



An
Bord
Pleanála

Inspector's Report

ABP-317468-23

Development	Retention of outdoor covered seating area & garden shed to rear and retention of timber palisade fence and gates to front of property
Location	Taney Lodge, Taney Road, Goatstown, Dublin 14, D14H2C0
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D23A/0253
Applicant(s)	Tabitha Reynolds
Type of Application	Retention permission
Planning Authority Decision	Grant with conditions
Type of Appeal	First Party vs Conditions
Appellant(s)	Tabitha Reynolds
Observer(s)	None
Date of Site Inspection	19 th October 2023
Inspector	Bernadette Quinn

1.0 Site Location and Description

- 1.1. The appeal site is in an established residential area surrounded by two storey dwellings to the east and south and by a public park to its west.
- 1.2. There is an existing detached, single storey dwelling on the site, Taney Lodge, which is positioned perpendicular to Taney Road on its southern side. The appeal site slopes upwards from the public road such that Taney Lodge and the rear garden ground level is higher than the ground level on the public road fronting the site. Taney Road slopes downwards from west to east at Taney Lodge.
- 1.3. Access is off an existing vehicular entrance from Taney Road. The site area measures 0.0354 ha.

2.0 Proposed Development

- 2.1. The development for which retention permission is sought comprises:
 - Structure incorporating outdoor covered seating area and garden shed to rear with floor areas of 27sq.m. and 9 sq.m. respectively, a height of 3.11m when viewed from the garden and a height of between 3.7m and 3.9m above ground level on Taney Road. The structure has a length of 9.5m on its northern side and 10m on its southern side.
 - Timber palisade fence and gates to front with a height of approximately 2.5m above ground level and total length of 9.2m when viewed from Taney Road.

3.0 Planning Authority Decision

3.1. Decision

On 09th June 2023 the planning authority granted permission for retention subject to 6 conditions. The following conditions are of note:

Condition 2. The height of the northern wall (facing Taney Road) of the shed and covered seating area, and associated roof at the northern end of the site, shall be reduced to a maximum height of 2 metres above the ground level of the existing rear garden ground level within 4 months of the final grant of this

planning permission and photographic evidence showing same shall be submitted for the written agreement of the Planning Authority. REASON: In the interests of the proper planning and sustainable development of the area.

Condition 3. The northern wall of the shed and covered seating area shall be painted either white or grey within 4 months of the final grant of this planning permission and shall be maintained in good condition thereafter. REASON: In the interests of proper planning and sustainable development of the area.

Condition 4. The height of the timber palisade fence and gates to the front of the property shall be reduced to a maximum height of 1.2 metres within 4 months of the final grant of this planning permission. REASON: In the interests of the visual amenities of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planners report reflects the decision to grant permission subject to condition and notes the following:

- Considers section 12.3.7.1 of development plan relating to rear extensions relevant to assessment.
- Considers the height of the northern wall onto Taney Road is excessive and out of keeping with surroundings, given its length and scale and visually prominent colour along the full northern side of the rear garden.
- Considers a reduction to 2m when measured from rear garden or 3.1m from Taney Road would be acceptable to integrate with the dwelling and not appear out of keeping with the character of the area.
- Considers timber fence, having regard to policy in relation to vehicular entrances, place making and boundaries, could be retained at a height of 1.2m above ground level.

3.2.2. Other Technical Reports

Transportation and Drainage reports state no objection subject to standard conditions.

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

One submission received and on file from the occupant of 19 Birchfield Lawn to the east of the appeal site. Matter raised refer to the location of the shed on the joint boundary and requirement to access from the observer's property to carry out the works and for future maintenance.

4.0 **Planning History**

Appeal Site: PA reference D02A/1174 - Permission refused by planning authority for retention of 8m² single storey extension to rear of existing building and for retention of change of use from dwelling to office for one reason relating to traffic hazard.

5.0 **Policy Context**

5.1. **Development Plan**

5.1.1. The Dún Laoghaire Rathdown County Development Plan, 2022-2028 is the statutory development plan for the area. The site is zoned Objective 'A' residential with the objective to: 'provide residential development and improve residential amenity while protecting the existing residential amenities' under which residential development is listed within the 'Permitted in Principle' category of this zoning objective.

5.1.2. Chapter 12 of the development plan deals with Development Management. Section 12.3.7.1 provides guidance with respect to extensions. The relevant considerations include:

- Extensions to the Rear are considered in terms of their length, height, proximity to mutual boundaries and should match or complement the main house.

- Side extensions at ground floor will be evaluated against proximity to boundaries, size, and visual harmony with existing (especially front elevation) and impacts on adjoining residential amenity.

Section 12.4.8.2 refers to Visual and Physical Impacts of vehicular entrances and hardstanding areas stating: 'Any boundary walls, entrance piers and gates and railings shall normally be finished to harmonise in colour, texture, height and size to match the existing streetscape.'

Section 12.8.7.2 refers to Boundaries and requires suitable boundary treatments both around the side and between proposed dwellings shall be provided. Boundaries located to the front of dwellings should generally consist of softer, more open boundary treatments, such as low-level walls/railings and/or hedging/planted treatments.

5.2. Natural Heritage Designations

None

5.3. EIA Screening

The proposed development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, (as amended), and therefore does not give rise to requirement for preliminary screening or EIA determination.

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal has been lodged against conditions 2, 3 and 4 attached to the Planning Authority's notification of decision to grant permission. The grounds of appeal can be summarised as follows:

- Requests removal of conditions 2, 3 and 4 attached to grant of permission as these conditions modify the development to the extent that the works would, to all intents and purposes, be exempted development.

- Development complies with zoning objective A as it improves residential amenity of Taney Lodge and has negligible, if any, effect on receiving environment.
- Reduction of roof height of rear seating area would result in cost and disruption which is disproportionate to the effect it would have on residential amenity of Taney Lodge. This reduction would result in less than 2m clear headroom and would result in the roof clashing with the existing rear windows and doors.
- Timber fence is required to provide privacy and noise reduction to front bedrooms of Taney Lodge. Condition 4 requiring its reduction to 1.2m is consistent with exemptions for such structures under Schedule 2 Class 5 of regulations, removes privacy function and does not result in any improvements.
- Unclear what development plan policy is achieved in the requirement in condition 3 to paint the wall white or grey rather than blue.

6.2. Planning Authority Response

Submission states grounds of appeal raise no matters which would justify a change in attitude to the proposed development.

7.0 Assessment

7.1. This is a first-party appeal against Condition No. 2, 3 and 4 attached to the Planning Authority's decision to grant permission. Having regard to the nature and scale of the proposed development and the content of condition no. 2, 3 and 4, it is considered that the determination by the Board of the application, as if it had been made to it in the first instance would not be warranted. Therefore, the Board should determine the matters raised in the appeal only, in accordance with Section 139 of the Planning and Development Act 2000, as amended.

7.2. Condition 2 and Condition 3

7.2.1. The shed and covered seating area structure is positioned such that it extends from the rear façade of the dwelling and runs along the extent of the rear northern boundary

which forms the boundary with Taney Road. The structure has a monopitch roof which slopes downwards towards the north / Taney Road. The height of the eaves of the roof of the structure to be retained match the eaves height of the rear extension of Taney Lodge when viewed from Taney Road. Due to the sloping nature of the road the height of the structure varies between approximately 3.7m and 3.9 m above street level when viewed from Taney Road. When viewed within the rear garden of Taney Lodge the structure has a height of 3.1m.

- 7.2.2. Taney Lodge is positioned perpendicular to the road such that its northern side elevation presents a blank façade onto Taney Road. The development to be retained results in the extension of this blank façade further east along Taney Road at the same height as the eaves of Taney Lodge. The structure is plastered and, with the exception of colour, is similar in finish to the existing dwelling.
- 7.2.3. The existing pattern of development along the south side of Taney Road (same side as appeal site) provides for limited activity to the road front. To the west of the appeal site there is an area of public open space with its boundary running along Taney Road comprising of a low stone wall and mature hedges and trees. Further east on Taney Road is an area of undeveloped land and access to a car park serving a pub and restaurant. The pattern of development on the opposite side of Taney Road comprises two storey semi-detached dwellings with low walls and gates such that the dwellings and their front gardens are visible from the street.
- 7.2.4. The planning authority considered the height of the northern wall of the rear garden structure excessive and out of keeping with the surroundings, given its length and scale and visually prominent colour. The Planning Officer considered limiting the height of the wall *'to 2m when measured from the applicant's rear garden, i.e. a reduction of 0.6m, to ensure adequate privacy for the rear garden space or 3.1m when measured from Taney Road'*. This height limit, combined with a condition requiring that the northern elevation of the wall be painted in an off white or grey (in keeping with the main house), was considered by the planning officer sufficient such that the structure would integrate with the dwelling and would not appear out of keeping with the character of the street or the area when viewed from Taney Road and would not have undue negative impacts on surrounding residential amenities by reason of overbearing or overshadowing impacts.

- 7.2.5. I consider the main issue to be examined in relation to condition 2 and condition 3 is the impact on visual and residential Amenity. Having regard to the character of the structure to be retained, I consider the development plan standards relating to rear and side extensions relevant to this assessment, noting size, scale, visual harmony and impacts on adjoining residential and visual amenity as relevant considerations.
- 7.2.6. Having regard to the pattern of development in the vicinity of the appeal site and noting the character of Taney Lodge and its relationship with the street which is at variance with the surrounding streetscape, I do not consider the retention of this structure will result in a reduction in residential or visual amenities of adjoining properties or the appeal site. I consider the height of the structure to be retained is generally acceptable and in accordance with the development management standards relating to rear and side extensions. I do not consider that reducing the height of the northern wall to 2m above the ground level of the existing rear garden as required in condition 2 is necessary to provide for visual harmony. In this regard I do not consider condition 2 is warranted and should be removed.
- 7.2.7. I note that the local authority planning officers report refers to limiting the height of the northern wall of the structure *'to 2m when measured from the applicant's rear garden, i.e. a reduction of 0.6m, to ensure adequate privacy for the rear garden space or 3.1m when measured from Taney Road'*. Noting the existing height of 3.1m within the rear garden and 3.7m on Taney Road, should the Board consider it appropriate to reduce the height of this wall I consider a height of 2.5m above the ground level of the existing rear garden level more appropriate than the 2m required by condition 2.
- 7.2.8. I consider it appropriate that the colour of the section of wall facing Taney Road should match the colour of Taney Lodge in order to reduce the visual impact. I therefore consider it appropriate to retain Condition 3 of the planning authority decision requiring the northern wall of the shed and covered seating area shall be painted white or grey.

Condition 4

- 7.2.9. The planning authority considered the visual impact of the timber palisade fence and gates and considered, having regard to the policy in relation to vehicular entrances, place making and boundaries in and around the front of dwellings, that these structures could be retained subject to a height limit of 1.2m above ground level such

that the structures would integrate with the street and surroundings and would not be out of keeping with the area. The planning officer considered that this would allow for the open character of the front of the dwelling to be maintained such that the building can interface somewhat with the street to aid with healthy place making and to allow the front of the building to address the public realm.

- 7.2.10. The appeal site slopes upwards from the public road such that the ground level inside the front entrance gate is above the level of the public road fronting the site and Taney road slopes downwards from west to east in front of the site. The fence and gate are indicated on drawings as having a height of 1.86 above finished floor level and a varying height above ground level of approximately 2.5 m. Noting the height of the gate and fence and the lower level of the road fronting the site, the fence and gates screen the full extent of the front elevation of Taney Lodge which would otherwise be visible on approach from the west.
- 7.2.11. Development management standards in Section 12.4.8.2 include a requirement that boundary walls, entrance piers and gates and railings shall normally be finished to harmonise in colour, texture, height and size to match the existing streetscape. Section 12.8.7.2 requires boundaries located to the front of dwellings should generally consist of softer, more open boundary treatments, such as low-level walls/railings and/or hedging/planted treatments.
- 7.2.12. I consider the scale and height of the gate and fence and the wooden palisade material finish is out of keeping with existing finishes, appears incongruous and inappropriate and has a negative impact on the visual amenities of the area when viewed from the street. I consider the impact is such that it provides for a poor relationship between Taney Lodge and Taney Road and fails to comply with development management standards in Section 12.4.8.2 and 12.8.7.2 of the development plan.
- 7.2.13. I consider it appropriate to retain condition 4 attached by the planning authority to reduce the height of the fence and gate in order to provide for a more open boundary treatment at the front entrance and reduce its visual impact.

8.0 Appropriate Assessment

- 8.1. Having regard to the nature of the application, the nature and minor scale of the development, the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

- 9.1. Having inspected the site and reviewed the drawings and documents on file, I am satisfied that the determination by the Board of this application as if it had been made to it in the first instance would not be warranted. Accordingly, I consider that it would be appropriate to use the provisions of Section 139 of the 2000 Act, as amended. I recommend that Condition 2 should be REMOVED. I recommend that condition 3 and Condition 4 should be RETAINED.

10.0 Reasons and Considerations

- 10.1. Having regard to the provisions of the Dún Laoghaire Rathdown County Development Plan, 2022-2028, the zoning objective to 'provide residential development and improve residential amenity while protecting the existing residential amenities', the pattern of development in the area, and the nature and scale of the development to be retained, it is considered that subject to condition 3 the retention of the outdoor covered seating area and subject to condition 4 the fence and gates would not adversely impact on the existing residential and visual amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

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.

Bernadette Quinn
Planning Inspector

18th December 2023

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-317468-23		
Proposed Development Summary	Retention of outdoor covered seating area & garden shed to the rear and retention of timber palisade fence and gates to the front of the property		
Development Address	Taney Lodge, Taney Road, Goatstown, Dublin 14		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? <small>(that is involving construction works, demolition, or interventions in the natural surroundings)</small>	Yes	X	
	No	No further action required	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No	X	N/A	Conclusion No EIAR or Preliminary Examination required
Yes		Class/Threshold.....	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No		Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: 18/12/2023