



An
Bord
Pleanála

Inspector's Report PL29S.249412

Development	Construction of garage with pitched roof and rooflights with 1 st floor area for storage.
Location	3 Sydenham Road, Ballsbridge, Dublin 4.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	3546/17.
Applicant	Brendan Ryan.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party -v- Grant.
Appellants	Geraldine and Douglas Rowand.
Observers	None.
Date of Site Inspection	9 th January 2018
Inspector	Paul Caprani.

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1.0 Introduction

PL249412 relates to a third party appeal against the decision of Dublin City Council to issue notification to grant planning permission for the construction of a garage with a pitched roof incorporating rooflights in the rear garden of a house. The garage is also to accommodate attic space for storage purposes.

2.0 Site Location and Description

- 2.1. The subject site is located on the south-eastern side of Sydenham Road a small residential cul-de-sac, off the Merrion Rd directly opposite the RDS in Ballsbridge. Sydenham Road accommodates a total of 10 Edwardian type two-storey dwellings with dormer windows at attic level. No. 3 Sydenham Road is located on the eastern side of the road and forms part of a block of four terraced dwellings which face north-westwards onto the street. The dwellings occupy long elongated plots. The plot width is between 6.6 and 7.6 metres in width where the overall depth of the site is just under 60 metres.
- 2.2. No. 3 incorporates a three-storey return to the rear which adjoins No. 1 Sydenham Road to the immediate south. The rear garden of the dwelling is approximately 31 metres in length and currently accommodates a small single-storey brick shed, which is nearing completion with a floor area of 11.6 metres. The dwellinghouse to the immediate north No. 5 Sydenham Road incorporates a pitched roof shed similar in size and design (albeit slightly smaller) to the one proposed under the current application.
- 2.3. A laneway runs along the southern side of No. 1 Sydenham Court to the rear of the terrace of dwellings and provides access to the rear gardens of the dwellings in question. The laneway is between 2.1 and 2.9 metres in width along the southern side of No. 1 Sydenham Road but increases in width to over 5 metres to the rear of No.1 and adjacent to the rear boundary of the site. Current there is no rear boundary demarcating the end of the rear garden of No.3 and the adjoining laneway.

2.4. None of the dwellings on Sydenham Road are listed in the Record of Protected Structures.

3.0 Proposed Development

Planning permission is sought for the construction of a garage in the rear garden of No. 3 Sydenham Road. The garage is to incorporate double doors facing out onto the laneway and the ground floor of the garage is to be used as a car port. A toilet is also proposed at ground floor level. The garage is 9 metres in length and 6.3 metres in width. It is to rise to a ridge height of 6.68 metres approximately 0.58 metres higher than the adjoining garage adjacent at No. 5 Sydenham Road. It is proposed to incorporate 8 rooflights in the roof pitch and to incorporate a first floor which is to be used for storage purposes. An internal staircase will provide access to the first floor. The garage is to incorporate a separate pedestrian access onto the laneway and a set of French doors leading into the rear garden of the dwellinghouse. The garage will incorporate an internal floor area of 47.8 square metres at ground floor level and 37.6 square metres at first floor level. The total floor area provided within the garage amounts to 85.4 square metres.

4.0 Planning Authority's Decision

Dublin City Council issued notification to grant planning permission subject to seven standard conditions.

4.1. Planning Authority's Assessment

A report from the Drainage Department stated that there is no objection to the development subject to standard conditions.

4.2. Observations

An observation was submitted from the residents of the adjoining dwelling at No. 5 Sydenham Road. The contents of the observation have been read and noted.

4.3. **Planner's Report**

The planner's report notes the planning history associated with the wider area and the fact that An Bord Pleanála refused planning permission for a garage at No. 7 Sydenham Court under Reg. Ref. PL 29N 210657. It notes in the case of the current application, that while the garage structure is large, the private open space to the rear is generous with an 18 metre separation distance between the main house and the garage. The application states that the house is owner occupied. As such it is recommended that a condition be attached limiting the structure to the use proposed or that the use remain ancillary to the main dwelling. It is considered that the proposed development by virtue of its scale, location and orientation would not detract from the amenities of adjoining properties by reason of overlooking or overshadowing and is therefore in accordance with the proper planning and sustainable development of the area. It is therefore recommended that planning permission be granted for the proposal.

5.0 **Planning History**

- 5.1. There appears to be no planning history associated with the subject site. However, there are a number of relevant planning applications in the immediate area.
- 5.2. On the adjoining site to the immediate north planning permission was granted under Reg. Ref. 3697/05 for the demolition of a single storey garage and the construction of a single storey garage with access to the rear lane and to the rear garden.
- 5.3. Under Reg. Ref. 3998/06 retention of planning permission was granted for alterations to previously approved single storey garage to include increased roof height, increased eaves and velux rooflights to the front and rear elevations for the creation of attic storage. This decision was the subject of a 3rd party appeal under Reg. Ref PL 29S 222114. The decision of the planning authority was upheld and permission was granted for the alterations.
- 5.4. Under PL29S.210657 An Bord Pleanála on the 7th of June 2005 overturned the decision to grant planning permission by Dublin City Council and refused planning permission for the construction of a garage with attic storage space to the rear of No. 7 Sydenham Road. Permission was refused for the following single reason.

Having regard to the extent of existing development at this property, it is considered that the proposed development would represent an overdevelopment of the overall site resulting in a reduction in the usable open space area available to residents of the apartments and would conflict with the zoning objective for the area as set out in the current city development plan “to protect, provide and improve residential amenities”. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

6.0 Grounds of Appeal

- 6.1. The grounds of appeal make reference to previous decisions by the Board including the Board’s decision to refuse planning permission under PL29S.210657. It is argued that the proposed development constitutes an overdevelopment of the site and would result in overshadowing and blocking of daylight to the rear of the adjoining dwelling at No. 5 Sydenham Road.
- 6.2. Also attached to the grounds of appeal was the original observation submitted to the Planning Authority which is detailed below. It is argued that the length and floor area of the garage will be significantly larger than the existing garage at No. 5 to the north. This would cause a direct loss of sunlight in the afternoon and evening times to the windows in the garden side of the appellants’ garage and patio area. The increase in ridge height by approximately half a metre over and above the existing garage to the north will also result in overshadowing.
- 6.3. The provision of a toilet within the proposed garage is questioned and it is suggested that it may evolve into a mews development over time.
- 6.4. It is stated that extensive renovations have been carried out on upper floors of the main house and it is suggested that these works should be illustrated to give a clear overview of the whole development.
- 6.5. It is stated that the railings, plinth stones and a tree has been removed to the front of No. 3 Sydenham Road. It is contended that this may be to facilitate off-street parking.
- 6.6. It is stated that up until last year No. 3 was subdivided into five rental units and no change of use has been sought or shown on the plans provided with the application.

- 6.7. It is stated that artistic plaques were installed in the upper portion of the south gable wall on the garage to the rear of No. 5 Sydenham Road. If the detached garage is built the artwork will be obscured.
- 6.8. It is suggested that the proposed garage will adversely impact on the residential amenity of the area and would affect the value of properties, particularly No. 5 Sydenham Road.

7.0 Appeal Responses

- 7.1. A response was received on behalf of the applicants by Stephen Mason Architectural and Planning Services and is summarised below. The proposed garage shall be used for purposes incidental to the enjoyment of the dwelling including car parking. It is stated that the applicant requires off-street car parking having regard to its close proximity to the RDS where numerous events are held throughout the year which resulted in no on-street car parking available on Sydenham Road. The garage will also be used for refuse and recycling storage as well as additional storage in the attic space for garden equipment, tools, family bicycles and family sports equipment etc. The garage will also close off the rear garden and secure the property, preventing uninvited access into the rear of the garden.
- 7.2. The applicant is the owner of the house and lives in the main house with his family. The house does not contain multiple units/flats and has not been previously extended. The rear garden measures 45 metres in length and the open space exceeds 200 square metres.
- 7.3. With regard to the specific issues raised in the observation, it is argued that the proposed garage will not cause any loss of sunlight or overshadowing of the appellants' main dwelling or overshadowing of the garage. It should be noted that the use of the garage is purely incidental to the enjoyment of the main dwelling. The proposed garage will not directly impact on any of the window openings associated with the garage to the north. It is difficult to see how the proposed development can give rise to any diminution of access to daylight or sunlight given the orientation of both properties.
- 7.4. A proposed toilet is to facilitate people using the garage or rear garden without having to access the main dwelling. The garage will not be used as living

accommodation and will not be used for the carrying out of any industrial or commercial business. It will be purely ancillary and incidental to the day to day living requirements of the occupants.

- 7.5. The applicant purchased the house in November, 2016 and has been renovating the house back into a single family home from its previous use as five pre-1963 flats. Planning permission is not required for such works.
- 7.6. The railings and plinths to the front of the dwelling require significant repair and will be reinstated. The removal of the railings was also necessary to facilitate builders.
- 7.7. It is acknowledged that the gable end of the existing garage at No. 5 incorporates a plaster mould. It is stated that this mould can be relocated or replicated elsewhere on the structure.
- 7.8. The appellants' contention that the proposal will impact on residential amenity is not backed up by any evidence. The response suggests that the appellant is a serial objector and that the objection is vexatious. It is further stated that the application before the board has the support of other residents in the vicinity. The Board are therefore requested to uphold the decision of the Planning Authority.

8.0 Planning Authority's Response to the Grounds of Appeal

A submission dated 8th November, 2017 stated that the City Council has no further comment to make and considers that the planner's report adequately deals with the proposal.

9.0 Development Plan Provision

- 9.1. The site is governed by the policies and provisions contained in the Dublin City Development Plan 2016 – 2022. The site is governed by the Z1 zoning objective "*to protect, provide and improve residential amenities*".

Section 16.2.2.3 of the development plan relates to alterations and extensions to dwellings. It states that in Dublin City Centre, the form and grain of the built environment provides fewer opportunities for major expansion than in the more suburban parts of the city and county. This leads to substantial pressure for extensions and alterations to existing buildings. Dublin City Council will seek to

ensure that alterations and extensions will be sensitively designed and detailed and to respect the character of the existing building, its context and the amenity of adjoining occupiers. In particular alterations and extensions should:

- Respect any existing uniformity of the street, together with its significant patterns, rhythms or groupings of buildings.
- Retain a significant proportion of the garden space, yard or other enclosure.
- Not result in the loss of, obscure or otherwise detract from the architectural features which contribute to the quality of the existing building.
- Retain characteristic townscape spaces or gaps between buildings.

Further, more extensions should:

- Be confined to the rear in most cases.
- Be clearly subordinate to the existing building and scale of designs.
- Incorporate a high standard of thermal performance and appropriate sustainable design features.

9.2. Section 161.0.12 also relates to extensions and alterations to dwellings. Applications for planning permission to extend dwellings will only be granted where the Planning Authority is satisfied that:

- It will not have an adverse impact on the scale and character of the dwelling.
- It will not adversely affect the amenities enjoyed by the applicants of adjacent buildings in terms of privacy or access to daylight and sunlight.

10.0 Planning Assessment

10.1. I have read the entire contents of the file, visited the site in question and have had particular regard to the issues raised in the grounds of appeal. I consider the following issues to be relevant in determining the current application and appeal before the Board.

- Size and Scale of Proposed Garage.
- Overlooking and Overshadowing Issues.

- Precedent Decisions.
- Other Issues.

10.2. **Size and Scale of Proposed Garage**

10.2.1. I do not consider that the garage, while large, is significantly or materially bigger than the adjoining garage at No. 5. The existing garage to the rear of No. 5, which was granted retention of planning permission under Reg. Ref. 29S.222114 by An Bord Pleanála, is not considerably or significantly smaller than the current application before the Board. In this regard it can be reasonable argued that a precedent for garages of a large scale to the rear of the dwellings along Sydenham Road has already been set. Furthermore, the garage is not visible from any public vantage points other than from along the laneway. The garage therefore will not have an adverse impact to any material extent on the visual amenities of the area.

10.2.2. The site and scale of the rear garden is more than adequate to cater for a garage of the size and scale proposed. The residual private open space contained in the rear garden is more than adequate to cater for the needs of a single family and at c.200 square metres, easily exceeds the minimum standards set out in the development plan for private open space to the rear of the dwelling (the development plan generally requires a minimum of 60 to 70 square metres for houses in the city -see section 16.10.2 of the development plan) thus I am satisfied that the size and scale of the garage in this instance is not incongruous in design terms and would not result in an overdevelopment of the site.

10.3. **Impact in terms of Overlooking and Overshadowing**

10.3.1. The garage will not result in significant levels of overlooking particularly as the proposed first floor level will be used for storage only and will not incorporate any habitable accommodation. This can be ensured by way of condition. The rooflights at first floor level will not result in any significant or direct overlooking of the adjoining dwellings. The orientation of the proposed garage will ensure that only obscure views through the rooflights will be available. Furthermore, at its closest point, the proposed garage is still in excess of 15 metres from the rear returns of the contiguous dwellings No. 1 and No. 5 Sydenham Road. While the incorporation of

rooflights at first floor level could give rise to some overlooking of the rear gardens of Nos. 1 and 5 Sydenham Road, the fact that both the storage space proposed at first floor level and the rear gardens of the adjoining dwellings will be used only on an occasional basis will ensure that any overlooking that could possibly arise will not be material in terms of impact. Any marginal increase in the potential for overlooking must be balanced against the reasonable expectation of the applicant to provide an off-street parking area and an additional space for ancillary storage associated with the house.

10.3.2. A similar conclusion can be reached in respect of overshadowing. I consider the impact in terms of overshadowing will be negligible. The only area which will be potentially affected in terms of increased overshadowing is the rear garden of No. 5 Sydenham Road and this area will only be potentially affected in the early to mid-morning period. As in the case of overlooking, any marginal increase in overshadowing would need to be balanced against the reasonable expectation of the applicant to provide additional space to cater for off-street parking and storage. It is inevitable that higher density urban areas will experience some levels of increased overshadowing through extensions and alterations to existing dwellings. In this instance I do not consider that the level of increased overshadowing which would occur, would constitute reasonable grounds for refusal of planning permission.

10.4. **Precedent Decisions**

10.4.1. Two precedent decisions are of relevance to the current application and appeal before the Board. Under Reg. Ref. 210657 the Board refused planning permission in 2005 for a 62 square metre garage to the rear of the dwellinghouse at No. 7 Sydenham Road. No. 7 Sydenham Road has a number of extensions to the rear. Furthermore, the drawings submitted with the application suggest that No 7 has a slightly smaller garden than the current appeal site. In addition, the planning inspector reports notes in respect of Reg. Ref. 210657 that the entire front garden of No. 7 was used for parking and there is vehicular access and parking to the side which reduce the private open space associated with the dwelling. I have stated above that the incorporation of a garage as proposed under the current application, while large, will not result in any significant diminution of open space provision associated with No. 3. I estimate that residual open space to the rear of the building line will still amount to some 200 square metres. With this in mind I do not consider

that it can be reasonably argued that the incorporation of a garage on the size and scale proposed will result in overdevelopment of the subject site.

10.4.2. In respect of Reg. Ref. 222114 An Bord Pleanála granted planning permission for the retention of alterations to a garage to the rear of No. 5 Sydenham Road. It can be reasonably argued in my view that the Board therefore accepted the principle of the development of a large garage at this location. In conclusion therefore I do not consider that any previous decisions by the Board would justify or warrant a refusal of planning permission in this instance.

10.5. Other Issues

10.5.1. The grounds of appeal suggest that the size and scale of the proposed development together with the incorporation of a toilet might result in the development of a mews type dwelling at the subject site. This represents pure conjecture in my view. The current application before the Board relates to the construction of a two-storey garage to the rear of the dwelling in order to provide ancillary storage and parking for the dwelling in question. If the Board deem it appropriate to grant planning permission in this instance the permission will relate to a garage which is ancillary to the main use only and will not confer any rights other than the land use sought under the current application.

10.5.2. With regard to the renovation of the existing house and works carried out within the house, the Board will note that the house is not a protected structure and therefore any internal alterations associated with the development constitute exempted development. Furthermore, as the applicant points out the conversion of multiple units into a single occupancy house does not require the benefit of planning permission.

10.5.3. With regard to the removal of railings and the plinth stones to the front of the house, the applicant indicates that the railings required significant repair and will be reinstated. The railings were located in the front garden at the time of my site inspection. If any issues arise in respect of unauthorised development to the front of the dwellinghouse, this is a matter for the Planning Authority's Enforcement Section and not An Bord Pleanála.

10.5.4. The concealment of any artwork on the gable end of the existing garage at No. 5 would not constitute reasonable grounds for refusal. There is no indication that the artwork in question is of any artistic or historical significance. It is of course open to the appellant to relocate the moulded artwork should it be considered appropriate and expedient to do so, but this should not in itself preclude the construction of a garage in the applicants rear garden.

11.0 Conclusions and Recommendation

Arising from my assessment above I consider the proposed development to be acceptable and will not have any material adverse impact on the residential amenities of the appellants' property or other properties in the vicinity and I therefore recommend that that the decision of Dublin City Council be upheld in this instance and that planning permission be granted for the proposal.

12.0 Appropriate Assessment

Having regard to the nature and scale of the proposed development and the nature of the receiving environment, together with the proximity to the nearest European site, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

13.0 Decision

Grant planning permission in accordance with the plans and particulars lodged based on the reasons and considerations set out below.

14.0 Reasons and Considerations

Having regard to the Z1 zoning objective relating to the site it is considered that the proposed garage subject to conditions set out below would not seriously injure the amenities of the area or of property in the vicinity and would be generally acceptable in terms of traffic safety and convenience. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

15.0 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 the 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. Details of the materials, colours and textures of all the external finishes to the proposed garage, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. Notwithstanding the exempted development regulations of the Planning and Development Regulations 2001 and any statutory provision amending or replacing, the use of the proposed development shall be restricted to the uses specified in the lodged documentation and shall not be used as a separate residential unit or for human habitation unless authorised by a prior grant of planning permission.

Reason: To protect the amenities of property in the vicinity.

4. 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 interest of public health.

5. The site and building works required to implement the development shall be carried out between the hours of 7 a.m. to 6 p.m. Monday to Fridays, 8 a.m. to 2 p.m. Saturdays and not at all on Sundays or Public Holidays. Deviations from these times will be only be allowed in exceptional circumstances and where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of adjoining residential development.

6. The existing dwelling and proposed garage shall be jointly occupied as a single residential unit and the garage shall not be sold, let or otherwise transferred or conveyed save as part of the existing dwelling.

Reason: In the interest of residential amenity.

7. The site development works and construction works shall be carried out in such a manner to ensure that the adjoining streets are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the cleaning works shall be carried out at the developer's expense.

Reason: To ensure that the adjoining roadway is kept in a clean and safe condition during the construction works in the interest of orderly development.

8. The developer shall comply with the requirements of the Drainage Division, the Roads Street and Traffic Department and the Noise and Air Pollution Section of Dublin City Council.

Reason: To ensure a satisfactory standard of development.

Paul Caprani,
Senior Planning Inspector.

18th January, 2018.