



An
Bord
Pleanála

Inspector's Report ABP – 302258 – 18.

Development	Detached structure to the rear of dwelling.
Location	No. 4 Hilltown Way, Rivervalley, Co. Dublin.
Planning Authority	Fingal County Council.
Planning Authority Reg. Ref.	F18B/0104.
Applicant	Roisin Carthy.
Type of Application	Planning Permission.
Planning Authority Decision	Refused.
Type of Appeal	First Party
Appellant	Roisin Carthy.
Observer	None.
Date of Site Inspection	9 th October, 2018.
Inspector	Patricia-Marie Young.

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1.0 Site Location and Description

1.1. No. 4 Hilltown Way is located in the Dublin city suburb of Rivervalley. It contains a 2-storey semi-detached dwelling located on the western side of a cul-de-sac road which is characterised by pairs of similar semi-detached dwellings and a small number of detached infill developments. To the rear there is a modest timber shed structure. To the rear the site is bound by a small woodland pocket and an area of open space.

2.0 Proposed Development

- 2.1. Planning permission is sought for a detached single storey building (Gross Floor Area of 47m²) to the rear together with all associated site works.
- 2.2. The applicant made no modifications to the proposed development in response to the Planning Authority's additional information request.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Fingal County Council **refused** permission for the following stated reason: -

"It is considered that the proposed detached structure by reason of its size and scale is not commensurate with the size of the site and is out of character with the adjoining residential area. The proposed development would therefore be injurious to the residential amenities of adjoining properties and the area."

3.2. Planning Authority Reports

3.2.1. Planners Report:

The initial Planner's Report concluded with a request for additional information requiring the applicant to provide justification as to why the level of ancillary accommodation is required in back garden location. They also requested a reduction in the scale of the proposed structure.

The final Planner's Report is the basis for the Planning Authority's decision.

3.3. Prescribed Bodies

3.3.1. None.

3.4. Third Party Observations

3.4.1. None.

4.0 Planning History

4.1.1. None relevant.

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*".

5.2. Natural Heritage Designations

5.2.1. None relevant.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The grounds of appeal can be summarised as follows: -

- Sufficient garden space will remain.
- Similar buildings are constructed in the vicinity.
- Additional space is required for training, a games room and for storage.
- The Board is requested to overturn the Planning Authority's decision.

6.2. **Planning Authority Response**

- 6.2.1. The Planning Authority's noted that the applicant failed to address the concerns raised in the additional information request. In the event of the Board deciding to grant permission it is requested that a Section 48 condition be included.

6.3. **Observations**

- 6.3.1. None.

6.4. **Further Responses**

- 6.4.1. None.

7.0 **Assessment**

7.1. **Overview**

- 7.1.1. I am satisfied that the substantive issues arising in this appeal case are: -
- Amenity Impact
 - Use of the Structure

In my opinion there are no other substantive issues arising; notwithstanding, the issue of appropriate assessment needs to be addressed.

7.2. **Amenity Impact**

- 7.2.1. In terms of amenity impact, having regard to available aerial photography and having conducted planning history searches in the immediate locality the provision of a detached building like that proposed under this application is not common place.
- 7.2.2. While I acknowledge that residential development is generally deemed to be acceptable at this location I share the Planning Authority's concern that the scale of the proposed structure to the rear of No. 4 Hilltown Way is excessive and out of context with the pattern of development in this area. The proposed 47m² in gross floor area sized structure despite its single storey built form cannot be considered to be subservient to the 86m² gross floor area of the existing dwelling that occupies this site.

- 7.2.3. Arguably the 62.91m² of private amenity space remaining would be sufficient in terms of its quantity for a dwelling of this size; notwithstanding, it is likely that due to the height of the proposed structure and its juxtaposition to other built structures its quality would be diminished by way of additional overshadowing.
- 7.2.4. In terms of its visual presentation, the proposed structure, could be considered as having the appearance of a single storey dwelling due to its gable fronted brick façade with a ridge height of 4.2m and symmetrically placed porch with windows on either side. This type of visual presentation is out of character with ancillary structures one would normally expect within the curtilage of a dwelling like this.
- 7.2.5. The existing boundaries that are *in situ* to the north and south would result in this structure being highly visible. In addition, the dimensions of the proposed windows are such that they would result in overlooking of the rear facades and rear private amenity space of neighbouring properties. There are no mitigation measures proposed to lessen this amenity impact over and above that *in situ*.
- 7.2.6. I also raise a concern that the proposed development could give rise to an undesirable precedent for other similar backland developments in the surrounding area.
- 7.2.7. In conclusion, having regard to the land use zoning objective for the site and its setting which seeks to protect residential amenity I am not satisfied that the proposed development would not give rise to negative residential and visual amenity impacts on adjoining properties and the subject property itself.

7.3. Use

- 7.3.1. The proposed structure is presented within the accompanying planning application documents as having four separate rooms. This includes a bathroom and I note that all of the rooms have a provision for light and ventilation. In addition, the proposed structure has the internal and external expression of an individual dwelling unit. Moreover, it is of a size that it could potentially function independently of the main dwelling as such despite not meeting the basic standards for such a use as set out under the Fingal Development Plan. The appellant however contends that the structure would be used for training, a games room and as a storage area.
- 7.3.2. I consider that any future use of the building as a separate dwelling is a matter for the Enforcement Section of the Planning Authority should the Board decide to grant

permission. Moreover, it would be appropriate in such a situation that a condition restricting the use of this structure be included in any grant of permission.

7.4. Appropriate Assessment

7.5. Having regard to the nature and scale of the proposed development and to the nature of the receiving environment, namely an urban and fully serviced 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.

9.0 Reasons and Considerations

It is considered that the proposed development, by reason of its built form, massing and design, would result in a built form which would fail to respect its context and it would result in a visually obtrusive built form at this location. The proposed development would set an undesirable precedent for similar development in the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

Patricia-Marie Young
Planning Inspector

10th October 2018