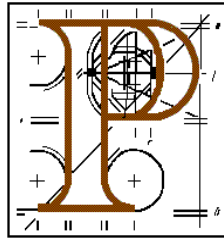


# An Bord Pleanála



## Inspector's Report

### Development

Retention of existing garden room at 18 Sharavogue, Upper Gleageary Road, Dun Laoghaire, County Dublin.

### Planning Application

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Authority Register Reference: D15B/0386

Applicant: Anthony Richardson

Type of Application: Permission

Planning Authority Decision: Grant

### Planning Appeal

Appellant(s): John & Aileen O'Keefe

Type of Appeal: Third Party

Date of Site Inspection: 23<sup>rd</sup> March, 2016

**Inspector:** Kevin Moore

## **1.0 APPLICATION DETAILS**

- 1.1 There is a third party appeal by John and Aileen O’Keefe against a decision by Dun Laoghaire-Rathdown County Council to grant permission to Anthony Richardson for the retention of a garden room at 18 Sharavogue, Upper Glenageary Road, Dun Laoghaire, County Dublin.
- 1.2 The proposal comprises the retention of a detached, single-storey, flat-roofed structure in the back garden of the applicant’s residential property. The use of the structure is referred to as an “existing garden room”. The floor area of the room is stated to be 21 square metres in area.
- 1.3 An objection to the proposal was received from John and Aileen O’Keefe. The grounds of appeal reflect the concerns raised.
- 1.4 The reports received by the planning authority were as follows:

The Drainage Engineer requested further details on the proposed soakaway dealing with surface water.

The Planner noted the zoning provisions for the site, submissions received and the planning history relating to the site. It was further noted that Section 16.3.4 of the Development Plan allows for the provision of such structures. The floor area and height of the structure and distance from boundaries of the structure were acknowledged. The canopy of the existing structure was stated to be c.4 metres from the rear building line of adjoining dwelling No. 19, with the structure itself being c.7 metres from that building line. It was considered that the structure did not result in any overshadowing, overbearing or overlooking impacts on the adjoining site. It was submitted that the main concern of the objection related to visual impact. It was noted that the structure was visible from the adjoining site, particularly from first floor rear windows. The structure was considered to be finished to a good standard. It was noted that a garden shed runs adjacent to the structure in the garden of No. 19. The structure was

considered modest in floor area relative to the main house. It was submitted that the footprint of the structure is only slightly larger than the size of shed structures permitted by way of exempted development. The structure was considered acceptable. Its use was seen to be ancillary accommodation to the main dwelling and acceptable. A grant of permission was recommended subject to conditions.

- 1.5 On 10<sup>th</sup> December, 2015, Dún Laoghaire-Rathdown County Council decided to grant permission for the development subject to 7 conditions. Condition no. 2 restricted the use of the structure to uses incidental to the use of the house.

## **2.0 SITE DETAILS**

### **2.1 Site Inspection**

I inspected the appeal site on 23<sup>rd</sup> March, 2016.

### **2.2 Site Location and Description**

No. 18 Sharavogue is a two-storey detached house at the end of a cul-de-sac of detached houses off Upper Glenageary Road in Dun Laoghaire. There is an existing detached shed-structure in the back garden of the property, sited in its northernmost corner adjoining the rear site boundary and the flank boundary with No. 19 Sharavogue (the appellants' property). It is a single-storey structure with a canopy extending from its frontage. The structure internally presents itself as a habitable space, forming a small living room-type unit.

There is a boundary wall between No. 18 and No. 19 Sharavogue adjoining the structure and this is approximately 1.6m high on the side of the applicants' property and approximately 1.8m on the side of the appellants' property.

## 2..3 **Dun Laoghaire County Development Plan 2010-2016**

### Zoning

The site is zoned Objective A: To protect and/or improve residential amenity.

### Development Management – Residential Development

#### *Section 16.3.4 - Additional Accommodation in Existing Built-Up Areas (iv) Detached Habitable Room*

The Plan states that such rooms can provide useful ancillary accommodation such as a playroom, gym or study for the main residence. It is required to be modest in floor area and scale, relative to the main house and remaining rear garden area. Applicants are required to demonstrate that neither the design nor the use of the proposed structure will detract from the residential amenity of adjoining property or the main house. Such structures are not permitted to provide residential accommodation for a family member/granny flat.

## 2.4 **Planning History**

### P.A. Ref. D08A/1350

Permission was granted for an extension to the rear and side of an existing single-storey extension.

### PL. 06D.203788 (P.A. Ref. D03/0337)

Permission was granted on appeal to the Board for the retention of an existing utility room.

P.A. Ref. Enf 207/15

A warning letter was issued with respect to an extension onto a shed-type structure.

**3.0 THIRD PARTY APPEAL**

3.1 The appellants reside at No. 19 Sharavogue. The grounds of the appeal may be synthesised as follows:

- The extended structure is right alongside their wall.
- It will affect the value of the appellants' property in the event of a sale.
- The change in outlook from the back windows of the appellants' house, particularly from the kitchen, is appalling and causes great distress.

Correspondence with the planning authority is attached to the appeal submission.

**4.0 APPLICANT'S RESPONSE TO THE APPEAL**

The applicant did not respond to the appeal submission.

**5.0 PLANNING AUTHORITY'S RESPONSE TO APPEAL**

5.1 The planning authority considered all issues were noted in the Planner's assessment and the Board was requested to uphold its decision.

## **6.0 ASSESSMENT**

- 6.1 I consider that the issue requiring assessment relates to the impact on residential amenity. Prior to examining this, it is acknowledged that structures such as that proposed are allowed for under the current Dun Laoghaire-Rathdown Development Plan, subject to such structures providing ancillary accommodation that is not separate residential accommodation and subject to the development not detracting from the residential amenity of adjoining property. With regard to these provisions, it is first noted that the appellants' are not arguing that the use of the proposed development runs contrary to the provisions of the Plan. I acknowledge that the proposed use of the structure for the purposes for which it is intended is in accordance with the Plan provisions, being incidental to the use of the house and not being used for separate habitable purposes.
- 6.2 With regard to the impact on residential amenity, it is again noted that the appellants do not claim that the structure impacts by way of overshadowing or overlooking. Rather, it is submitted that the structure would affect the value of their property if it was to be sold and because it has a change in outlook from the back windows of their house. Regarding the latter, this would imply their concern would focus on the visual impact when viewing from the back windows of their house, with due regard given to its proximity.
- 6.3 I first note that the proposed structure is a tidy, well-finished structure in appearance. It is not a high structure and could not in itself be seen to cause concerns relating to any overbearing impact. The projection of the canopy undoubtedly increases a perception of the structure being near when viewed from the appellants' property, notwithstanding the canopy itself being a light-weight structure. I acknowledge that there is a boundary wall separating the two properties and there is no issue of overlooking at

ground floor level because of the wall's presence. From the window of the nearest bedroom at first floor level in the appellants' property the internal space within the proposed structure is clearly visible. I again note that the appellants are not raising specific concerns with regard to impact on privacy by way of overlooking. Evidently, measures by way of additional screening along the flank boundary could be considered by the Board to minimise concerns if they were regarded as necessary.

- 6.4 With due regard to these observations, I cannot conclude that the existing structure has any tangible adverse impact on the residential amenity of its neighbours in a manner that would otherwise result from any other structure incidental to the enjoyment of the house that would be permissible to the rear of the applicant's house at this location, such as a shed, garage or other such structure. With this acknowledgement, I cannot foresee how such a structure could impact on the value of the appellants' property.
- 6.5 In addition to the above, it appears that the appellants are opposed to the development because they do not like its appearance. I would again impress upon the Board that its visibility from ground level is very limited due to the party boundary separating the structure from the appellants' property. I acknowledge its visibility from first floor windows in the appellants' house and this is to be expected, in the same manner that a structure to the rear of the appellants' house would be visible from the first floor windows of the applicant's house.
- 6.6 Finally, I note that the planning authority has included three development contributions by way of the attachment of three conditions in its decision. I further note the current Dún Laoghaire-Rathdown Development Contribution Scheme 2016-2020. This scheme provides for development contributions to be made for three categories of development, namely residential development, domestic extensions, and industrial/commercial

development. The proposal is clearly not an extension, i.e. not being extended from the existing house. However, it is clearly in use as a structure for residential purposes and functions as an extension of the residential use within the property. A development contribution would appear to be reasonable in this instance in accordance with the Council's scheme.

## **7.0 RECOMMENDATION**

I recommend that permission is granted in accordance with the following:

### **Reasons and Considerations**

Having regard to the nature and extent of the proposed development, its use being incidental to the enjoyment of the established dwelling, its siting adjoining the rear and flank boundaries of the site, and its limited visibility from adjoining residential properties, it is considered that the proposed structure would not constitute a visually intrusive structure, would not adversely affect the amenities of residents in the area, would not undermine the value of property in the vicinity, and would otherwise be in accordance with the proper planning and sustainable development of the area.

### **Conditions**

1. The structure shall be used for purposes incidental to the enjoyment of the dwelling on the site and shall not be used as separate, independent residential accommodation or for the carrying on of any trade or business.

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

2. 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 and to ensure a proper standard of development.

3. 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. The contribution shall be paid within one month of the date of this Order, 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 the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000 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.

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Kevin Moore

Senior Planning Inspector

March, 2016.