



An
Bord
Pleanála

Inspector's Report ABP-312668-22

Development	Permission is sought for the retention of a timber garden office/shed (3.0sq.m) and timber fence.
Location	6 Brooklawn Wood, Blackrock, Co. Dublin.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D21A/0995
Applicant(s)	Niall and Olivia Riordan
Type of Application	Retention
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Niall and Olivia Riordan
Observer(s)	Brian McBryan
Date of Site Inspection	20/03/2022
Inspector	Gillian Kane

1.0 Site Location and Description

- 1.1.1. Brooklawn Wood is a housing estate, located to the west of Stradbroke Road in the south Dublin suburb of Blackrock. The dwellings are arranged around a large area of open space.
- 1.1.2. The subject site no. 6 Brooklawn Wood, is one of four dwellings that cumulatively form a single block, with patio gardens to the side and communal car parking areas to the front.

2.0 Proposed Development

- 2.1. On the 11th November 2021, permission to RETAIN a 3sq.m. timber garden office/shed and timber fence was sought.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 13th January 2022, the Planning Authority issued a notification of their intention to REFUSE permission to retain the timber garden office / shed and timber fence for the following reason:

- 1 Having regard to the development's (shed and fence) location and layout, in close proximity to adjacent front façades, other properties and footpaths, the development proposed for retention, by reason of its heights, design/materials, and layout, is considered to be visually obtrusive, disruptive and seriously out-of-character when viewed from the adjoining and adjacent sites and footpaths, including negatively impacting on the character of the subject dwelling, and its directly adjoining neighbouring properties. The development proposed for retention, is visually obtrusive and incongruous when viewed from the surroundings, and would help set a poor precedent for similar development in the area. The development proposed for retention therefore, seriously injures the amenities and depreciate the value of property in the vicinity, and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

- 3.2.1. **Planning Report:** Development to be retained uses one-quarter of the 19sq.m. private open space of the dwelling. The structures due to their heights, layout, design and finish have serious negative visual impacts on the visual amenity and character of the surrounding properties. Structures do not materially contravene conditions of the parent permission which required that there be no alterations to the layout of the development or design of the dwellings. Set backs are insufficient. Materials do not match the dwelling. Recommendation to refuse permission for retention.

3.3. Prescribed Bodies

- 3.3.1. None on file

3.4. Third Party Observations

- 3.4.1. Four objections to the proposed development raised the following issues: design does not in keeping with the area, insufficient open space, unclear use, no basis for temporary permission, no precedent for such development.

4.0 Planning History

- 4.1.1. Planning Authority reg. ref. **D17A/0542**: Permission granted for conversion of attic space.

5.0 Policy Context

5.1. Development Plan

- 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(iv) Additional Accommodation in Existing Built-up Areas** which states that “Detached Habitable Room This can provide useful ancillary accommodation such as a playroom, gym or study for the main residence. It should be modest in floor area and scale, relative to the main house and remaining rear garden area. The applicant will be required to demonstrate that neither the design nor the use of the proposed structure will detract from the residential amenity of adjoining property or the main house. Any such

structure shall not be to provide residential accommodation for a family member/ granny flat”.

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 0.9km 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. The applicant has appealed the decision of the Planning Authority to refuse permission. The grounds of the appeal can be summarised as follows:

- The family home is 60sq.m. With two new babies and two adults working from home during the pandemic, additional space was needed to allow working from home.
- There are many garden sheds and conservatories in Brooklawn. The applicant sought information from DLRCC regarding a planning exemption but did not receive a response in time.
- The subject development is in keeping with the strategic objectives of the development plan.
- The subject shed is efficient and sustainable, utilising space with minimal impact. The shed is made from sustainable materials.
- The immediate neighbours have no objection to the shed. Those who have objected do not live in the estate or live 35m from the appellants property.
- The shed is aesthetically pleasing, however if required, planting can be used to screen.

- Permission to retain the shed for two years is requested. The shed can be removed if required.

6.2. Planning Authority Response

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

6.3. Observations

6.3.1. Brian McBryan, 19 Brooklawn Wood

- Has a direct view of the structures to be retained.
- The home owners have worked to ensure a unity of design.
- Has an expectation of consultation and correct planning processes
- Agrees with the decision of Dun Laoghaire Rathdown.
- Development to be retained leaves inadequate open space and sets an undesirable precedent.
- Development does not comply with the parent planning permission and does not match the dwellings in the area.
- Surface water has not been addressed.
- Distance to neighbouring properties has not been included in the drawings.
- The photographs of comparable development submitted by the applicant are not relevant. There is no precedent for the subject development.
- Temporary approval is inappropriate.
- There are alternatives for additional space in the attic conversion.
- Comments made regarding other parties are not relevant.
- Requests the board to refuse permission.

7.0 Assessment

7.1.1. 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.

7.1.2. I note section 8.2.3.4(iv) of the development plan which states that detached rooms can provide useful ancillary accommodation such as a playroom, gym or study for

the main residence. The development plan requires that the structures be modest in floor area and scale, relative to the main house and remaining rear garden area. I am satisfied that the subject shed complies with these criteria. Regarding the requirement to demonstrate that neither the design nor the use of the proposed structure will detract from the residential amenity of adjoining property or the main house, the shed to be retained is a small flat roofed structure, much smaller than a traditional garden shed. It is partially visible from the front of the dwelling however it does not detract from the dwelling or the adjoining dwellings. The visual impact of the shed is insignificant.

- 7.1.3. There is a large area of open space immediately in front of the dwelling. So, the loss of private open space is not significant. The fence to be retained is unremarkable and unobtrusive.
- 7.1.4. The shed and fence to be retained do not cause overlooking of or injury to the residential amenity of adjoining properties and are considered to be in accordance with section 8.2.3.4 of the Dun Laoghaire Rathdown County Council development plan 2016 -2022. I am satisfied that both the shed and the fence to be retained are in keeping with the pattern of development in the area, and are in compliance with the proper planning and sustainable development of the area.
- 7.1.5. Home offices and other multi-use gardens sheds have become a necessary feature of suburban house estates in the past two years. I see no reason why such use should be subject to temporary life, having regard to section 7.5 of the development management guidelines which states that the reason for a temporary permission can never be that a time limit is necessary because of the adverse effect of the development on the amenities of the area.

7.2. **Appropriate Assessment**

- 7.2.1. 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 permission to RETAIN be GRANTED for the following reasons and considerations and subject to the following conditions:

9.0 Reasons and Considerations

Having regard to the zoning objective of the area, the design, layout and scale of the proposed development to be retained and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the development 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 to retain 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. Reason: In the interest of clarity.
2.	Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services. Reason: In the interest of public health and to ensure a proper standard of development.
3.	Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Classes 1, 3 and 5 of Schedule 2, Part 1 to those Regulations shall take place within the curtilage of the house without a prior grant of planning permission.

	Reason: In the interest of orderly development, and to allow the planning authority to assess the impact of any such development on the amenities of the area through the statutory planning process
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Gillian Kane
Senior Planning Inspector

20 March 2022

DECISION QUASHED