



An  
Bord  
Pleanála

## Inspector's Report PL29N.248022

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<b>Development</b>	Demolition of existing unfinished shed structure and construction of single-storey shed
<b>Location</b>	82 Glenarriff Road, Navan Road, Dublin 7
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	4172/16
<b>Applicant(s)</b>	John & Breda Forde
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	John McHale
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	6 <sup>th</sup> April 2017
<b>Inspector</b>	Colm McLoughlin

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## 1.0 Site Location and Description

- 1.1. The appeal site is situated on the western side of Glenarriff Road, located within an expansive residential neighbourhood accessed off the Navan Road in north Dublin city.
- 1.2. The appeal site contains a 2-storey terraced dwelling with front and rear gardens and single-storey unfinished shed structure to the rear. A service laneway, 5 metres in width runs along the rear of the neighbouring properties, numbers 74, 76, 78 and 80 Glenarriff Road and this terminates at the subject site.
- 1.3. The rear garden to the subject property, inclusive of the existing shed structure, is 24m deep and the dwelling on site has not been extended to the rear. Ground levels between the subject site and neighbouring properties, including No. 84 are similar.
- 1.4. The surrounding area is primarily residential in character, largely defined by rows of semi-detached and terraced dwellings fronting onto access roads, and there is also a sports grounds and clubhouse, adjoining the western (rear) boundary of the subject site.

## 2.0 Proposed Development

- 2.1. The existing unfinished shed on site will be demolished and removed from the site and in place a single-storey flat-roof shed will be erected. Proposals require the removal of existing trees along the rear boundary and connection to a soakaway on site.
- 2.2. The existing unfinished shed to be demolished has a maximum height of 2.6m and a floor area of 26.6sq.m, while the proposed shed will measure a maximum of 4m in height with a floor area of 58.6sq.m, and will be built up to the site boundaries and extend across the full width of the site (6.4m).

## 3.0 Planning Authority Decision

### 3.1. Decision

The Planning Authority decided to grant permission subject to 7 conditions, most of which are of a standard nature, but also including the following requirements:

- Condition No 2: The garden shed / hobby room shall not be used for human habitation or for the keeping of pigs, poultry, pigeons or horses or for any use other than as a use incidental to the enjoyment of the dwelling house ...
- Condition No 3: The gates of the garden shed / hobby room shall not open outwards onto the laneway.

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

#### 3.2.1. Planning Reports

The report of the Planning Officer reflects the decision of the Planning Authority.

#### 3.2.2. Other Technical Reports

Engineering Department (Drainage Division) states no objection subject to conditions.

### 3.3. **Prescribed Bodies**

None.

### 3.4. **Third-Party Submissions**

The Planning Authority received **three** third-party submissions. Mr. John McHale made an observation, which included photographs. The issues raised in this observation are covered in the grounds of appeal below. The other submissions raised concerns regarding the size of the shed and resultant visual impact, health and safety, noise, traffic hazard and the potential future use of the shed.

## 4.0 **Planning History**

### 4.1. **Subject Site**

There are no recent relevant planning applications associated with the subject site.

## 4.2. Surrounding Sites

- 4.2.1. There is no recent planning history associated with permissions for development of outbuildings along the subject stretch of Glenarriff Road, but there have been a number of recent domestic applications in the immediate vicinity.
- 4.2.2. The Board determined a case at 61 Ashington Rise 300m to the east of the subject site in September 2015 (Ref: PL29N.245100) where permission was **granted** for demolition of a storage shed at the rear of the house and construction of a 3.7-4.5m high pitch-roof garage with access to and from the existing public lane.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The appeal site has a stated objective 'Z1' within the Dublin City Development Plan 2016-2022, with a stated objective "to protect, provide and improve residential amenities".
- 5.1.2. Under Section 16.10.12 of the Development Plan it is stated that applications for planning permission to extend dwellings will only be granted where the Planning Authority is satisfied that the proposal will:
- Not have an adverse impact on the scale and character of the dwelling;
  - Have no unacceptable effect on the amenities enjoyed by the occupants of adjacent buildings in terms of privacy and access to daylight and sunlight.
  - Achieve a High Quality of Design
- 5.1.3. Appendix 17 of the Development Plan provides guidance on residential extensions.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The principal grounds of appeal are as follows:

- Excessive building height, scale and width;

- Potential for overlooking;
- Incorrect development description;
- Potential future use of the building;
- Construction impact and ongoing maintenance;
- Not a permissible use in this area;
- Traffic hazard.

Should a grant of planning permission be forthcoming, the appellant requests a reduced scale to the development and more restrictive conditions on use.

## 6.2. Applicant Response

Response can be summarised as follows:

- Contests matters within the appellant's submission;
- Clarifies their intention to use the proposed shed with their 'family for recreational purposes', including copies of supportive documentation (identification and receipt).

## 6.3. Planning Authority Response

None.

## 6.4. Observations

None.

## 7.0 Assessment

7.1. The main planning issues in the assessment of the proposed development are as follows:

- Impact on Residential Amenity
- Impact on Visual Amenity
- Other Matters

- Appropriate Assessment

## 7.2. Impact on Residential Amenity

- 7.2.1. The grounds of appeal argue that the proposed development will result in overlooking of No. 84 Glenarriff Road. The height of the existing side boundaries with numbers 80 and 84 Glenarriff Road are 2.8m and 2-2.3m respectively. The windows and door on the east elevation of the proposed shed will be set off the boundaries of the site with the highest part of the glazing proposed to be at 2.15m. Considering the proposed use of the shed, levels and the proposed positioning of windows and door off the side boundaries, scope for direct **overlooking** of neighbouring properties is very limited.
- 7.2.2. In relation to **overshadowing**, it is noted that the proposed shed is located to the south of the rear garden to No. 84. The rear garden area to No. 84 has a similar depth to the subject site, but is over 2m wider than the subject site. Notwithstanding the fact that the proposed 4m high shed is larger than the existing unfinished shed, given the additional width and extensive rear garden area to No. 84 Glenarriff Road, it is considered that the potential for overshadowing resulting from the proposals is not excessive in this case.
- 7.2.3. In relation to arguments relating to loss of **sunlight and daylight**, it is noted that at its nearest point the proposed shed will be 7m from the appellant's extended residence. Considering the size and location of the proposed shed and neighbouring residence, and the separation distance, potential for the proposed development to excessively restrict sunlight and daylight to the appellant's property is limited. The removal of the existing evergreen trees along the rear of the subject site may have a positive impact in this regard.
- 7.2.4. Considering the separation between from the appellant's extended property and the proposed shed, it is not considered that the proposed development will be visually **overbearing** when viewed from the appellant's property, nor will the proposed development result in excessive loss of outlook from this neighbouring property.
- 7.2.5. It is noted that off-street parking is not currently available within the front garden of the subject site and parking could be provided within the proposed shed. The laneway is understood to have been taken-in-charge and is capable of taking vehicular traffic with a dropped kerb located at its junction with the public road. Use

of the proposed shed for off-street parking would not lead to **traffic hazard**, given the low levels of traffic that would arise and as traffic volumes along Glenarriff Road accessing the sports grounds and clubhouse are relatively low. Accordingly, the development would not give rise to unacceptable impact on residential amenity and should not be refused for this reason.

### 7.3. Impact on Visual Amenity

- 7.3.1. The grounds of appeal consider that the proposed building is too large and that it is too high, bulky and utilitarian in appearance. The proposed shed will be most visible from the rear of properties along Glenarriff Road, and will be largely screened from view from the public realm. The shed will also be visible from the access road and car park to St. Oliver Plunkett's – Eoghan Ruadh GAA clubhouse.
- 7.3.2. It is evident from the **pattern of development** in the area, that the majority of residences include some form of outbuilding to the rear of the site. Most of the outbuildings are accessed from rear service lanes and they generally extend across the width of the site and comprise mono-pitch roofs, 2.5m to 3.5m in height. When viewed from the rear of properties along Glenarriff Road, the shed will have limited visual impact, given its backdrop against the 2.85m high boundary wall to the rear and the 2-3 storey clubhouse building to the west, and as it will be viewed as part of the cluster of outbuildings backing onto the rear access lane.
- 7.3.3. The existing unfinished shed structure on site is positioned approximately 1.5m to 2m off the rear boundary and existing evergreen trees occupying this space will be removed to accommodate the proposed shed. The removal of the **trees** and the erection of the shed are not considered to present a significant impact when viewed from the clubhouse grounds to the west.
- 7.3.4. The external **finishes** including roof covering the proposed shed can be conditioned to conform to that of the host dwelling. The proposed shed will also replace an existing unfinished shed structure and there will be some gain associated with this. In conclusion, the development would not detrimentally detract from the visual amenities of the area and should not be refused on this basis.

### 7.4. Other Matters

- 7.4.1. With regards to the **impact on the subject property**, it is noted that the proposed development will allow for approximately 78sq.m of the rear of the property to be



maintained as rear garden space, thereby providing a reasonable quantum of functional private open space for residents. Should permission be granted for the proposed shed, a condition can be attached to control any further reduction in private amenity space serving the subject property.

7.4.2. A door and two windows are proposed on the eastern elevation and a 3.4m wide single-swing door is proposed along the southern elevation, opening onto the laneway. No doors should open onto the laneway, as this may obstruct use of the laneway by others and this can be addressed *via* condition.

7.4.3. It is noted that the appellant has raised concern regarding a 'garage business' operating at the subject site and the manner in which the proposed development is described in the planning notices. The **use** of the shed can be addressed *via* a condition attached to a permission, generally restricting use of the shed for purposes incidental to the enjoyment of the dwellinghouse on site.

## 8.0 **Appropriate Assessment**

Having regard to the minor nature of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 9.0 **Recommendation**

Grant permission with conditions.

## 10.0 **Reasons and Considerations**

Having regard to the nature and scale of the proposed development and the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions below, the proposed development would not seriously injure the residential or visual amenity of the area and would be acceptable in terms of traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 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 interests of clarity.

2. The proposed shed shall not be used for human habitation or for the keeping of pigs, poultry or pigeons, ponies or horses or for any other purpose other than a purpose incidental to the enjoyment of the house and shall not be used for commercial purposes without a prior grant of planning permission.

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

3. Prior to commencement of the development, revised drawings showing the replacement of the single-swing door with a door that does not open outwards onto the laneway shall be submitted to and agreed in writing with the Planning Authority.

**Reason:** In the interests of residential amenity and traffic safety.

4. The external finishes of the proposed shed, including roof tiles/slates, shall be the same as those of the existing dwelling in respect of colour and texture.

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

5. Notwithstanding the exempted development provisions of the Planning & Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house without a prior grant of planning permission.

**Reason:** In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the extended dwelling.

- 6 Site development and building works shall be carried out only between the hours of 0700 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 residential amenities of property in the vicinity.

- 7 Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interests of public health.

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Colm McLoughlin  
Planning Inspector

2<sup>nd</sup> May 2017