



An
Bord
Pleanála

Inspector's Report
ABP-304575-19

Development	Extend and convert an existing storage shed into a home office.
Location	52E Mount Argus Road, Harold's Cross, Dublin 6. D6W HW32.
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	WEB1138/19
Applicant(s)	James O'Brien & Cornelia Raftery
Type of Application	Permission
Planning Authority Decision	Grant Permission with conditions.
Type of Appeal	Third Party
Appellant(s)	Siobhan & Marcus O'Doherty
Observer(s)	None
Date of Site Inspection	7 th August 2019
Inspector	Paul O'Brien

1.0 **Site Location and Description**

- 1.1. The subject site contains a two-storey end of terrace house and associated private amenity space located at 52E Mount Argus Road, Harold's Cross, Dublin 6. The terrace consists of five houses. The immediate area is characterised by a mix of semi-detached and terraced houses. To the north of the subject site is Mount Jerome cemetery.
- 1.2. The site is unusual in that there is a single-storey detached structure that appears to be a garage/ shed located to the front of the house, set back slightly from the boundary wall along this residential street. The structure is provided with hardwood doors and has a flat roof. A separate entrance provides access to a driveway serving the house. The front boundary consists of a capped and rendered wall and there is extensive landscaping to the front of this garden.

2.0 **Proposed Development**

- 2.1. The proposed development consists of the extension and conversion of the existing storage shed for use as a home office. An existing timber shed is to be removed and it also appears that a tree will be removed to allow for the development.
- 2.2. The proposed development will provide for an additional stated 6.45 sq m of floor area. The floor area will change in use from a garage/ store to a home office, lobby/ storage/ tea station and WC. An existing boiler will be relocated to a new exterior store/ cupboard.
- 2.3. The proposed development also includes the extension of the footprint of the structure by 300 mm to the front; the existing hardwood door will be retained for use in the relocated position.
- 2.4. Part of the boundary wall between 52E and 54 is to be raised by a stated 550 mm by way of a wooden slat screen on top of the existing boundary wall.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission subject to conditions. The conditions are standard referring to use of the structure (not to be separated from the principal dwelling by lease or sale, not to be used for commercial purposes), construction noise/ hours limits, drainage requirements and archaeological control.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Authority report reflects the decision to grant permission subject to conditions.

3.2.2. Other Technical Reports

Drainage Division: No objection subject to conditions.

3.3. Third Party Observations

One letter of observation was received from the appellant and the issues raised are the same as in the submitted appeal.

4.0 Planning History

- 4.1. PA. Reference 4443/06 refers to a 2007 grant of retention permission for a new entrance hall to the side of No. 52E Mount Argus Road and for changes to the front elevation and for a new shed in the front garden.

5.0 Policy and Context

5.1. Development Plan

Under the Dublin City Development Plan 2016 – 2022, the subject site at 52E Mount Argus Road is zoned Z1 'To protect, provide and improve residential amenities'.

Chapter 16 – Development Standards: Design, Layout, Mix of Uses and Sustainable Design provides extensive guidance on residential development.

5.2. Natural Heritage Designations

None.

6.0 The Appeal

6.1. Grounds of Appeal

The neighbours at no. 54 Mount Argus Road have lodged an appeal against the grant of permission. The main issues include:

- The provision of a single-storey structure located in the front garden/ forward of an established building line is out of character with the area.
- Reference inaccuracies in the dimensions of the extension to the structure.
- The proposed development will almost double the floor area of the structure.
- Proposal to raise the height of the boundary wall by almost 1 m.
- The alterations to the boundary will result in overbearing on the neighbouring property.
- The existence of the shed since 2006 should be not be justification for its extension.

6.2. Applicant Response

A detailed response has been provided addressing the matters raised in the appeal. The following comments are made by the applicant:

- No objection to the condition preventing the use of the structure as a separate habitable unit, the applicants only intend using it as a home office.
- Part of the existing building has been in existence for some time and probably longer than most of the houses on Mount Argus Road. The structure was originally within the rear garden of no.53 Lower Kimmage Road.
- Inaccuracies in the submitted drawings/ elevations are minor in nature and refer to the existing structure rather than the proposed extension.
- Revisions to the boundary are minor in nature. The timber slats were proposed to improve the appearance when viewed from the adjoining property. In addition, this is a replacement for a trellis that was removed due to disrepair.
- Overbearing on the neighbouring property from the proposed development is not foreseen.
- The extension to the shed will not set a precedent as a significant portion of it has been in place for over 70 years with planning permission received for the remainder of the unit.

6.3. Planning Authority Response

- None received.

6.4. Observations

- None.

7.0 Assessment

7.1. The main issues that arise for assessment in relation to this appeal can be addressed under the following headings:

- Principle of Development
- Design, Impact on the Character of the Area and Residential Amenity
- Other Issues
- Appropriate Assessment Screening

7.2. Principle of Development

7.2.1. The proposed development consists of the extension of an existing storage/ shed by 6.5 sq m and for a change of use to a home office. The internal layout to consist of a home office, lobby/ storage/ tea station and a WC. A boiler is to be relocated. The size is zoned Z1 'To protect, provide and improve residential amenities' and the proposed development is acceptable in terms of the zoning objective.

7.3. Design, Impact on the Character of the Area and Residential Amenity

- 7.3.1. The location of the existing shed is unusual in that it is positioned so far forward on the site. However, I would have to accept the history as outlined by the applicant and the fact that permission was granted in 2007 (under PA. Ref. 4443/06 for a number of items including a new shed in the front garden of 52E Mount Argus Road. The subject structure is therefore well established on this site and street. A grant of permission or otherwise will not result in the removal of the structure.
- 7.3.2. It is considered that the extension to the structure is modest and will not adversely impact on the visual amenity of the area when viewed from the public street and from adjoining properties. From Drawing No. 1901_P2(a) it appears that the existing large tree to the north east of the structure will be removed. This will result in the loss of screening; however, the existing front boundary wall will screen much of the extension to the structure from view.
- 7.3.3. The change of use from store/ garage to a home office is acceptable. The Planning Authority conditioned that it not be used for commercial purposes and not be sold/

leased independently of the rest of the house; it is considered that such a condition should be included in the event that permission is granted.

7.3.4. The relocation of the hardwood doors by 300 mm is acceptable and does not impact negatively on the visual amenity of the area. The reuse of these doors is desirable.

7.3.5. The applicant has provided a justification for the timber slat screen on the top of the existing wall. However, it is considered that this should be omitted. The maintenance of the screening will require access to third party lands and there is no necessary reason to provide such a screening in this location.

7.4. **Other Issues**

7.4.1. The comments regarding inaccurate drawings etc. are noted, however adequate details have been provided to enable a full assessment of the development.

7.5. **Appropriate Assessment Screening**

7.5.1. Having regard to the nature and scale of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site; no Appropriate Assessment issues arise, and it is considered that the development would not give rise to a significant effect individually or in combination with other plans or projects on an European site.

8.0 **Recommendation**

I recommend that permission be granted subject to the following conditions and reasons.

9.0 **Conditions**

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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
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	<p>to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <p>(a) The wooden slatted screen on top of the boundary wall between no. 52E and no. 54 Mount Argus Road shall be omitted in its entirety.</p> <p>(b) The external treatment of the extended structure shall be a dash or render finish.</p> <p>Reason: In the interest of residential amenity.</p>
3.	<p>The existing dwelling and the extended home office shall be jointly occupied as a single residential unit and the home office shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling. The home office shall not be used for commercial purposes.</p> <p>Reason: To restrict the use of the home office in the interest of residential amenity.</p>
4.	<p>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.</p> <p>Reason: In the interest of public health and to ensure a proper standard of development.</p>
5.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p> <p>Reason: To protect the amenities of the area.</p>
6.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
7.	<p>The developer shall comply in full with the following:</p> <p>(a). If, during the course of site works and construction archaeological material is discovered, the Planning Authority shall be notified immediately. Further, it is obligatory under the National Monuments Amendment Act 1994 that such is brought to the attention of the National Monuments Service, Department of Culture, Heritage and the Gaeltacht, and the National Museum of Ireland.</p>

	<p>(b). In the event of an archaeological find on site, the Planning Authority (in consultation with the City Archaeologist and the National Monuments Service, Department of Culture, Heritage and the Gaeltacht) shall determine the further archaeological resolution of the site. If no archaeological remains are encountered, then no further archaeological mitigation shall be required.</p> <p>Reason: In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development.</p>
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Paul O'Brien
Planning Inspector

9th August 2019