



An  
Bord  
Pleanála

## Inspector's Report 312709-22

---

<b>Development</b>	Retention of garden shed in front garden
<b>Location</b>	25a Lorcan Villas, Santry, Dublin 9
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	WEB5113/21
<b>Type of Application</b>	Retention Permission
<b>Planning Authority Decision</b>	Refuse Retention Permission
<b>Type of Appeal</b>	First Party v. Decision
<b>Appellant(s)</b>	Paul and Sandrine Green
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	18 <sup>th</sup> March 2022
<b>Inspector</b>	Louise Treacy

## 1.0 Site Location and Description

- 1.1. The subject site has a stated area of 395 m<sup>2</sup> and is located at No. 25a Lorcan Villas, Santry, Dublin 9. The site is a corner plot in a mature residential estate which accommodates a detached, 2-storey infill dwelling. The property has a cobble-lock driveway to the front, with the primary amenity space located to the side rather than the rear of the dwelling. The side garden is screened from the front of the property by a boundary wall and accommodates an open-sided garden structure, the roof of which is partially visible from the street.
- 1.2. A small wooden shed is located to the front of the dwelling, directly adjacent to the side boundary of the site. The site boundary onto the public road has a curved profile and is characterised by a rendered wall and a mature hedge above. This boundary largely screens public views to the side of the site, including the existing shed structure.

## 2.0 Proposed Development

- 2.1. The proposed development consists of the retention of a garden shed in the front garden of the existing 2-storey house.
- 2.2. The shed has a mono-pitch roof with maximum overall height of 2.684 m, an overall width of 3.96 m and a footprint of approx. 7 m<sup>2</sup>. The shed is a wooden structure and is pale green / grey in colour.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. Dublin City Council issued Notification of the Decision to Refuse Permission for the proposed development on 20<sup>th</sup> January 2022 for 1 no. reason as follows:

“Having regard to the location of the shed in the front garden of an existing dwelling at 25a Lorcan Villas, and the provisions of the Dublin City Development Plan 2016-2022, it is considered that the retention of the shed would adversely impact upon the visual amenity and character of the area. The retention of the shed would set an undesirable precedent for other such similar developments and would, therefore, be

contrary to the policies and objectives of the current Dublin City Development Plan and the proper planning and sustainable development of the area”.

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

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

3.2.2. Basis of Planning Authority’s decision.

#### **3.2.3. Other Technical Reports**

3.2.4. **Engineering Department – Drainage Division:** No objection to the proposed development subject to condition.

### **3.3. Prescribed Bodies**

3.4. **Irish Water:** None received.

### **3.5. Third Party Observations**

3.5.1. None.

## **4.0 Planning History**

4.1. **Planning Authority Reg. Ref. WEB1561/21:** Retention planning permission granted for open-sided garden structure with roof to side garden of existing 2-storey house.

### **4.2. Enforcement History**

4.2.1. **Planning Authority Reg. Ref. E079/21:** Alleged unauthorised building works.

## **5.0 Policy and Context**

### **5.1. Dublin City Development Plan 2016-2022**

#### **5.2. Land Use Zoning**

5.2.1. The site is subject to land use zoning “Z1” (Sustainable Residential Neighbourhoods) which has the objective “to protect, provide and improve residential amenities”.

#### **5.3. Extensions and Alterations to Dwellings**

5.3.1. The policy in relation to extensions and alterations to dwellings is set out in section 16.10.12 and appendix 17 of the development plan. In general, applications for

planning permission to extend dwellings will only be granted where the planning authority is satisfied that the proposal will:

- Not have an adverse impact on the scale and character of the dwelling;
- Not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, access to daylight and sunlight.

5.3.2. Further guidance in relation to residential extensions is set out in Appendix 17 of the plan. Section 17.7 states that extensions to the front that significantly break the front building line, should be resisted.

#### 5.4. **Natural Heritage Designations**

5.4.1. None.

### 6.0 **The Appeal**

#### 6.1. **Grounds of Appeal**

6.1.1. A first party appeal has been lodged by Hussey Architects on behalf of the applicants which can be summarised as follows:

- The existing dwelling is located on a corner site and is not typical of the houses in this area. As such, it cannot set a precedent for similar development as its private amenity space is located to the side of the property and not the rear.
- The shed is small in nature and discretely located within the site, shielded from the street by a mature hedge boundary.
- Other properties in the area with private amenity spaces to the side have shed structures which have not been deemed to constitute unauthorised development.

A new wall could be provided within the site to separate the front and side gardens, thus allowing the shed to be located entirely within the side garden and removing any concerns that a precedent is being set. A site plan has been provided to demonstrate the location of the proposed wall.

## 6.2. **Planning Authority Response**

- 6.2.1. The Planning Authority considers that the provision of a new boundary wall within the site to demarcate the front and side gardens, would not address the reason for refusal. It is considered that the Planning Officer's report deals fully with the relevant issues raised and justifies the Planning Authority's decision.

## 6.3. **Observations**

- 6.3.1. None.

## 7.0 **Assessment**

- 7.1. I am satisfied that the main issues for consideration in this case include:

- Compliance with Development Plan Policy
- Appropriate Assessment

- 7.2. Each of these issues is addressed in turn below.

### 7.3. **Compliance with Development Plan Policy**

- 7.3.1. The policy concerning residential extensions and alterations to dwellings is set out in section 16.10.12 and Appendix 17 of the development plan. In general, planning permission to extend dwellings will only be granted where the planning authority is satisfied the proposal will not have an adverse impact on the scale and character of the dwelling and will not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, access to daylight and sunlight. Appendix 17 notes that extensions to the front which significantly break the building line, should be resisted.
- 7.3.2. The retained development is a wooden garden shed, with a small building footprint of c. 7 m<sup>2</sup>. The shed is largely screened in public views of the site by the existing mature hedging which wraps around the front and side boundaries of the site. As such, the shed is only readily visible when walking in a northerly direction along the public footpath to the front of the site. The shed is also finished in pale green/grey paint, which in my opinion, reduces its visual prominence within the site.

- 7.3.3. While I acknowledge the development plan guidance which states that extensions which significantly break the front building line should be resisted, I note that the garden shed is an independent storage structure which is not attached to the existing dwelling. As such, I consider it could reasonably be argued that this development plan guidance does not apply in this context. I note that no specific development plan policy or development management standards are identified in relation to garden sheds.
- 7.3.4. In my opinion, the shed to be retained would have no impact on the visual amenity or character of the area having regard to its scale and location within the site, directly adjacent to the curved side boundary and the extent of screening provided by the existing mature hedge adjoining the public footpath. The site is zoned for residential purposes and the shed to be retained is a typical development of residential sites. I also consider that the proposed development would not set a precedent in this instance as identified by the appellants' agent, having regard to the site configuration and the arrangement of the private amenity space to the side of the dwelling.
- 7.3.5. While the appellants' agent has suggested that a new boundary wall could be provided within the site to separate the side garden from the front of the property, including the retained shed, in my opinion, this amendment would be unnecessary and unwarranted in this instance. In the event the Board disagrees with my assessment, I note that details of the proposed wall could be agreed by condition, should planning permission be granted in this instance.
- 7.3.6. In conclusion, I consider that the retention of the shed structure on this residential site would be acceptable at this location and would be in accordance with the proper planning and sustainable development of the area.

#### **7.4. Appropriate Assessment**

- 7.4.1. Having regard to the nature and scale of the retained development and its location relative to Natura 2000 sites, no appropriate assessment issues arise, and it is not considered that the retained development would be likely to have a significant effect, either individually or in combination with other plans or projects, on a European site.

## 8.0 Recommendation

8.1. I recommend that retention planning permission be granted in this instance.

## 9.0 Reasons and Considerations

9.1. Having regard to the residential land use zoning of the site, the nature and scale of the retained development, and the screening offered by the existing mature hedge to the front and side of the site, it is considered that, subject to compliance with the condition set out below, the retained development would not seriously injure the visual amenities or character of the area and would not set a precedent. The development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	The development shall be retained in accordance with the plans and particulars lodged with the application.  <b>Reason:</b> In the interests of clarity.
----	--

---

Louise Treacy  
Planning Inspector

20<sup>th</sup> March 2022