



An
Bord
Pleanála

Board Order
ABP-313896-22

Planning and Development Acts 2000 to 2022

Planning Authority: Dun Laoghaire-Rathdown County Council

Planning Register Reference Number: D22A/0243

Appeal by Donla Lynott care of Raymond Brennan of 56 Landscape Park, Churchtown, Dublin against the decision made on the 1st day of June, 2022 by Dun Laoghaire-Rathdown County Council to refuse permission.

Proposed Development: Retention of a reinforced concrete foundation slab and partly constructed concrete blockwork walls. Permission for the construction and completion of the reinforced concrete foundation slab of a single storey garden shed, storage room, home office/studio building to rear garden, all to include surface water drainage and all external works, all at 56 Landscape Park, Churchtown, Dublin.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Reasons and Considerations

1. The Board noted from file details that the drainage division of the planning authority raised concerns in relation to surface water drainage while confirmation of feasibility was required from Irish Water due to the presence of a 300 mm diameter foul sewer crossing the rear of the site which may be impacted by the proposed development. The Board was not satisfied, on the basis of the information on file with regard to the Uisce Éireann foul sewer, that the proposed development would not be prejudicial to public health, and, therefore, the Board considered that the proposed development would be contrary to proper planning and sustainable development of the area.
2. The development proposed to be retained and the proposed development fails to accord with Section 12.3.7.4 Detached Habitable Room of the Dun Laoghaire Rathdown County Development Plan 2022-2028 due to its excessive scale. The Board considered the mass, scale and form of the proposed garden shed, storage room, home office/studio building structure was excessive in that it extended from boundary to boundary. It is considered that the development proposed to be retained and the proposed development would set an undesirable precedent and would, therefore, be contrary to the proposed planning and sustainable development for the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board was not satisfied, by reason of the absence of information before the Board with regard to the Uisce Éireann foul sewer, that the matter of drainage could be adequately dealt with by means of condition. The Board also considered that the description of proposed development which included home office/ studio building was a habitable room and, therefore, would require to be considered under section 12.3.7.4 of the Dun Laoghaire Rathdown County Development Plan 2022-2028.



A handwritten signature in black ink, appearing to read 'Mary Cregg', is written over a horizontal line.

Mary Cregg

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this 22nd day of November 2023.