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Bord  
Pleanála

## Inspector's Report ABP315928-23

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<b>Development</b>	Retention of single storey detached office/gym to rear garden with associated ancillary works
<b>Location</b>	5 Aranleigh Gardens, Dublin 14
<b>Planning Authority</b>	South Dublin County Council
<b>Planning Authority Reg. Ref.</b>	SD22B/0514
<b>Applicant(s)</b>	John Curran
<b>Type of Application</b>	Retention Permission
<b>Planning Authority Decision</b>	Grant Permission with conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Ruth O'Sullivan & Gordon Chivers & Others
<b>Observer(s)</b>	N/A
<b>Date of Site Inspection</b>	18 <sup>th</sup> May 2023
<b>Inspector</b>	Andrew Hersey

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## 1.0 Site Location and Description

- 1.1. The proposed development is located in a suburban housing estate in Rathfarnham, Dublin. The site comprises of a 2 storey semi-detached dwelling with front and rear gardens. There is a side access to the rear garden. The structure for which retention is sought is located at the bottom of the rear garden of the property.

## 2.0 Proposed Development

- 2.1. The proposed development is for retention permission for a timber single storey detached structure which is located at the end of the rear garden of the property.
- 2.2. The stated use of the said structure is for an office and gym.

## 3.0 Planning Authority Decision

### 3.1. Decision

- Grant permission on the 11<sup>th</sup> January 2023

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The report of the Planning Officer (dated 11<sup>th</sup> January 2023) reflects the decision of the Planning Authority. The following is noted from the report;

- The case officer states that the proposed development is acceptable in terms of visual and residential amenities
- A condition is imposed to (i) omit the WC from the structure, (ii) omit the eastern side elevation window and to provide suitable planting to prevent a blank gable wall and (iii) ensure the western side elevational window is frosted or opaque.
- A condition is imposed restricting its use to that which is solely for purposes incidental to the enjoyment of the dwelling house, that it shall not be used for any trade or business and that it would not be sold let or otherwise transferred, save as part of the dwelling

- A condition is imposed that water butts be installed to collect rainwater as a sustainable drainage system measure.
- No contribution required.

### 3.2.2. Other Technical Reports – Roads Department (received 25<sup>th</sup> November 2023)

- No objection

### 3.3. Submissions/Observations

#### 3.3.1. There are six submissions on file which can be summarised as follows:

- Scale of the building is overbearing
- The gable windows overlook adjacent gardens.
- There are concerns that the said building will be used for residential accommodation purposes.
- That the said building if granted permission will set an undesirable precedent for similar developments in the area

## 4.0 Planning History

None identified on site

## 5.0 Policy and Context

### 5.1. Development Plan

#### 5.1.1. South Dublin County Development Plan 2022-2028

- The site is zoned as RES in the above plan the objective of which is '*To protect and improve residential amenity*'
- Section 6.8.2 Policy H14 Residential Extensions seeks to '*Support the extension of existing dwellings subject to the protection of residential and visual amenities*'.

- H14 Objective 1 *‘To favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 12: Implementation and Monitoring and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines)’*

## 5.2. Natural Heritage Designations

The site is not located within or adjacent to any Natural Heritage Designations nor is there any hydrological link to the same

## 5.3. EIA Screening

- 5.3.1. Having regard to the nature and modest scale of the proposed development, its location in a built-up urban area and the likely emissions therefrom it is possible to conclude that the proposed development is not likely to give rise to significant environmental impacts and the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

## 6.0 The Appeal

- A third party party appeal has been lodged by Ms Ruth O’Sullivan & Mr Gordon Chivers of 4 Aranleigh Court, Rathfarnham Dublin 14. Six other parties are named on the appeal

### 6.1. Grounds of Appeal

- The scale of the building is overbearing and out of scale with other buildings in surrounding gardens. The scale results in a visual dis-amenity
- Overshadowing of No 7 Aranleigh Gardens
- The building is wedged into the site with circa 0.5metres distance between the structure and the party boundaries on either side. There should be a minimum clearance of 1.33metres either side.

- That a timber fence was erected on the site without planning permission
- There is a risk that the building will be used for a self-contained apartment
- That the said building if granted permission will set an undesirable precedent for similar developments in the area

## 6.2. **Planning Authority Response**

- The Planning Authority confirms its decision and that the issues raised in the appeal have been covered in the planners report. (received 23<sup>rd</sup> March 2023)

## 6.3. **Observations**

- None received

## 6.4. **Further Responses**

6.4.1. The first party responded to the appeal on the 29<sup>th</sup> March 2023. The response can be summarised as follows:

- There is ample space between building and the boundaries
- There is a similar structure in the rear garden of 2 Aranleigh Court
- The rear garden area is 121sq.m. after the structure was built and therefore it is not overbearing.
- The windows on the gables do not overlook adjacent properties.
- The applicant will comply with planning conditions imposed
- The garden room will be used solely for purposes incidental to the enjoyment of the dwellinghouse.

## 7.0 Assessment

### 7.1. Introduction

7.1.1. I have examined the application details and all other documentation on file and I have inspected the site and have had regard to relevant local development plan policies and guidance.

7.1.2. I am satisfied the substantive issues arising from the grounds of this third party Appeal relate to the following matters-

- Principle
- Visual Amenities
- Residential Amenities

### 7.2. Principle

7.2.1. The proposed development is for the retention of a single storey detached timber building in the rear garden of the applicants property. The said structure is to be used for the purposes of an office and a gym. The floorspace of the said structure is just over 51sq.m..

7.2.2. The site is located within a suburban area of Rathfarnham on lands zoned as 'RES' in the South Dublin County Development Plan 2022-2028, the objective of which is to *'To protect and improve residential amenity'*

7.2.3. The proposed development comprises of ancillary residential use i.e. a home office and a gym and therefore the use would comply with this zoning objective

7.2.4. With respect of the same, it is considered that the principle of the development is deemed acceptable in this context.

### 7.3. Visual Amenities

7.3.1. The proposed building for retention is a single storey building with a ridge height of 3.8 metres with the wall plate set at 2.7 metres. The floor area is stated as being 51.16sq.m.. In terms of scale, and having viewed aerial photographs of the area, it is noted that there are other detached structures located in the rear gardens of

adjacent properties. I note for instance that there is a similar sized detached structure in the rear garden of 11 Aranleigh Gardens which is the third house to the east of the property subject of this appeal. I further note house extensions of a similar size to the said structure subject of this appeal. In terms of scale therefore I am satisfied that the proposed building for retention is acceptable in this context and I do not consider that the scale will result in any visual disamenity.

7.3.2. The external finishes of the said building for retention comprises of painted wood cladding similar to that of a garden shed. I do not consider that this is out of context with other structures in the area

7.3.3. On this basis, I am of the opinion that in terms of visual amenity that the scale, design and material finish of the building subject of this appeal is appropriate in this context and does not detract from the general visual amenities of the area.

#### **7.4. Residential Amenities**

7.4.1. In terms of impact upon residential amenities, I note that there are windows present on both gables of the said building for retention. These face towards adjacent gardens to the east and west.

7.4.2. I note that the party boundaries comprise of solid fences circa 2.0 metres in height and that the structure is circa 0.5 metres from these boundary fences which is sufficient to walk around the building for maintenance purposes. I do not consider that the proximity of the building to the boundaries will result in any residential amenity issues.

7.4.3. I note the planning authority has imposed a condition that the eastern side elevation window be omitted and that suitable planting is carried out so as to prevent a blank gable wall. I note a further element of the said condition requires that the western side elevational window is frosted or opaque. In order to protect direct overlooking to adjacent properties I agree with the imposition of these conditions.

7.4.4. I note from the case planners report and the appeal submitted that there are concerns that the said building for retention could be used for the purposes of a self-contained apartment. In this respect I note that the planning authority has (i) omitted the WC from the building and (ii) imposed a condition restricting its use to be



ancillary to the use of the existing house on site. I am satisfied that such conditions will prevent its use as a self-contained apartment.

7.4.5. With respect of potential to overshadow, I do think that some overshadowing will occur in the rear garden to the east during the evening when the sun is located in the west. This overshadowing will be over the back of the rear garden of the adjacent property to the east. No overshadowing of windows associated with the house will result. In this respect, I consider that this degree of impact on the residential amenities of the neighbouring property is negligible and therefore acceptable.

7.4.6. Having regard to the foregoing, I am satisfied that the proposed development will not impact upon the residential amenities of adjacent properties.

#### **7.5. Appropriate Assessment Screening**

7.6. Having regard to the nature and scale of the proposed development, the absence of emissions therefrom, the nature of receiving environment as a built up urban area and the distance from any European site and the absence of a pathway between the application site and any European site it is possible to screen out the requirement for the submission of an NIS.

#### **8.0 Recommendation**

8.1. I recommend that permission is granted subject to the following conditions;

#### **9.0 Reasons and Considerations**

9.1. Having regard to the information submitted with the application and the nature and scale of the proposed development for retention, it is considered that, subject to compliance with the conditions set out below, the proposed development would comply with the zoning objective for the site, would not be injurious to the visual and residential amenities of the area, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 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><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The proposed home office/gym shall be used solely for that purpose, and for purposes incidental to the enjoyment of the dwelling house and as such shall not be sold, let or otherwise transferred or conveyed as part of the dwelling.</p> <p><b>Reason:</b> In the interests of orderly development and in the interests of proper planning and sustainable development of the area</p>
3.	<p>Within three months of the date of this grant in permission, the applicant shall undertake all of the following amendments:</p> <ul style="list-style-type: none"><li>(a) Omit the WC from the home office/gym</li><li>(b) Omit the eastern side elevational window and provide for planting to cover the side elevational wall, details of which will be agreed with the planning authority prior to the commencement of the same</li><li>(c) Replace the glass on the window on the west side elevation with frosted or opaque glass</li></ul> <p>Photographs showing these works shall be submitted to the planning authority once the works are complete and in any rate within 3 months of this grant of permission</p> <p><b>Reason:</b> In the interests of the protection of the residential amenities of adjacent properties</p>

4.	Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.  <b>Reason:</b> In the interest of public health
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way

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.Andrew Hersey  
Planning Inspector

9<sup>th</sup> June 2023