



An
Bord
Pleanála

Inspector's Report ABP-308648-20

Development	Retention permission for a 50.63 sq m single-storey structure with an overall height not exceeding 3.3 m. This structure is ancillary to the existing business operating on site.
Location	25 Granville Park, Blackrock, Co. Dublin.
Planning Authority	Dun Laoghaire-Rathdown County Council.
Planning Authority Reg. Ref.	D20A/0606
Applicant(s)	Derek Pilkington
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant	James O'Neill
Date of Site Inspection	24 th February 2021
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site with a stated area of 0.0940 hectares, comprises of an almost triangular area of land located at the end of a driveway attached to a residential cul-de-sac, which is located to the west of Granville Park, Blackrock, Co. Dublin. The cul-de-sac is relatively short and serves a number of detached houses on relatively large sites. At the western end is a short driveway of circa 50 m in length that provides access to houses and the subject site to the north west.
- 1.2. On site are low units on the north eastern, north western, and southern sides of this development with car parking located in the middle. The units are single-storey, with mono-pitch roof and are finished in dash. The subject unit is located to the southern side and this unit is different to the rest as it is finished in timber panelling and presents a more modern appearance to the other units. Two double sided doors and two windows are located to the northern elevation.
- 1.3. The site boundary consists of a random rubble type stone wall and which is higher than the buildings on site. The car parking/ access is surfaced with tarmac/ loose stones. The only lighting, I saw was in the form of security type lights attached to the buildings and focused inwards towards the on-site car parking.
- 1.4. The location of Granville Park is addressed as Blackrock. It is located to the south east of Newtownpark Avenue and the junction of Newtownpark Avenue and Granville Park is approximately 520 m to the north east of the Junction of Newtownpark Avenue and the Stillorgan Road/ N11 at Galloping Green.

2.0 Proposed Development

The development consists of the retention of a single-storey, storage unit with a stated floor area of 50.63 sq m. This unit is ancillary to the existing business on site. The unit has a maximum height of 3.3 m and is finished in timber panelling with two windows and two doors on the front/ northern elevation.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission subject to conditions, which were generally standard.

3.2. Planning Authority Reports

3.2.1. Planning Report

The Planning Authority Case Officer's report reflects the decision to grant permission for the retention of this unit subject to conditions. The planning history of the site was considered in detail and the subject development is different due to the reduced size of unit and that the use is for storage only. Previously a proposed unit included an office, lobby and two WCs, which would have resulted in a greater intensity of use.

3.2.2. Other Technical Reports

Municipal Services Department – Drainage Planning: No objection to this development subject to condition that suitable SUDs measures be implemented on site. A soakpit, rainwater harvesting tank or water butt were suggested solutions.

Transportation Planning: Note the received submission and concerns regarding increased traffic and parking issues. However, the scale of development/ intended use gives rise to no objection to the retention of this unit.

3.2.3. Prescribed Bodies

None

3.2.4. Objections/ Observations

A total of seven third party submissions were received, and the following issues were raised:

- A previous application under P.A. Ref. A93/0518 was refused permission due to intensification of use arising from this development, on a site that was a non-conforming use and that additional development would negatively impact on the residential amenity of adjoining properties.

- The increase in development/ intensity of use would result in additional traffic and parking concerns in the area.
- Parking problems through delivery trucks in the area blocking accesses etc.
- This development provides no benefit to the local area.
- Impact on property.
- Impact on services to house such as damage to underground pipes etc.
- Concern about issues of flooding etc.
- The provision of an extra toilet in the yard area may give rise to outflow of sewage.
- Damage to driveway pillars due to delivery vehicles using the site.

4.0 Planning History

There is no recent relevant applications on this site, however the following are referred to in the application/ submission/ appeal:

P.A. Ref. 92/1395 refers to a November 1992 decision to grant permission for new workshop stores.

P.A. Ref. 93A/0518 refers to a June 1993 decision to refuse permission for new workshop/ stores, with a stated floor area of 96 sq m. Three reasons for refusal were issued:

1. Having regard to the extent of the existing and previously permitted non-conforming use of this site it is considered that the proposed further intensification of development on this site would seriously injure the amenities of adjacent residential property and as such would be contrary to the proper planning and development of the area.
2. The site of the proposed development is zoned 'A' in the 1983 Dublin County Development Plan. The proposed development would result in site coverage in excess of the maximum site coverage normally permitted within an 'A' zoning and as such would be contrary to the proper planning and development of the area.

3. No details of an acceptable proposal for the provision of off street car parking facilities to 1983 County Dublin Development Plan standards have been submitted within the current application and as such the proposed development would be contrary to the proper planning and development of the area.

5.0 Policy and Context

5.1. Development Plan

- 5.1.1. Under the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022, the subject site is zoned A, ‘To protect and/ or improve residential amenity’. ‘Industry Light’ is listed within the ‘Open for Consideration’ category of this zoning objective.
- 5.1.2. ‘Industry: Light’ is described as ‘The use of a building or part thereof or land for industry (not being a special industry) in which the processes carried on or the machinery installed are such as could be carried on or installed in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit and may include a service garage but not a petrol station’.
- 5.1.3. Section ‘8.3.8 Non-Conforming Uses’ states the following:

‘Throughout the County there are uses which do not conform to the zoning objective for the area. All such uses, where legally established (the appointed day being 1 October 1964) or were in existence longer than 7 years, shall not be subject to proceedings under the Act in respect of continuing use. When extensions to, or improvements of, premises accommodating such uses are proposed, each shall be considered on their merits, and permission may be granted where the proposed development does not adversely affect the amenities of premises in the vicinity and does not prejudice the proper planning and sustainable development of the area’.

5.2. Natural Heritage Designations

None.

6.0 The Appeal

6.1. Grounds of Appeal

James O'Neill, of 27 Granville Park, has appealed the decision of Dun Laoghaire-Rathdown County Council to grant retention permission for a single storey store.

The following issues were raised in the appeal:

- The planning and general history of the site is outlined in detail.
- Refers to a number of inaccuracies in the planning application such as no reference to the provision of additional toilet facilities, no reference to planning applications prior to 1999 when the applicant acquired the site, no reference to flooding in the area and impact to underground services, which are in the ownership of the appellant.
- The provision of additional workshop facilities and the intensification of commercial activity here would damage the residential amenity of the area/ the 'A' residential zoning that applies to the site.
- The intensification of use would give rise to increased traffic, commercial vehicles and customers to the site.
- Access to the site is over the appellants driveway. It is not possible to widen this to provide for separate pedestrian facilities in addition to the vehicular roadway.
- Potential traffic/ pedestrian safety issues through the increased use of this site.
- Impact on the appellants property with reference to damage to pillars, planting and impact to underground services.
- Potential for increased outflows of sewage due to extra loading on existing private sewer.
- Nuisance through parking of vehicles in the area associated with the development site.
- The pandemic is not a justifiable reason for the construction of this unit without receiving planning permission in advance.
- The applicant has other lands in the area that would be more suitable for this development.

- The retention permission should be assessed on its own merits.

6.2. Planning Authority Response

- 6.2.1. The grounds of appeal do not raise any new matters, so no additional comment is made by the Planning Authority.

7.0 Assessment

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

- Nature of Development
- Impact on the Visual Amenity and Character of the Area
- Impact on the Residential Amenity of the Area
- Other Issues
- Appropriate Assessment Screening

7.2. Nature of Development

- 7.2.1. The development is for the retention of a 50.63 sq m storage unit which has a height of 3.3 m. The unit is finished in timber cladding and two double door and two windows are provided on the northern elevation. The eastern and southern elevations are fully clad, no windows or doors. The unit is attached to an existing building on the western side. The unit it is attached to is of a similar height/ design but has a painted render finish. The subject unit is for storage use and is set out in an open format. There is a separation of circa 0.5 m between the rear/ southern elevation and the boundary wall.

- 7.2.2. The applicant set out in a cover letter a reason for the development and subsequent application for retention. In summary the pandemic has required a change in work practices and additional space is required on site for social distancing reasons etc. I note from the planning history of the site that reference is made to distribution/ warehousing uses on these lands since at least the 1960s. It appears that the site was used as a builders' storage area in the 1950s when the other houses in Granville Park were under construction.

7.2.3. The site is zoned 'A' Residential in the current Dun Laoghaire-Rathdown County Development Plan 2016 – 2022. 'Industry-Light' is listed in the Open for Consideration category and I note that a printing business is located within the other buildings on site. From the available information, the applicant's business is involved in the provision of 'furniture and fittings to the catering and hospitality industries'. I do not foresee the need for any significant industrial processes; however, it is likely that furniture will have to be prepared here for onward delivery to the end user. Considering the established nature of this site and the operation of businesses here for over twenty years, I consider the development to be acceptable in terms of the 'A' zoning that applies to this site.

7.3. Impact on the Visual Amenity and Character of the Area

7.3.1. The unit to be retained is not visible from the public street. The height of the boundary wall, surrounding the site, ensures that the unit is screened from view from adjoining properties.

7.3.2. The design and location of the unit on site ensures that it integrates with the existing units. The use of timber cladding is acceptable and although this is a different finish to the other units on site, it presents a somewhat more contemporary appearance that improves the visual quality of the site.

7.4. Impact on the Residential Amenity of the Area

7.4.1. I have already commented on the nature of the use of this unit, and I do not foresee that any processes undertaken within the unit will impact negatively on the residential amenity of the area. The unit at 50.63 sq m is not large and will not allow for any significant intensification of uses on the overall site.

7.4.2. The location, design and height of the unit is such that it will not give rise to overshadowing leading to a loss of daylight/ sunlight to adjoining properties. There is no opportunity for overlooking from this unit as it is single storey, with windows facing northwards onto the car parking area. Nuisance associated with noise and light pollution is not foreseen through the height of the boundary wall ensuring the enclosure of the active area of the site which is primarily the car parking/ area to the front of the units.

7.4.3. The appellant has raised a number of specific issues in relation to this development. Increased traffic and concerns about traffic were raised. I note the report from the

Transportation Planning Section who raised no concerns as the development is relatively modest in scale/ nature. From the site visit it was apparent that there was a significant amount of car parking available and room for delivery vehicles. Concerns in relation to traffic/ pedestrian safety are noted, but again the modest scale of development is unlikely to generate significant increases in traffic. I do not foresee a significant increase in the number of delivery vehicles using the access laneway and the design of the building is such that it is not designed to accommodate large vehicles.

- 7.4.4. The appellant has raised a number of concerns in relation to impact to their property and references damages to pillars, planting, and services. No issue has been raised over the applicants right to access the driveway; a right of way has been well established over this access. The issues raised in relation to property damage appear to be legal matters between the appellant and the applicant and not directly related to planning.
- 7.4.5. Concern was also expressed about potential outflows of sewage due to increased loadings on the system. From the available information, the appellant indicates that the foul drainage pipe is private. The Municipal Services Drainage Section have reported no objection to the development subject to condition that suitable SUDs measures be implemented on site.

7.5. **Other Issues**

- 7.5.1. The appellant has referred to other aspects of development that are not included within the original application to the Planning Authority, such as the provision of additional WCs on site. As they are not included in the application, supporting plans or the public notices, they do not form part of this retention application.
- 7.5.2. I note the reference to the previous application refused in 1993. A refusal of permission does not prevent the subsequent submission of a similar development on the same site. The planning system provides an opportunity for reasons for refusal to be addressed by subsequent applications. The application submitted in 1993 would have been considered in terms of a very different County Development Plan to that currently in force.
- 7.5.3. The appellant is concerned that the development may be permitted primarily because the structure is already in place. As with all appeals, this development has

been assessed in accordance with the proper planning and sustainable development of the area.

7.6. **Appropriate Assessment Screening**

- 7.6.1. Having regard to the modest nature and scale of the development, which is proposed for retention, and the location of the site in a serviced, established, urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on a designated European site.

8.0 **Recommendation**

- 8.1. I recommend that retention of planning permission be granted for the following reasons and considerations as set out below.

9.0 **Reasons and Considerations**

- 9.1. Having regard to the provisions of the Dun Laoghaire-Rathdown County Development Plan 2016 - 2022 and the zoning for residential purposes, which allows for light-industrial development, to the location of the site in an established urban area and to the nature, form, scale and design of the development proposed for retention, it is considered that subject to compliance with the conditions set out below, the retention of this unit would not seriously injure the residential or visual amenities of the area. The development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 **Conditions**

1.	The development proposed for retention 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
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	<p>planning authority prior 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>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.</p> <p>(b) A suitable SUDs proposal shall be implemented on site for the written agreement of the Planning Authority.</p> <p>Reason: In the interest of public health.</p>
3.	<p>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.</p> <p>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.</p>

Paul O'Brien
Planning Inspector

15th April 2021