



An
Bord
Pleanála

Inspector's Report ABP-302070-18

Development	Planning Permission for a shed/store (c. 95 sq.m) at the rear of No. 1 The Colonnade (a protected structure - RPS ref. no. 5248, Milltown Road, Dublin 6
Location	1 The Colonnade, Milltown Road, Dublin 6
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	2852/18
Applicant(s)	John Brennan
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant(s)	John Brennan
Observer(s)	None
Date of Site Inspection	22 nd October 2018
Inspector	Ronan O'Connor

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1.0 Site Location and Description

1.1. The appeal site is located on the western side of Milltown Road. On the site is a Protected Structure (1 The Colonnade) which is part of a terrace of Protected Structures. To the front of the building is a surface car parking and to the rear is open space. No. 1 consists of a total of 6 no. separate residential units.

2.0 Proposed Development

2.1. Planning Permission for a shed/store (c. 95 sq. m) at the rear of No. 1 The Colonnade (a protected structure – RPS ref. no. 5248, Milltown Road, Dublin 6).

3.0 Planning Authority Decision

3.1. Decision

Refuse permission for one reason as follows:

The proposed development by reasons of its design approach, height, location and overall size would materially and negatively impact on the character and setting of the Protected Structure and would set an undesirable precedent for similar developments. The proposed development would therefore contravene the objectives of the Development Plan and be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the planning officer reflects the decision of the planning authority.

Points of note are as follows:

- Shed is excessively high/height is considered unnecessary for the stated purpose (storage for the main house)/overall floor area is not justified.
- Would not complement the setting of the protected structure.
- A shed more in line with that adjoining at No. 2 would be more appropriate and acceptable at this location.

- Would materially and negatively impact on the character and setting of the protected structure and adjoining properties.
- Recommendation to refuse permission.

3.2.2. Other Technical Reports

Drainage – No objection subject to conditions.

3.3. Prescribed Bodies

3.3.1. None.

3.4. Third Party Observations

3.4.1. None.

4.0 Planning History

2547/97 – Permission refused for 2 no. 2 storey apartments in extension to the side.

5.0 Policy Context

5.1. Development Plan

Dublin City Development Plan 2016-2022.

5.1.1. The site is located in an area that is zoned Objective Z2 (To protect and improve the amenities of residential conservation areas) under the provisions of the Dublin City Development Plan 2016-2022. Under this land use zoning objective, residential development is a permissible use.

Relevant policies and standards of the Dublin City Development Plan 2016-2022 include:

- Policy CHC2 - To ensure that the special interest of protected structures is protected.
- Policy CHC5 – To protect Protected Structures and preserve the character and the setting of Architectural Conservation Areas.

- Section 16.2.1 Design Principles.

The following Section 28 Ministerial Guidelines is of relevance to the proposed development.

‘Architectural Heritage Protection Guidelines for Planning Authorities’ (2011).

5.2. Natural Heritage Designations

5.2.1. None.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The First Party Grounds of Appeal are as follows:

- Proposed to provide storage for the six units, increasing the internal space within the units, and enhancing the amenity of the units.
- Envisaged the store area would be evening split so each unit would have 15 sq. m. of storage space.
- Would enable storage of large items.
- Size of the building was design having regard to the buildings on either side of the location of the proposed shed. – shed to the rear of No. 2 and three storey apartment building within the Abbeyfield complex/shed would transition in size between the two.
- Eaves height of the proposed shed is comparable with that at No. 2/Ridge height is lower than the Protected Structure.
- Only logical location for the shed/only location that won’t affect the setting of the protected structure.
- No material or negative impact on character or setting of Protected Structure/located some 25m from the rear elevation.

- Modest structure/not any closer than the apartment buildings at Abbeyfield one of which is less than 7m from the front elevation of No. 1/Dominance of Abbeyfield when viewed from The Colonnade.

6.2. **Planning Authority Response**

6.2.1. None.

6.3. **Observations**

6.3.1. None.

7.0 **Assessment**

7.1. The following assessment covers the points made in the appeal submissions, and also encapsulates my *de novo* consideration of the application. The main planning issues in the assessment of the proposed development are as follows:

- Principle of Development
- Design/Impact on Protected Structures
- Residential Amenity
- Appropriate Assessment
- Environmental Impact Assessment

7.2. **Principle of Development**

7.2.1. The site is zoned 'Z2' under the Dublin City Development Plan, 2016-2022. The stated objective for 'Z2' zoned land is "to protect and/or improve the amenities of residential conservation areas". The principle of residential development, or development that is ancillary to residential development, is generally acceptable on 'Z2' zoned land, subject to safeguards.

7.3. **Design/Impact on Protected Structures**

7.3.1. The planning authority consider the excessive height and floor area of the shed results in a negative impact on the character and setting of the Protected Structure at No. 1 The Colonnade.

- 7.3.2. The appellant has stated that the design was informed by the relative heights of the buildings to either side i.e. to the north at Abbeyfield and to the south at No. 2 The Colonnade.
- 7.3.3. It is my view that the proposed structure is excessive in its height and floor area. I do not see the justification in having a height that is in between that at Abbeyfield and that at No. 2, and there is no need for a transition in height between the two. Abbeyfield is a three storey residential development and the proposed development is for storage purposes. The shed to the rear of No. 2 is a relatively large structure and I do not necessarily concur with the view of the planning authority that this is an appropriate size for a storage shed. Nonetheless this is an existing structure. However, there remains insufficient justification to construct a structure of the height and floor area that is proposed in this instance. The appearance of the structure is similar to that of an agricultural barn and it would appear overly dominant and incongruous in the rear garden setting of the Protected Structure.
- 7.3.4. In conclusion, I consider that design and appearance of the shed structure itself is inappropriate having regard to its excessive height, floor area and detailed design. Furthermore this inappropriate appearance, excessive height and floor area results in an adverse impact on the setting of the Protected Structure.

7.4. Residential Amenity

- 7.4.1. While the existing residential units within No. 1 The Colonnade would benefit from additional storage space, I do not consider that the means of achieving this, by way of a structure that is inappropriate in terms of design and its impact on the Protected Structure, is justified in this instance.

7.5. Appropriate Assessment

- 7.5.1. Having regard to the nature and scale of the proposed development, the construction of a shed/store, within a serviced area, and having regard to the separation distance 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 the conservation objectives of any European site.

7.6. Environmental Impact Assessment

- 7.6.1. Having regard to the nature and scale of the proposed development, the construction of a shed/store, and having regard to the separation distance to the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

8.0 Recommendation

- 8.1. Refuse permission.

9.0 Reasons and Considerations

The overall scale of the proposed shed/store is considered to be excessive, having regard to the height and floor area, and the appearance of structure is considered to be inappropriate for this residential area. As a result of this excessive scale and inappropriate appearance, the proposed shed/store detracts from the setting of the Protected Structure at No. 1 The Colonnade. The proposal, therefore, is contrary to the proper planning and sustainable development of the area.

Rónan O'Connor
Planning Inspector

24th October 2018