



An
Bord
Pleanála

inspector's Report ABP-303275-18

Development	Retention of a timber shed structure.
Location	2 Barry Drive, Finglas West, Dublin 11, D11 H2YH
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	4065/18
Applicant(s)	Angela Brown
Type of Application	Retention Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Angela Brown
Observer(s)	None
Date of Site Inspection	8 February 2019
Inspector	Una Crosse

1.0 Site Location and Description

- 1.1. The site comprises the property known as No. 2 Barry Drive in Finglas which has a stated area of 321 sq.m and which accommodates a two storey end of terrace dwellinghouse which has been extended and the rear garden of same which accommodates a single storey timber structure, the side gable of which, addresses the rear boundary of the site. The site is adjoined to the east by a boundary wall which addresses the public road and an open space beyond and to the west by the adjoining terrace dwelling. The rear of the property adjoins the rear of No. 41 Barry Avenue a semi-detached dwelling located to the rear of the site.

2.0 Proposed Development

- 2.1. The development seeks the retention of a timber shed structure which is single storey with a pitched roof and stated overall pitch height of 3.46m, eaves height of 2.2m and has a stated area of 63.6 sq,m. The structures side gable addresses the rear elevation of the existing house and the front of the structure addresses the side boundary wall. The shed also includes drainage with a WC within the structure.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Permission was refused by the Planning Authority for the following reason:

The timber shed structure proposed for retention, which would have an overbearing impact on the adjoining occupier at 4 Barry Drive, would represent over development of the site, providing a cramped form of development which is out of character with the established pattern of development in the area, also failing to provide an adequate standard of residential amenity for the occupier of the extended dwelling. The proposed development, would therefore, by itself and by the precedent it would set for other development, seriously injure the amenities of property in the vicinity, be contrary to the provisions of the Dublin City Development Plan 2016-2022 and be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The assessment in Planning Report from Dublin City Council is summarised as follows:

- Noted that section 16.10.12 and Appendix 17 of the City Plan impress the need for careful consideration to be given to the design of residential extensions to ensure they respect and reflect the character of the existing dwelling and ensure they would not have a significant impact on the amenities of adjoining properties;
- Whilst no in-principle objection to provision of a shed structure to the rear of the property there are concerns that the shed is very large and occupies practically all of the rear garden of the site contrary to City Plan requirements;
- It abuts the western property boundary with its 2.2m eaves height and 3.46m roof height and is a prominent feature in rear facing views from the adjoining property;
- Shed is also prominent in views of the site from the east over the side boundary wall and considered that the shed has an overbearing impact on the residential amenity of the adjoining occupier to the west;
- Also considered that a development of this scale constitutes overdevelopment of the site providing a cramped form of development which is out of character with the established pattern of development in the area with the scale of the development seeing a large portion of the rear garden developed significantly reducing the quality of the residential environment provided to occupiers of the dwelling in the future.
- Considered that a grant of permission of the current scale would set an undesirable precedent for future development in the area;
- Noted that permission previously granted in 2015 for a large extension of the property which would occupy an area of c.95 sq.m located to the side of the dwelling which would provide a form of development which could be accommodated on the site without any significant impact on the amenities of the area or of adjoining properties;

- Not considered that the scale of the permitted extension provides any justification or precedent for the scale of the shed proposed for retention;
- AA screening provides that significant effects are not likely to arise with a full AA not required.
- Recommended that permission is refused (reason as per Section 3.1 above).

3.2.2. Other Technical Reports

Drainage Division – no objection subject to conditions

3.3. Prescribed Bodies

No reports received.

3.4. Third Party Observations

No third party observations.

4.0 Planning History

Ref. 3594/15 – Permission was granted for removal of existing single storey side extension and construction of a two-storey front and side extension.

5.0 Policy Context

5.1. Development Plan

Site is zoned Z1 the objective of which is '*to protect, provide and improve residential amenities*'.

Policy 16.2.2.3 of the City Development Plan deals with alterations and extensions with the Plan stating that extensions should be integrated with the surrounding area, ensuring that the quality of the townscape character of buildings is retained. It states that extensions should be sensitively designed and detailed to respect the character of existing buildings. It states that extensions should also:

- Respect any existing uniformity of the street, together with significant patterns, rhythms or groupings of buildings;

- Retain a significant proportion of the garden space;
- Not result in the loss of features which contribute to the quality of the existing building;
- Be confined to the rear in most cases;
- Be clearly subordinate to the existing building in scale and design;
- Incorporate a high standard of thermal performance and appropriate sustainable design features;

Section 16.10.12 refers to extensions and alterations to dwellings and states that permission will only be granted where the PA is satisfied that the proposal will not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, access to daylight and sunlight.

Appendix 17 outlines guidelines for residential extensions with general advice which outlines much of the aforementioned principles.

5.2. **Natural Heritage Designations**

None of Relevance

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The grounds of appeal are summarised as follows:

- Shed is being used as an overflow multi-use space of the main dwelling due to over occupancy of the appellants family within the main house;
- Disagree there is an established pattern of character in the area as the rear sites all along Barry Drive have an array of extensions and sheds spanning to the side, full width and in some cases 2-storey builds which would be clarified by a site visit;

- In relation to residential amenity the shed acts as a multipurpose space including play area with a large private garden available to the front with a large public green space adjacent to the property which the family use;
- Letter attached from daughter-in-law of appellant states that she is currently living in the property with her husband (appellants son) and two children with another baby due (December 2018);
- The family were previously renting a house until September 2018 when they were evicted as landlord was selling property and left with nowhere to go;
- Appellant allowed the family live in the log cabin she had built as the main house hasn't the capacity to accommodate 5 more people so the log cabin is used as an overflow space;
- Supporting letter attached from neighbour in No. 4 Barry Drive states that they have no objection to the log cabin in No. 2 as it doesn't impact on them or their property and they support the application;

6.2. **Planning Authority Response**

None received.

7.0 **Assessment**

7.1. **Principle of Proposal**

The proposal seeks the retention of a timber shed structure within the rear garden of a residential property. The structure in question is being used as overflow accommodation for the property. I consider that the principle of extending the accommodation associated with the dwellinghouse is acceptable. An extension to the house was previously permitted and while the format of same is somewhat different, the principle of providing additional accommodation on the site remains the same. I would however suggest to the Board that if they are minded to grant permission that they could attach a condition that the structure is not let or leased separately to the main house.

7.2. **Character of the Area**

7.2.1. One of the matters which is of concern to the PA is the structures impact on the character of the area and the precedent which the granting of permission would create. I would note that while the structure can be seen from the surrounding area as it extends above the side boundary wall there are a variety of different extensions and structures located within the private rear and side gardens of adjoining properties. I would consider that the character of the area within which the site is situate could be described as robust. I do not consider that the structure detracts in any significant way from the character prevailing in the area and I do not consider that it would establish an inappropriate precedent given there are few properties with similar configurations.

7.3. Residential Amenity

7.3.1. I note that there are effectively two concerns regarding residential amenity. The first is the potential impact on the adjoining property to the west (No. 4 Barry Drive). I note the letter of support from the occupant of same and on my visit to the site I sought access to the rear garden of this property but permission for same was not forthcoming. Notwithstanding I would note that it is the eaves of the structure at c. 2.2m that directly adjoin the property to the west with the ridge of the structure removed from the party boundary. I do not consider that the structure which is east of the rear garden of No. 4 would significantly impact on the amenity of the rear garden of the adjoining property. In this regard I do not consider that the matter of impact on residential amenity of the adjoining property to the west is of concern.

7.3.2. The second matter of concern is the impact on the residential amenity of the existing main house on the site, the rear garden of which, has been significantly reduced by reason of the shed structure subject of the appeal. While I would agree that the rear private open space associated with the property has been significantly reduced I note, as outlined by the appellant that there is a significant area of private open space to the front of the house and a public open space to the east. I would also note that the appellant's application form to the City Council notes that the house currently accommodates 8 adults and 3 children. In this regard, given that the occupants of the property having pressing accommodation needs, I would suggest that the accommodation needs take precedence over their need for private amenity space.

7.4. Appropriate Assessment

- 7.4.1. Having regard to nature and scale of the proposal which seeks to retain a modest timber structure within the curtilage of an existing dwelling, 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.

7.5. Development Contributions

- 7.5.1. I would note that the Dublin City Council Development Contribution Scheme provides that the first 40sq meters of extensions to a residential development (subsequent extensions or extensions over and above 40 square meters to be charged at the residential rate per square meter). Therefore the area about 40sq.m is subject to the scheme and a condition should be attached if the Board are minded to grant permission.

8.0 Recommendation

- 8.1.1. I recommend that planning permission should be granted subject to the conditions outlined below.

9.0 Reasons and Considerations

Having regard to the nature and design of the development proposed for retention, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of residential amenity and would not detract from the character of the area. 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 carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the

further plans and particulars submitted on the 2nd day of October, 2018, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The external finish of the timber shed structure shall comply with details indicated on documentation submitted to Planning Authority on 2nd day of October, 2018.

Reason: In the interest of visual amenity.

3. The existing dwelling and timber shed structure shall be jointly occupied as a single residential unit and the timber shed structure shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the structure in the interest of residential amenity.

4. (a) All foul sewage and soiled water shall be discharged to the public foul sewer.
(b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

Reason: In the interest of public health.

5. Water supply and drainage arrangements, including the attenuation and 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.

6. 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 paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and 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.

Una Crosse
Senior Planning Inspector

11 February 2019