



An
Bord
Pleanála

Inspector's Report ABP308847-20

Development	Retain a garden shed and radio mast.
Location	12 Stepside Park, Jamestown, Dublin 18.
Planning Authority	Dun Laoghaire Rathdown
Planning Authority Reg. Ref.	D20B/280
Applicant(s)	John Holland
Type of Application	Retention Permission
Planning Authority Decision	Refuse retention
Type of Appeal	First Party v Refusal
Appellant(s)	John Holland.
Observer(s)	Sinead West Marie Osvald Caffrey Lisa Smith Ulla Berntson Margaret Joyce Michelle Massey Raymond O'Malley

Olly Stokes
Declan Craig

Date of Site Inspection

3rd June 2021

Inspector

Hugh Mannion.

1.0 Site Location and Description

- 1.1. The site has a stated area of 0.04ha and comprises a detached two storey house at 12 Stepside Park, Jamestown, Dublin 18. The Stepside Park housing development is to the east of the Enniskerry Road/R117 just southeast of Stepside village. The application site is one of a row of 5 two storey houses with parking to the front, these houses are close to the junction of the main estate road with the Enniskerry Road/R117.

2.0 Proposed Development

- 2.1. The retention of a shed and two 10-metre-high radio antennas in the rear garden at 12 Stepside Park, Stepside, Dublin 18.

3.0 Planning Authority Decision

3.1. Decision

- 3.2. **Grant permission** for the shed subject to a condition that it be used solely for purposes ancillary to the enjoyment of the dwelling house and not as human habitation.

Refuse permission for the 10m high radio antennas.

- The site is zoned A for residential amenity in the County Development Plan and the antennas and supporting wires compose visual clutter in the area and would depreciate the value of property in the vicinity.

3.3. Planning Authority Reports

3.3.1. Planning Reports

The planner's report recommended refusal as set out in the manager's order.

3.3.2. Other Technical Reports

Drainage Division reported no objection.

4.0 Planning History

ABP309512-21 is a referral under section 5.

5.0 Policy and Context

5.1. Development Plan

The site is zoned A “to protect and or improve residential amenity” in the Dun Laoghaire Rathdown County Development Plan 2016-2022.

5.2. Section 8.2.9.9 makes the point that applicants for telecoms masts must;

- demonstrate compliance with the Planning Guidelines for Telecommunications Antennae and Support Structures’ (1996) and Circular Letter PL 07/12.
- Map the location of all existing telecoms structures within 1km.
- Demonstrate the visual impacts of the proposed mast and any mitigation measures.
- That beams from base stations do not impact on schools.
- The proposal must comply with Guidelines of the ‘International Commission on Non-Ionising Radiation Protection (ICNIRP)’ published in 1998 and any amending Guidelines, in order to reduce genuine public health and safety concerns.
- In circumstances where telecommunications antennae and structure(s) have the potential to adversely impact on the visual amenities of an area or on the existing building/structure, the Planning Authority would not normally grant permission. In cases where there is likely to be a visual impact, the applicant shall be required to submit a visual impact assessment.

5.3. Natural Heritage Designations

Not relevant

5.4. EIA Screening

5.5. Having regard to the nature of the development and the foreseeable emissions therefrom I conclude that no significant environmental impacts will arise and the requirement for the submission of an EIAR may be discounted at a preliminary stage.

6.0 The Appeal

6.1. Grounds of Appeal

- The antennas are incidental to the residential use of the property and are in accordance with the zoning objective for the area.
- The development is exempt under Class 3 of Part 1 Schedule 2 of the Planning and Development Regulations.
- The applicant holds a licence under the Wireless Telegraphy Act and from the Communications Regulator and is an amateur radio enthusiast. The applicant is a qualified engineer and the structure complies with good engineering practice.
- There are misconceptions in the area but there is no commercial aspect to the use of the antennas.
- The non-ionising radiation emitted from the structure is far lower than that emitted from TV or commercial radio broadcast equipment.
- Included in the appeal are several photos taken within the area which demonstrate that while the antennas are visible from certain aspects this does not detract from the visual amenity of the area. Mitigation of the visual impact can be achieved by moving the poles to the centre of the site away from the site boundaries, painting the poles green or brown adding additional planting within the site.
- There are several similar antennas on other sites in the wider area.
- The planning authority has no basis to conclude the proposed antennas will depreciate the value of property in the area.

6.2. Planning Authority Response

- The submitted photos do not accurately reflect the development on site.

6.3. Observations

- The masts are in conflict with section 8.2.9.9 of the County Development Plan in that it adversely impacts the visual amenity of the area and gives rise to visual clutter in the streetscape.
- The masts are excessively tall and may cause damage in adverse weather conditions.
- The masts distract motorists and cause traffic hazard.
- Trees are not good screening as they are bare in winter.
- The proposal does devalue neighbouring property.
- The masts are not exempted development.
- The applicant has done his best to accommodate the concerns of his neighbours.
- Amateur radio contributes much to community wellbeing.
- The visual impact is not unreasonable.

6.4. Further Responses

None.

7.0 Assessment

7.1. The Garden Shed.

7.2. The planning authority granted permission for the retention of the shed. The observations received by the Board to not object to this retention. Having regard to the domestic scale of the structure I conclude that it gives rise to no adverse impacts on residential amenity and should be granted retention permission.

7.3. The Two Masts Visual Impact

- 7.4. The planning authority refused permission for the retention of the radio masts because they would give rise to visual clutter, contravene the residential zoning objective for the area and depreciate the value of property in the area. Most of the observations lodged with the Board support this assessment.
- 7.5. There are a number main vantage points from which the masts are visible in the immediate area. Firstly behind (north) of the application site in St Patricks Park. St Patricks Park is an older housing development (possibly 1950s) than Stepside Park and there is a cul de sac with shared parking behind the application site. The masts are visible from this cul de sac and parking area but not in an unacceptable manner. Additionally, when viewed from close to the junction of the Stepside Park estate road with Enniskerry Road the masts are not visible. When viewed from directly across the street a mast is visible between numbers 12 and 13 and not visible from a vantage point further east in Stepside Park.
- 7.6. The applicant makes the case that he is an amateur radio enthusiast and uses the site, shed and mast in connection with that hobby. The test for acceptability in planning terms must be serious injury to the visual amenity of residential property in the area in a way that materially contravenes the Development Plan zoning for the area. Visibility alone does not equate to serious injury and, notwithstanding that there may be other points from which the masts are visible, I conclude that the visual impact within a reasonably proximate distance of the application site is acceptable.
- 7.7. **Traffic Hazard.**
- 7.8. The observations make the point that the masts distract motorists and may give rise to traffic hazard. It may be noted that there are several TV aerials, electricity poles, streetlamp standards and other elements within the environment into which the masts will integrate. I conclude that they will not distract motorists.
- 7.9. **Damage to property.**
- 7.10. The observations make the point that the masts have the potential to damage nearby property in the event of collapse in adverse weather conditions.
- 7.11. The same point could be made in relation to any structure and it may be noted in this context that the applicant has separate responsibility to avoid damage to adjoining property from activity carried on in his.

7.12. Devaluation of property.

- 7.13. The observations make the point that the masts will devalue property in the area. The assumption behind this point is that the masts create unacceptable visual impacts within the area sufficient to impact on property value. As stated above the masts are not visible in the immediate area in a manner as to seriously injure the amenity of property and I conclude therefore that they will not depreciate the value of property in the area.

7.14. Appropriate Assessment Screening

- 7.15. Having regard to the nature and scale of the proposed development, the foreseeable emissions therefrom, and nature of the receiving environment, 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 a grant of permission.

9.0 Reasons and Considerations

The application site is in an area zoned “to protect and or improve residential amenity” in the Dun Laoghaire Rathdown County Development Plan 2016-2022. It is considered that the proposed development is ancillary to the permitted residential use on site and would not seriously injure the residential amenity of nearby property or the visual amenity of the area and, subject to compliance with the conditions set out below would accord with the zoning for the area set out in the current County Development Plan and the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>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 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 existing dwelling and shed proposed for retention shall be jointly occupied as a single residential unit and the shed shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.</p> <p>Reason: To restrict the use of the shed in the interest of residential amenity.</p>
3.	<p>Details of the proposed colour scheme for the telecommunications structure, shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.</p> <p>Reason: In the interest of the visual amenities of the area.</p>
4.	<p>The disposal of surface water shall accord with the requirements of the planning authority.</p> <p>Reason: In the interests of public health.</p>

Hugh Mannion
Senior Planning Inspector

8th June 2021