307, including changes to 44 house types, relocation of open space and construction of a three-bed two-storey detached dwelling on the present application site.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. Map MTDP1 of the Monaghan Area Plan 2025-2031 shows the site in an area zoned as existing residential. Table 9.1 of the Plan indicates that the zoning objective is to protect and enhance existing residential amenity, to facilitate residential development on small infill sites within established residential areas [and] the comprehensive redevelopment of brownfield residential sites for sustainable residential development, and to facilitate and encourage the completion of commenced and not yet completed residential developments.
- 5.1.2. Section 15.8.13 of the Plan states that the provision of outdoor private amenity space attached to residential properties is important for the quality of the residential environment for the occupiers. Private open space requirements shall be in accordance with the standards set out in the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024).
- 5.1.3. Section 15.10.1 states that alterations and extensions to existing dwellings are in principle acceptable. Proposals to alter or extend a dwelling will be considered on their individual merits, with the main considerations being design and the degree of impact on existing and adjoining properties. Such proposals shall generally comply with nine criteria, which include the following:
- a) The extension shall be ancillary/subordinate to the main dwelling and be located to the rear and/or side.
 - b) The form, proportion, heights, fenestration, design and materials shall be in keeping with those of the main dwelling.
 - c) Contemporary designed extensions shall not detract from the visual amenities of the main dwelling.
 - d) The extension shall not have a material negative impact upon the residential amenities of adjoining dwellings or their private open space, in terms of overbearing or overlooking of adjoining properties.
 - e) The extension shall not overshadow adjacent dwellings to the degree that there is significant decrease in daylight or sunlight entering the house.

f) The extension shall not result in an unacceptable loss of existing private open space area.

- 5.1.4. Policy AEDP1 of the Plan requires proposals for alterations and extensions to existing dwellings to comply with Section 15.10.1.

5.2. Guidelines on Sustainable Residential Development and Compact Settlements

- 5.2.1. Specific Planning Policy Requirement 2 of the Guidelines sets minimum private open space standards for houses. The standard for a new three-bed house is 40 square metres. Section 5.3.2 states that private open space must form part of the curtilage of the house and be designed to provide a high standard of external amenity space in one or more usable areas. Open spaces may take the form of traditional gardens or patio areas at ground level, and/or well designed and integrated terraces and/or balconies at upper level.

5.3. Natural Heritage Designations

- 5.3.1. The application site is not within any Natura 2000 European site of nature conservation importance. The nearest Natura 2000 sites to the site is Sliabh Beagh Special Protection Area, about 12 kilometres to the north west, designated for hen harrier.
- 5.3.2. The application site is not in any Natural Heritage Area (NHA). There is one NHA in Co. Monaghan, namely Eshbrack Bog at Sliabh Beagh and Bragan Mountain, the feature of interest being blanket bog. There are 38 proposed NHAs in the county, which are listed in Table 6.3 of the Development Plan.

6.0 Environmental Impact Assessment Screening

- 6.1. 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.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. The grounds of appeal may be summarised as follows:

- The refusal of retention permission was a disproportionate response to a modest domestic development with limited planning consequences.
- The planning authority has incorrectly characterised the pergola as an enclosed domestic extension. The structure is an ancillary garden feature designed to provide sheltered outdoor amenity space. It does not introduce additional bedrooms, living accommodation or enclosed floor area. Its planning impacts are therefore materially different to those of a conventional residential extension and assessment should have been undertaken on that basis.
- The planning authority has adopted an unduly restrictive interpretation of Policy AEDP1 of the Development Plan. The development does not give rise to any demonstrable harm to residential amenity and does not adversely affect the character of the established residential area. In particular it does not result in overlooking, overshadowing, loss of daylight or sunlight, loss of privacy or an overbearing impact on neighbouring properties. Accordingly, the development is consistent with the objectives of Policy AEDP1.
- The planner's report contains no detailed architectural assessment to support the conclusion that the design and appearance of the pergola are visually unacceptable. It does not demonstrate how the development materially harms the visual character of the area. No assessment is provided regarding proportional relationship, architectural hierarchy, visual integration, streetscape impact and long-distance views. In the absence of such analysis, the conclusion is largely subjective.
- The pergola is visually subordinate to the dwelling. Its roof is significantly lower than the principal roof and only one side elevation is visible from the public realm. Should the Commission consider that improvements to the side screening are necessary, the appellant is willing to replace the existing uPVC side panels with materials that complement the existing boundary fence or with

another visually appropriate screening material, thereby enhancing its integration within the residential environment.

- The planning authority's assessment has placed disproportionate emphasis on the quantitative area occupied by the pergola without considering the functionality and amenity value of covered open space. The pergola provides useable private amenity space for everyday domestic activities including outdoor seating, recreation and sheltered drying of clothes. The development therefore does not result in any unacceptable loss of residential amenity.
- In response to the second reason for refusal, the appellant acknowledges that greater clarity could have been provided regarding the precise extent of the external works which it is proposed to retain. However, this is not a matter of planning principle and could be resolved through revised drawings or clarification of ownership boundaries. Should the Commission consider that any individual element falls outside the appellant's ownership or should not form part of the retention permission, it could exclude that element or impose an appropriate condition, rather than refusing the application in its entirety.

7.2. Planning Authority Response

7.2.1. None

8.0 Assessment

8.1. Issues

8.1.1. Having inspected the site and considered in detail the documentation on file for this first-party appeal, it seems to me that the main planning issues are:

- the scope of the application;
- whether the appearance of the pergola is acceptable; and
- whether the pergola has resulted in an unacceptable loss of private open space.

8.2. Scope of the Application

8.2.1. The scope of the application is defined by the information provided on the application form and the submitted drawings. Answer 9 on the application form states that the

development will consist, among other things, of "... associated works carried out outside the curtilage of the dwelling house together with all associated site works". The site layout plan has a notation that reads "Retention permission of outside works – installation of artificial grass surface together with all associated site works". There is an arrow from this notation to a small rectangular area outside the front door of the dwelling. This area is entirely within the red line which defines the curtilage of the dwelling and the extent of the application site. None of the submitted drawings specifies or illustrates works outside the curtilage of the dwelling.

- 8.2.2. In my opinion, the artificial grass surface as depicted on the site layout plan falls into the category of exempted development set out in Class 6(a) of Schedule 2 to the Planning and Development Regulations 2001 and does not need planning permission.
- 8.2.3. Article 22(2) of the 2001 Regulations requires the applicant's location map to identify clearly the land or structure to which the application relates and the boundaries thereof in red. In this instance, the boundary of the site appears to be coterminous with the curtilage of the dwelling. Where the applicant is not the legal owner of the land or structure, Article 22(2) also requires the written consent of the owner to make the application. In this instance, no such written consent accompanied the application.
- 8.2.4. Railings and lines of flagstones run parallel to the front elevation of the dwelling on both sides of the front door. Rows of trees have been planted in front of the flagstones. The artificial grass surface extends beyond the area shown on the site layout plan and outside the application site delineated in red on the location map. It is not within the Commission's remit to determine whether the trees are within the curtilage of the dwelling or within the public open space. However, it seems to me that in either case, as the extended artificial grass surface and the tree planting are not particularised on the application form and are not shown on the submitted drawings, they are not within the scope of the application or the appeal and need not be considered further.

8.3. Appearance of the Pergola

- 8.3.1. The pergola is only partially enclosed on its south-eastern side. However, as it is attached to the dwelling and accessible from it, it is reasonable to characterise it as a domestic extension to which Section 15.10.1 of the Development Plan applies. The planning authority does not seek to argue that the pergola is not visually subordinate

to the dwelling and acknowledges that it does not adversely affect the neighbouring properties. What it does argue is that the form and design of the pergola and the materials used are not in keeping with the character of the dwelling.

- 8.3.2. I was unable to carry out an internal site inspection of the structure. However, the area of open space which adjoins the site is publicly accessible. The top part of the pergola is on view from normal standing positions throughout much of the open space. It consists of translucent material supported by unpainted wooden beams. It has a utilitarian, makeshift appearance markedly at odds with that of the recently constructed dwelling. It is an unsightly feature which detracts from the visual character of the dwelling and the immediate area.
- 8.3.3. The appellant has suggested that the uPVC side panels could if necessary be replaced by other, unspecified, materials. If this suggestion were adopted, at least part of the existing structure would have to be rebuilt. In my opinion, it is not possible to gauge the likely effect of such alterations in the absence of detailed plans. The application seeks permission for retention of the existing structure and that is what must be considered. In my judgement, the appearance of the pergola conflicts with Criterion b) in Section 15.10.1 and is unacceptable.

8.4. Private Open Space

- 8.4.1. I observed during my site inspection that the area between the pergola and the rear, south-eastern site boundary is occupied by rows of plant boxes and is not currently in use as amenity space. However, there is no obvious cause-and-effect relationship between the construction of the pergola and the introduction of the plant boxes.
- 8.4.2. In referring to private open space, Section 15.8.13 of the Development Plan uses the phrase “outdoor private amenity space”. While its south-eastern side is partially open, the pergola is not an outdoor space. The Guidelines on Sustainable Residential Development and Compact Settlements say that open spaces may take the form of gardens, patios, terraces and balconies, but the pergola is none of these. I accept that the pergola can be used for everyday domestic activities but it does not provide outdoor private amenity space.
- 8.4.3. The construction of the pergola has reduced the amount of private open space within the application site by 58 square metres. What is left, 22 to 25 square metres, falls

well short of the requirement, set out in the Guidelines, for 40 square metres of private open space to serve a three-bedroom dwelling. The development therefore conflicts to an unacceptable degree with Criterion b) in Section 15.10.1 of the Plan.

9.0 Appropriate Assessment Screening

- 9.1. Having considered the nature, location and small scale of the proposed development, the nature of the receiving environment as a built-up urban area, the absence of emissions therefrom, the distance from the nearest European site and the absence of any known hydrological link between the application site and any European site, I am content on the basis of objective information that the development is not likely to have a significant effect on any European site, either alone or in combination with other plans or projects. I therefore conclude that the carrying out of an appropriate assessment under Section 177V of the Planning and Development Act 2000 is not required.

10.0 Water Framework Directive

- 10.1. The application site is located 400 metres from the River Blackwater. The development comprises the retention of a pergola. No water deterioration concerns were raised in the planning appeal.
- 10.2. I have assessed the development and have considered the objectives as set out in Article 4 of the Water Framework Directive (WFD) which seek to protect and, where necessary, restore surface and 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.
- 10.3. The reasons for this conclusion are the nature and small scale of the works, the distance from the nearest water body and the lack of hydrological connections.
- 10.4. I conclude 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 to the Commission that planning permission be refused.

12.0 Reasons and Considerations

12.1. The pergola development does not comply with Section 15.10.1 and Policy AEDP1 of the Monaghan County Development Plan 2025-2031 as its form, design and materials are not in keeping with the character of the existing dwelling and as its scale and siting have resulted in an unacceptable reduction in the amount of usable private open space available to serve the dwelling. The development is therefore contrary to the proper 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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.



TREVOR A RUE

Planning Inspector

4th September 2026

Appendix A: Form 1 – EIA Pre-Screening

Case Reference	PL-501714-MN-26
Proposed Development Summary	Retention of pergola and associated site works
Development Address	75 Station View, Kilnacloy, Monaghan
	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)	☒ Yes, it is a 'Project'. Proceed to Q2.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☒ 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?	
☒ 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.
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)?	
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3).

Inspector: Trevor A Rue

TREVOR A RUE

Date: 4th September 2026