



An
Bord
Pleanála

Inspector's Report ABP-303236-18

Development	RETENTION: of the single storey flat roof dog grooming premises to rear, accessed from rear lane way and advertisement
Location	28, Chelmsford Avenue, Dublin 6, D06 HV52
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	4016/18
Applicant(s)	Josephine Leonard
Type of Application	Retention Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Brian King
Observer(s)	None
Date of Site Inspection	26 th February 2019
Inspector	Ronan O'Connor

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1.0 **Site Location and Description**

- 1.1. The site is located at on Chelmsford Avenue. The appeal concerns an outbuilding that is in use as a dog grooming parlour, and other associated works. The outbuilding can be accessed either from the rear of the existing property or from the laneway running to the rear of the terrace of properties on Chelmsford Avenue.

2.0 **Proposed Development**

- 2.1. RETENTION: of the single storey flat roof dog grooming premises to rear, accessed from rear lane way and advertisement

3.0 **Planning Authority Decision**

3.1. **Decision**

- 3.1.1. Grant permission. A condition of note is condition No. 4(a) which requires the removal of the proposed advertisement on the south-east elevation.

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:

- Use can be considered a home based economic activity.
- Main issue is impact on residential amenity.
- Is considered proposed development would not have a significant impact on the residential amenity of properties in the vicinity.
- Recommended that permission be granted for a three-year terms which will allow for traffic and parking impact to be monitored.

3.2.2. Other Technical Reports

Roads - permission be granted for a three-year terms which will allow for traffic and parking impact to be monitored.

Drainage – No objection subject to conditions.

3.3. Prescribed Bodies

3.3.1. None.

3.4. Third Party Observations

3.4.1. A number of third party responses were submitted. The issues raised include:

- Signage/Support development subject to removal of signage.
- Impact on residential amenity.
- Impact on health and safety/Noise/Waste.
- Structure has little acoustic protection.
- Impact on parking/Pedestrian safety.
- Depreciate value of property.
- Examples of other applications cited by the applicant are misleading.

4.0 Planning History

4.1.1. None.

5.0 Policy Context

5.1. Development Plan

5.1.1. The relevant development plan is the Dublin City Development Plan 2016-2022. The site is located in an area zoned objective Z2 which seeks ‘to protect and improve the amenities of residential conservation areas.’ The general objective for such areas is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area.

5.1.2. Relevant policies and standards include:

- Policy CHC4 – To protect the special interest and character of all Dublin’s Conservation Areas.

5.2. Natural Heritage Designations

5.2.1. None.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The ground of appeal, as submitted by the Third Party Appellant, are as follows:

- DCC have not followed their own policies in deciding to grant planning permission.
- Other observations made on the application reflect appellant's views.
- The applicant's comparisons to other dog grooming services are misleading.
- Impact on residential amenity.
- Submitted copies of observations made on the application labelled A-F.

6.2. Applicant Response

6.2.1. A First Party Response to the Third Party Appeal has been received. This is summarised below.

- Applicant has determined the need for the vicinity.
- Was accepted by the planning officer.
- Dogs admitted on an appointment basis only.
- Applicant is happy to continue business without the signage.
- The planners report considers that there will not be a significant impact on surrounding amenities.
- Observation included 20 residents in support of the business.
- Transport Department had no objection subject to a three-year monitoring period.
- Drainage – no objection from the Drainage Department/SUDS management will be incorporated in a rear garden soakaway.

- Building is designed to be sub-ordinate to the main residence.
- Numerous other service-based operations of similar scale can be found locally/provide local services.
- Reference is made a previous refusal for a pigeon loft (ABP 2479333)/not comparable with this proposal.
- Majority of customers live locally and walk their dogs to the premises/access to the rear is restricted to pedestrians/vehicles are instructed to use the on-street pay and display.
- Dog groom parlour was granted retention planning permission at 4 Seafield Close, Clontarf, Dublin 3/is the most similar application/ no parking in the vicinity of this property.
- Building regulations will be complied with.

6.3. **Planning Authority Response**

6.3.1. None.

6.4. **Observations**

6.4.1. None.

6.5. **Further Responses**

6.5.1. 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 the proposed development
- Impact on Amenity
- Transport

- Design/Visual Impact
- Waste/Drainage
- Environmental Impact Assessment
- Appropriate Assessment

7.2. Principle of Development

- 7.2.1. The report of the planning officer determined that the grooming parlour can be classed as a 'home-based economic activity'. This is defined within the development plan as 'small-scale commercial activities carried out by residents of a dwelling being subordinate to the use as a single-family dwelling.'
- 7.2.2. I also consider that the dog grooming activity, as described by the applicant, falls within this category. The small scale of the enterprise, with a limited number of dogs on the site (a maximum of 5 dogs are groomed per day), is subordinate the use of the main building.

7.3. Impact on Amenity

- 7.3.1. There is the potential for this type of use to have an impact on surrounding residential amenity, having regard to excessive noise from large numbers of dogs on the site. However, the operation of the business is such that the numbers of dogs on site is limited at any one time, and restricted to a maximum of 5 dogs per day, and each visit is by appointment only. There are no overnight stays.
- 7.3.2. While the appellant has raised the issue of noise, I am cognisant of the fact that no objections in relation to noise have been raised by the immediate neighbours in submissions at application stage, although the issue of noise is raised by other objectors. A submission at application stage, received from No. 26 Chelmsford Avenue, refers to the visual impact of the signage. No's 27 and 29 have indicated support at application stage. To my mind, this is not indicative of excessive noise being generated. Overall, given the small scale of the operation, I do not consider that any adverse amenity impacts on surrounding amenity will result from this use.

7.4. Transport Impacts

7.4.1. The impact on the surrounding road network was raised as a concern at application stage, and the planning authority considered that a three-year permission was necessary in order to gauge the impact over a period of time.

7.4.2. It is my view that there will only be a very limited impact on the surrounding road network, as a result of the limited numbers of trips associated with the use. There is designated parking on Chelmsford Avenue which is sufficient to serve the use. I do not consider a three-year restriction on any permission is necessary in this instance.

7.5. Design/Visual Impact

7.5.1. The structure, as built is similar in scale to the structure to the immediate north, and as such does not appear an incongruous addition to the streetscape. While there are longer views toward the structure from the south-east along the laneway, views immediate adjacent to the site are limited, due to the setback of the building from the street. The impact on the visual amenity of the area is subsequently limited and overall the design and appearance of the structure is acceptable.

7.5.2. I concur with the view of the planning authority in relation to the signage on the south-east elevation. The applicants have submitted revised plans in their appeal submission indicating that this larger signage is now omitted from the proposal. There remains a small sign proposed to the front which I consider is an appropriate size. There was no signage in place at the time of my site visit.

7.6. Waste/Drainage

7.6.1. I am concerned about the lack of detail in relation to waste disposal and there is the potential for a significant volume of waste to be generated. It is unlikely that this would be suitable for domestic waste disposal and it is unclear from the application documents or from a site visit if animal hair is being stored or washed down the sink. The latter would be problematic in my view, and could lead to issues with drainage both for the site and for surrounding dwellings. Additional details of waste volumes and suitable waste disposal measures should be requested by way of condition.

7.7. Environmental Impact Assessment

7.7.1. Having regard to the nature and scale of the proposed development, 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.

7.8. **Appropriate Assessment**

- 7.8.1. Having regard to the nature and scale of the proposed development within a serviced area and 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.

8.0 **Recommendation**

- 8.1. Grant permission.

9.0 **Reasons and Considerations**

Having regard to the zoning objective for the site and the policies of the current Dublin City Development Plan 2016-2022, it is considered that the proposed development would not seriously injure the residential or visual amenity of the area, nor would it result in a material impact on the surrounding road network. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 **Conditions**

1. The development shall be retained, and completed, in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on the 23rd January 2019, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. Within 1 month of the date of this order, details of the means of waste disposal, including the disposal of animal hair and wastewater, shall be submitted for approval in writing by the planning authority. The applicant

shall also consult with Dublin City Council's Environmental Health Section and shall ascertain and comply with their requirements, if any, in regard to the prevention of a health hazard in the development

Reason: In the interests of public health.

3. Notwithstanding the provisions of the Planning & Development Regulations 2001(As Amended), no advertisement signs other than hereby permitted, including any signs installed to be visible through the windows; advertisement structures, banners, canopies, flags, or other projecting element shall be displayed or erected on the building or within the curtilage, or attached to the glazing without the prior grant of planning permission.
Reason: In the interest of clarity, visual amenity and the proper planning and sustainable development of the area

Reason: In the interest of visual amenity.

4. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. No pets associated with the dog grooming parlour shall be kept on the premises overnight.

Reason: In the interest of residential amenities.

6. Within 6 months of the date of this order, the developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the

terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Rónán O'Connor
Planning Inspector

26th February 2019