



An  
Bord  
Pleanála

## Inspector's Report PL29N.247896

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<b>Development</b>	Retention of single storey shed to the rear of existing house
<b>Location</b>	103 Furry Park Road, Killester, Dublin 5
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	WEB1453/16
<b>Applicant(s)</b>	BnR Design Studio
<b>Type of Application</b>	Retention Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Joseph and Noreen Kenny
<b>Observer(s)</b>	Anne Kennedy
<b>Date of Site Inspection</b>	30/03/2017
<b>Inspector</b>	Gillian Kane

## 1.0 **Site Location and Description**

- 1.1. The subject development to be retained refers to a single storey shed to the rear (west) of a two storey end of terrace dwelling which is currently undergoing renovation. A laneway runs to the north of the dwelling and provides access to the rear gardens of 6 no. dwellings. The single storey shed to be retained has a floor area of 30 sq.m. and currently has a concrete block finish, a single door and window on the eastern elevation and a window on the western elevation facing the laneway.
- 1.2. Photographs and maps are attached in Appendix 1.

## 2.0 **Proposed Development**

- 2.1. Permission was sought for to retain a single storey shed (30sq.m.) with a flat roof, to the rear of the existing dwelling.
- 2.2. Details provided in the application form are:
  - total site area 280sq.m.
  - Floor area of buildings to be retained: 189sq.m.
  - floor area of new buildings: 30sq.m.
  - floor area of proposed buildings: 219sq.m.
  - proposed plot ratio 0.78 and proposed site coverage 38%

## 3.0 **Planning Authority Decision**

### 3.1. **Planning Authority Reports**

- **Planning Report:** Window to rear elevation will provide passive surveillance to the lane and is acceptable. Proposed development will not injure the residential amenity of adjoining properties.
- **Drainage Division:** No objection subject to standard conditions.

### 3.2. **Third Party Observations**

- 3.2.1. Two objections to the proposed development were submitted to the Planning Authority. The issues raised can be summarised as follows:
  - Proposed shed is too large
  - Proposed shed will be for residential use

### 3.3. **Planning Authority Decision**

On the 19<sup>th</sup> December 2016 Dublin City Council issued a notification of their decision to grant permission subject to 4 no. conditions. Condition no. 2 states that the shed shall not be used for human habitation or the housing of animals. Condition no. 3 states that the shed shall be used solely in conjunction with the dwelling and shall not be occupied, sub-let or sold separately.

## 4.0 **Planning History**

4.1. Planning Authority Reg. Ref. **2320/16**: Permission granted for alterations and additions to comprise: conversion of original attic space to playroom including a roof dormer to the side, with 2 no. roof lights to the rear, construction of a new ground and first floor extension to the rear, internal alterations including 4 no. windows to laneway

4.2. Planning Authority Reg. Ref. **WEB1189/16**: Planning permission was granted for alterations and additions to the previous permission to comprise a new vehicular access and off-street parking to the front, new wrap around dormer to side and rear of building at second floor.

4.3. Planning Authority Reg. Ref. **ENF0601/16**

## 5.0 **Policy Context**

### 5.1. **Dublin City Development Plan 2016-2022**

5.1.1. In the plan, the site is zoned '**Z1 Sustainable Residential Neighbourhoods**' which has the stated objective "to protect, provide and improve residential amenities". Within Z1 zones 'Residential' is a permissible use.

5.1.2. **Chapter 16** includes the Development Management Standards and has regard to Design, Layout, Mix of Uses and Sustainable Design. Applicable to the proposed development are the following:

- Indicative plot ratio for Z1 zones is 0.5 to 2.0,
- Indicative site coverage for the Z1 zone is 45-60%

- 5.1.3. Section 16.2.2.3 also states that extensions should be confined to the rear in most cases, be clearly subordinate to the existing building in scale and design and incorporate a high standard of thermal performance and appropriate sustainable design features.
- 5.1.4. Appendix 17 of the development plan refers to the general principles for extensions.

## 6.0 **The Appeal**

6.1. The grounds of the third party appeal can be summarised as follows:

- The permitted development at the dwelling has not been completed: the footpath has not been dishd and the garden boundary has not been re-instated.
- There are two separate entrances to the rear garden: one for the shed and one for the garden. The shed is fenced off from the rest of the garden and it is submitted this is proof that the shed will be used as a separate residence.
- The owner has indicated that remedial works between the applicant and appellant's properties will be completed after all other works. It is submitted that this detracts from the appellant's property.
- Parapet style walls were removed. It is submitted that they could be re-instated making the shed higher than permitted.
- Trees and a fence have been erected between the two properties.

### 6.2. **Applicant Response**

- Following enforcement action, works on the shed ceased on the 25<sup>th</sup> July 2016. No further works have been carried out. The Board is requested to grant permission. The shed shall be used as conditioned by DCC.

### 6.3. **Planning Authority Response**

- The City Council has no further comment to make and considers that the planners report on file adequately deals with the proposal.

#### 6.4. **Observations**

- Anne Kennedy, 41 Furry Park Court: There are two separate entrances into the rear garden from the lane. The shed is fenced off from the rest of the garden and has sewage pipe, therefore it is submitted it will be used as a residence.

### 7.0 **Assessment**

On reading of all documentation submitted with the appeal, I consider the issues to be:

- Principle of the proposed development
- Appropriate Assessment

#### 7.1. **Principle of the Proposed Development**

7.1.1. Residential development is permitted in principle in Z1 zones. Subject to compliance with other planning considerations, the proposed development is acceptable in principle.

7.1.2. The subject shed to be retained, whilst higher than the shed to the immediate east and west, is not of such a scale that it injures the residential amenity of any of the adjoining properties. No overlooking of adjoining dwellings or gardens could occur from the ground level window on the rear elevation of the shed.

7.1.3. Restriction of the shed for non-human habitation use can be achieved by way of condition. I note the presence of large mechanical plant to the immediate front of the shed. It is considered likely that the “fencing-off” of the shed from the rest of the garden is to provide a visual screen from the rear of the house.

7.1.4. Works permitted under previous applications are not a matter for the Board under this retention application.

#### 7.2. **Appropriate Assessment**

7.2.1. Having regard to the nature and scale of the proposed development and / or the nature of the receiving environment, and / or proximity to the nearest European site, no appropriate assessment issues arise and it is considered

that the proposed development would not 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 have read the submissions on file, visited the site, and have had due regard to the provisions of the Dublin City Development Plan 2016 – 2022 and all other matters arising. It is considered that, subject to compliance with the conditions set out below, the development to be retained would not injure the amenities of the area and would be in accordance with the proper planning and sustainable development of the area. I recommend permission be GRANTED subject to the following conditions:

## **9.0 Reasons and Considerations**

- 9.1. Having regard to the provisions of the Dublin City Development Plan 2016-2022, to the scale and nature of the development to be retained, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the development plan, would not adversely affect the amenities of the area, would be appropriate within the area, would provide an acceptable standard of amenity for future residents and would promote sustainable modes of transportation. 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 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 carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The subject shed to be retained shall not be used for human habitation, nor for the housing of animals or birds, domestic or otherwise. The shed shall not be sold, let or used separately from the main dwelling.

**Reason:** in order to protect the residential amenity of the subject and surrounding properties.

3. Water supply and 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 and to ensure a proper standard of development.

4. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 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.

*Gillian Kane*

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Gillian Kane  
Planning Inspector

03 April 2017