



An
Bord
Pleanála

Inspector's Report PL06F.248135

Development	Construction of shed and associated works to rear of dwelling
Location	58 Offington Park, Sutton, Dublin 13
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F16B/0332
Applicant	Ian and Berni Condry
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Noel Reynolds
Observer(s)	None
Date of Site Inspection	11 th May 2017
Inspector	Niall Haverty

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.1278 ha, is located at 58 Offington Park, within a residential estate known as Offington, in Sutton, Dublin 13. The estate comprises a low density development of relatively large detached single storey and dormer houses set within large gardens. The houses have no boundary walls to the front and feature a degree of variation in design and orientation which gives the estate an informal and open-plan character.
- 1.2. The existing house on the appeal site is a hipped-roof dormer bungalow with a red brick finish and a stated floor area of 228 sq m. It has a small detached garage to the north.
- 1.3. The appeal site is bounded by Offington Park roadway to the east, detached houses to the north and south, and the rear gardens of Nos. 16-18 Santa Sabina Manor to the west. The houses within Santa Sabina Manor are also detached, albeit within smaller sites and with greater uniformity. The boundary wall between the appeal site and Santa Sabina Manor is the old stone wall of Santa Sabina convent/secondary school, which is located to the north west of the appeal site. There is also a line of Leylandii hedging within the appeal site, along the rear boundary.

2.0 Proposed Development

- 2.1. The proposed development consists of the construction of a detached shed/hobby room to the rear (west) of the existing dwelling and all associated works. The proposed structure is rectangular in shape with a pitched roof and has a stated floor area of 42.2 sq m and a height of 4.5m. The proposed finishes are brickwork to the front elevation of the shed, with painted render to the other elevations and reclaimed roof tiles to match the existing dwelling. The shed features concertina doors to the front elevation, and a door, window and two rooflights to the side (south) elevation.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Fingal County Council decided to grant planning permission subject to seven conditions, including the following:

- C3: Hobby room/shed shall not be used for the carrying on of any trade or business or for human habitation. It shall not be sold or let independently.
- C4: Noise shall not exceed daytime background level by more than 10dB(A) LAeq, 15 min.
- C5: Details of surface water disposal to be agreed.
- C7: Development contribution of €178.

3.2. Planning Authority Reports

3.2.1. The Planning Officer's report can be summarised as follows:

- Proposal is consistent with Objective 534 and Objective RD12 in that it is set back from Offington Park by c. 50m to avoid any impact on the character of the area.
- The site is sufficiently large to accommodate the proposed development. Approximately 400 sq m of private open remaining in the rear garden.
- Height of proposed development will not result in significant overshadowing, given mature vegetation along the rear boundary.
- Proposal will be effectively screened by mature leylandii trees and stone boundary wall. Visual impact is not considered to be particularly adverse.
- Intended use of structure as hobby room and storage area is unlikely to generate significant noise, however in the absence of information regarding the hobby use a condition regarding noise is recommended.
- Satisfied that it is a non-habitable use ancillary to the dwelling. Condition regarding residential use is recommended.

3.3. **Other Technical Reports**

3.3.1. **Water Services:** No objection subject to conditions.

3.4. **Prescribed Bodies**

3.4.1. **Irish Water:** No objection subject to conditions.

3.5. **Third Party Observations**

3.5.1. Two third party observations were made. The issues raised by Mr Reynolds were generally as per his appeal. An observation was also made by the residents of 65 Offington Park, which can be summarised as follows:

- Overdevelopment of site and undesirable precedent for similar development.
- Contrary to low density character of existing estate.
- Size and design of proposed development indicates it could be used as a residential dwelling.

4.0 **Planning History**

4.1. **Appeal Site**

4.1.1. **Reg. Ref. F16B/0257:** Planning application for a detached 42.2 sq m, 5.1m high garden shed/storage structure. Application withdrawn.

4.2. **Surrounding Area**

4.2.1. I am not aware of any relevant planning history in the surrounding area.

5.0 **Policy Context**

5.1. **Fingal Development Plan 2017-2023**

5.1.1. The site is governed by the policies and provisions contained in the Fingal Development Plan 2017-2023. The site is zoned 'RS', to provide for residential development and protect and improve residential amenity.

5.1.2. The following Objectives are noted:

- **Local Objective 118:** Ensure that development is in keeping with the layout, scale, design and character of existing development.
- **Objective DMS44:** Protect areas with a unique, identified residential character which provides a sense of place to an area through design, character, density and/or height and ensure any new development in such areas respects this distinctive character.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A third party appeal was made by Mr Noel Reynolds. The grounds of appeal can be summarised as follows:

- Appellant's property backs directly onto appeal site. The boundary is formed by the wall of the old Santa Sabina convent (c. 1.8m high) with line of mature Leylandii trees within the appeal site (c. 3m high).
- Size and height of proposed structure is inappropriate compared to other garden sheds and similar structures in the area.
- Adverse impact on appellant's property given the small size of the rear gardens in the Santa Sabina development.
- Proposed development will not be adequately screened due to its height relative to the boundary wall and Leylandii trees and it will be highly visible.
- Proposed structure is located 1.275m from boundary wall which means mature Leylandii trees, which are c. 1.5m wide, will have to be removed. This will leave 4.5m high structure adjacent to boundary wall.

6.2. Planning Authority Response

6.2.1. The Planning Authority's response can be summarised as follows:

- Proposed development was assessed under Fingal Development Plan 2011-2017. Planning Authority has reviewed the new Development Plan 2017-2023

and is satisfied that no significant changes have occurred in development objectives.

- Proposed development will not detract from adjoining residential amenity.
- The Board is asked to uphold the decision of the Planning Authority.

6.3. Observations

- None.

6.4. Applicants' Response to Appeal

6.4.1. The applicants' response to the appeal can be summarised as follows:

- Applicant withdrew previous planning application (Reg. Ref. F16B/0257) in light of appellant's concerns, and reduced the height of the proposed structure for current application.
- Proposed structure will be used solely as non-habitable ancillary space, has been sized for specific requirements of applicant's hobby and will not cause any noise nuisance.
- Proposed development will not cause any overshadowing due to the orientation of the structure and the height of the adjacent Leylandii hedging.
- Proposed development will not result in any overlooking or loss of privacy or the removal of any boundary screening.
- Existing screening is c. 24m from the back wall of the appellant's house, and shed is a further 1.275m from boundary.
- Leylandii hedging is maintained at a height of 4m, which will result in only a negligible area of the rear gable of the proposed structure being visible. Applicant has no problem allowing hedging to grow to a height to block the view from the appellant's rear garden.
- Applicant would not have an issue pushing the development a further 1 – 2 metres from the boundary by way of condition.

7.0 Assessment

7.1. I consider that the key issues in determining the appeals are as follows:

- Design and Layout.
- Residential amenity.
- Appropriate Assessment.

7.2. Design and Layout

- 7.2.1. Local Objective 118 applies to the Offington estate and seeks to ensure that development is in keeping with the layout, scale, design and character of existing development. Objective DMS44 is also of relevance. It seeks to protect areas with a unique, identified residential character by ensuring that any new development in such areas respects this distinctive character.
- 7.2.2. The appellant contends that the size and height of the shed/hobby room is inappropriate compared to other development in the area. While the structure is large compared to a typical garden shed, with a floor area of c. 42 sq m, it is located within a large rear garden, and will leave more than 400 sq m of private open space. With regard to height, I do not consider that the proposed height of 4.5m is excessive for a single storey pitched roof structure.
- 7.2.3. The proposed shed/hobby room will not be readily visible from Offington Park, with only glimpsed views obtainable between the existing dwelling and detached garage, over the side entrance gate. The proposed shed is lower in height than both structures and has a simple design with brick-clad front elevation and roof tiles to match the existing dwelling. I consider that it is in keeping with the layout, scale and design of existing development, will not have a negative impact on the character of the area, and is therefore consistent with Local Objective 118 and Objective DMS44.

7.3. Residential Amenity

- 7.3.1. The appellant has raised concerns in relation to the potential impact of the proposed development on their residential amenity. The boundary between the two sites is comprised of the old stone wall of Santa Sabina convent, which is c. 1.8m high. A

mature Leylandii hedge is located on the applicant's side of the boundary. This hedge is evergreen, densely planted and has been topped at a height of c. 4 metres. As a result, only c. 0.5m of the top of the gable end of the shed/hobby room will be visible from the appellant's property.

- 7.3.2. The appellant's rear garden is c. 23m long, and having regard to the size and extent of the proposed development and the presence of effective screening provided by the boundary planting, I am satisfied that no significant additional overshadowing or loss of sunlight and daylight will occur.
- 7.3.3. With regard to the potential overbearing impact of the proposed development on the appellant's property, while the boundary wall is only 1.8m high, the presence of c. 4m high dense planting along the boundary will serve to effectively screen the development and mitigate any potential overbearing impacts.
- 7.3.4. The appellant has expressed concern regarding the proximity of the proposed shed/hobby room to the Leylandii, hedging, noting that the distance to the boundary wall is 1.275m, while the Leylandii which are planted in the applicant's garden are c. 1.5m wide. The appellant contends that this will necessitate the removal of the hedging in this area with a consequent increase in the visibility of the proposed shed/hobby room. The applicants, in their response to the appeal, state that they have no difficulty with the proposed structure being moved by a further 1 – 2m away from the boundary. It is also of note that drawing No. 16-060-001 shows the shed/hobby room located 1m from the northern boundary and 1.275m from the rear (western) boundary, with a note stating rear boundary treatment to be retained, while the site plan (drawing No. 16-060-002) has a note stating that the structure will be 600mm offset from these boundaries.
- 7.3.5. As outlined above, I do not consider it necessary to relocate the shed from the boundary in the interests of residential amenity, but having regard to the proximity to the Leylandii hedging which provides a significant amount of screening, I consider that there is a risk that construction of the shed, which is indicated as having strip footing foundations, could affect the roots of the hedging and thereby impact upon its integrity or longevity. I therefore recommend that if the Board is minded to grant permission, that the proposed shed/hobby room be relocated further east by way of condition, so that its distance from the western boundary is increased from 1.275m

to 2.5m. In light of the discrepancy in the drawings, I also recommend that the condition be used to clarify the distance from the northern boundary.

- 7.3.6. With regard to potential impacts on residential amenity arising from the use of the shed/hobby room, I note that the applicants state that it will be used as non-habitable ancillary space, but they have not provided any information regarding the nature of the hobby to be undertaken in the proposed development that would require a structure of this size. It is noteworthy, however, that due to the presence of the existing detached garage to the side of the dwelling, there will be no vehicular access to the proposed shed/hobby room.
- 7.3.7. The proximity of the structure to boundaries with adjoining properties give rise to potential impacts, particularly with regard to noise generation. If the Board is minded to grant permission, I recommend that a condition be attached requiring noise to be appropriately limited. I also recommend a condition to ensure that no habitable use, commercial activity or subletting/sale of the structure occurs.
- 7.3.8. In conclusion, subject to the conditions outlined above, I am satisfied given the distance to adjacent dwellings, the design and orientation of the proposed development and the established building typology of the area that the proposed development will not seriously injure the residential amenities of properties in the area.

7.4. Appropriate Assessment

- 7.4.1. Having regard to the nature and scale of the proposed development, which relates to the construction of a shed type structure in the rear garden of an existing house in an established and serviced residential area outside of any Natura 2000 sites, I am satisfied that no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend that planning permission should be granted, subject to conditions as set out below.

9.0 Reasons and Considerations

- 9.1. Having regard to the zoning objectives for the area and the pattern of development in the area, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or property in the vicinity and would be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. 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.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) The shed/hobby room shall be relocated eastward, so that its western elevation is located 2.5 metres from the rear (western) boundary of the site.
 - (b) The shed/hobby room shall have a minimum separation distance of 1 metre from the northern boundary of the site.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

3. The shed/hobby room shall be used solely for non-habitable uses ancillary to the main dwellinghouse and shall not be used for the carrying out of any trade or business or sold, let or otherwise transferred or conveyed save as part of the dwelling.

Reason: In the interest of clarity and of residential amenity.

4. The external finishes of the proposed extension (including roof tiles) shall be the same as those of the existing dwelling in respect of colour and texture. Details of the proposed materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. Water supply and drainage arrangements including the attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

6. a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest dwelling shall not exceed:-
 - (i) An Leq,1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive.
 - (j) An Leq,15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.

At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.

(b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

Reason: To protect the residential amenities of property in the vicinity of the site.

7. Site development and building works shall be carried out between the hours of 0800 hours to 1900 hours Monday to Friday inclusive and between 0800 hours and 1400 hours on Saturdays and not at all on Sundays or Public Holidays. Deviation from these times shall be allowed in exceptional

circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of properties in the vicinity.

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Niall Haverty
Planning Inspector

12th May 2017