



An
Bord
Pleanála

Inspector's Report PL29S.247437

Development	Retain bin and bicycle enclosure.
Location	2 Albany Road, Dublin 6.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	WEB1318/16.
Applicant(s)	Keith and Fionnuala Start.
Type of Application	Retention Permission.
Planning Authority Decision	Refuse permission.
Type of Appeal	First Party.
Appellant(s)	Keith and Fionnuala Start.
Observer(s)	Sean McCarthy.
Date of Site Inspection	4 th January 2017.
Inspector	Rónán O'Connor.

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1.0 Site Location and Description

- 1.1. The appeal site accommodates a semi-detached two-storey dwelling house which has been extended to the rear. The front garden is bounded by wrought iron fencing and is gravelled. There is a side access leading to the rear garden. There is a garage structure at the rear boundary, which fronts onto a rear laneway.
- 1.2. The surrounding area is primarily residential in nature. The Luas Green line runs in close proximity to the appeal site.

2.0 Proposed Development

- 2.1. The development consists of a structure to the front of the main house, along the eastern boundary, comprising an integrated bin and bicycle enclosure accommodating 4 wheelie bins and 4 bicycles. The total area of the structure is 6.85 sq. m. with height varying from 1.07m to 1.35m.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Refuse permission for one reason relating to development forward of the building line and precedent, contrary to Policy FC41 of the City Development Plan (2011-2017). It is noted that this plan since been superceded by the current plan 2016-2022.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the planning officer reflects the decision of the planning authority and makes the following comments:

- Expressed concern in relation to the establishment of a precedent should the development be allowed, given it sits forward of the building line.
- The need for the structure had not been established given the existing side access and substantial rear garden on the site.

3.2.2. Other Technical Reports

Drainage – No objection

3.3. Prescribed Bodies

3.3.1. Transport Infrastructure Ireland – no observations to make

3.4. Third Party Observations

3.4.1. The Planning Authority received one letter of objection. The issues raised are covered in the grounds of appeal.

4.0 Planning History

4.1. 3680/13 Permission was granted for the construction of a single storey glazed extension (area = 5 sqm) to the side of the existing semi-detached 2 storey house, 2 No. new rooflights to the existing return, the raising of the front wall side passage by 600mm, one new CCTV camera to the front of the house, the demolition of an existing chimney to the existing return, opaque glazing to be replaced with clear glazing and a new screen in an upstairs bedroom to the side of the existing house, and all associated site works.

4.2. WEB1061/12 Permission was granted for the demolition of the existing single storey glazed extension (area = 13m²) to the rear and (part) side of the existing semi-detached 2 storey house and the construction of a larger single storey glazed extension (area = 30m²) to the rear and (part) side of the existing semi-detached 2 storey house.

4.3. 3653/12 – Permission was granted for the demolition of the existing single storey garage and the construction of a 2 storey timber clad structure consisting of a garage, with one no. parking space, and storage area to the ground floor and a new study/living space to the first floor that will act solely as ancillary accommodation to the main house, to the rear of the property, with pedestrian and vehicular access from the lane to the rear.

4.4. 2336/05 – Permission was granted for the retention of garage to the rear of the site and for change of use from study with frosted glass window on first floor return to

bedroom with frosted glass window. Condition 3 restricting the use of the first floor room to a study was removed by APB on appeal (appeal ref PL 29S.213016).

4.5. 2513/03 – Permission was refused for vehicular entrance and off-street parking to front of house for 2 no. reasons relating to loss of open garden space and setting of a precedent for loss of on-street spaces.

4.6. 1003/02 – Permission was granted for the construction of a single storey and part two storey extension at rear.

5.0 Policy Context

5.1. Development Plan

5.1.1. The appeal site is zoned Residential Neighbourhoods (Conservation Areas) Z2 in the Dublin City Development Plan (2016-2022) with a stated objective “to protect and/or improve the amenities of residential conservation areas”.

5.1.2. Relevant policies of the Dublin City Development Plan 2016-2022 include:

- Policy CHC4 - To protect the special interest and character of all Dublin’s Conservation Areas. Development within or affecting all conservation areas will contribute positively to the character and distinctiveness; and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.

5.2. Natural Heritage Designations

5.2.1. None

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The grounds of appeal, as raised by the first party appellants, are as follows:

- Area is diverse
- House is not a protected structure

- Proposed development supports the Z2 objective
- Limited side passage access and constraints/limitations in using rear garden
- Enforcement history relates to previous owners
- Precedence already exists
- Only one objection received.

6.2. Planning Authority Response

6.2.1. No further comment to make.

6.3. Observations

6.3.1. Observation received from Sean McCarthy which is summarised below:

- Reiterates objections
- Should not be described as an enclosure
- No need for structure
- Agrees with decision of Dublin City Council.

7.0 Assessment

7.1. The following assessment covers the points made in the appeal submissions, and also encapsulates my *de novo* consideration of the application. The main planning issues in the assessment of the proposed development are as follows:

- Design/Impact on visual amenity
- Other matters

7.2. Design/Impact on visual amenity

7.2.1. The structure proposed for retention is located on the eastern boundary of the front garden adjacent to No. 3 Albany Road and is set back 3.6 m from the front boundary fencing and is located 2.7m from the front elevation of the property. The cladding is untreated cedar cladding.

7.2.2. The appeal site is zoned Residential Neighbourhoods (Conservation Areas) Z2 in the Dublin City Development Plan (2016-2022). Paragraph 14.8.2 of the Dublin City

Development Plan (2016-2022) notes that residential conservation areas have extensive groupings of buildings and associated open spaces with an attractive quality of architectural design and scale, and further notes that a general objective for such areas is to protect them from unsuitable new developments that would have a negative impact on the amenity or architectural quality of the area.

7.2.3. The character of Albany Road is one of redbrick dwellings of some architectural merit, set back from the street with open space to the front.

7.2.4. The structure is visible from the street when approaching the site from either direction. In my view, it disrupts the established character of the immediate area and appears as an incongruous feature within the front garden of this property. While the applicants have attempted to limit the visual impact to some degree by way of planting, this does not reduce the overall visual impact of the bike/bin enclosure to an acceptable degree. In any case planting can be temporary and is not possible to condition. The appellants have suggested that the size of the structure could be reduced. However, I do not consider that reducing its size, but still maintaining sufficient useable space to serve as a bike/bin store, would overcome the negative impact on the character of the area.

7.2.5. The appellants have provided examples of other bin enclosures and these are detailed (along with photographs) within the appeal submission. However, these are not directly comparable as they differ in scale and appearance to that under consideration here and are not within the immediate vicinity of the appeal site.

7.3. **Other Issues**

7.3.1. The proposal allows for the safe and weatherproof storage of bicycles and bins. As such it promotes a sustainable transport mode. The applicants have set out why the side access cannot be used for the convenient transport of cycles to the rear garden and while I have some sympathy with the contention that it is too narrow to allow convenient access to the rear, the narrowness does not prevent access to the rear altogether. The appellants have also noted that the access from the rear laneway is limited due to security and anti-social issues. I did not encounter these issues during my daytime site visit. I cannot comment on how secure or otherwise the laneway is at night. However, I do not consider the limitations as raised by the appellants as

sufficient justification to overcome the design and visual impact concerns raised above.

8.0 Recommendation

8.1. Refuse permission.

9.0 Reasons and Considerations

The development proposed for retention, by reason of its scale, appearance and position within the front garden of the property, would be out of character with the existing residential properties in the vicinity, resulting in a negative impact on the character and visual amenity of the area, contrary to Policy CHC4 of the Dublin City Development Plan 2016-2022, which seeks to protect the special interest and character of all Dublin's Conservation Areas. The development proposed for retention would, therefore, be contrary to the proper planning and sustainable development of the area.

Rónán O'Connor
Planning Inspector

19th January 2017