



An  
Bord  
Pleanála

## Inspector's Report PL06D.248003

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<b>Development</b>	Retention of greenhouse in garden of dwelling house
<b>Location</b>	1 Castle Avenue, Churchtown Road Upper Churchtown, Dublin 14
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D16B/0483
<b>Applicant(s)</b>	Stuart and Roweena Carr
<b>Type of Application</b>	Planning permission
<b>Planning Authority Decision</b>	Grant permission s.t. conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Christopher Avison & Mary Solan Avison
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	11 <sup>th</sup> May 2017
<b>Inspector</b>	Mary Kennelly

## **1.0 Site Location and Description**

- 1.1.** The site is located on Castle Avenue, which is a private cul-de-sac off Churchtown Road Upper in Churchtown. The remainder of Castle Avenue comprises detached houses on the western side of the road within a gated estate. The property (No.1) comprises a large detached house (stated floor area 407.5m<sup>2</sup>) on a generous site, (stated area 0.191ha). The northern boundary of the site abuts four detached/semi-detached houses which front onto Churchtown Road Upper, (Nos. 6-12). The western boundary abuts the Castle Golfcourse, while the southern boundary is with No. 2 Castle Avenue. The appellant's property is No. 6 Churchtown Road Upper, which the westernmost of the four adjoining sites.
- 1.2.** The house is located in the southern part of the site with a vehicular entrance at the north-eastern end. The driveway runs to the north of the house and there is a large grassed area with mature trees separating the house/driveway from the stone boundary wall along the northern boundary of the site. There is a further high stone wall along the western boundary with the golf course, with mature trees along this boundary. The greenhouse that is proposed for retention is located in the north-western corner of the site.

## **2.0 Proposed Development**

- 2.1.** It is proposed to retain a greenhouse which is partially constructed. The gross floor area is given as 30.1m<sup>2</sup>. It is a timber-framed glazed structure resting on a 900mm concrete plinth. The stated intended use is for horticultural purposes. It is stated in the covering letter submitted with the planning application that it is a salvaged structure and of "classical architecture" and is "nestled" amongst the "mature coniferous and deciduous trees ..... ranging in height from 8m to 20m. The height is stated to be up to 4.4m. The timber frame members are described as "pleasing lightly proportioned and elegantly spaced" and the ridges as "decorated with elegant ornamental metal ridge pieces with small timber spires at the ends".
- 2.2.** The structure is on a concrete base and is set back from the northern boundary by 1680mm and from the western boundary by 6.535m. It has a T-shape with the main ridge line on an E-W axis and the door opening on the southern elevation. The concrete plinths and floor appear to have been recently laid. The glazing has not

been completed and the timber frame has not yet been painted, (although remnants of the paint from its previous location are still evident).

- 2.3.** It is stated in the covering letter that if permission for retention is not granted, it will be necessary to alter the design to make it comply with Class 3 Exempted Development by reducing the height to below 4m, reducing the floor area to below 25m<sup>2</sup> and changing the glazed roof to a tiled roof.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The planning authority decided to grant permission subject to two conditions which were generally of a standard nature. Condition 1 required the development to be retained in its entirety in accordance with the submitted plans. Condition 2 restricted the use of the greenhouse to a use incidental to the enjoyment of the dwelling house and prohibited the use of the structure for trade or business.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

- 3.2.1.1 The report generally reflected the decision of the planning authority. It was noted that there is no CDP policy relating to greenhouses/glass houses but considered that the closest type of development would be a 'detached habitable room', and thus Policy 8.2.3.4(iv) would apply, notwithstanding the fact that the proposed greenhouse is not such a structure. This policy requires such a structure to be modest in scale and layout relative to the main house and the remainder of the garden. It was considered that at 30.5m<sup>2</sup> the greenhouse is of a modest scale relative to the floor area of the main house (407.5m<sup>2</sup>). It was considered that whilst it would be visible from the street and close to the boundaries of other properties, it would not have an unacceptable negative impact on these properties or area.

#### **3.2.2. Other Technical Reports**

- 3.2.2.1 Drainage/Water Services (15/12/16) – no objection. It was noted that the application indicates that surface water will be infiltrated within the confines of the site.

### **3.2.3 Third Party Observations**

3.2.3.1 1 no. third party submission was received by the P.A. The main concerns are summarised in the Area Planner's report and fall into the following main topic headings:

- Size and height of structure – visual impact on adjoining dwellings
- Constructed without planning permission
- History of flooding in the area
- Concern re change of use to dwelling
- Proximity to boundaries
- Impact from glare and reflection.

## **4.0 Planning History**

4.1 099800 – D96B/0241 - No. 12A Upper Churchtown Road – permission refused by the P.A. and the Board on appeal, for a 9 unit development of detached houses on grounds of prematurity, having regard to various matters including sewage treatment.

4.2 PL06D.208253 – D04A/0190 – No. 12A Upper Churchtown Road – permission refused by Board for construction of 20 unit apartment block including basement carpark on grounds of overdevelopment (design, height, location). The Inspector had noted that although there was a ground of appeal regarding drainage concerns, this was a technical issue which he had considered could be addressed by means of a technical solution.

4.3 D11B/0346 – No. 1 Castle Avenue – permission granted for alterations and extensions to existing dwelling.

## **5.0 Dun Laoghaire Rathdown County Development Plan 2016-2022**

5.1.1 The site is zoned Residential, the objective for which is “To protect and/or improve residential amenity”, (Zoning Objective A). Relevant policies Additional Accommodation in Existing Built-up Areas, (Chapter 8, Development Management guidance), the most relevant section of which is 8.2.3.4(iv), which relates to

additional accommodation in residential areas in the form of detached habitable rooms.

- 5.1.2 It is stated that any such ancillary accommodation should be modest in floor area and scale relative to the main house and remaining rear garden. It is also necessary to demonstrate that the proposed development (design or use) would not detract from the residential amenity of adjoining property. Furthermore, such accommodation is not to be used as accommodation for a family member.

## **6.0 The Appeal**

### **6.1 Grounds of Appeal**

- 6.1.1 The third party appeal was submitted by Christopher Avison and Mary Solan Avison (No. 6 Upper Churchtown Road). The main points raised may be summarised as follows:

- Visual amenity – Design, height and scale would result in a structure which would be visually dominant. The term ‘elegant’ used by the applicant is disputed. Whilst ‘nestled’ into site, it would not be hidden from views from properties on Upper Churchtown Road.
- Height at 4.44m would be excessive, but given that it is proposed to add finials and a weather cock, the height will increase to 5.2m. This would be excessive, especially due to proximity to boundary.
- Use of building – It would be easy to convert the structure into a habitable building e.g. a dwelling.
- Glare and reflection - It would result in glare and reflection on a sunny day due to the large expanse on glass.
- Drainage – there has been a long history of flooding on this property and it is questioned as to whether a building of the scale proposed could be accommodated on the site without giving rise to the possibility of further flooding. Planning permission was refused by the P.A. and by the Board on appeal on the ground of inadequate drainage and likelihood of overflowing. Several documents are referenced dating from 1996-2009 in support of these

claims, as well as photographs which have been submitted showing previous flooding on the site. It is submitted that “the water table rises due to the culverting of the Little Dargle River under No.1 Castle Avenue and the golf course.”

- Precedent – the appellants have not been able to find any other outbuildings of a comparable size in the area.

6.1.2 It was also pointed out that the applicants have indicated that should they fail to obtain planning permission, they would revert to a structure which would be classified as Exempted Development under Class 3. Furthermore, no information has been given regarding how the building would be maintained or cleaned.

## **6.2 Planning Authority Response**

6.2.1 The P.A. responded on the 14<sup>th</sup> March, 2017. The planning authority refers the Board to the Planner’s report.

## **6.3 First party response to the grounds of appeal (09/03/17)**

6.3.1 The response to the grounds of appeal was submitted by iSTRUCT Consulting Engineers on behalf of the first party. The response is mainly in the form of a rebuttal of the grounds of appeal. The following points were of note:-

6.3.2 It is submitted that the proposed development has been designed to ensure that there is no detriment to the amenity of adjoining neighbours. The greenhouse is of period design and has been salvaged, but the intention is to restore it to its former glory. It would have been much easier and less expensive to buy an off-the-shelf aluminium glass house, which could have been sized to comply with the exempted development standards.

6.3.3 The first party is happy to comply with the condition restricting the use of the greenhouse to that as proposed.

6.3.4 It is acknowledged that the greenhouse can be seen from the bungalows to the rear, but it is stated that a similar structure which had the benefit of exempted development could be constructed without permission, notwithstanding that any such structure could be seen from these properties.

6.3.5 The proposed development would have negligible impact on the likelihood of flooding. Stormwater will be collected and discharged within the site. The site is not in a flood zone and there is no history of flood events for at least 23 years. These issues are likely to have been addressed in the development of the houses to the south of the site as this involved the installation of an extensive drainage system.

## **7 Assessment**

7.1 It is considered that the main issues arising from the appeal are as follows:-

- Visual amenity
- Residential amenity
- Drainage.

### **7.2 Visual amenity**

7.2.1 The scale of the proposed greenhouse is quite substantial at 30.5m<sup>2</sup> with a height of 4.4m (excluding ornamental details). However, this should be viewed in the context of the large site area (just under 2,000m<sup>2</sup>), the substantial floor area of the main dwelling house (407.5m<sup>2</sup>) and the mature landscaped gardens within which the structure sits. The site is also unusual in that the surrounding development varies from more dense development to the north and south with the rear boundaries of residential properties to the east and a golf course to the west. It is also surrounded by high stone walls (generally 2.5m). It is considered that the proposed extension is appropriate in terms of the residual rear garden and the relative size of the main dwelling as set out in the CDP Development Management guidance (8.2.3.4).

7.2.2 The structure is visible from Churchtown Road Upper and from Castle Avenue. However, the visibility is restricted to glimpses from each of these streets. Firstly, the roof is visible between Nos. 6 and 8 Churchtown Road but only if standing opposite/outside the properties as the street trees obscure the view from further to the north. Secondly, the structure can be seen through the railings of the western boundary of the appeal site from Castle Avenue but is partially obscured by the mature trees on site. The structure would also be visible from the rear of the bungalows facing Churchtown Road Upper. However, the existing 2.5m high stone wall and mature vegetation in the area mitigates the view somewhat.

7.2.3 It is considered that the horticultural nature and classical design of the structure, together with the light weight appearance of the glazed roof and upper walls means that it would not be considered to be a discordant feature in the streetscape. Given the wide variety of house designs and the mature landscaping in the area, the proposed greenhouse would not look out of place in this instance. It is considered that the proposed development would not seriously injure the visual amenities of the area.

### **7.3 Residential amenity**

7.3.1 Section 8.2.3.4 (iv) requires that a detached habitable room would not detract from the residential amenity of adjoining property in terms of its design or use. The proposed development is setback from the northern boundary by 1.68m. It is not a designed as a habitable space and would not overlook or overshadow any of the rear gardens or elevations of the adjoining properties. It is considered, therefore, that given the proposed design and footprint as described above, the proposed greenhouse is unlikely to result in any significant loss of amenity to the adjoining properties. However, given its height and proximity to the boundary, it is considered necessary to ensure that any future alterations/use would not result in any undue loss of residential amenity.

7.3.2 The P.A. has addressed the issue of potential alternative uses of the structure in the future and restricted the use to one that is “incidental to the enjoyment of the dwelling house and shall not be used for the carrying out of any trade or business.” I would generally agree with this approach and note that the first party response has stated its agreement to this condition. However, it is considered that should the Board be minded to grant permission, the wording should be amended to also restrict any future alterations to the structure and/or use as a habitable space without a further grant of planning permission, given its height and proximity to the northern boundary.

### **7.4 Drainage**

7.4.1 The proposed development includes the collection of surface water and discharge through downpipes and a soakaway. The applicant submits that the site and garden provides ample space for the drainage to be achieved in accordance with SUDs. It was further pointed out that although there may have been historic issues with



flooding in the area, it is likely that the recent residential development to the south has addressed the drainage issues relating to the culvert under the site. I would agree that the proposed development is of such a small scale, particularly in view of the nature and scale of the remainder of the site, that it is unlikely to cause any increase in flooding on the site or in the area. It is further noted that the previous planning decisions referred to by the appellant related to much more substantial residential schemes which had included basement car parks and are in no way comparable to the erection of a domestic greenhouse.

## **8 Recommendation**

- 8.1 I recommend that planning permission should be granted, subject to conditions, for the reasons and considerations as set out below.

## **9 Reasons and Considerations**

- 9.1 Having regard to the provisions of the Dun Laoghaire Rathdown County Development Plan 2016-2022, to the scale and nature of the proposed development and to the nature and character of the surrounding environment, it is considered that subject to compliance with the conditions set out below, the proposed development would be an acceptable form of development at this location and would not seriously injure the amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **10.0 Conditions**

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

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

2. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the proposed development shall be restricted to a domestic greenhouse (as specified in the lodged documentation), unless otherwise authorised by a prior grant of planning permission.

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

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.

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Mary Kennelly  
Planning Inspector

16<sup>th</sup> May 2017