



An  
Bord  
Pleanála

## Inspector's Report ABP-306470-20

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<b>Development</b>	Domestic garage and shed
<b>Location</b>	49 Longwood Avenue, Dublin 8
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	4278/19
<b>Applicant</b>	Sofia Begum
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission subject to conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant</b>	Caroline Butler
<b>Observers</b>	None
<b>Date of Site Inspection</b>	15 <sup>th</sup> March 2020
<b>Inspector</b>	Stephen J. O'Sullivan

## **1.0 Site Location and Description**

1.1. The site is in the south inner city of Dublin in an area characterised by terraced Georgian and Victorian houses. It is the curtilage of one such house on Longwood Avenue. The stated area of the site is 268m<sup>2</sup>. The stated floor area of the two-storey house upon it is not given on the application form. There is a laneway at the back of the site that connects it to Clanbrassil Street at two points. Gates have been erected at both. According to the submitted drawings the garden behind the house on the site is c3.8m wide. The boundary of the back gardens behind the houses at Nos. 48 and 49 Longwood Avenue are offset somewhat from the boundary between the houses themselves. There is a domestic garage at the back of the curtilage of at No. 48 which is c6.7m deep.

## **2.0 Proposed Development**

2.1. It is proposed to build a garage/storage shed at the back of the site. It would have double steel doors opening onto the lane there. It would extend across the full width of the site from its rear boundary for c12.6m to a point c10m from the back of the house. The garage would have a flat roof with a shallow monopitch which would be 3.15m high at the laneway and 2.66m high at its other end. The drawings indicate that its walls would be finished in render. The eastern end facing the terrace of houses would have a uPVC door and window. The stated area of the garage is 41.4m<sup>2</sup>. The published description of development states that it would be ancillary to the main dwelling.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

3.1.1. The planning authority decided to grant permission subject to 8 conditions, none of which altered the proposed development. Condition 2 required the external finishes to be those specified on the drawings. Condition 3 refers to a noise standard for building works. Conditions 4 and 5 required the garage to be used in a manner

ancillary to the dwelling on the site. Condition 6 specified the hours for construction. Condition no 7 requires roads to be kept clear of debris during construction.

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

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

The site notice was in place and in order on 12<sup>th</sup> November 2019. Photos show t garage in this location previously. The proposed design would have an acceptable impact on the character of the house and the area. The development is minor in height and would not adversely impact the amenities of the neighbouring houses. The site coverage and the size of the remaining garden are acceptable for a central urban location.

### **3.3. Third Party Observations**

The appellant and the neighbour on the other side objected to the proposed garage and shed on grounds similar to those raised in the subsequent appeal.

## **4.0 Planning History**

4.1. None cited by the parties.

## **5.0 Policy Context**

### **5.1. Development Plan**

The Dublin City Development Plan 2016-2022 applies. The site is zoned as a residential conservation area under objective Z2.

### **5.2. Natural Heritage Designations**

None

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- The application was not valid. The applicant did not supply her address. The site notice was not erected on the stated day of 19<sup>th</sup> October 2020 and when it was erected it was in a window and not legible from the public road.
- The building is too large for a domestic garage. It would be significantly higher than the garden wall. It would overbear, overlook and overshadow the appellant's property at No. 48 Longwood Avenue. Details of the finishes of the proposed garage have not been given. Its window would face windows on the appellant's house. It would therefore seriously injure the amenities of the appellant's property and disturb her quiet enjoyment of it. The previous garage on the site was smaller and was not a workshop as described by the applicant.
- The garage may not be used for its stated purpose and its use may give rise to disturbance to neighbouring residents. The railings to the front of the site on Longwood Avenue have been removed and residents would be more likely to park there than to use a gated laneway to access the proposed garage. The house contains multiple dwellings.
- If the board is minded to grant permission that the size of the garage should be reduced and its use and finishes specified by condition. The restrictions imposed by the conditions on the planning authority's decision should not be relaxed.

### 6.2. Planning Authority Response

No response was received from the planning authority.

### 6.3. Applicant's Response

- The applicant's address was provided to the planning authority but was not published. This was in accordance with the regulations. The applicant

asserts that the site notice was properly erected on the stated day and this is consistent with the report from the council's planner.

- The proposed garage has the same footprint as the previous garage on the site that was removed in 2008 after it had fallen into disrepair. An aerial photo from the 1980s is submitted to support this statement.
- The height of the proposed garage is to allow normal headroom under the sloped roof with a minimum ceiling height of 2.4m. Its visual impact could be mitigated by raising the boundary wall which is only 1.7m high. The finishes of the garage are stated on the application drawings.
- There is no basis to the appellant's assertion regarding the use of the proposed garage.

## 7.0 Assessment

7.1. The model application form in the schedules to the Planning and Development Regulations 2002-2019 makes it clear that that an applicant's address must be submitted but may not be published. There is a disagreement between the parties as to whether the site notice of the application was properly erected. The planning authority was satisfied that it was. There was a notice similar to a planning notice in the window of the house at the time of my inspection. It was not legible from the public road. There were numerous bells at the front door. This would support the contention by the appellant that there are several dwellings in the house on the site even though the notices referred to "the dwellinghouse" on the site. There are therefore reasonable grounds to question the validity of the application in relation to the published notices. It would be difficult for the board to resolve such a factual dispute at this stage. I would advise that the matter did not prevent the appellant from commenting on the application and lodging an appeal against the council's decision. Therefore it would not prevent the board deciding this appeal in the normal manner on the basis of the proper planning and sustainable development of the area. The board should consider the proposed garage as one whose use is ancillary to the use of the dwelling on the site, as was stated in the description of the development in the notices of the application. It would not be appropriate for the board to use its powers to decide applications for permission under Part III of the

planning act to anticipate any enforcement question that might arise under Part VIII of the act.

- 7.2. The proposed structure is relatively large for domestic garage. Its presence would be clearly apparent from the appellant's house and garden. There is merit in the submitted ground of appeal, therefore. However the size of the proposed domestic garage, including its floor area and height, would not be inconsistent with its stated function. The impact of the proposed structure on the neighbouring property would not seriously injure its residential amenities in terms of overlooking, overshadowing, overbearing or otherwise. A reasonable amount of private open space would remain with the house on the site.
- 7.3. The domestic use of the proposed garage and shed was specified in the published description of development. Its finish in smooth render was specified in the submitted drawings. It would be superfluous to specify these characteristics in conditions attached to a grant of permission.

## **8.0 Recommendation**

- 8.1. I recommend that permission be granted subject to the conditions set out below.

## **9.0 Reasons and Considerations**

Having regard to the nature and scale of the proposed development, to the pattern of development in the vicinity and to the residential zoning of the area of the Dublin City Development Plan 2016 - 2022, 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 of property in the vicinity and would not detract from the character of the area. The proposed development would, therefore, 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 the 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 permitted garage and shed shall be only used for domestic purposes incidental to the enjoyment of the dwellinghouse on the site. It shall not be used as habitable accommodation and shall not be sold or let separately from the main dwellinghouse on the site.

**Reason:** In the interest of residential amenity

3. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house, without a prior grant of planning permission.

**Reason:** In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the dwellinghouse.

4. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only 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 property in the vicinity

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Stephen J. O'Sullivan  
Planning Inspector

15<sup>th</sup> March 2020