



An
Bord
Pleanála

Inspector's Report ABP-301127-18

Development	RETENTION of Single-storey timber framed building to the rear of existing 2-storey semi-detached dwelling.
Location	111, Ardmore Drive, Artane, Dublin 5
Planning Authority	Dublin City Council Nth
Planning Authority Reg. Ref.	4465/17
Applicant(s)	Lynda Lynch
Type of Application	Retention Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Lynda Lynch
Observer(s)	None
Date of Site Inspection	1 st June 2018
Inspector	Una O'Neill

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1.0 Site Location and Description

- 1.1. The subject site is located on the northern side of Ardmore Drive, in a well-established residential suburb, west of Artane and northeast of Dublin City Centre.
- 1.2. The site comprises a two storey, semi-detached dwelling. To the west of the site is a bungalow constructed in what was previously the side garden of the subject site. To the north is the boundary with the semi-detached dwellings backing onto this site, which front onto Montrose Drive.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - Retention of a single storey timber framed building in the rear garden of no. 111.
 - The building measures a stated 7.8m deep x 6m wide with an overall stated height of 2.7m. The floor area of the new build is stated to be 46.8sqm.
 - The building comprises a living area/kitchenette, gym room and bathroom.

3.0 Planning Authority Decision

3.1. Decision

Permission REFUSED for the following reason:

The structure proposed for retention occupies the majority of the rear garden leaving a residual area of private open space for the main dwelling. The scale and extent of the building and proximity to shared boundaries is such as to cause serious injury to the residential amenities of adjacent properties through visual impact, overbearing and loss of privacy. The combination of the garden building with the detached bungalow at 111A permitted previously and the extended dwelling of No. 111 would constitute overdevelopment of this site. Permitting retention of this structure would, in itself and by the highly undesirable precedent set for similar overscaled garden buildings, have a

detrimental impact on residential amenities in the area and would be contrary to both the current Dublin City Development Plan 2016-2022 and the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's report generally reflects the decision of the Planning Authority. The following is of note:

- The rear garden of the dwelling was already significantly reduced by the development of the bungalow 111A.
- The private open space at 39.36sqm is still reasonable, however it is substantially below what would be expected for a dwelling in this suburban location and indeed has less retained area than the garden building itself.
- The building is excessive in scale in its context of a modest residential garden.
- There is a significant impact on the residential amenity of the dwellings neighbouring the site due to the proximity of the structure at 800mm from all boundaries.
- The building would have an overbearing and visual impact on the rear garden of No. 1A Montrose Drive to the north as well as overlooking from the windows on the north elevation. The structures also impacts on the rear garden to No. 111A and to No. 109 in terms of overbearing and loss of privacy.
- The garden building constitutes overdevelopment and is out of character with the area and would have an unacceptable impact on existing residential amenities through loss of privacy and overbearing as well as setting an undesirable precedent for excessively large garden buildings in what are relatively constrained suburban gardens

3.2.2. Other Technical Reports

Drainage Division: No objection subject to conditions.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

Three letters of support have been submitted from the occupiers of no. 111A to the west, the adjoining dwelling no. 109 to the east, and the property to the rear/north no. 1A Montrose Drive.

4.0 Planning History

1753/03 Permission GRANTED for 2 bedroom detached bungalow at side and rear, new 2 metre high boundary wall with vehicular gates along the north westerly flank with access onto link road between Ardmore Drive and Montrose Drive

2714/02 Permission REFUSED for bungalow at rear of property, and raising existing side boundary wall from 900mm to 2 metres high, with vehicular access from Montrose Drive, Link Road between Ardmore Drive and Montrose Drive

0968/02 Permission Refused for bungalow at rear with vehicular access from Montrose Drive, Link Road between Ardmore Drive and Montrose Drive

5.0 Policy Context

5.1. Dublin City Development Plan 2016-2022

- Zoning objective Z1, the objective for which is 'to protect, provide and improve residential amenities.'
- Section 16.10.12: Extensions and Alterations to Dwellings
- Appendix 17: Guidelines for Residential Extensions.

5.2. Natural Heritage Designations

The site is not located within or adjacent to a Natura 2000 site.

6.0 The Appeal

6.1. Grounds of Appeal

The first party grounds of appeal is summarised as follows:

- The cabin is a wooden structure not much bigger than any garden shed and is placed in a similar place to any garden shed. It is 7.8m x 6m, with a height of 2.7m.
- 40sqm of private open space has been retained.
- The shed is not to be used for human habitation and is there as incidental to the enjoyment of the main dwelling.
- The shed does not impact on residential amenity. There are no objections on file, with letters of support from neighbours.
- The applicant does not own the bungalow that was originally built in the side garden.
- The shed is important to the health and happiness of the applicant.

6.2. Planning Authority Response

None.

6.3. Observations

None.

6.4. Further Responses

None.

7.0 Assessment

Zoning

- 7.1. The subject site is located within zoning objective Z1, the objective for which is *'to protect, provide and improve residential amenities'*. I consider the development as

proposed to be acceptable in principle and in compliance with the zoning objective for the area.

- 7.2. The primary issue for assessment relates to design and impact on residential amenity.
- 7.3. The applicant considers the building to be modest in scale and does not impact on the amenity of neighbouring properties. The building is used for enjoyment incidental to the enjoyment of the dwelling house by the applicant and is used as a relaxation space.
- 7.4. From assessment of the drawings and site inspection, there appears to be some discrepancy with the measurements indicated. The width of the garden is approx. 6.7m, however, the building is stated to be 6m wide with 800mm on either side of the structure from the boundaries to the side and rear. I note from site inspection the building is built up to the boundaries to the dwellings on either side. There does appear to be a gap between the rear of the structure and the rear boundary wall.
- 7.5. The depth of the building at 7.8m (measuring 9m from the drawing submitted) is in my view extensive. The building extends along the entire rear garden boundary of the infill bungalow to the west and along a significant portion of the garden to the east. The building at a stated height of 2.7m also rises above the neighbouring boundary walls. While I note that letters of support have been submitted from these dwellings as part of the submission to Dublin City Council, consideration must be given to impacts on the amenities of the area for existing as well as future residents. The building in my view detracts from the residential amenities of these properties given its proximity to the boundaries, overall scale and extent. The building as a result is overbearing and impacts negatively on the outlook of neighbouring properties. The scale of the proposal would result in an unacceptable precedent for the area.
- 7.6. The open space remaining to the dwelling, taken from the stated measurements, is 39.36 sqm. The development plan standard requires 10sqm per bedspace. Assuming that this is a three bed dwelling, the open space remaining appears to meet current standards, however, from site inspection, I note the remaining private open space area is limited.

7.7. Overall, I am of the view that the building proposed for retention is excessive in scale and is seriously injurious to the amenities of property in the vicinity.

Appropriate Assessment

7.8. Having regard to the minor nature of the development, its location in a serviced urban area, and the separation distance to any 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.

8.0 Recommendation

8.1. It is recommended that permission be refused.

9.0 Reasons and Considerations

1. Having regard to the established character and pattern of development in the area, it is considered that the building proposed for retention, by reason of its overall design, scale, and proximity to site boundaries, seriously injures the residential amenities of property in the vicinity by reason of its overbearing effect on the neighbouring dwellings, resultant loss of outlook, and visual obtrusion. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Una O'Neill
Senior Planning Inspector

13th June 2018