



An
Bord
Pleanála

Inspector's Report PL06S.247041.

Development	Construction of storage shed, yard, vehicular access, gates and blockwork boundary walls.
Location	Site at Wheatfield Lane to the rear of 134 and 135 Oakcourt Drive, Palmerstown, Dublin 20.
Planning Authority	South Dublin County Council.
Planning Authority Reg. Ref.	SD16B/0114.
Applicant	John James Smith.
Type of Application	Permission.
Planning Authority Decision	Grant subject to conditions.
Type of Appeal	Third Party
Appellant(s)	Wheatfield Road Local Residents.
Observer(s)	None.
Date of Site Inspection	19 th October 2016.
Inspector	Ciara Kellett.

1.0 Site Location and Description

- 1.1. The appeal site is located east of the M50 motorway and south of the N4 Road. The area is characterised by well established, medium density, two-storey residential developments. The appeal site is located between the Wheatfield Road and Oakcourt housing estates. Both Oakcourt Avenue and Wheatfield Road lead onto Kennelsfort Road Upper to the west.
- 1.2. A public laneway runs between the rear gardens of Oakcourt Drive and Wheatfield Road known as Wheatfield Lane. Pedestrian access to the laneway is provided from Oakcourt Avenue, and Wheatfield Road is punctuated by a number of vehicular access points to the lane. The laneway runs the entire length of, and parallel to, Wheatfield Road. No.'s 134 and 135 Oakcourt Drive are a pair of semi-detached single storey dwellings with a wedge shaped back garden. The back garden walls provide the western boundary for the subject site. The site is currently open to the lane and comprises shrubbery, hedges and trees. To the east of the laneway are rear gardens and garages of Wheatfield Road. The appeal site is close to the vehicular access provided between no's.139 and 141 Wheatfield Road. The roadway along the lane is in a very poor condition and subsidence in some areas has clearly occurred.
- 1.3. A 1200mm surface water sewer is located in the existing gardens of the dwellings of Oakcourt Drive.

2.0 Proposed Development

- 2.1. The proposed development consists of a storage shed c.22.43sq.m, a yard, vehicular access and double gates off Wheatfield Lane and a blockwork boundary wall. The proposed shed is single storey and flat roofed, 2.65m high. The proposed gates are 2.2m high steel sheeted metal and a gravel finish is proposed in the yard area. A 2.3m high fairfaced block wall is proposed fronting the lane. The shed will be used for storage.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission subject to 4 conditions.

Condition no.2 states that a) the yard and storage shed shall not be leased, sublet or otherwise disposed of to a third party, and b) the yard and shed shall only be used for the storage of personal goods and effects of the property owner and/or tenant. Storage is not to be used for business purposes and no business use shall be permitted. Condition no.4 requests that a Section 47 agreement is entered into to permit access through this site to the 1200mm surface water sewer located in the rear garden of no.'s 134 and 135 Oakcourt Drive for the purpose of maintenance, replacement and repair.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's Report is the basis for the Planning Authority decision. It includes:

- Site is zoned objective A 'RES – To protect and/or improve Residential Amenity'.
- Notes that the proposal is not an extension to an existing dwelling as it is not related to any of the surrounding properties.
- Considers the main issue is whether the use of the yard for business would be at odds with the residential zoning of the site. No mixed uses or businesses are evident in the surrounding area.
- Refers to planning permission SD13B/0289 for similar proposal. That site belonged to an absentee landowner and it was considered appropriate to grant permission for retention, restricting the use of the yard to purposes not relating to business.
- Considers that a proliferation of similar yards along the lane would not be conducive to residential amenities. Notes that restriction of use should be for 'storage' associated with personal use only, and personal use of the yard for

light industrial works, for example, the repair of a car, is not considered consistent with upholding residential amenity.

- Notes the Water Services section had concerns in relation to the close proximity of the Pound Lane culvert and that no surface water drainage information has been provided. There is a long history of objections from the Environmental Services Section to the erection of walls without associated gateways to enable access to the 1200mm surface water sewer. Notes that the Board granted permissions on appeal as the pipe was in-situ in rear gardens and not easily accessible in any event. Section 47 agreements entered into to allow access.
- Decided to request Further Information (FI) with respect to a number of points: 1) access and parking; 2) clarify use of the shed and number of vehicular movements expected; 3) Identify exact location and depth of culverted Pound Lane stream, demonstrate 5m clear distance between culvert and shed, submit a drawing indicating compliance with same; 4) surface water details to be provided; and, 5) details of proposed paving to the yard to be provided.
- Considers that the response received to the FI request is adequate and recommends a grant of permission subject to conditions.
- The Planning Authority's decision was in accordance with the Planner's recommendations.

3.2.2. Other Technical Reports

- Environmental Services Department – Water and Drainage Design – No objection subject to conditions
- Roads section – no response to FI

3.3. Third Party Observations

One third party submission was received which was signed by a number of residents. Their concerns include: subsidence on the laneway caused by overuse of vehicular traffic; proposal would add to the volume of traffic which would also add to the concerns of pedestrians using the lane; consider an Environmental Impact

Statement should be submitted because of noise, dust and dirt; express concerns that a serious accident could occur; state that the area is prone to flooding; express concerns that the applicant is going to sublet; concerns with alarms and floodlights; and, note that the reference to domestic extension in Section 22 of the application form contradicts the description of the proposal.

4.0 Planning History

- SD13B/0289 – Retention Application for very similar development to the rear of 121,122 and 123 Oakcourt Drive. Permission granted for storage only with a restriction on the use for business purposes.
- SD12B/0267, ABP PL06S.242315; SD12B/0268, ABP PL06S.242317; SD12B/0269, ABP PL06S.242318 – Retention permission for rear garden walls to 129,130 and 131 Oakcourt Drive. All granted on appeal by ABP. SDCC had refused permission due to concerns with access to 1200mm sewer pipe. ABP granted permission with a condition that applicants enter into a Section 47 agreement with the Council to permit access if required.
- SD12B/0283 – 132 Oakcourt Drive – permission granted for retention of rear wall.

5.0 Policy Context

5.1. South Dublin Development Plan 2016 – 2022

Chapter 2 of the Development Plan refers to Housing. Section 2.4.0 refers to Residential Consolidation – Infill, Backland, Subdivision and Corner sites. H17 Objective 5 states “To ensure that new development in established areas does not impact negatively on the amenities or character of an area”.

Chapter 11, Implementation, specifies policies and objectives in relation to residential amenities. The zoning ‘RES’ is to protect and/or improve residential amenity. The specific type of use proposed is not directly listed in the land use zoning tables. The Plan states that where ‘other uses’ are proposed which have not

been listed, they will be considered on a case-by-case basis in relation to conformity with relevant policies, objectives and standards within the Plan.

5.2. **Natural Heritage Designations**

There are no designated European Sites in the vicinity.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

A third party appeal was submitted, signed by a number of residents along Wheatfield Road. Their appeal includes:

- Concerns about subsidence along the laneway particularly between no's. 139 and 141 Wheatfield Road. A large section of the boundary wall between no.139 and the lane, had to be replaced because of overuse of vehicular traffic along the lane.
- Development of the site as a builder's yard would mean extra traffic all day.
- Concerns about some aspects of the Application Form with respect to requirement for an Environmental Impact Statement and queries the responses on section 8 of the form with respect to a major accident.
- States that before Oakcourt Drive was built there was flooding in the area.
- Queries if the description in Section 22 for a domestic extension is not a contradiction to the development described.
- Concerns expressed about alarms and floodlights.

6.2. **Applicant Response**

- There are 5 entrances/exits from the lane – any of them are accessible to the site.
- The site is to be developed as domestic storage for personal use and not as a builder's yard.

- Very little extra traffic will be generated because it is for domestic use – 3/6 times a week.
- There will be appropriate drainage on site to deal with surface water.
- This will be a normal shed like all the other sheds in the vicinity.
- Construction of a wall in this location will prevent anti-social behaviour and illegal dumping and there will be no alarms or floodlights.
- Two letters of support provided from occupants of 134 Oakcourt Drive and 121 Glenmaroon Road.

6.3. **Planning Authority Response**

The Planning Authority confirmed its decision and stated that all issues raised in the appeal have been addressed in the Planner's Report.

6.4. **Observations**

None

7.0 **Assessment**

7.1. I consider the key issues in determining this appeal are as follows:

- Residential Amenity
- Other Issues
- Appropriate Assessment

7.2. **Residential Amenity**

The subject site is located in an area zoned 'RES' – To protect and/or improve Residential Amenity. The proposal is not an extension to an existing dwelling or related to any of the surrounding dwellings.

Sheds and garages for storage and personal uses are typical structures located within the curtilage of dwellings for purposes ancillary to the use of the main dwelling. In this instance, the proposed shed is not located within the curtilage of a

dwelling and will not be used for purposes ancillary to the enjoyment of the adjacent dwellings on Oakcourt Drive or Wheatfield Road.

Usage would be different to a homeowner storing items in a garage or shed in a rear garden – in this circumstance, for example, the applicant is likely to have to drive to the shed to avail of the storage.

The Planner's Report refers to concerns about the potential proliferation of this type of arrangement along the lane but states that storage only is acceptable. I am not satisfied that the use for storage only, by persons not connected with the adjacent dwellings, would be conducive to residential amenities. While the applicant states that there will not be a significant rise in traffic movements, there is likely to be an increase over and above that which would arise if it was used by surrounding homeowners.

I am satisfied that the proposed development could lead to a proliferation of similar developments along this lane which would not be in accordance with the zoning objective of the area which is to protect and/or improve residential amenities, nor would it be in accordance with H17 Objective 5, "To ensure that new development in established areas does not impact negatively on the amenities or character of an area".

7.3. Other Issues

7.3.1. Environmental Impact Statement

The appellants state that they are of the opinion that an Environmental Impact Statement should have been prepared. The subject proposal is not a development that is listed in Schedule 5 of the Planning and Development Regulations, 2001, as amended, and therefore an assessment for a 'sub-threshold development' does not arise in this instance.

7.3.2. Access to the Surface Water Sewer

Should the Board decide to grant permission, I am satisfied that access to the surface water sewer can be maintained in a similar manner to other developments in the locality, whereby a Section 47 agreement can be entered into, to ensure the Local Authority can have access into the site for sewer maintenance purposes.

7.4. Appropriate Assessment

Having regard to the nature and scale of development proposed and to the nature of the receiving environment, namely an urban and fully serviced location, 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 refused for the reasons and considerations as set out below.

9.0 Reasons and Considerations

Having regard to the zoning of the site, the objective of which is to protect and/or improve residential amenities, it is considered that the proposed development, being a storage facility not associated with adjacent residential properties, by itself or by the precedent which the grant of permission for it would set, would adversely affect the residential amenities of the area which is not in accordance with the proper planning and sustainable development of the area.

Ciara Kellett
Inspectorate

25th October 2016