

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: WEB1580/23

Appeal by Catherine Gorman and others of care of 95 Annamoe Drive, Cabra, Dublin against the decision made on the 8th day of September, 2023 by Dublin City Council to grant subject to conditions a permission to Li Cong Zhang care of Besler Design of 1 Saint Attracta Road, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: (i) Retention permission to retain a partially constructed shed at the rear of the dwelling which comprises a home office/gym and store; (ii) Planning permission to rectify and complete the aforementioned shed to fully comply with the current building regulations and all associated site works, all at 97 Annamoe Drive, Cabra, Dublin.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the established residential use on the site, to the prevailing pattern and character of development in the area, and to the nature of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would not negatively impact upon the foul water drainage infrastructure in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained, 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 retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The shed structure shall not be used for human habitation or for any purpose other than for purposes ancillary to the use of the main house on the site as a single dwelling unit. The structure shall not be separated from the main house either temporarily or permanently by way of sale or lease.

Reason: In the interest of orderly development.

3. The structure shall be single storey and the mezzanine level shall be omitted. The developer shall submit revised section and elevation drawings showing the following within three months of the date of this order:
 - (a) The highest point of the hipped roof (which shall be in the centre of the roof) shall be no more than 3.8 metres above the finished floor level.
 - (b) The eaves height (or parapet height if one is provided) shall be no more than three metres above the finished floor level.
 - (c) Upon receipt of the written agreement of the planning authority in relation to the revised drawings, the works required to the shed structure shall be concluded within six months.

Reason: In the interests of clarity, orderly development and residential amenity.



4. The external wall finish of the structure shall comprise a sand and cement render finish which harmonises in colour with that of the main house.

Reason: In the interest of visual amenity.

5. No part of the structure including gutters and eaves shall over sail any lands in separate ownership or impact upon the common boundary wall, unless with the written agreement of the adjoining owner(s).

Reason: In the interests of clarity and orderly development.

6. The developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann.


Reason: In the interest of public health.

7. Drainage arrangements, including the 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.

8. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between the hours of 0800 and 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 amenities of property in the vicinity.



Martina Hennessy

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this 31st day of May 2024.