



An  
Bord  
Pleanála

## Inspector's Report

### ABP-317585-23

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<b>Development</b>	The development consists of a bike shed (10.8 sq. m.) in front garden.
<b>Location</b>	146 Ballinclea Heights, Killiney, Co. Dublin, A96 C9H6
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D23B/0186
<b>Applicant(s)</b>	Julie Wallace
<b>Type of Application</b>	Retention Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Julie Wallace
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	19 <sup>th</sup> October 2023
<b>Inspector</b>	Bernadette Quinn

## **1.0 Site Location and Description**

- 1.1. The site has a stated area of 0.035ha and is located on the north side of Ballinclea Heights in an established residential area characterised by two storey semi-detached houses. The existing house on the application site is a two-storey house which forms a semi-detached pair with the adjoining house to the east but has been extended and modified such that it also adjoins the neighbouring dwelling to the west. The total stated floor area of the existing dwelling is 201.49 square metres. There is vehicular access off Ballinclea Heights and car parking is provided within the front garden.
- 1.2. There is a timber clad shed structure in the front garden which is the subject of this application for retention permission. A semi-mature hedgerow exists along the east and west side boundaries and on the southern boundary separating the site from the public footpath.

## **2.0 Proposed Development**

- 2.1. Permission is sought for retention of a bike shed with a gross floor area of 10 sq.m. located in the front garden parallel to the front roadside boundary. The height at the lowest point of the pitch is 1.8 metres at the rear (west) side rising to 2.2 metres on its front (east). The structure is 3.6 meters long by 3 meters wide, has timber clad walls and a metal clad mono pitch roof and is offset from the roadside boundary by 300mm and the side (east) boundary by 600mm.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

On 19<sup>th</sup> June 2023 the planning authority refused permission for retention for the following reason:

1. The proposed retention development, namely the as-built 'bike shed', by reason of its size, bulk and scale, and location in a front garden and adjacent to the front boundary, would be incongruous, and visually injurious and obtrusive when viewed along the streetscape and from adjoining properties, would be seriously out-of-character with the receiving environment, and would

detract from the visual amenity, and would set a poor precedent for similar type development in the area. The proposed development would, therefore, seriously injure the amenities and depreciate the value of property in the vicinity and be contrary to the proper planning and sustainable development of the area.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The report reflects the decision to refuse permission. The main points in the report include:

- Considers the development to be retained appears to be the same as the proposed outbuilding/shed development omitted as part of condition no. 2 under planning permission D22A/0866.
- Refers to policy in development plan relating to detached habitable rooms and extensions to dwellings.
- Concludes development is not acceptable having regard to the bulk, scale and siting and impact on visual and residential amenities and pattern of development in the area.

#### **3.2.2. Other Technical Reports**

Drainage Planning: No objection

### **3.3. Prescribed Bodies**

None

### **3.4. Third Party Observations**

Three submissions received and on file from residents in the area raised objections to the development sought to be retained. The issues raised refer to planning history on site, visual impact and out of keeping with pattern of development.

## 4.0 Planning History

Subject Site:

D22A/0866 Permission granted on 16/02/2023 by the planning authority for 2 no. rooflights on front roof elevation, reduction in height of first floor window cill on rear elevation and associated site works. This application also sought permission for 'a single storey standalone out building (10.82 sq.m.) in front garden and 1.8 metre high x 3.5 metre wide entrance gate to front of property'. The drawings submitted show a proposed outbuilding similar in scale, appearance and location to the bike shed for which retention is now sought. Condition 2 of the grant of permission states 'The proposed outbuilding and entrance gates shall be omitted from the development hereby permitted. Reason: In the interest of orderly development and visual amenities.'

D21B/0331 Permission granted by planning authority for single storey extension to front and conversion of garage for habitable purposes and single storey extension to rear.

D02B/0863 Permission granted by planning authority for first floor bedroom and study extension over garage and 2no. velux windows.

## 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.
- Chapter 12 of the development plan deals with Development Management. Section 12.3.7.1 provides guidance with respect to front extensions with consideration given to scale, design, and impact on visual and residential amenities.

- Section 12.3.7.4 provides guidance in relation to Detached Habitable Rooms stating such structures should be modest in floor area and scale, relative to the main house and remaining rear garden area. The applicant will be required to demonstrate that neither the design nor the use of the proposed structure will detract from the residential amenity of adjoining property or the main house.
- 12.4.5.6 Residential Parking states 'Innovative proposals for individual garages will also be considered which can be used for bike, mobility scooters or car storage. This may be particularly useful for households who have a range of large bicycles such as cargo bikes, tricycles or adapted bicycles for the disabled'.
- Section 12.4.6 Cycle Parking sets out requirements for new development and states cycle parking should accord with the Council published 'Standards for Cycle Parking and Associated Cycling Facilities for New Developments'. This document includes requirements relating to long stay parking standards for new houses.
- Section 12.4.7 sets out standards for Motorcycle Parking for new developments.
- 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.'

## 5.2. **Natural Heritage Designations**

None in vicinity of site.

## 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 is not subject to EIA requirements.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

A first party appeal submitted by the applicant can be summarised as follows:

- Bike shed required to store two motorbikes and six bicycles, including two electric bikes and scooters and associated safety equipment.
- Shed is not visible from outside site due to presence of hedge.
- Previously existing garage converted to residential use and no side access exists.
- Front garden is sufficiently large that there is still space to park two cars and retain a garden.
- Refers to recently constructed cycle lanes and the resulting need for associated cycle parking.
- Refers to precedent in area where sheds and gates constructed and provides images of same, including at numbers 117B, 145A and 219 and considers scale of proposed development smaller than these. Provides photos of other developments in the area including a garage in line with front building line of dwelling, front gates, infill dwellings.
- Refers to a previous decision on site which was a split decision to grant modifications to dwelling and refuse shed and considers this inappropriate.

### 6.2. Planning Authority Response

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

### 6.3. Observations

None received.

## 6.4. Further Responses

None received.

## 7.0 Assessment

- 7.1. Having examined the application details and all other documentation on file, including the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issue in this appeal is the impact on visual amenity.
- 7.2. The development plan for the area contains clear policy support for the promotion of sustainable transport modes, including cycling, and outlines development management guidance in relation to provision of cycle parking for new dwellings. No guidance is provided for cycle storage for existing dwellings. Development management criteria in the development plan relating to new structures / modifications to the front of existing dwellings include in relation to porches, front extensions, and changes to vehicular entrances. Having reviewed the relevant criteria in Chapter 12, a key consideration relating to new development in front of existing dwellings relates to design, scale, height and projection forward of front building line as well as visual impact on host dwelling and visual amenities of adjoining properties.
- 7.3. The established pattern of development in the vicinity of the appeal site is of semi-detached two storey houses with modest sized front gardens and with roadside boundaries in the area comprising a mix of open boundaries and hedges / planting.
- 7.4. The structure is located approximately 5.2 metres forward of the main front façade of the host dwelling and parallel to the front boundary beyond which is the public footpath and road. The structure is a wooden garden shed, which as noted above is timber clad and which has a mono pitched roof with a height of 2.2 m at its highest, reducing to 1.8m at the lowest point. The side elevations measure 3 meters in length by 3.6 metres wide with a total floor area of 10.8 sq.m.
- 7.5. I consider the scale, positioning, layout, form and materials of the structure are inappropriate for its location in a front garden and that it results in an incongruous feature within the streetscape and is detrimental to the visual amenity and character of the area.

- 7.6. The appellant has included details of what is considered to be a precedent in the area for similar type development. The appellant cites no. 145A, no. 117B and no. 219 without giving any additional details in relation to the location of these properties. Having reviewed the photographs submitted it appears that no. 145A and no. 117B both relate to properties on Ballinclea Heights and are gates and not sheds which are a different form of development to the subject appeal and serve detached infill dwellings which are different in character to the subject site. Reference is also made to 'No. 219' and a photograph submitted of a concrete shed with pitched roof. Based on the information submitted I am unable to locate this property and have not been able to establish whether the structure referred to relates to an established precedent. The remainder of the photographs submitted do not include any address for the properties. Having reviewed the photographs many of them relate to front boundary gates and fences serving properties which are of a different character to the subject site. Photos of infill development and a front garage in line with the building line of a dwelling are also included. Based on the documents submitted and having visited the site, I am satisfied that there is no established precedent for similar development in the area.
- 7.7. Storage structures such as that proposed are more appropriately located within rear gardens or behind the front building line of dwellings. The structure sought to be retained is located significantly forward of the front building line and fails to provide for an orderly pattern of development. The structure is visible from the street approaching the site from the west and I consider it to be at odds with the character of front gardens in the area. I note the presence of semi mature hedgerow along the front boundaries of the site and in front of the structure to be retained. I agree with the planning authority that the presence of hedgerow cannot be relied upon for long term screening.
- 7.8. In conclusion, given the scale, height and material finishes of the structure and its location in the front garden and having regard to the pattern of development in the vicinity of the site, I consider the shed represents a disorderly form of development which would have a negative impact on the character of the area and would detract from the visual amenities of the host dwelling and adjoining properties. I consider the proposal would set an undesirable precedent for similar type development in the area and be contrary to the proper planning and development of the area.



## **7.9. Appropriate Assessment**

- 7.9.1. Having regard to the nature of the retention application, the minor scale of the development, and to 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.

## **8.0 Recommendation**

- 8.1. I recommend that permission be refused for the reasons and considerations set out below.

## **9.0 Reasons and Considerations**

1. Having regard to the location of the structure to be retained within the front garden, to the scale, height and material finishes, and to the pattern of development in the area, the development is visually incongruous in this setting resulting in a negative impact on the visual amenity and character of the area and would set an undesirable precedent for similar such development. The proposed development would therefore be contrary to 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.

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Bernadette Quinn  
Planning Inspector  
23 November 2023

## Appendix 1 - Form 1

### EIA Pre-Screening

**[EIAR not submitted]**

<b>An Bord Pleanála Case Reference</b>			
<b>Proposed Development Summary</b>	Bike shed (10.8 sq. m.) in front garden		
<b>Development Address</b>	146 Ballinclea Heights, Killiney. Co. Dublin		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	X
		<b>No</b>	No further action required
<b>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?</b>			
<b>Yes</b>		Class.....	EIA Mandatory EIAR required
<b>No</b>	X		Proceed to Q.3
<b>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]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
<b>No</b>	X	N/A	<b>Conclusion</b> No EIAR or Preliminary Examination required
<b>Yes</b>		Class/Threshold.....	Proceed to Q.4

**4. Has Schedule 7A information been submitted?**

<b>No</b>		<b>Preliminary Examination required</b>
<b>Yes</b>		<b>Screening Determination required</b>

Inspector: \_\_\_\_\_

Date: 22/11/2023