



An
Bord
Pleanála

Inspector's Report ABP-313629-22

Development	Retain existing single storey timber clad garden room structure for use ancillary to the main dwelling in the rear garden
Location	75 Pinewood Crescent, Glasnevin North, Dublin 11
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	WEB1113/22
Applicant(s)	Beatrice Glynn
Type of Application	Retention
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Noel McGlynn
Observer(s)	None
Date of Site Inspection	18/10/2022
Inspector	Lorraine Dockery

1.0 Site Location and Description

- 1.1. The subject site, which has a stated area of 962 square metres, is located on the north-western side of Pinewood Crescent and contains a semi-detached dwelling. The site is irregular in shape with a large back garden. This is an established residential area.

2.0 Proposed Development

- 2.1 Retention permission for an existing single storey timber clad garden room structure for use ancillary to the main dwelling in the rear garden.

3.0 Planning Authority Decision

3.1. Decision

Permission GRANTED, subject to six conditions.

Condition No. 2 states that the structure to be retained shall be used as a garden room for use ancillary to the main dwelling

Condition No. 3 states that the structure not be put in commercial use, and its use shall be only incidental to the enjoyment of the principal dwelling on site and shall not be separated from the principal dwelling by lease or sale

Condition No. 4 states that the structure shall not be let, sold or otherwise transferred or conveyed except as part of the overall site that includes the dwelling house and its garden.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The main points of the planner's report include:

- Subject to compliance with conditions, the development to be retained would not seriously injure the amenities of the area or property in the vicinity and

would be in accordance with the proper planning and sustainable development of the area.

- Recommends grant of permission

3.2.2 Other Technical Reports

Drainage Division- No objections, subject to conditions

3.3 Prescribed Bodies

None

4.0 Planning History

ABP-22.313345

Noted that an Order under section 37(6) of the Planning and Development Act 2000 to 2021 granting leave to appeal to Noel and Geraldine McGlynn (77 Pinewood Crescent) of the decision of the planning authority, Ref. WEB1113/22, issued from An Bord Pleanála on the 5th day of May 2022

WEB1882/21

Application for retention permission for a single storey one-bed detached timber cabin dwelling and metal shed in the back garden of 75 Pinewood Crescent. SPLIT DECISION

Retention permission GRANTED for the metal shed in the back garden and retention permission REFUSED for the single storey one-bed detached timber cabin dwelling.

The reason for refusal states that the proposed layout would conflict with the established pattern of development and character of the area, would provide poor quality private open space for the proposed dwelling and would cause a significant loss of amenity to the existing property by way of fragmented private amenity space.

Furthermore, the proposal has no dedicated access or car parking. The proposed development would therefore, be contrary to Section 16.10.8 Backland Development of the Dublin City Development Plan 2016-2022 and be contrary to the proper planning and sustainable development of the area.

E0348/21- Enforcement

A section 154 Enforcement Notice issued relating to development comprising of an unauthorised one-bedroom timber cabin to the rear of 75 Pinewood Crescent. The notice requires the removal of the unauthorised structure

Neighbouring Site

PL29N.247620

Permission REFUSED for demolition of an existing garage/shed, construction of 4 no. houses with vehicular access, carparking and associated site works at 77 Pinewood Crescent, Dublin 11.

5.0 Policy and Context

5.1 Development Plan

The Dublin City Development Plan 2016-2022 is the operative Development Plan for the area.

Zoning- 'Objective Z1' which seeks 'to protect, provide and improve residential amenities'.

Section 16.2.2.3 Extensions and Alterations

Section 16.10.12 Extensions and Alterations to Dwelling

Appendix 17 deals with Guidelines for Residential Extensions.

5.2 Natural Heritage Designations

The appeal site is not located in or immediately adjacent to a designated European Site, a Natural Heritage Area (NHA) or a proposed NHA.

5.3 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

An appeal was received from Noel McGlynn on 20th May 2022. The issues raised can be broadly summarised as follows:

- History/Future Use: Contends that applicants are interested in developing the land for commercial purposes, with reference to original application for retention (WEB1882/21). No material alterations from that previously refused on site- design of proposed structure consistent with that of a one-bed residential unit; concerns regarding future use of proposed structure for residential accommodation namely compliance with conditions; queries need for such a structure
- Backland Development: Granting of permission for retention of this structure would make further development of this backland area very difficult- applicants should be requested to explore further development options

- Amenity: scale; proximity to boundary; positioning of window; proposal will materially affect the enjoyment of their land; devaluation of property value
- Other Matters: drainage concerns; compliance with Building Regulations

6.2 Planning Authority Response

None

6.3 Observations

None

6.4 Further Responses

None

7.0 Assessment

- 7.1 I have read all the documentation attached to this file including inter alia, the appeal submission and the report of the Planning Authority, in addition to having visited the site.
- 7.2 The primary planning issues, as I consider them, are (i) history/future use of structure (ii) the impact on the visual and residential amenity of the adjoining property arising from the proposed works and (iii) drainage matters.
- 7.3 The provision of a garden room or other structure ancillary to the enjoyment of the house is considered acceptable in principle, subject to an assessment under relevant Development Plan criteria, and is considered to be in accordance with the zoning objective of the area. The operative City Development Plan is generally favourable to such extensions, subject to normal planning criteria, and I note section 16.10.12 in this regard.

History/Future Use of subject structure

- 7.4 I note that planning permission was recently refused by the planning authority for retention of this structure for use as a one-bed residential unit. I also note that there is enforcement history relating to this structure.

- 7.5 The appeal submission raises concerns in relation to the current use of the structure, its possible future use as a commercial enterprise and future compliance with conditions attached to any grant of permission. I can only assess the proposal before me, as set out in the public notices. The appeal currently before me relates to the retention permission of this structure for use as a garden room ancillary to the main dwelling. The floor plans show a games room/cinema; storeroom, home office and WC. The use of the garden room can be addressed by condition attached to any grant of permission, generally restricting its use for purposes incidental to the enjoyment of the dwelling house on site.
- 7.6 Any future non-compliance with conditions is a matter of enforcement for the planning authority. Similarly, matters raised within the appeal submission in relation to compliance with current Building Regulations is outside the remit of this planning appeal.

Visual Amenity

- 7.7 In terms of visual amenity, I do not have issue with the extent or scale of the proposed garden room structure and consider that it would integrate well with the existing dwelling and other properties in the vicinity. Given its overall height and design, I consider that the proposal would not result in material impacts on adjoining properties in terms of overbearance and I do not consider it to be visually incongruous or dominant in this context. I am satisfied in this regard.

Residential Amenity

- 7.8 In terms of impacts on residential amenity, I consider that any impacts would not be so great as to warrant an alteration to its design or a refusal of permission. This is considered to be a minor, small-scale, garden room development providing ancillary accommodation within the rear garden area, which has capacity to absorb it. I am satisfied with the proximity to boundaries proposed.
- 7.9 Given the single storey height and design rationale put forward, I do not anticipate levels of overlooking or impacts on privacy to be excessive.
- 7.10 I consider that the site has the capacity to absorb a development of the nature and scale proposed, without detriment to the amenities of the area. I am generally satisfied in this regard. I have no information before me to believe that the proposal would lead to devaluation of property in the vicinity.

7.11 In terms of the proposal inhibiting the future redevelopment of the rear garden area, which may include amalgamation with adjoining gardens, I am of the opinion that any such proposals could include for the removal of said garden structure. Its removal from the garden should be relatively straightforward. I am not unduly concerned in relation to this matter.

Drainage Matters

7.12 I note that the planning authority have not raised concerns in relation to drainage and I am also satisfied in relation to this matter. I have no information before me to believe that the proposal would be prejudicial to public health and consider that the matter of drainage can be adequately dealt with by means of condition.

Conclusion

7.13 Having regard to all of the above, I am satisfied that the proposed development is in accordance with the provisions of the operative 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 recommend permission be GRANTED subject to conditions.

10.0 Reasons and Considerations

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 development would not seriously injure the visual amenities of the area or residential amenity of property in the vicinity. 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 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>Water supply and drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health and surface water management.</p>
3.	<p>The proposed garden room shall not be used for human habitation or for the keeping of pigs, poultry or pigeons, ponies or horses or for any other purpose other than a purpose incidental to the enjoyment of the house and shall not be used for commercial purposes without a prior grant of planning permission. In addition, it shall not be separated from the principal dwelling by lease or sale.</p> <p>Reason: In the interest of residential amenity.</p>

Lorraine Dockery
Senior Planning Inspector

25th October 2022