



An
Bord
Pleanála

Inspector's Report ABP306296-20

Development	Retain a porch and ramp to the front elevation and retain the first-floor exit door, fire escape stairs and air conditioner inverter units on the rear elevation.
Location	Unit 64C Heather Road, Sandyford Industrial Estate, Dublin 18.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D19A/0741
Applicant(s)	Grosvenor Services Limited
Type of Application	Retention Permission
Planning Authority Decision	Grant With Conditions.
Type of Appeal	Third Party
Appellant(s)	Grant Moran
Observer(s)	None
Date of Site Inspection	20 th February 2020
Inspector	Hugh Mannion

1.0 Site Location and Description

- 1.1. The site has a stated area of 0.1130ha and comprises about 1/3 of a two-storey light industrial/warehousing building which has been subdivided into units 64A, 64B and 64C Heather Road, Sandyford Industrial Estate, Dublin 18. The industrial estate is accessed off the M50 at junction 14 and has access to the Stillorgan and Sandyford green line Luas stops.

2.0 Proposed Development

- 2.1. Retain a porch and ramp to the front elevation and retain the first-floor exit door, fire escape stairs and air conditioner inverter units on the rear elevation at Unit 64C Heather Road, Sandyford Industrial Estate, Dublin 18.

3.0 Planning Authority Decision

3.1. Decision

Grant with 3 conditions. Condition 2 related to noise emissions from the building. Condition 3 referred to dust/fumes, vibration from the building.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planner's report recommended a grant of planning permission as set out in the manager's order.

3.2.2. Other Technical Reports

Transport Planning sought provision of footpaths as existed prior to the carrying out of the works.

The **Environmental Health Officer** recommended conditions in relation to noises and other emission to the air.

Surface Water Drainage Section reported no objection.

4.0 Planning History

- 4.1. Under ABP304184-19 Permission was granted on appeal for weather protection cover which linked the two buildings 65 and 64A Heather Road, Sandyford Industrial estate. This cover was in place at the time of my site inspection.

5.0 Policy and Context

5.1. Development Plan

- 5.2. The site is within an area zoned “to improve and provide for low density warehousing/light industrial warehousing uses” in the Sandyford Urban Framework Plan which is appended as Appendix 15 of the Dun Laoghaire Rathdown County Development Plan 2016-2022.

5.3. Natural Heritage Designations

Not relevant.

5.4. EIA Screening

- 5.5. Having regard to the modest scale of the proposed development and its location within an appropriately zoned and serviced area there are no likely significant environmental impacts arising therefrom.

6.0 The Appeal

6.1. Grounds of Appeal

- The applicant does not own the land on which the proposed development is situated. These lands are in the ownership of the appellant (Grant Moran).
- The porch has been constructed in a manner which has removed a footpath and forces pedestrian out onto the public road.
- The application site notice was placed on an incorrect site.

6.2. Applicant Response

- The issue raised in the appeal raises a legal matter not a planning matter and is being addressed by the applicant's solicitors.
- The porch replaced an earlier porch which existed prior to the appellant's acquisition of the land.

6.3. Planning Authority Response

- The appeal does not raise new matters.

6.4. Observations

- None

7.0 Assessment

7.1. Background.

7.2. The site part of an existing light industrial/warehousing building in Sandyford industrial estate. This is a retention application. The first element of the application is the single storey porch on the northern elevation of the building protecting the front door. There is a wheelchair ramp to the east allowing access to the porch and subsequently into the building. The second element of the application is a first-floor fire escape door, associated stairs and ventilation equipment on the eastern elevation.

7.3. The porch extension faces onto an access/circulation area and will not be out of character with the commercial nature or visual amenity of the area. The fire escape and ventilation equipment face onto an infrequently used access way running between units 65 and 64 Heather Road. Having regard to these factors I conclude that the proposed development will accord with the zoning objective for the area.

7.4. Pedestrian safety.

7.5. The appeal makes the point that the porch/access ramp has removed a previous footpath along the side of the building and forces pedestrian out into the public road.

7.6. The area onto which the ramp and porch opens is a hard-surfaced parking and circulation space. There are about 10 parking spaces along the eastern site boundary which are accessed over this hard-surfaced area but otherwise this is a cul de sac serving only the application building and speeds are necessarily restricted. I conclude that the proposed porch/access ramp would not give rise to serious conflict between pedestrian and vehicular movements and thereby endanger public safety by reason of traffic hazard.

7.7. Conditions attached by the Planning Authority.

7.8. The planning authority attached conditions in relation to noise emissions and odours, dust, fumes and noise vibration.

7.9. I stood beside these air conditioning units during working hours as part of my site inspection and there was a low hum from the units. Having regard to the nature of the application as an amendment to a permitted light industrial use, the zoning objective for the site for low density warehousing/light industrial warehousing uses, the orientation of the air conditioning elements facing north onto an neighbouring building which has no windows on the opposing elevation, the adjoining car parking area, boundary hedge and landscaped area adjoining an access road to the east I consider that these conditions are unnecessary to protect the proper planning and sustainable development of the area.

7.10. Title to Property.

7.11. The appeal makes the point that the development proposed for retention is on lands not in the applicant's ownership. The applicant responded to the appeal to state that this is not a planning matter. The planning authority did not comment but the planner's report stated that the issue is covered by section 34(13) which provides that a person is not entitled to carry out development on foot of a planning permission where other impediments intervene.

7.12. It is possible to distinguish between sufficient legal interest to make a valid application and sufficient legal interest to carry out development. The Development Management Guidelines for planning authorities make the point (section 5.13) that where a doubt in relation to the validity of the application is raised by a third-party further information may have to be sought from the applicant to clarify the matter. In this case the matter of the applicant's legal interest was raised with the planning

authority early on in the application process by the current appellant, but the planning authority did not seek further information on this matter from the applicant.

7.13. I consider that the Board has no role in correcting any deficiency in the processing of the application by the planning authority.

7.14. I consider that the Board must consider the application before it on its planning merits and I have concluded earlier that there are no planning reasons to refuse planning permission. I agree with the applicant that a planning permission of itself is not sufficient to carry out development where other impediments apply.

7.15. **AA Screening**

7.16. Having regard to the modest scale of the proposed development, its location within an appropriately zoned and serviced area and the foreseeable emissions therefrom I am satisfied that 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 granted.

9.0 **Reasons and Considerations**

Having regard to the zoning objective of the site to facilitate low density warehousing/light industrial warehousing uses as set out in the Dun Laoghaire Rathdown County Development Plan 2016-2022, the orientation of the air conditioning elements facing onto an adjoining building and, to the east, a boundary hedge and landscaped area adjoining public road, the existing pattern of development in the vicinity it is considered that, the development for which retention permission is sought would be acceptable in terms of pedestrian safety, visual amenity and the proper planning and sustainable development of the area.

Hugh Mannion
Senior Planning Inspector
18th March 2020