



An
Bord
Pleanála

Inspector's Report PL29S.248920

Development	Demolition of garage/store and construction of a new single storey garage/store with basement level to rear of existing dwelling.
Location	1 Upper Cross Road, Rialto
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	2895/17
Applicant(s)	Paul Traynor
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First
Appellant(s)	Paul Traynor
Observer(s)	None
Date of Site Inspection	11 th October 2017
Inspector	Rónán O'Connor

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1.0 Site Location and Description

- 1.1. The appeal site is located on the south side of Upper Cross Road. On site is an end-of-terrace residential dwelling with an existing shed to the rear. There is a laneway to the east of the dwelling with an access gate to the rear garden.
- 1.2. The surrounding area is residential in nature with a predominance of two-storey terrace dwellings.

2.0 Proposed Development

- 2.1. Demolition of garage/store and construction of a new single storey garage/store with basement level to rear of existing dwelling.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Refuse permission for one reason relating to the floor area which was not considered ancillary to the main residential use of the site, the proposed use was considered contrary to the Z1 zoning objective of the site and the potential levels of noise and odour would impact on residential amenity of neighbouring houses.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the planning officer reflects the decision of the planning authority. Main points of note are as follows:

- No documentary evidence submitted to show that the vehicles on the site are owned by the applicant
- Concern over the size of the garage which will have a floor area in excess of the existing dwelling and as such calls into question the ancillary nature of the shed
- Concerns over the proposed use of the garage for car repairs and restoration in an area that is residential

- Concern in relation to noise and odour that may impact residential amenity
- Condition in relation to previous permission 6296/07 (relating to vehicular access) may not have been complied with
- Recommends refusal

3.2.2. Other Technical Reports

Drainage – Recommends conditions

Archaeology – Recommends conditions

3.3. Prescribed Bodies

3.3.1. None

3.4. Third Party Observations

3.4.1. 1 submission received at application stage. Issues raised are as follows:

- Structural and flood damage
- Health and safety
- Future aspirations of the development
- Out of character with residential nature of the road

4.0 Planning History

4.1.1. 6296/07 – Grant – Demolition of existing boundary wall and construction of a new vehicular access/driveway

5.0 Policy Context

5.1. Development Plan

Dublin City Development Plan 2016-2022

5.1.1. The appeal site is zoned ‘Z1’ within the Dublin City Development Plan 2016-2022, with a stated objective “to protect, provide and improve residential amenities”.

5.1.2. Relevant provisions of the Development Plan include:

- 16.2.2.3 Alterations and Extensions
- 16.10.2 Residential Quality Standards – Houses
- 16.10.15 Basements

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 submitted on behalf of the appellant, are as follows:

- Has submitted documentary evidence to show ownership of the vehicles
- It is stated in the planner's report that the proposed garage/store ancillary to residential uses complies with the zoning objective
- Private open space remaining is well over the required 25 sq. m. minimum.
- The planner has not taken the application at face value.
- The lift will be used to access the proposed basement level.
- The applicant is not a panel beater, spray painter nor welder – he is not qualified nor does he own the extensive equipment to carry out such jobs.
- Applicant is not applying for planning permission for a motor repair shop
- None of the above activities will occur and there will be no noise or odour – planner is speculating
- Feel the application was only refused because the planner thinks the applicant is not telling the truth
- No objections to reducing the overall depth of the shed by 310 mm thus reducing the proposed floor area by 3.0m² per floor and increasing the private open space by 2.0m².

- Enclosed are affidavit of Paul Traynor, letters from neighbours, copy of unsolicited information sent by applicant to Dublin City Council, copies of log books and other documents, revised plans showing proposed reduction in depth of shed.

6.2. **Planning Authority Response**

- 6.2.1. Note the contents of the appeal submission. LPA considers the Planner's report deals fully with all the issues raised and justifies its decision.

6.3. **Observations**

- 6.3.1. None

6.4. **Further Responses**

- 6.4.1. None

7.0 **Assessment**

- 7.1. The main issues raised in this appeal are as follows:

- Principle of Development
- Impact on residential amenity
- Other Issues
- Appropriate Assessment

7.2. **Principle of Development**

- 7.2.1. The proposal is to demolish the existing garage/store and to construct a new single storey over basement garage store. The existing shed has an area of approximately 46 sq. m. The plans as submitted to the LPA detail a garage/store which has a total floor area of 124 sq. m. The revised plans as submitted with the appeal submissions detail a floor area of 118 sq. m. This is larger than the floor area of the existing dwelling house which has a floor area of approximately 105 sq. m. Having regard to the floor area proposed, I do not consider the garage/store is ancillary to the existing

residential dwelling and, in my view, the use would be contrary to the Z1 Residential Zoning of the site. As such the proposal is not acceptable in principle.

7.2.2. In relation to the existing use on site, and any potential future use, my observations on site were that 4 cars were stored in the rear yard and a further 3 cars were stored in the existing shed. The proposal is for a larger shed with a basement to store cars. It appears from the evidence on file and from my observations on site that the cars are associated with the applicant's hobby of restoring old/vintage cars. There is no evidence on file or from my site visit that any commercial activities are taking place. In any case should activities occur that are of this nature, it is open to the LPA to take appropriate action at that juncture.

7.3. **Impact on residential amenity**

7.3.1. Notwithstanding the above, it is my view that the use of such a large area to store cars is not compatible with the residential nature of the area, and while it is stated that panel beating works or spray painting would not be carried out, there will be a level of noise associated with the car restoration. One has to consider the cumulative impact of the number of cars on the site and the level of noise associated with this. It is my view that the number of cars on the site at one time would impact negatively on the amenities of neighbouring occupiers, having regard to noise.

7.4. **Other matters**

7.4.1. In relation to the amount of private open space remaining, the revised plans submitted with the appeal documentation indicate that there is 40sqm remaining. This is sufficient in my view. I do note that the majority of the area of the existing rear garden is utilised for storing cars, although this is not detailed in the existing plans.

7.4.2. In relation to potential structural issues, I note that this issue was raised by an objector to the planning application as submitted to the LPA. No details on how the structural stability of neighbouring properties would be impacted upon has been submitted with the application.

7.4.3. In relation to potential flooding, I note that no details of how the proposal impacts on the water table have been submitted nor how the proposal impacts the natural storm water infiltration capacity of the site.

7.4.4. This issues of structural impacts and flooding did not form reasons for refusal however, and have not been raised within the appeal submission. The Board may wish to seek further information on these points, if appropriate.

7.5. **Appropriate Assessment**

7.5.1. 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.

8.0 **Recommendation**

Refuse permission

9.0 **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 the proposed storage shed, by reason of its scale, cannot be considered ancillary to the existing residential use. Furthermore, the proposed use of the shed, for the storage and restoration of cars, would seriously injure the amenities of the area and of property in the vicinity, as a result of noise disturbance. The proposal is, then, contrary to the zoning objective for the site 'to protect, provide and improve residential amenities' and would, therefore, be contrary to the proper planning and sustainable development of the area.

Rónán O'Connor
Planning Inspector

03rd November 2017