



Development

Demolition of existing single storey rear conservatory, construction of a new single storey ground floor rear extension, conversion of existing garage, two storey front extension to ground and first floor and single storey shed at 1 Harbour Crescent, Dalkey, Co. Dublin, A96 D5N7.

Planning Authority

Dun Laoghaire Rathdown County Council.

Planning Authority Reg. Ref.

D21A/1097.

Applicant(s)

Mr and Mrs Richard Lombard.

Type of Application

Permission.

Planning Authority Decision

Grant Permission subject to conditions.

Appellant(s)

Declan and Vera Collins.

Type of Appeal

Third Party.

Observer(s)

None.

Date of Site Inspection

09 April 2022.

Inspector

Stephen Rhys Thomas.

1.0 **Site Location and Description**

- 1.1. The appeal site is located in Dalkey within a small cul-de-sac development known as Harbour Crescent. The cul-de-sac is accessed from Harbour Road to the east. The site has a wide road frontage along its northern boundary and shares a rear property boundary with houses that front onto Convent Road. The houses of Harbour Crescent are predominantly two storey and of a contemporary design, a large apartment block shares a boundary with the entrance to this small estate. The houses along Convent Road are more traditional in design, dating from the late 19th and mid 20th century and are generally single and two storey in height.
- 1.2. The estate is mature in character with hedges and trees to front gardens. Boundary treatments are a mixture of mature hedging of varying heights and in some places open in nature. The appeal site is level and comprises the front garden of 1 Harbour Crescent, it shares a boundary with 2 Harbour Crescent, a newly planted hedge marks out the boundary.

2.0 **Proposed Development**

- 2.1. Permission is sought for:
- A new ground floor extension to the rear,
 - The conversion of the side garage and new single storey glazed bay to the front,
 - A two storey front extension to ground and first floor,
 - A single storey bicycle and bins shed
 - Widen vehicular entrance, install electric gate and new pedestrian entrance and new fencing.

3.0 **Planning Authority Decision**

3.1. **Decision**

The Planning Authority decided to grant permission subject to 12 conditions, all are standard and technical in nature.

3.2. **Planning Authority Reports**

3.2.1 Planning Report

The basis of the planning authority decision includes:

Presentation of the County Development Plan standards with regards to extensions.

Identification of the area of the site and that the proposed extension is acceptable.

The report includes an AA screening assessment that concludes no requirement for AA. There is no reference to a request for additional information and the recommendation was to grant permission subject to 12 conditions.

3.3. **Other Technical Reports**

3.3.1. Drainage Report – a standard condition regarding SuDS is recommended.

3.4. **Third Party Observations**

There were three third party observations. The main points of concern raised can be summarised as follows:

- Potential for overlooking.
- Impact of height and visual amenity.
- Location of shed.
- Boundary treatment.

4.0 **Planning History**

4.1. Subject site

D17A/0715 – Permission to subdivide the site and erect a second two storey dwelling. Dwelling completed.

5.0 Policy Context

5.1. Development Plan

5.1.1 Dun Laoghaire-Rathdown County Development Plan 2016-2022

I note that the **Draft County Development Plan 2022-2028** was adopted by the Elected Members at a Special County Development Plan meeting held on the 10 March 2022. The adopted Plan will come into force 6 weeks after it was adopted on the 21 April 2022. I have assessed the proposed development under the Dun Laoghaire-Rathdown County Development Plan 2016-2022, the operative plan.

The site is subject to Land Use Zoning objective ‘A’ To protect and/or improve residential amenity.

Relevant policies and objectives:

Section 8.2.3.4 Additional Accommodation in Existing Built-up Areas

(i) Extensions to Dwellings

Ground Floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining.

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

None relevant to this suburban site.

5.3. Screening for Environmental Impact Assessment

- 5.3.1. The subject development is for a boundary wall between houses, falling well below both of the applicable thresholds for mandatory EIA, as set out at Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended).
- 5.3.2. In respect of sub-threshold EIA, having regard to the limited nature and scale of the proposed development, which comprises the construction a boundary wall between houses on serviced land, it is considered that 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 grounds of appeal can be summarised as follows:
- The appellant supports most aspects of the proposed development, it is the shed and new boundary that is opposed.
 - The appellant raises a concern with the very large bike/bin/mower shed that will be located on the front boundary between properties. In addition, the imposition of a new tall boundary running the length of front gardens will be out of character with the original estate. At present there are no other sheds/structures in front gardens and the proposed shed will be entirely out of character with its surroundings. There is a fear that such a large structure could be used for other purposes, such as dog storage and thus be contrary to the residential zoning. In any case the shed should be located in the rear garden like any other home and not break the front building line and set a

precedent for such development. Finally, the proposed shed would devalue property in the area.

- In summary, the height, scale and position of the proposed bike/bin/mower shed and associated new boundary treatment is objected to.
- A Board decision that relates to a shed in the front garden is cited: 247988, and a Dublin City Council refusal 5202/21.

6.1.2. The appellant has raised some technical issues with the planning application, and they include: lack of some contiguous elevations, description of development, drawing inaccuracies, bike shed not shown on some drawings and all vegetation not shown.

6.1.3. The objector references their original submission to the planning authority and reiterates their objection to the shed element of the proposal.

6.2. **Planning Authority Response**

None.

6.3. **Applicant's Response**

None.

8.0 **Assessment**

8.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Visual Amenity
- Other Matters
- Appropriate Assessment

8.2. **Visual Amenity**

8.3. Harbour Crescent is pleasant cul-de-sac off Harbour Road in Dalkey. It is a small estate of just four houses originally, though a modern and contemporary side garden house has been recently constructed at the entrance complete with high boundary walls. Glencairn, a three storey apartment block is located at the junction of Harbour Road and Harbour Crescent and its grounds extend along the northern part of the street into Harbour Crescent. The grounds of Glencairn are characterised by a low boundary wall backed by a tall evergreen hedge. The original estate of four houses were at one time similar in design but are much changed now. The appellant has no issue with the variety of changes to 1 Harbour Crescent and has accepted that permission has been given by the planning authority.

8.4. The appellant points out that in its original form the front gardens of each house were open without any formal boundaries or fences. This may have been the case a number of years ago, but now there is a variety of mature trees and boundary hedges of varying height and maturity between and to the front of gardens. Though not the main thrust of the appeal, the appellant is not satisfied with a fenced boundary treatment between properties.

8.5. Principally, the appellant is concerned that the large bike/mower/bin shed located along a shared boundary to the front garden is out of character with the area and will diminish the visual amenities of the cul-de-sac and lower property values. The

appellant worries that such a large structure could be used for other purposes, such as housing the applicant's three dogs. The concerns extend to the new front boundary treatment that at 1.8 metres in height will be out of character with the open garden nature of the area.

8.6. The planning authority, in their planning report, note the existence of the front garden shed but see no reason to omit it, reduce it in scale or reposition it elsewhere. The appellant seeks the removal of the shed in its entirety.

8.7. I am satisfied that the main issue of this appeal is related to the proposed shed located along a shared boundary in the front garden of 1 Harbour Crescent. However, the appellant is concerned about the 1.8 metre high boundary treatment between properties. In this respect, I note the boundary between 2 and 3 Harbour Crescent comprises a tall griselinia hedge. In addition, I observed that a new hedge has recently been planted between 1 and 2 Harbour Crescent, that in turn may also reach such heights. There are also other tall boundary treatments between properties in Harbour Crescent but these are mostly hedges rather than timber fences. The applicant has proposed a 1.8 metre high timber fence around the entirety of the front garden and located behind the existing hedge line. The new fence will be located to the back of the existing hedge, I am satisfied that a 1.8 metre high timber fence is satisfactory subject to adequate measures to ensure the existing hedge is not damaged or removed, an appropriate condition can manage this.

8.8. This leaves the issue of the front garden bike shed that is at the heart of the appeal. Firstly, the proposed bike shed, as it is described by the applicant, is 4.8 metres by 2.3 metres and this returns a floor area of 11.04 sqm. The shed has a mono pitch roof with a ridge of 2.7 metres at its highest and 2.3 metres closest to the appellant's boundary. This is not a large shed in terms of what could be constructed in the back garden of a house under exempted development provisions. However, this is not a rear garden and this causes a problem for the appellant. According to the plans, the shed will accommodate a number of bicycles, a lawnmower and provide an alcove for three bins. The appellant makes the point that bins can just as easily be stored

outdoors and that such a shed should really be located in the rear garden. When on site, I observed that 1 Harbour Crescent possesses a side access on both sides, a feature that the drawings indicate will be retained. So feasibly, bins and mowers could travel back to front without necessarily being located as planned. Irrespective of how the applicant manages their household affairs and servicing requirements, the proposed bike shed is, in my opinion, needlessly large and ungainly.

- 8.9. Related to necessity, the appellant makes the point that dogs could be kept in this structure. This is not a matter that concerns me, and the accommodation and care that the applicant show to their canine pets is not a planning matter with respect to this appeal.
- 8.10. In terms of the broader matter of sheds in front gardens, I note that the current Development Plan provides no guidance in relation to garden sheds and I do not know whether the subject is covered in the Draft plan, soon to be operative. The appellant makes the point that the Board have refused permission before for front garden sheds and so too have Dublin City Council. In the absence of any development plan guiding principles with regard to sheds in the front garden, I find that each case is and should be judged on its own merits. In this instance, I observed that a low structure, possibly a bin store occupies a space to the front of the applicant's garage. In addition, I noted a medium sized timber garden shed, clad with creeper in the front garden of 3 Harbour Crescent. This timber shed is located against the party wall with 20 Corrig Road and is innocuous and not really noticeable at all. The applicant's shed is located to the leading edge of the front garden but will be located behind an existing mature hedge. However, given the scale and height of the proposed bike shed it will not readily blend into its surroundings and this is related to its prominent position in the front garden.
- 8.11. In my mind there are better locations on the overall site for a shed of this scale and the obvious solution is to position it in the rear garden where permission might not be required for it at all, if it met with the requirements set out in the Planning and Development Regulations for such domestic structures. I note that there are no

conditions attached to the grant of permission issued by the planning authority that would preclude exempted development. This is a matter the applicant might well consider in tandem with consultation with the planning authority. I would not advise the Board to reposition the proposed shed elsewhere in the front garden, despite the appearance that a more appropriate location may well lie to the north. For example, adjacent to the new boundary wall of 'Driftwood'. However, such an action would not allow for any engagement with the occupants of 'Driftwood', and I do not recommend this course of action. In addition, I note that observations were made on the planning application by numbers 2,3 and 4 Harbour Crescent about the proposed shed and other matters. If a repositioned bike shed somewhere in the front garden is to be contemplated it would require the lodgement of a planning application with the planning authority.

8.12. This brings me to the conclusion that the proposed scale and height of the bike shed would be out of place in the context of the immediate surroundings and would by its nature be an unduly prominent and unnecessary feature that would injure the visual amenity of the area. I recommend that this element, the bike shed, be omitted by condition. As there are no other issues raised by the appellant with respect to the overall works proposed to the existing dwelling, no further action is warranted in terms of that element of the permission.

8.13. **Other Matters**

8.14. Property Values – The appellant has stated that a feature such as a bike shed positioned in the front garden would reduce the property values in the vicinity. I am satisfied that the proposed bike shed in its current design form, is not an appropriate feature in the front garden of the subject site. I have no evidence before me to conclude that property values would be reduced if permitted, in any case, I recommend its omission.

8.15. **Appropriate Assessment.**

8.16. Having regard to the minor nature and scale of the development under consideration, the site location within an existing built-up area outside of any protected site, the nature of the receiving environment, the availability of public services, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

9.0 **Recommendation**

9.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be granted for the proposed development for the reasons and considerations, and subject to the conditions, set out below:

10.0 **REASONS AND CONSIDERATIONS**

Having regard to the nature, extent and design of the development proposed, to the general character and pattern of development in the area and to the provisions of the Dun Laoghaire-Rathdown County Development Plan 2016-2022, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of property in the vicinity and would not be out of character with the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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.

2. a) The proposed bike shed located in the front garden shall be omitted in its entirety.

b) The proposed 1.8 metre high timber fencing to be positioned behind the existing hedge line shall be constructed to ensure no damage or loss to the existing hedge. All hedging shall be adequately protected from damage. Any plants that die, are removed or become seriously damaged or diseased, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual and residential amenity.

3. The dwelling shall be used as a single dwelling unit and shall not be sub-divided in any manner or used as two or more separate habitable units.

Reason: To prevent unauthorised development.

4. All external finishes shall accord with the palette of materials and finishes included on the submitted plans and elevations.

Reason: In the interest of visual amenity.

5. a) The surface water generated by the extension shall not be discharged to the sewer but shall be infiltrated locally to a soakaway as indicated in the application. The soakaway shall not have an overflow. The soakaway shall be designed to BRE Digest 365, shall be at a min. 5m from foundations, 3m from adjacent property boundaries and shall have no impact on neighbouring properties. If a soakaway is not a feasible solution then, prior to development, the applicant shall prove that by submitting a report signed by a Chartered Engineer, showing an infiltration test (with results, photos, etc), and shall propose an alternative SuDS measure for agreement with the Planning Authority.

b) All proposed parking/hardstanding areas shall not be discharged to the sewer but shall be infiltrated locally, via gravel or a specifically designed permeable paving stone/asphalt system, in accordance with Section 8.2.4.9 of the DLRCC County Development Plan 2016-2022.

Reason: In the interest of public health and amenity.

6. The Applicant shall prevent any mud, dirt, debris or building material being carried onto or placed on the public road or adjoining properties as a result of the site works and repair any damage to the public road arising from carrying out the works.'

Reason: In the interest of the proper planning and sustainable development of the area.

7. All necessary measures shall be taken by the Applicant and Contractor to avoid conflict between construction traffic/activities and traffic/road users, particularly pedestrians, during construction works.

Reason: In the interest of the proper planning and sustainable development of the area.

8. In accordance with Chapter 8.2.4.9 Vehicular Entrances and Hardstanding Areas of the current County Development Plan (2016-2022), for a single residential dwelling - the width of the proposed widened/new vehicular entrance shall be a maximum of 3.5m and the footpath shall be dished and strengthened at the Applicant's own expense including any moving / adjustment of any water cocks /chamber covers and all to the satisfaction of the appropriate utility company and Planning Authority. With regards to the dishing and strengthening of the footpath the Applicants shall contact the Road Maintenance & Roads Control Sections to ascertain the required specifications for such works and any required permits.

Reason: In the interest of the proper planning and sustainable development of the area.

9. Any gates proposed for any new or widened vehicular entrance shall not be an automatic electronic gate in accordance with Section 8.2.4.9 Vehicular Entrances and Hardstanding Areas (i) General Specifications of the current County Development Plan 2016-2022.

Reason: In the interest of the proper planning and sustainable development of the area.

10. Site development and building works shall be carried out between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or Public Holidays. Deviation from these times

shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of adjoining residential occupiers.

11. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Stephen Rhys Thomas
Senior Planning Inspector

11 April 2022