



An  
Bord  
Pleanála

## Inspector's Report ABP-311018-21

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<b>Development</b>	Detached steel storage shed.
<b>Location</b>	129 Saint Maelruan's Park, Dublin 24.
<b>Planning Authority</b>	South Dublin County Council
<b>Planning Authority Reg. Ref.</b>	SD21B/0285
<b>Applicant(s)</b>	Kais Khalaf
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Kais Khalaf
<b>Date of Site Inspection</b>	21 <sup>st</sup> December 2021
<b>Inspector</b>	Colin McBride

## **1.0 Site Location and Description**

1.1. The appeal site, which a stated area of 0.015 hectares, is located to the south east of Tallaght town centre and within the existing housing development of Saint Maelurans Park. The appeal site is located to the rear of no. 129, which is a two-storey terraced dwelling and is a hard surfaced yard area that appears to be functionally separate from the existing dwelling. The site has an access through steel gates off a laneway that runs to the rear of the existing dwellings. Adjoining sites are similar in nature with two-storey terraced dwellings characterised by long rear gardens. The site immediately to the north west features a large shed and there is a garage operating out of a shed located further to the south east along the rear laneway.

## **2.0 Proposed Development**

2.1. Permission is sought for a detached steel storage shed located at the rear garden (behind) 129 Saint Maelruans Park. The shed has a floor area of 80sqm and a ridge height of 2.7m.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Permission refused based on three reasons...

1. The rear private laneway (not taken in charge) is not adequate for increased vehicular or pedestrian movements and the proposed shed is considered to be of an excessive scale in the context of this residential property. This development would therefore by itself and by the precedent which a grant of permission for it would set for other development, undermine the residential amenity of the area and would contravene the 'RES' land-use zoning objective (which seeks to protect and/or improve residential amenity) contained in the South Dublin County Development Plan 2016-2022. Thus, the proposed development would seriously injure the amenities of property in the vicinity and be contrary to the proper planning and sustainable development of the area.

2. The proposed development relies on rear access through an existing steel gate. The proposed development will increase the use of the steel gate, endangering public safety by reason of traffic hazard and is therefore considered contrary to the proper planning and sustainable development of the area.

3. Due to insufficient information submitted regarding the requirements of surface water drainage and foul water the proposed development would be prejudicial to public health.

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

#### **3.2.1. Planning Reports**

Planning report (09/007/21): The planning report notes concerns about the size and nature of the proposal in terms of uses as well as traffic issues. Refusal was recommended based on the reasons outlined above.

#### **3.2.2. Other Technical Reports**

Water Services (22/06/21): Further information required including soil percolation results, details of soakaway and SuDS proposals.

Irish Water (23/06/21): No objection.

### **3.3. Prescribed Bodies**

None.

### **3.4. Third Party Observations**

None.

## 4.0 Planning History

SD20B/0064: Permission refused for retention of large detached steel shed.

## 5.0 Policy Context

### 5.1. Development Plan

The relevant Development Plan is the South Dublin County Council Development Plan 2016-2022. The appeal site is zoned 'RES' with a stated objective 'to protect and/or improve Residential Amenity'.

### 5.2. Natural Heritage Designations

None within the zone of influence of the project.

### 5.3. EIA Screening

The proposed development is not of a class (Schedule 5, Part 2(10) of the Planning and Development Regulations, 2001 (as amended)). No EIAR is required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1 A first party appeal has been lodged by Kais Khalaf. The grounds of appeal are as follows...

- The applicant/appellant outlines the background to the proposal with such to be used for storage only for classic cars and parts and is not going to be used as a workshop or for any commercial development.
- In terms of size it is noted that the rear garden associated with no. 129 is very large in size (235sq).
- The applicant/appellant refers to the fact a condition can be applied restricting the nature of use.

- It is noted that there was enforcement issue on the site with a structure formerly on site removed due to enforcement action.

## 6.2. Planning Authority Response

### 6.2.1 Response from South Dublin County Council.

- The Planning Authority confirms its decision and states that the issues raised in the appeal have been covered in the planners report.

## 7.0 Assessment

7.1. Having inspected the site inspected the site and associated documents, the main issues can be assessed under the following heading.

Principle of the proposed development/zoning objective, nature and scale of development

Traffic/access

Drainage

7.2. Principle of the proposed development/zoning objective, nature and scale of development:

7.2.1. The proposal is for a steel storage shed with a floor area of 80sqm and a ridge height of 2.7m. The shed is to the rear of no. 129 Saint Maelruan's Park, which is two-storey dwelling. The proposal was refused based on being contrary to the zoning objective in terms of its scale relative to the existing dwelling and its nature and scale relative to the zoning objective.

7.2.2 The appeal site is zoned residential. Based on the information on file including the appeal submission, the structure is to be used for storage of vehicles and parts. The appeal submission indicates that the applicant/appellant has a commercial garage and that the shed is needed for additional storage due to limitations at his existing

site. The submission indicates that there is an aspect of that is related to hobby for classic cars but the submission does indicate the storage is related to the commercial operation based elsewhere. The submission emphasises that the proposal is for storage only with no workshop activity and no sanitary facilities proposed and indicates that the proposal is ancillary to the existing dwelling (129).

7.2.3 Having inspected the site, it clear that the appeal site, which was part of the curtilage of no. 129 is functionally separate from the existing dwelling (no included in the appeal site). I spoke to the occupier of no. 129 and they confirmed that the appeal site is separate from no. 129 and it does not appear the applicant/appellant lives in the dwelling. Based on the information supplied by the applicant/appellant, the development is a storage shed that will store vehicles and car parts associated with an existing business.

7.2.4 The zoning objective is RES. Under Table 11.2 uses considered acceptable area indicated. The uses permitted in principle are residential uses, however a number of uses are open for consideration including commercial uses such as 'home based economic activities, industry-light, live-work units, motor sales outlet. The development which is a storage shed would be open for consideration so it would not be contrary to the development plan zoning policy.

7.2.5 As noted above the appeal site was part of the curtilage of no. 129, however the dwelling at this location are characterised by large gardens. The proposed development although reducing the garden associated with no. 129 still leaves a satisfactory amount of amenity space with the existing dwelling. The proposed storage shed is large in footprint, however the appeal site is big enough to accommodate such. In terms of ridge height the proposed structure is modest in scale and is unlikely to be highly visible in the surrounding area or have an adverse impact on adjoining properties. The site is defined by 2m high block boundary walls that also screen the proposed development.

7.2.6 I am satisfied that having regard to the nature of the proposed use as storage, the overall scale and design of the structure and the fact that the existing dwellings area characterised by long rear gardens with rear access, the proposed use would be open for consideration in the zoning objective and acceptable due to the fact it is storage use. I am satisfied that the overall design and scale of the proposed structure would have an acceptable impact in relation to visual amenity and adjoining amenity.

7.3 Traffic impact:

7.3.1 The proposal was refused on the basis that the rear private laneway (not taken in charge) is not adequate for increased vehicular or pedestrian movements and the proposed shed is considered to be of an excessive scale in the context of this residential property, as well as the fact that the proposed development relies on rear access through an existing steel gate. It was considered that the proposal will increase the use of the steel gate, endangering public safety by reason of traffic hazard and is therefore considered contrary to the proper planning and sustainable development of the area.

7.3.2 Based on the information on files and submitted by the applicant the proposal is for storage of vehicles and car parts and is associated with a commercial development (existing garage elsewhere). The appeal site is to be accessed through an existing residential development and its associated service road and then along the laneway running to the rear of the dwellings. I would consider that the provision of a development that would generate commercial/hgv traffic in a residential area would be detrimental to residential amenity and generate traffic safety concerns. Granting the proposal would set a precedent for such on adjoining sites, which are similar in having long rear gardens. I would consider that the long rear gardens have potential for backland use however the provision of commercial uses on such would generate commercial traffic through an existing residential estate and also require upgrade of the laneway to provide for footpath access.

## 7.4 Drainage:

7.4.1 Permission was refused on the basis that insufficient information was submitted regarding the requirements of surface water drainage and foul water with the proposed development adjudged being prejudicial to public health. I would be of the view that this is an issue that could be dealt with by way of further information or by way of condition and is there is no reason to preclude the development on this basis.

## 8.0 **Appropriate Assessment:**

8.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, 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.

## 9.0 **Recommendation**

9.1. I recommend refusal based on the following reasons

## 10.0 **Reasons and Considerations**

1. The proposed development is for a storage shed and based on the information file and the appeal submission, such storage is associated with a commercial development. Having regard to the nature of use and the fact that such is accessed through an existing residential estate and would generate traffic of a commercial nature within a residential environment, the proposed development would set an undesirable precedent and would constitute a traffic hazard due to the additional turning movement of a commercial nature generated in a residential area. The proposal would set a precedent for backland development of a commercial nature off the rear laneway and such requires upgrade to facilitate separation of pedestrian and vehicular movements. The proposal would constitute a traffic hazard and would, therefore, be contrary to the proper planning and sustainable development of the area.



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Colin McBride  
Senior Planning Inspector

10<sup>th</sup> January 2022