



An  
Bord  
Pleanála

## Inspector's Report ABP – 301976 – 18.

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<b>Development</b>	Shed to side of dwelling.
<b>Location</b>	89 Cois Inbhir, Donabate, Co. Dublin.
<b>Planning Authority</b>	Fingal County Council.
<b>Planning Authority Reg. Ref.</b>	F18B/0094.
<b>Applicant(s)</b>	Paul McMahon.
<b>Type of Application</b>	Planning Permission.
<b>Planning Authority Decision</b>	Refusal.
<b>Type of Appeal</b>	First Party
<b>Appellant</b>	Paul McMahon.
<b>Observers</b>	None.
<b>Date of Site Inspection</b>	13 <sup>th</sup> September, 2018.
<b>Inspector</b>	Patricia-Marie Young.

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## 1.0 Site Location and Description

1.1. The appeal site is located at No. 89 Cois Inbhir, Donabate, Co. Dublin. The site contains a 2-storey back-to-back part brick and part dashed dwelling within a block containing four matching dwellings. Within the immediate vicinity there are a total of five of these matching back-to-back groups. These are setback as a standalone entity within the Cois Inbhir residential development and they are surrounded by a looped access road that encloses them and their associated pedestrian pathways; parking area; and, mainly soft landscaped amenity spaces. The wider estate in which they are situated is characterised by the more traditional semi-detached and terrace built forms.

## 2.0 Proposed Development

2.1. Planning permission is sought to construct a 2m in height timber clad single storey flat roofed shed structure to the side of No. 89 Cois Inbhir. The dimensions indicated in the submitted drawings result in a floor area of c6.4m<sup>2</sup> which is c0.4m<sup>2</sup> above the stated 6m<sup>2</sup> floor area indicated in the accompanying planning application form.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. The Planning Authority decided to **refuse** planning permission for the following stated reason: *“Having regard to the open nature of the block of four units arranged in an unorthodox back to back format and the layout of the subject site with private open space located to the side/east of the townhouse which is overlooked by adjacent units, the proposed development would result in visual clutter and seriously injure the amenities of the property in the vicinity. It is also considered that the proposed development would detract from the open appearance of the four units and set an undesirable precedent for similar development in the area.”*

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

3.2.1. The Planner's Report is the basis for the Planning Authority decision to refuse permission for the development sought. It is summarised as follows: -

- Reference is made to the planning history of the site.
- Potential for adverse visual amenity.
- Undesirable precedent.
- Concern is raised that the siting of the shed would block access to a utility meter and a downpipe serving the property.

### 3.3. **Prescribed Bodies**

- None.

### 3.4. **Third Party Observations**

- None.

## 4.0 **Planning History**

4.1. There are several planning applications associated with the residential development at this location including the following which is of relevance to the subject matter of this appeal: -

- **P.A. Reg. Ref. No. F10A/0255:** Permission was **granted** for the development of communal areas around Unit No.s 75 to 94 Cois Inbhir. Condition No. 7 indicates that no further development including sheds and other similar structures shall be constructed, erected or placed within the curtilage of the individual dwelling units save without prior grant of planning permission in the interests of visual amenity.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The policies and provisions of the Fingal Development Plan, 2017-2023, apply. The site lies within an area zoned 'RS' which has an aim to: *“provide for residential development and protect and improve residential amenity”*.
- 5.1.2. Chapter 3 of the Development Plan deals with the matter of residential development.

### 5.2. Natural Heritage Designations

- 5.2.1. None relevant.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- 6.1.1. The grounds of this First Party Appeal include: -
- Surrounding area includes several houses with sheds in their front gardens.
  - The lack of outdoor storage in the initial development is questioned and the shed is required for additional storage.
  - The area around the subject dwelling cannot be considered as being open having regard to the boundaries and the storage areas it contains.
  - Desirable precedent for similar developments.
  - Views of the shed structure would be limited due its design and location.

### 6.2. Planning Authority Response

- 6.2.1. The Planning Authority requested that the Board uphold its decision but in the event of a grant of planning permission that a Section 48 contribution condition be applied.

## 7.0 Assessment

### 7.1. Overview

7.1.1. The main issues in this appeal are the residential and visual amenity concerns raised by the appellant in their grounds of appeal and I am satisfied that no other substantive issues arise; however, the need of appropriate assessment also needs to be addressed.

## 7.2. Amenity Impact

7.2.1. The potential substantive impacts to consider from the proposed development in terms of residential amenity impact are overshadowing; diminishment of open space amenity; and, visual intrusion/visual overbearance.

7.2.2. The shed structure, as detailed in Section 2 of this report, is of restricted height, depth and width. In terms of its placement to the side of No. 86 Cois Inbhir, its juxtaposition relative to both existing built forms as well as outdoor amenity space provision and the orientation of the site, I am satisfied that shed would not give rise to any serious injury to the established residential amenity of properties in its vicinity by way of overshadowing.

7.2.3. No. 89 Cois Inbhir has limited functional and qualitative open space amenity within the confines of its curtilage for existing occupants. It essentially consists of a portion of side and front garden. Whilst the shed proposed is of a limited size, the open space provision is also limited in its size and restricted in its qualitative functionality. The proposed development would effectively further diminish the open space provision for occupants of this dwelling leaving just an area of outdoor space to the front. This in my opinion would be contrary to the principle of protecting and improving residential amenity which is a land use zoning objective for this area. Further, I consider it would result in the overdevelopment of what is a restricted site with limited latent potential for built temporary or permanent in nature extensions.

7.2.4. In terms of visual amenity, I share similar concerns to those raised by the Planning Authority in their grounds of refusal. Whilst I acknowledge that the residential amenity of occupants of No. 89 Cois Inbhir would benefit from the provision of additional storage over and above that provided within the interior their dwelling and bin storage area this benefit would not outweigh the visual impact of the insertion of such a structure within what is a highly formalised group of back-to-back dwelling units in terms of the relationship between buildings and spaces. Against this context the insertion of the shed structure would be visually out of place despite the quality of

the design chosen. In addition, its insertion would give rise to visual clutter within its context and that it would give rise to an undesirable precedent for other similar developments in the area.

### **7.3. Appropriate Assessment**

- 7.3.1. Having regard to the modest nature and scale of the proposed development and to the nature of the receiving environment, namely a suburban and fully serviced residential location, 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. I recommend that permission be refused for the reasons and considerations set out below: -

## **9.0 Reasons and Considerations**

Having regard to the restricted nature of this site and the established pattern of development surrounding it, in particular, that associated with the group of five back-to-back multiple dwelling units that are a highly formalised and coherent in their design and layout, it is considered that the proposed development would be visually obtrusive as appreciated from the streetscape scene and would be out of character with development in the vicinity. The proposed development would seriously injure the amenities of the area; would set an undesirable precedent; and, would therefore be contrary to the proper planning and sustainable development of the area.

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Patricia-Marie Young  
Planning Inspector

15<sup>th</sup> October 2018.