



An
Bord
Pleanála

Inspector's Report ABP-313233-22

Development	Retention permission for bicycle store and related base located in front garden
Location	43 St. Lawrence Road, Clontarf, Dublin 3
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3045/22
Applicant(s)	Vanessa and Brian Delaney
Type of Application	Retention
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Vanessa and Brian Delaney
Observer(s)	Michal Curley
Date of Site Inspection	20/07/2022
Inspector	Lorraine Dockery

1.0 Site Location and Description

- 1.1. The site is located at St Lawrence Road, a residential street composed of small terraces of red brick houses all of which are protected structures. The property is located on the western side of St. Lawrence Road.
- 1.2. It is a two-storey over garden level, mid terrace red brick dwelling with part single, part two-storey return.

2.0 Proposed Development

- 2.1. Retention permission is sought for a bicycle store and related base in the front garden area.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to refuse permission for the following reason:

1. The retention of unsympathetic interventions within the front curtilage of a protected structure including the bin store, the bike storage unit and the structural base for the bike store, and the proposal to construct a new gravel access path to the bike storage unit has (and will) cumulatively introduced significant visual clutter to the front garden of the Protected Structure, causing serious injury to its setting and amenity as well as that of the immediately adjoining Protected Structures and local Z2 streetscape, and would therefore contravene Section 13.4.4 of the Architectural Heritage Protection Guidelines 2011 and Policy CHC2 (d) of the Dublin City Council Development Plan 2016-2022, and would set an unacceptable and undesirable precedent for similar development in the vicinity.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The main points of the planner's report include:

- No significant impacts on third parties are discerned in this instance in terms of access to daylight, sunlight or loss of outlook
- Considered that there may be scope to facilitate the provision of modest well designed ancillary structure(s) to the front of this property which are positioned and screened to minimise any impact on the character of the protected structure and the visual amenities of the streetscape.
- The current proposal is considered to be unacceptable having regard to its utilitarian design and plastic finish combined with the lack of a robust landscape plan demonstrating that the proposal will be effectively and appropriately screened throughout the winter and summer months.
- Recommends refusal of permission

3.2.2. Other Technical Reports

Conservation Officer- recommends a refusal of permission

Drainage Division- no objections, subject to conditions

4.0 Planning History

6385/05

Permission GRANTED for 1. Re-ordering of the First Floor Return Rooms, to provide an additional, (fifth) Bedroom. 2. Minor up-grading works at Hall and First Floor Level at 43 St. Lawrence Road, Clontarf, and (subject site).

1683/98

Permission GRANTED for a garden conservatory at the rear of No. 43 St. Lawrence Road.

E0888/21

Refers to the enforcement proceedings (Section 152 Warning Letter) against the subject site for alleged bicycle shed erected in front garden. It is stated in the Planner's Report that this enforcement proceeding appears to be on-going and relates directly to the current application.

5.0 Policy and Context

5.1. Architectural Heritage Protection Guidelines (2011)

Section 13.4.4 of the Guidelines note that, in relation to alterations to boundary features that the cumulative effect on the character of the street or area of a series of incremental changes may not be acceptable.

5.2. Development Plan

The Dublin City Development Plan 2016-2022 is the operative Development Plan for the area. The site is in an area zoned Z2 which seeks 'to protect and / or improve the amenities of residential conservation areas'. The site is listed on the Record of Protected Structures (RPS No. 7622).

Policy CHC2 and section 11.1.5.3 Protected Structures-Policy Application are noted Appendix 17 sets out development management guidance for residential extensions while Appendix 24 deals with Protected Structures and Buildings in Conservation Areas.

5.3. Natural Heritage Designations

None

5.4. EIA Screening

Having regard to the nature and scale of the development proposed, the site location within an established built-up urban area which is served by public infrastructure and outside of any protected site or heritage designation, the nature of the receiving environment and the existing pattern of residential development in the vicinity, and the separation distance from the nearest sensitive location, 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

The main points of the appeal are:

- Houses in this terrace share significant similarities but are not identical; variety of front garden treatments
- Access laneway to rear is unlit and unpaved, which is a disincentive to use the shed, especially in winter months. Secured bicycles have previously been stolen from the shed
- One cannot walk into it, nor stand in it- it is of size to accommodate four bicycles
- Intention to screen with suitable planting; its construction is reversible

6.2. Planning Authority Response

No substantive response

6.3. Observations

An observation was received from Michael Curley, who is opposed to the proposed development. In summary, he considers that any change to the nature of the front garden area would be incompatible with the character, outline and view of other Protected Structures in the area and would result in a negative impact upon the amenity of adjoining properties. It is considered intrusive and obtrusive and would set a precedent for similar developments. Considers proposal to be unnecessary as applicants have rear entrance to property.

6.4. Further Responses

None

7.0 Assessment

7.1. I have read all documentation attached to this file including inter alia, the appeal, the report of the Planning Authority, in addition to having visited the site. The primary issues, as I consider them relate to impacts of the proposal on the architectural heritage and on residential/visual amenity.

7.2. I note the following:

- I agree with the first party assertion that the subject structure could be described as more of a bicycle box than a bicycle shed. It is a barrelled structure which can accommodate a maximum of four bicycles. It is not possible to stand upright within it and it has a maximum height of 1.4m (the main bulk of the structure is slightly less than this). It has a total floor area slightly in excess of 5m².
- It is not unduly visible when viewed from the street and does not impact on the character or compromise the setting of the Protected Structure (No. 43) or any other Protected Structure within the vicinity to such an extent as to warrant a refusal of permission. It does not significantly impact on the character or setting of the Residential Conservation Area, given its limited height and setback from boundary, to warrant a refusal of permission.
- I note the variety of front garden areas along St. Lawrence Road.
- Screening with appropriate landscaping would negate any impacts further. This matter could be dealt with by means of condition.
- Given its limited extent, height and setback from neighbouring properties, I have no information to believe that it would negatively impact on daylight or sunlight to adjoining properties nor on the visual or residential amenity of the area.
- In my opinion, the provision of appropriate bicycle storage facilities in suitable locations should be accommodated in order to further encourage sustainable modes of transport and a move away from car-related travel
- I am satisfied that the submitted drawings and other information clearly show the extent of the proposed works

7.3. I am satisfied that the proposed development is in accordance with the zoning objective of the City Development Plan, is in keeping with the pattern of development in the area and is in accordance with the proper planning and sustainable development of the area.

8.0 **Appropriate Assessment Screening**

8.1 Having regard to the nature and scale of the proposed development, the location of the site within an adequately serviced urban area, the physical separation distances to designated European Sites, and the absence of an ecological and/ or a hydrological connection, the potential of likely significant effects on European Sites arising from the proposed development, alone or in combination effects, can be reasonably excluded.

9.0 **Recommendation**

9.1. I have read the submissions on file, visited the site, and have had due regard to the provisions of the Dublin City Development Plan 2016-2022 and all other matters arising. It is considered that, subject to compliance with the conditions set out below, the proposed development to be retained would be in accordance with the City Development Plan, would not injure the amenities of the area and would be in accordance with the proper planning and sustainable development of the area.

9.2. I recommend permission be GRANTED subject to conditions.

10.0 **Reasons and Considerations**

Having regard to the zoning objectives for the area and pattern of development in area, it is considered that subject to compliance with the conditions set out below, the proposed development to be retained would not seriously injure the amenities of the area or property in the vicinity and would be acceptable in terms of traffic safety, public health and convenience. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The development shall be retained 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.</p> <p>Reason: In the interest of clarity</p>
2.	<p>The life of this permission to retain shall be for a period of five years from the date of this order, unless prior to that date approval has been granted for the further retention of the structure.</p> <p>Reason: In the interest of clarity.</p>
3.	<p>Within the first growing season of the date of this order, the applicant shall plant appropriate species to shield the subject structure from public view. Details of such planting shall be submitted to the planning authority for their written agreement.</p> <p>Reason: In the interests of visual amenity</p>

Lorraine Dockery
Senior Planning Inspector

26th July 2022