



An
Bord
Pleanála

Inspector's Report ABP-303605-19

Development	Demolition of outbuildings & erection of garden/storage room.
Location	20, Lavarna Grove, Terenure, Dublin 6W
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	WEB1584/18
Applicant(s)	Suzanne Mannering
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party V Grant
Appellant(s)	Joesph G Kelly & Ann E Kelly
Observer(s)	Eamon & Eileen Keating Donal & Elizabeth Collins Terenure West Residents Association
Date of Site Inspection	17 th April 2019
Inspector	Ronan O'Connor

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1.0 Site Location and Description

- 1.1. The site is located on the north-western side of Lavarna Grove. On site is a semi-detached two-storey dwelling with existing outbuildings to the rear.

2.0 Proposed Development

- 2.1. Demolition of outbuildings & erection of garden/storage room.

3.0 Planning Authority Decision

3.1. Decision

Grant permission. Conditions of note are:

- Condition 2 (a) depth to be a maximum of 7.5m along boundary with 18 Lavarna Grove (b) max height to be 3 m
- Condition 3 - not to be used for commercial use/not separated from the principal dwelling by lease or sale.

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:

- Height and depth of the proposed outbuilding would have a detrimental impact on neighbours having regard to overbearing and enclosure
- Condition a decrease in height and depth
- No overlooking
- Use of the outbuilding is considered ancillary to the dwelling.
- Sufficient open space remains.

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. 4 no. submissions were received. The issues raised are covered in the Grounds of Appeal and within the Observations on the appeal.

4.0 **Planning History**

4.1.1. None.

5.0 **Policy and Context**

5.1. **Development Plan**

Dublin City Development Plan 2016-2022

The site is zoned Z1 'To protect, provide and improve residential amenities'.

Relevant Sections of the Development Plan include:

- Section 16.2.1 Design Principles

5.2. **Natural Heritage Designations**

5.2.1. None.

5.3. **EIA Screening**

5.3.1. Having regard to the nature and scale of the proposed development, an outbuilding, 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.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The Third Party Grounds of Appeal, from the occupiers of No. 18 Lavarna Grove, are as follows:

- Existing buildings are level with existing boundary wall/cause no overshadowing/not really visible.
- Backs onto the houses on Lavarna Grove/no outbuildings as tall as the ones proposed.
- Photographs enclosed with appeal submission.
- Proposal is still too high even with the reduction to 3m and is still too deep.
- Will create huge visual intrusion not experienced before.
- Relevant comparison between an exempt structure of 25 sq. m. and the proposed structure of 56 sq. m.
- Will reduce light/will be a visual intrusion
- Will be overbearing
- Appellant's garden level is up to 45cm below level of appeal site/increases relative height.
- Will impact on ability to enjoy garden.
- Would set a detrimental precedent/would destroy area.
- Would impact on value of property.
- Approve conditions 3 and 4.

6.2. Applicant Response

6.2.1. None.

6.3. **Planning Authority Response**

6.3.1. None.

6.4. **Observations**

6.4.1. 3 no. observations received.

Eamon and Eileen Keating, 14 Lavarna Grove

- Still too high/set a dangerous precedent.
- Out of character/if replicated would cause overshadowing.
- Development description is inconsistent.
- Application could be made to amend the condition relating to commercial use.

Donal and Elizabeth Collins, 20 Lavarna Grove

- Height and size is out of proportion.
- Will cause significant visual impact.
- Sets an unacceptable precedent.
- Permission could be sought at a later date for commercial or residential use.
- Any further discharge to sewer should be monitored.

Terenure West Residents Association

- Undesirable to have greater coverage of buildings.
- New build should not have a greater extent than existing.
- Support neighbours objections.
- No reason why height of garden wall should be exceeded.

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 Development
- Impact on Residential Amenity
- Other Issues
- Appropriate Assessment

7.2. Principle of Development

7.2.1. The site is zoned Z1 'To protect, provide and improve residential amenity'. Residential development is permissible in such areas, subject to safeguards. As such, an outbuilding, ancillary to the enjoyment of the dwelling house, is acceptable in principle, subject to the considerations below.

7.3. Impact on Residential Amenity

- 7.3.1. There are existing outbuildings to the rear of the appeal property with a height that is similar to the boundary walls. As such the impact of same is limited when viewed from neighbouring gardens.
- 7.3.2. The proposal seeks to demolish these existing outbuildings and construct a single outbuilding with a height of 3.6m, a depth of 8.5m along the boundary with No. 18 Lavarna Grove, and a depth of 9.2m along the rear boundary.
- 7.3.3. I note the planning authority has conditioned the height to be a maximum of 3m and the depth to be a maximum of 7.5m along the boundary with 18 Lavarna Grove.
- 7.3.4. However I consider both the original proposal, and the proposal amended by way of condition, to be excessive in height and scale, and would result in a structure that is overbearing when viewed from the garden of No. 18 Lavarna Grove to the north-east and also when viewed from the rear gardens of No. 22 Lavarna Grove to the south-west and No. 19 Lavarna Road to the north-west.
- 7.3.5. I concur with the appellants, and the observers on the appeal, in that the scale of the proposed outbuilding is not replicated in the immediate area, and would set an

undesirable precedent for such development, which is inappropriate in a suburban setting.

- 7.3.6. As such I consider the proposal would result in serious injury to the amenity of the area, contrary to the zoning objective to protect residential amenity.

7.4. **Other Issues**

- 7.4.1. Any use, other than that ancillary to the enjoyment of the existing dwelling house, would not be appropriate and should the Board be minded to grant permission, a condition should be imposed restricting the use of the outbuilding.

7.5. **Appropriate Assessment**

- 7.5.1. Having regard to the nature and scale of the proposed development, an outbuilding ancillary to a residential dwelling, 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.

8.0 **Recommendation**

- 8.1. Refuse permission.

9.0 **Reasons and Considerations**

Having regard to the excessive height of the proposed outbuilding, and extent of the proposed outbuilding along adjoining boundaries, it is considered that the overall scale of the proposed development would be inappropriate for this residential area, would set an undesirable precedent for similar development, and would seriously injure the residential amenity of surrounding residents. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Rónán O'Connor
Planning Inspector

17th April 2019