



An  
Bord  
Pleanála

## Inspector's Report

### ABP-312280-21

#### Development

Retention permission for an existing pet enclosure on the existing garage roof with a new door replacing existing window to the side of the existing two storey semi-detached dwelling.

Alteration to the existing fencing to remove the crenulation and match the existing 2.6m high fencing and to include ancillary works.

#### Location

Maryville, Link Road, Sandycove, Co. Dublin

#### Planning Authority

Dun Laoghaire Rathdown County Council

#### Planning Authority Reg. Ref.

D21B/0550

#### Applicant(s)

Suzanna O'Coineen

#### Type of Application

Retention Permission

#### Planning Authority Decision

Split Decision

#### Type of Appeal

First Party

#### Appellant(s)

Suzanna O'Coineen

**Observer(s)**

None

**Date of Site Inspection**

05/03/2022

**Inspector**

Gillian Kane

## 1.0 Site Location and Description

- 1.1.1. The subject site is located on the western side of a short residential road running from the village of Glasthule to the seafront in Dun Laoghaire, South Co. Dublin.
- 1.1.2. Currently on site is a street-facing two storey dwelling with single storey garage to the side and a rear open space. Sitting on the roof of the garage is a large cage structure which appeared to have cat climbing structures inside.
- 1.1.3. A short lane runs along the southern boundary of the site, providing access to the rear. A section of timber panels has been erected and are visible over the boundary wall.

## 2.0 Proposed Development

- 2.1.1. On the 8<sup>th</sup> October 2021 planning permission was sought to retain an existing pet enclosure sitting on a flat roof garage ,a new door replacing a window and permission for alteration to the existing fencing to remove the crenelation and match the existing 2.6m high fencing.
- 2.1.2. The cover letter submitted with the application states that the retention permission is in response to an enforcement letter which noted three areas of unauthorised development:
  1. Raising of boundary wall
  2. Replacement of a window with a door
  3. Creation of a roof garden on the garage roof.
- 2.1.3. The applicant's agent confirmed that
  - 1 the existing wall has not been altered. The height of the existing timber structure will be reduced to match the fence.
  - 2 The door replaces a window of the same width and provides access to the cat enclosure
  - 3 An external caged enclosure for therapy cats is accessible from the bedroom.

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

3.1.1. On the 26<sup>th</sup> November 2021, the Planning Authority issued a split decision, intending to REFUSE permission for the retention of the existing pet enclosure and new window and to GRANT permission for the proposed alterations to the fencing. The reason for refusing the pet enclosure and window is as follows:

- 1 It is considered that the retention of the pet enclosure and the first floor access door, is an inappropriate form of development on the subject site, which and if permitted would result in adverse impacts on the visual amenity of the area and the residential amenity of adjacent dwellings in terms of overlooking and overbearing impacts and would depreciate the value of properties in the vicinity. The development to be retained would not be in accordance with the provisions of Section 8.2.3.4(i) Extensions to Dwellings of the Dun Laoghaire Rathdown County Development Plan 2016-2022, would be seriously injurious to the visual and residential amenities of the area and would thereby be contrary to the proper planning and sustainable development of the area.

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

3.2.1. **Drainage:** No objection

3.2.2. **Planning Report:** Proposed fencing alteration is acceptable. Regarding the pet enclosure, the planner notes that it is highly visible, is visually unappealing, is in close proximity to a shared boundary and permission should be refused. The report states that the enclosure would be more suitably located in the rear open space.

#### 3.3. **Prescribed Bodies**

3.3.1. None on file.

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

3.4.1. Two objections raised issues of privacy, visual impact and temporary structures becoming permanent.

## 4.0 Planning History

- 4.1.1. Planning Authority reg. ref. **D15B/0129**: Planning permission granted for a 54sq.m. extension.
- 4.1.2. Planning Authority reg. ref. **D14A/0312**: permission granted for alterations to front boundary wall.
- 4.1.3. **PL06D.229692** (Planning Authority reg. ref. D08A/0357): Permission refused for the demolition of houses and construction of 3 houses, alterations, extensions and change of use of Maryville to provide for retail and office space at 16 Newtownsmith and Maryville, Link Road.

## 5.0 Policy Context

### 5.1. Dun Laoghaire Rathdown County Development Plan 2016-2022.

- 5.1.1. The operative Development Plan is the Dun Laoghaire Rathdown County Development Plan 2016-2022. The site is zoned objective A – to protect and/or improve residential amenity.
- 5.1.2. Relevant policies and objectives include section **8.2.3.4 Additional Accommodation in Existing Built-up Areas** which states that “Dormer extensions to roofs will be considered with regard to impacts on existing character and form, and the privacy of adjacent properties. The design, dimensions and bulk of any roof proposal relative to the overall size of the dwelling and gardens will be the overriding considerations. Dormer extensions shall be set back from the eaves, gables and/or party boundaries..... Particular care will be taken in evaluating large, visually dominant dormer window structures, with a balance sought between quality residential amenity and the privacy of adjacent properties. Excessive overlooking of adjacent properties should be avoided unless support by the neighbours affected can be demonstrated.
- 5.1.3. **Section 8.2.3.4 (i)** of the plan deals with extensions to dwellings. Side extensions will be evaluated against proximity to boundaries, size and visual harmony with existing (especially front elevation), and impacts on residential amenity. First floor side extensions built over existing structures and matching existing dwelling design and height will generally be acceptable, though in certain cases a set-back of an extension’s front façade and its roof profile and ridge may be sought to protect

amenities, integrate into the streetscape and avoid a ‘terracing’ effect. External finishes shall normally be in harmony with existing.

## **5.2. Natural Heritage Designations**

- 5.2.1. The South Dublin Bay SAC (000210) and the South Dublin Bay and River Tolka Estuary SPA (004024) are to the north of the subject site.

## **5.3. EIA Screening**

- 5.3.1. Having regard to nature and scale of the proposed development and the urban location of the site 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**

- 6.1.1. An agent for the applicant has submitted a first party appeal against that part of the decision of the Planning Authority to refuse permission only. The grounds of the appeal can be summarised as follows:
- The subject ‘catio’ is not a habitable space and so is not an extension, subject to section 8.2.3.4.(i) of the development plan.
  - The structure is used to allow therapy cats external space.
  - The structure is temporary and can be removed without damaging the existing building. The applicant is happy to accept a time limit but requests that sufficient time be allowed to complete therapy.
  - There is no difference in overlooking as the door is the same width as the previous window. The catio reduces visibility.
  - The structure is barely visible from most viewpoints and so cannot be considered to be overbearing or to reduce property values.
  - Increased planting around the structure makes it more visually appealing.

- The therapy cats need direct access to the associated bedroom as with an allergy sufferer in the house they cannot roam freely.

6.1.2. The appeal was accompanied by a letter from the applicant. The submission is summarised as follows:

- The stand alone 'catio' is held on with 6 no. removable bolts for safety.
- It is needed to help a child with mental health difficulties. The window was extended to provide a safe fire escape.
- The catio houses therapy cats. The pedigree cats are large and not allowed outside due to their delicate nature. They cannot roam the house due to another resident who is allergic. The catio solves both problems.
- The nearest owners have no objection as the catio cannot be seen from their property.
- From the street, the large tree blocks the view. Climbing potted plants have been added to aid screening.
- The Dun Laoghaire Rathdown public toilets at the end of the road have been screened in a similar manner.
- The catio is not visible from either end of Link Road.

## 6.2. **Planning Authority Response**

6.2.1. The Planning Authority responded to the appeal, stating that the grounds of the appeal do not raise any new matter which in their opinion would justify a change of attitude to the proposed development.

## 6.3. **Observations**

6.3.1. None on file.

## 6.4. **Further Responses**

6.4.1. None on file.

## 7.0 Assessment

7.1.1. I have examined the file and the planning history, considered all policies and guidance, the submissions of all parties and inspected the site. I have assessed the proposed development and I am satisfied that the issues raised adequately identify the key potential impacts and I will address each in turn as follows:

- Principle of development
- Appropriate Assessment

### 7.2. Principle of Development

7.2.1. The subject site is located in an area zoned to protect and / or improve residential amenity. The principle of the proposed development is acceptable, subject to other planning considerations.

7.2.2. The appeal refers only to the decision to refuse permission to retain the cat enclosure. No reference is made to the granting of permission for the fencing, so one must assume that the appellant is satisfied with that element of the decision. Nonetheless, the Board must assess the entire development de novo and any decision that arises must address the entire development as described in public notices.

7.2.3. I concur with the assessment of the Planning Authority that the proposed fencing alterations are acceptable.

7.2.4. Regarding the structure on the garage roof, the appellant has submitted that it is not a habitable structure and so should not be assessed against section 8.2.3.4 of the development plan. The 'catio' is not for human habitation but it is a structure directly associated with the residential nature of the existing building and is used by the residents of the dwelling. The structure was assembled by the residents and can reasonably be expected to be used by the residents for the maintenance of the animals. As such I am satisfied it is an extension of the main use of the existing dwelling and can be assessed against the criteria for same.

7.2.5. The criteria against which first floor extensions to the side are assessed is set out in section 8.2.3.4(i) of the development plan. Regarding extensions to the side the development plan states that "side extensions will be evaluated against proximity to boundaries, size and visual harmony with existing (especially front elevation), and



impacts on residential amenity. First floor side extensions built over existing structures and matching existing dwelling design and height will generally be acceptable, though in certain cases a set-back of an extension's front façade and its roof profile and ridge may be sought to protect amenities, integrate into the streetscape and avoid a 'terracing' effect. External finishes shall normally be in harmony with existing"

- 7.2.6. The 'catio' to be retained is 2.74m wide by 2.7m high. Notwithstanding that it is set back from the front elevation by 3.2m, it is very visible. I concur with the Planning Authority's finding that the visual impact of the structure is significant and negative. The existing tree to the front of the dwelling does not provide any screening with the result that the structure is visible to the east, north and from the rear (west). Link Road is a prominent streetscape, leading from the busy Glasthule village to the seafront which is heavily used all year round. The subject dwelling whilst not a protected structure, nor in an ACA has some architectural merit. The subject structure detracts from the existing dwelling and the streetscape.
- 7.2.7. Anyone in the structure, say for maintenance, feeding or other activities associated with the cats would have a clear and direct view into the private open space of the three dwellings to the north (15,16,17 Newtownsmith). The residential amenity of these dwellings is adversely impacted by the subject structure. I am satisfied that the subject structure, temporary or not, is not in accordance with section 8.2.3.4 of the development plan, a policy which is considered reasonable.
- 7.2.8. The question of the structural safety of the garage roof for such a structure has not been addressed. Domestic garage roofs are generally not designed to withstand such loads.
- 7.2.9. The appellants submission regarding the need for the structure is understood, however, a balance must be struck between the requirements of an individual dwelling and the impact on the wider neighbourhood. It is considered that a private space such as the rear private open space is a more suitable location for the subject structure, whilst also allowing the animals to remain outside the house.
- 7.2.10. The double doors to be retained replaced a window of equal width according to the appellant. The doors facilitate access to the flat roof of the garage and as such are not needed if the Board decide to refuse permission for the cat enclosure.

### **7.3. Appropriate Assessment**

- 7.3.1. Having regard to the nature and scale of the proposed development to be retained in a fully serviced built-up urban area, no appropriate assessment issues arise, and it is considered that the proposed development would not 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 SPLIT decision as follows: GRANT permission for the proposed alterations to the fencing for the following reasons and considerations and subject to the following conditions and REFUSE permission to retain the existing pet enclosure and new door on the side elevation for the following reason:

- 1 The retention of the 7sq.m. pet enclosure and double doors in the side elevation on the flat roof of the existing garage would result in an adverse visual impact, would injure the residential amenity of adjoining properties and would represent an inappropriate form of development on the prominent street. The development to be retained would not be in accordance with the provisions of Section 8.2.3.4(i) Extensions to Dwellings of the Dun Laoghaire Rathdown County Development Plan 2016-2022, would be seriously injurious to the visual and residential amenities of the area and would thereby be contrary to the proper planning and sustainable development of the area.

### **9.0 Reasons and Considerations**

- 9.1 Having regard to the zoning objective of the area, the design, layout and scale of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed fencing alterations to remove the crenulation and replace the existing 2.6m high fencing, would not seriously injure the visual amenities of the area or residential amenity of property in the vicinity. The proposed development for which permission is sought would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. 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.

**Reason:** In the interest of clarity.

---

Gillian Kane  
Senior Planning Inspector

06 March 2022