



An  
Bord  
Pleanála

## Inspector's Report

### ABP-308706-20

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<b>Development</b>	12 sq.m. structure in rear garden for use as a sewing room.
<b>Location</b>	6, St. Patricks Sq. Bray, Co. Wicklow
<b>Planning Authority</b>	Wicklow County Council
<b>Planning Authority Reg. Ref.</b>	20889
<b>Applicant(s)</b>	Noeleen Fletcher
<b>Type of Application</b>	Permission for retention
<b>Planning Authority Decision</b>	Refusal
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Noeleen Fletcher
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	30 <sup>th</sup> March 2021
<b>Inspector</b>	Suzanne Kehely

## 1.0 Site Location and Description

- 1.1. The appeal site relates to a mid-terraced dwelling of c. 70sq.m. in a residential enclave off the Dublin Road close to Bray town centre. The house is surrounded by similar houses on all sides. The house has a front garden/driveway and rear garden with an original depth of approximately 9.1-9.6m reduced to 5.1-5.6m by virtue of a single storey extension across the width of the dwelling. An additional detached structure, the subject of retention, has been constructed at less than 400mm from the boundary on each side and at a distance of 100mm-800mm from the rear boundary. It is just over one metre from the rear elevation of the extended dwelling and there is an intervening decked surface and steps up to the entrance door of the structure. A small timber shed is in the intervening space and is on the eastern boundary.
- 1.2. I inspected the premises in the afternoon and it comprised of a room with a small bathroom. It was sparsely fitted with a wardrobe and other small items. There was no evidence of sewing.
- 1.3. The adjacent houses have small extensions and appear to be residential in use.

## 2.0 Proposed Development

- 2.1. It is proposed to retain the structure as a sewing room. The drawings indicate:
  - An overall height of 2.99m with an internal floor to ceiling height of 2.3m.
  - The wc room is to be removed.

Note: The section drawings are drawn to a scale of 1:500 going by the dimensions and not 1:100.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. Notification of decision to refuse permission for the stated reason:

Having regard to the location of the structure occupying the full extent of the rear private amenity space of the existing dwelling on site, resulting in a

cramped, haphazard and unplanned arrangement and loss of private amenity space to serve the existing dwelling, the proposed development would constitute an unsustainable, substandard form of development that seriously injures the amenities of the existing dwelling and seriously injures the amenities and depreciates the value of property in the vicinity and would set an undesirable precedent for similar such development. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Report:**

There is a history of refusal of permissions for retention of a 12 sq.m. structure in the garden described as a log cabin and as a sewing room in planning authority cases refs. 19/1137 and 20/516 respectively.

UD5117 refers to an enforcement file which includes an Warning Letter concerning alleged unauthorised use of large wood chalet for residential use.

The report refers to planning policy for residential development and in respect of open space a guide of 50 sq.m. for 1-2 bed dwelling is required. The planning report refers to a rule of thumb of 0.64 sq.m. per 1 sq.m of the house floor area.

The assessment notes that no attempt has been made to address the previous reasons for refusal. The case made the applicant is also noted with respect to impacts on adjacent dwellings.

The structure is considered to severely adversely impact on the amenity of the house given the site coverage. The decision reflects the issues raised in the assessment.

### **3.3. Prescribed Bodies – Reports - None**

## **4.0 Planning History**

An Bord Pleanala refs. 306257 and 306381 refer to invalid appeals on the site.

## 5.0 Policy Context

### 5.1. Wicklow County Development Plan 2016-2022

- 5.1.1. The site is governed by the objective 'to protect, provide and improve residential amenities of existing residential area' (Zone RE) . Appendix 1 sets out standards for extension. Open space for 1-2 bed room dwellings is generally 50 sq.m.

### 5.2. Quality Housing for Sustainable Communities – Best Practice Guide, Department of the Environment, Heritage and Local Government

- 5.3. Section 4.3.5 refers to private open space and states 'Provision for private open space should take account of the requirements of the Development Plan for the area. Insofar as practicable, all dwellings should be provided with private space adjacent to the dwellings. The private space associated with individual dwellings should be clearly defined relative to other adjoining public and private spaces. Particular care should be taken in the design of boundaries of dwellings to ensure that they enhance the visual quality of the scheme as a whole.
- 5.3.1. Rear gardens and similar private areas should be screened from public areas, e.g., by the appropriate location of the main building structure or outbuildings and by the provision of screen walls or fences, as necessary. Rear gardens should not back onto roads or public open spaces. Provision should be made for an appropriately sized clothes-drying area, with footpath access, screened from public view. Rear gardens should provide safe and secure play areas for small children. The rear garden should be overlooked from the window of a living area or kitchen. Boundaries to rear gardens should be robust and provide an adequate level of security and privacy.'

### 5.4. Natural Heritage Designations

Not relevant

### 5.5. EIA Screening

- 5.5.1. Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any 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**

The applicant has lodged a first party appeal through an agent. The grounds of appeal are based on the following:

- It is submitted that the planning authority does not object to the principle of the structure and its use as sewing room in respect of its impact on other properties.
- The structure is modest and would not ordinarily be refused if the plot was larger.
- The perceived loss of amenity by the planning authority is not a concern to the applicant who should be free to decide the use of the property and whether the need for internal space exceeds the need for external space. A number of inspector's cases are cited in support of the case for reduced private open space.
- A garden area of 12 sq.m. offers very little amenity space.
- The case for impact on amenities on residential development in the vicinity has not been made and elaboration is requested in the response. The point is also made that that there were no objections.
- The structure described as a garden shed does not affect visual amenity of neighbouring residential development.

### **6.2. Planning Authority Response**

No further comments to planning report.

## **7.0 Assessment**

### **7.1. Issues**

- 7.1.1. This appeal relates to a proposal to retain a 12 sq.m. structure styled as a log cabin and described for use as a sewing room in the curtilage of dwelling house. The issues relate to open space and impact on residential amenity.

## 7.2. **Private Open Space.**

7.2.1. The original house is in the order of 55sq.m. and this has subsequently been extended by a 15.6sq.m. kitchen extension which has reduced the garden to just under 25 sq.m. The proposal to retain the structure centred in this space would result in no meaningful private open space and would fall seriously short of the Development Plan standards for private open space, provisions which I consider reasonable by reference to statutory standards for housing development. While there may be a situation in a dense urban environment that justifies a coherent design based approach to retrofitting small confined dwellings I do not consider there is anything in the proposal to warrant such a significant breach of standards.

## 7.3. **Residential amenity**

7.3.1. The structure is elevated above the ground and is around 3m in height and is very close to the boundaries over which it rises by about 1.2m. It is also higher than the extension of 2.65m. As the subject and adjacent gardens are around 4m in width, they are limited in their ability to visually buffer or absorb this scale of development. The shadow cast by such height and bulk in addition to the kitchen extension is also quite significant particularly for the dwelling to the north east which has not been extended and where a significant percentage of the garden will be consequently in shadow. For these reasons the retention of the structure would be visually obtrusive and have an overbearing impact,

## 7.4. **Conclusion**

7.4.1. On balance I consider the proposed retention amounts to overdevelopment and would constitute seriously substandard development on the site and furthermore would seriously injure residential amenity by reason of visual obtrusion and overbearing impact. In this way the proposed development does not accord with the principles for such domestic extensions (which I consider applicable) as contained in the development plan, but, rather, would conflict with its policies and objectives which seek to protect such amenity and would accordingly be contrary to the proper planning and sustainable development of the area.

## **8.0 Appropriate Assessment**

- 8.1. Having regard to the minor nature 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 not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **9.0 Recommendation**

- 9.1. I recommend that decision of the planning authority be upheld and that planning permission for the retention of development be refused based on the following reasons and considerations.

## **10.0 Reasons and Considerations**

The retention of the existing structure in the garden constitutes a seriously substandard form of residential development by reason of site coverage and lack of adequate private open space serving the extended dwelling house on the site. Furthermore it is considered to be visually obtrusive and overbearing as viewed from surrounding dwellings in a finely grained urban context. The proposed retention of the structure would therefore seriously injury residential amenity and be contrary to the Wicklow County Development Plan 2016-2022 objective 'to protect, provide and improve residential amenities of existing residential areas' and would accordingly be contrary to the proper planning and sustainable development of the area.

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Suzanne Kehely

Senior Planning Inspector

31<sup>st</sup> March 2021