



An
Bord
Pleanála

Inspector's Report ABP 300465-17

Development	Retention of a detached single storey playroom/home office at rear of garden.
Location	20 Weston Park, Churchtown, Dublin 14.
Planning Authority	Dún Laoghaire Rathdown County Council.
Planning Authority Reg. Ref.	D17B/0440.
Applicant	Hari Gupta.
Type of Application	Retention permission.
Planning Authority Decision	Grant with conditions.
Type of Appeal	Third Party
Appellants	George Hannigan.
Observers	None
Date of Site Inspection	9 th March 2018.
Inspector	Dáire McDevitt.

1.0 Site Location and Description

- 1.1 The site consists of a semi-detached two storey house, No. 20 Weston Park, located within a mature residential estate in the south Dublin suburb of Churchtown.
- 1.2 No. 20 has been renovated and extended in the past and has a large rear garden. The playroom/home office to be retained is a detached single storey flat roofed structure with a maximum height of c.2.95m. Two large windows face the garden (west). It is located at the rear of the garden, set back c.0.7m from the eastern boundary with the appellant's house, No. 10 Finsbury Park. This boundary consists of a block wall, its height has been increased by the addition of trellis and planting on the appellant's side. The northern and southern boundaries of the garden are mature hedges.
- 1.3 Maps, photographs are in file pouch.

1.0 Proposed Development

- 2.1 The structure to be retained is a detached flat roofed single storey structure (c. 29.7sq.m) used as playroom/home office ancillary to the main house.

2.0 Planning Authority Decision

2.1. Decision

Grant permission subject to 3 conditions. These included condition No. 3 relating to its use.

2.2. Planning Authority Reports

2.2.1. Planning Report

This Report forms the basis for the Planning Authority's decision and the main issues relate to visual impact and residential amenity.

2.2.2. Other Technical Reports

Drainage Section: No Objection.

2.3. Third Party Observations

A submission was received by the current appellant. The issues raised in the submission are largely in line with the grounds of appeal and shall be dealt with in more detail in the relevant section of this Report.

3.0 Planning History

Planning Authority Reference No. D09B/0266 refers to a 2009 grant of permission for a rear extension, alterations to elevations and partial demolition of existing garage at No. 20.

Planning Enforcement File Reference ENF28317 relating to the shed which is the subject of this application.

4.0 Policy Context

4.1. Dún Laoghaire Rathdown County Development Plan 2016-2022

- Site is zoned under Land Use Objective 'A' To protect and/or improve residential amenities.
- **Section 8.2.3.4 (iv)** refers to detached habitable rooms. This sets out that proposal should be ancillary to the main house and be modest in floor area and scale, relative to the main house and remaining garden area. And that its design or use should not detract from the residential amenities of the main house. Uses such as playroom, gym and study are acceptable.

4.2. Natural Heritage Designations

None of relevance

5.0 The Appeal

5.1. Grounds of Appeal

A third party appeal has been lodged by George Hannigan, 10 Finsbury Park, Upper Churchtown Road, which bounds the appeal site to the rear (east).

The grounds of appeal are summarised as follows:

- The development by reason of its height, bulk, scale and location is visually obtrusive and out of character with the residential development in the area.
- Concerns raised relating to the possible commercial use of the structure as it has been insulated and has water and sewerage facilities.
- Concerns raised regarding compliance with a condition restricting its use.
- Devaluation of neighbouring properties.
- It would create an undesirable precedent for structures of this scale in a long established residential area.
- Reference to the Planning Officer not inspecting the proposal from No. 10 Finsbury Park.

5.2. Planning Authority Response

The Board is referred to the original Planner's Report on file as no new matters were raised in the appeal

5.3. Applicants Response.

This can be summarised as follows:

- The applicant had been informed that the shed was exempted development under Class 3, Part 1, Schedule 2 of the Planning and Development Regulations 2001 as amended.
- Reference to two An Bord Pleanála Section 5 Reference cases relating Class 3 Part 1 Schedule 2 Planning and Development Regulations 2001 as amended and what constitutes the 25sq.m exempted area. Under PL.RL2885 the Board referred to the internal floor area as the area used for class 3.

Under PL.RL3009 the Board concluded that it was the gross structural area that is used.

- A Warning Letter under Section 152 of the Planning and Development Act 2000, as amended was received by the applicant regarding the shed which is the subject of this appeal.
- The shed is used as a playroom/home office ancillary to the main house.
- The provision of a toilet with a shower is to avoid having to walk to the house to avail of facilities after a workout.

6.0 Assessment

The main issues in this appeal are those raised in the grounds of appeal. I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Design
- Appropriate Assessment

7.1 Design

- 7.1.1 The single storey structure to be retained has an internal floor area less than 25sq.m with an external footprint of c. 29.67sq.m and is used as a playroom/home office. The applicant, in his response to the appeal, has set out the background to this application with reference to exempted development under Class 3 Part 1 Schedule 2 Planning and Development Regulations 2001 as amended. This is summarised in section 6.3 of this report. The purpose of this report is to assess the development lodged as part of an application for retention of planning permission. It is not concerned with whether the structure constitutes exempted development or not under Class 3 Part 1 Schedule 2 of the Planning and Development Regulations 2001, as amended.
- 7.1.2 Section 8.2.3.4 (iv) of the County Development Plan refers to detached habitable rooms, and that proposals should be ancillary to the main house and be modest in floor area and scale, relative to the main house and remaining garden area. Their design or use should not detract from the residential amenities of the main house.
- 7.1.3 The appellant has set out in the grounds of appeal that the structure to be retained would be visually obtrusive and out of character with the residential developments in the area due to its height, bulk, scale and location and would depreciate the value of adjoining properties.
- 7.1.4 I was unable to access the rear of No. 10 Finsbury Park, However, I note that the photographs submitted by the appellant at application stage illustrates the impact of the structure on No. 10 Finsbury Park. The structure has a maximum height of c.2.95m and is set back c.0.72m from the boundary with the appellant's house. This boundary wall has been increased in height on the appellant's side with the erection of trellis and planting. No. 10 Finsbury Park has a rear garden depth of c. 9m, resulting in a setback of c. 9.72m from the rear of No. 10 to the structure to be retained.
- 7.1.5 I am of the view that the height and set back of the playroom/home office from the boundaries is acceptable for the scale for the structure. The applicant has proposed screen planting along the eastern boundary with the appellant's property to further reduce the visual impact which I consider acceptable. In

my view the visual impact of the development to be retained does not detract for the amenities of the adjoining properties, with particular reference to the appellant's property No. 10 Finsbury Park.

- 7.1.6 The provision of small scale structures which are ancillary to the main house are common place in residential areas. I am satisfied that the location of the site within a mature urban residential estate and its relationship to adjoining houses can absorb the structure to be retained. In my view the structure is subservient in terms of design, scale and height to the main house on site and does not amount to the over development of the site. Private open space complies with the Development Plan standards. Issues relating to overlooking and overshadowing do not arise.
- 7.1.7 The structure which is the subject of this application is located to the rear of the house with no vehicular access. Its location does not lend itself to any use other than one which is ancillary to the main residential use of the site. I am satisfied that the use of the structure can be dealt with by condition if the Board is of a mind to grant permission.
- 7.1.8 I consider, therefore, that the development to be retained complies with section 8.2.3.4 (iv) of the County Development Plan.

7.2 Appropriate Assessment

- 7.2.1 Having regard to the nature of the development to be retained and the location of the site in a fully serviced built up suburban area, no Appropriate Assessment issues arise and it is not considered that the development to be retained would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

7.0 Recommendation

I recommend that permission for retention be granted for the reasons and considerations and subject to the conditions set out below:

8.0 Reasons and Considerations

Having regard to the provisions of the current Dún Laoghaire Rathdown County Development Plan 2016-2022, to the pattern of development in the area and to the nature, form, scale and design of the playroom/home office to be retained, it is considered that, subject to compliance with the conditions set out below, the development to be retained would not seriously injure the residential or visual amenities of the adjoining properties. The development to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

9.0 Conditions

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application except as otherwise may 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 re-commencement of development and the development shall be carried out, completed and retained in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The structure shall be used solely for purposes incidental to the enjoyment of the house and shall not be used for human habitation or for commercial purposes, sold leased or otherwise transferred or conveyed, save as part of the dwelling.

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

Dáire McDevitt
Planning Inspector

28th March 2018