



An
Bord
Pleanála

Inspector's Report

ABP-318290-23

Development	Retention of a timber clad bicycle and wheelie bin storage box.
Location	No. 21 Maryville, Ballintemple, Cork City.
Planning Authority	Cork City Council.
Planning Authority Reg. Ref.	2342200.
Applicant(s)	Denis O'Regan & Saskia Van Gothem.
Type of Application	Retention Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party.
Appellant(s)	Denis O'Regan & Saskia Van Gothem.
Observer(s)	None.
Date of Site Inspection	22 nd day of May, 2024.
Inspector	Patricia-Marie Young.

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1.0 Site Location and Description

- 1.1. No. 21 Maryville, the appeal site, is situated in the suburban area of Ballintemple, c0.2km by road to the northwest of Blackrock Road and c3.5km to the southeast of Cork's city centre, as the bird would fly.
- 1.2. The site contains a much modified and extended semi-detached two storey dwelling with part two storey side and rear extension with part single storey rear extension. To the front of the dwelling there is a timber clad angular shaped storage structure position forward of the front building line and positioned on the driveway alongside a shared side boundary with the adjoining property of No. 20 Maryville the rear garden area. To the rear of the property there is ancillary single storey ancillary residential outbuilding.
- 1.3. No. 21 Maryville is located towards the westernmost end of cul-de-sac of mainly semi-detached dwellings that maintain a high degree of their c1960s original uniformity in terms of its built forms as well as building to space relationship. Like the other semi-detached pairs on this cul-de-sac road No. 21 Maryville is setback from the public domain by semi-private spaces that are bound by low boundary walls that historically bound a driveway and soft landscaped area. With the driveway being of sufficient width and depth to accommodate one off-street parked car.
- 1.4. The cul-de-sac of Maryville has a highly coherent strong front building line with a slight step back of the building line and front boundaries for the two detached properties occupying the western end point. (Note: No.s 22A & 23A Maryville). The surrounding area has a strong residential character.

2.0 Proposed Development

- 2.1. **Retention** permission is sought for a timber clad bicycle and wheelie bin storage box of 5.3m² with green roof over to the front of the existing dwelling on site.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 25th day of September, 2023, the Planning Authority issued a notification of their decision to **REFUSE** to permission for the following single stated reason:

“Having regard to the pattern of development in the area, it is considered that the development proposed for retention by reason of its design, scale and [and] location to the front of the dwelling constitutes visual clutter and represents a disorderly form of development which would have a negative visual impact on the character of the area. The development would also set an undesirable precedent for similar future developments in the area and would therefore be contrary to the proper planning and sustainable development of the area.”*

**Note: the stated reason includes, in error, a double ‘and’.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer’s report is the basis of the Planning Authority’s decision. It notes that there is a current enforcement file in relation to the storage shed structure subject of this application. It also raises concern that this development is highly visible, has the appearance of a shipping container and is at odds with the pattern of development in this area. It is noted that in general such structures are only permitted to the rear of a dwelling and at this location gives rise to visual clutter. Given its scale, height, location, and visibility together with the undesirable precedent a grant of retention would set a refusal of retention permission is concluded upon.

3.3. Other Technical Reports

3.3.1. None.

3.4. Prescribed Bodies

3.4.1. None.

3.5. Third Party Observations

3.5.1. 1 No. Third Party observation from a neighbouring property owner was received. This submission raises concerns that this application seeks to regularise an unauthorised development that has given rise to negative visual impact on its surroundings. Further concerns are raised that the size, location, and finish of the structure is out of character

with the area and if retention permission is granted it would give rise to an undesirable precedent for other similar developments.

4.0 Planning History

4.1. Site

- **P.A. Ref. No. E8521**

Open enforcement file in relation to the subject storage shed structure.

- **P.A. Ref. No. TP 23/41819:** Permission was **granted** for the partial demolition of existing dwelling, construction of a full height extension to the east and single storey extension to the south of the dwelling, changes to existing elevations and all ancillary site works.

- **P.A. Ref. No. TP 18/37996:** Permission was **granted** for the construction of a single storey extension to the rear and side of the dwelling house.

- **P.A. Ref. No. TP 17/37423:** Permission was **granted** for the demolition of an existing side garage and construction of part single and part two storey extension to front and side of dwelling together with alterations to existing elevations and all associated site works.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The Cork City Development Plan, 2022-2028, is applicable. The site forms part of a larger area of suburban land zoned ‘ZO-01 Sustainable Residential Neighbourhoods’. The stated objective for such lands is: “*to protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses.*” The stated vision for this land use zone is: “*one of sustainable residential neighbourhoods where a range of residential accommodation, open space, local services and community facilities are available within easy reach of residents.*”

- 5.1.2. ZO 1.2 of the Development Plan requires that development in this zone to be respectful of the character and scale of the neighbourhood. It sets out that development that does not support the primary objective of this zoned will be resisted.
- 5.1.3. Section 11.12 of the Development Plan states that: *“all new development should enrich the urban qualities of the city and its towns, villages and suburbs. A high standard of design is essential to this process, as well as the fostering socially and economically viable communities. Creating a distinctive sense of place which takes into account context, character and setting is essential. Development proposals will be assessed on the visual characteristics of the built form and related elements such as aspect and orientation, proportion, the balance of solid to void, the shapes and details of roofs, chimneys, windows and doors and the materials used. Details of walls, gates, street furniture, paving and planting will also be noted. Roof forms should harmonise with and not clash with the city’s traditional pitched roof forms. Layouts of buildings and spaces must be designed to ensure that areas are permeable, pleasant, legible and safe.”*
- 5.1.4. Section 12.19 of the Development Plan sets out that development proposals in every zone must have placemaking as a primary consideration and must demonstrate how the proposal would respect, reflect, or contribute to the character and vibrancy of the particular neighbourhood through to be commensurate with the nature and scale of the development.

5.2. **Natural Heritage Designations**

- 5.2.1. The site is located c1.4km to the north of Cork Harbour SPA (Site Code: 004030) and c6.5km to the west of the Great Island Channel SAC (Site Code: 001058) at their nearest point as the bird would fly.

5.3. **EIA Screening**

- 5.3.1. See completed EIA Pre-Screening attached.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The grounds of appeal can be summarised as follows:

- The decision is contrary to the Planning Authority's decision on other similar cases.
- This development accords with the proper planning and sustainable development of the area.
- There is restricted access to the rear of the dwelling.
- The subject structure is modestly scaled and does not injure the visual or residential amenities of its setting.
- The green roof improves the local amenity and manages rainwater runoff.
- The structure offers safe and secure storage adjacent to the house.
- It is temporary in nature due to its lightweight construction.
- There is still space available for off-street parking.
- The Board is sought to overturn the Planning Authority decision.

6.2. Planning Authority Response

6.2.1. None.

6.3. Observations

6.3.1. None.

7.0 Assessment

7.1. Preliminary Comment

7.1.1. Having carried out an inspection of the site and its setting, examined the application details and all other documentation on file, as well as having had regard to relevant planning policies and guidance, I consider that the main issues that arise in this appeal are as follows:

- Principle of Development
- Impact on the Amenity & Compliance with Planning Provisions

7.1.2. The matter of 'Appropriate Assessment' arises.

7.1.3. Prior to the commencement of my assessment as the development sought under this application relates to retention of a structure already in situ for clarity, I note that the Development Management Guidelines for Planning Authorities, 2007, make it clear that, in dealing with such applications, they must be considered "*as with any other application*". This is in accordance with planning law and with proper planning practice, in that all applications for retention should be assessed on the same basis as would apply if the development in question were proposed.

7.1.4. Therefore, no account can, or should, be taken of the fact that the development has already taken place.

7.1.5. Further, the development sought should be assessed in terms of its contribution towards the achievement of the applicable zoning objective, the vision for the zoning objective and its compliance as well as consistency with the policy provisions, in particular those set out in the Cork City Development Plan, 2022-2028.

7.2. Principle of Development & Compliance with Planning Provisions

7.2.1. The site forms part of a larger parcel of mature residential in character suburban land that is zoned 'ZO-01 Sustainable Residential Neighbourhoods' under the applicable Development Plan. The objective for such lands is to protect and provide for residential uses. This development relates to development that is ancillary to the existing residential use of the subject site. Given that residential development is permissible on 'ZO-01' lands, I am satisfied that it can be concluded that the general principle of development is acceptable, subject to safeguards.

7.3. Amenity Impact & Compliance with Planning Provisions

7.3.1. The appellant by way of their appeal to the Board seeks that the decision of the Planning Authority to refuse retention permission for a timber clad bicycle and wheelie bin storage area on the front driveway forward of the front building line of No. 21 Maryville is overturned.

- 7.3.2. As set out in Section 3.1.1 of this report the Planning Authority refused permission for the retention of the said storage structure on the basis that they considered it to constitute visual clutter and a disorderly form of development which would negatively impact on the character of the area as well as would set an undesirable precedent for other such insertions in a manner that would be contrary to the proper planning and sustainable development of the area.
- 7.3.3. These considerations are not accepted by the appellant. They contend that this structure is of a contemporaneous design, built form and palette of materials that is both respectful of its host dwelling but also its setting. As well as due to the limited access to the rear of their property for the storage of bikes through to bins the subject structure meets this particular storage need as well as still allows sufficient space to the front of the dwelling to accommodate the parking of a car within curtilage off-street. They are of the view that this existing structure is adequately screened, however they indicate a willingness to provide additional screening should that be deemed necessary by the Board.
- 7.3.4. Whilst it is the case that generally ancillary storage structures are permissible on residentially zoned land, including in cases like this where the storage structure is for ancillary use of occupants of an existing dwelling host, this however is subject to safeguards. Including demonstrating that the development is consistent with ZO 1.2 of the Development Plan which requires that development in this type of residentially zoned land is respectful of the character and scale of the neighbourhood.
- 7.3.5. The appeal site comprises a much extended and altered two storey semi-detached dwelling house that addresses southern side of the Maryville cul-de-sac road in close proximity to its westernmost end point. It forms part of a once highly coherent and uniform in design, built form, layout, building to space relationship residential scheme of mainly two storey semi-detached pairs that is located to the east of Blackrock Road, to the west of Monahan Road and to the north of the School of the Divine in the southeastern suburbs of Cork City.
- 7.3.6. The principal elevation of No. 21 Maryville is setback c8.75m from the public domain. Its setback area is mainly comprised of a soft landscaped area and a hard surfaced driveway that runs along its eastern side. This arrangement is consistent with the

original layout which I observed has survived highly intact to the front of most dwellings in the Maryville residential scheme.

- 7.3.7. Where variations to this arrangement have occurred, I observed that these changes relate to enlarging the area available within the front semi-private setback area to accommodate additional off-street car parking. The side and front boundaries of the front setback semi-private amenity spaces maintain unobscured views to the front of the Maryville properties due to their low height boundary treatments. The exception to this being some visual screening arising from natural features that have been added to the front semi-private spaces over decades since their first occupation. Otherwise, the building to space relationship, including ancillary built structures within the semi-private space, maintains its highly legible original design layout which includes a highly coherent front building line with no standalone structures of a temporary or permanent nature forward of this building line.
- 7.3.8. At the time of inspection, I observed that the driveway in the setback area of No. 21 Maryville contained a timber clad storage structure that according to the submitted plans is setback 4.3m from the entrance serving this property for access onto the public domain.
- 7.3.9. The drawings submitted with this application indicate that the storage structure has a varying height between 1.8m high and at its lowest height but maintaining a consistent flat roof it is 1.635m through maintaining a coherent flat roof height when observed from the street. As observed on site and as indicated in the drawings the structure has a setback of c300mm from the front side boundary that is shared with No. 20 Maryville.
- 7.3.10. This adjoining property I note is served by an entrance on its western side of its roadside boundary with the driveway running in a southerly direction alongside the said shared boundary with No. 21 Maryville. There is a noticeable fall in ground levels between No. 20 Maryville and the subject appeal site.
- 7.3.11. Given the stepped and lower ground levels of the adjoining property of No. 20 Maryville the storage structure's eastern elevation sits c1.9-2m higher than the ground levels of this adjoining property. There also appears to be a further fall in ground levels when this structure is viewed further eastwards from the adjoining semi-detached pair No. 20 forms part of. In this context the structure is a highly visible standalone structure with the current climber planted onto its eastern elevation providing limited visual

softening and/or buffering of it when viewed in the context of these properties. Either when viewed from the semi-private domain of these neighbouring properties or from their adjoining public domain.

- 7.3.12. Additionally in this context the storage structures built form, its angularity, its jagged additional height over the much lower side and front boundary treatments forward of these properties front building line is visually at odds with the pattern of development that characterises this coherently designed and laid out streetscape scene.
- 7.3.13. The structure is also shown in the submitted drawings to have a 2.95m depth and 1.95m width. It is positioned 1.5m to the north of No. 21 Maryville main principal façade at its closest point. When viewed directly from the roadside boundary it obscures the lower eastern portion of the front elevation and when viewed more obliquely it obscures not only more of its host semi-detached pair's front elevation but also neighbouring semi-detached and detached properties to its immediate east and west depending on your angle of view.
- 7.3.14. Having examined the planning history of the Maryville residential scheme I found no recent and/or relevant planning precedent for any similar structure forward of the building line. Nor did I observe any similar interventions in the setback area between the public domain and the main principal elevation of properties within the residential scheme of Maryville.
- 7.3.15. With, as said, the main intervention being the addition of area to accommodate additional off-street car parking and/or turning movement of cars within the front setback area before accessing and egressing from a public domain which is highly obstructed by on-street car parking of the public footpath and carriageway along its length. It is therefore a concern that the remaining hard surfaced area as indicated in the drawings provide do not meet the standards set out under Section 11.145 of the Development Plan. In particular they do not demonstrate an easily accessible area of hard stand equivalent parking space of (2.5 m x 5m) to accommodate the car parking needs of existing and future occupants of this dwelling. Alongside the existing entrance opening arrangement is one that would not require opening outwards onto public footpath or carriageway given the obstructions currently present on site. Whilst there may be restrictions due to the limited space remaining between the extended two storey side and rear extension it is sufficient width to accommodate movement of

bicycles. The need to store bins to the front due to the restricted lateral separation distant between the side of this extension and the eastern boundary is one that could be considered reflects lack of thought in setting back the side extension from the side boundary with No. 20 Maryville.

- 7.3.16. Against this context whilst I acknowledge that this development is one that seeks to make provision on site for bin storage and bicycles for occupants of the existing dwelling house, with this in itself not being inconsistent with the creation of a sustainable and compact city of neighbourhoods and communities, including achieving more climate resilient development through to it is likely that the existing soft landscaping buffering when mature could provide more meaningful visual screening. Notwithstanding, the storage shed structure is an insertion that diminishes the visual amenities of its setting by way of its design, placement, height, and overall built form which results in it being visually at odds with the careful balance of buildings, structures, and spaces within this highly uniform designed residential scheme.
- 7.3.17. To permit this structure would be contrary to residential zoning of this site and its setting which seeks to achieve an appropriate balance between the protection of existing residential development and new developments but also it would be contrary to ZO 1.2 of the Development Plan which requires that development in this residentially zoned suburban land be respectful of the character and scale of the neighbourhood.
- 7.3.18. Further, Section 11.12 of the Development Plan requires all new development should enrich the urban qualities of their locality, it sets out that a high standard of design is essential to this process and that development proposals will be assessed on the visual characteristics of the built form. Moreover, in terms of placemaking the Development Plan sets out under Section 12.19 that development proposals in every zone must have placemaking as a primary consideration and must demonstrate how the proposal would respect, reflect, or contribute to the character of the particular neighbourhood through to be commensurate with the nature and scale of the development. I am not satisfied for the reasons set out above that this development accords with these sections of the Development Plan which are applicable to all developments.

7.3.19. My final concern relates to the compliance with the criteria set out under Section 11.145 of the Development Plan. In relation to this section of the said Plan I am not satisfied on the basis of the information before me alongside having inspected the site and its setting that this development would not give rise to additional overspilling of private cars onto the public domain. With this in turn further adding to the diminishment of safety and comfort of users of this public domain by way of obstruction and interference with the free flow of public domain movements, including vulnerable road users. This adding to the cumulative diminishment of the road safety of this cul-de-sac road.

7.3.20. Conclusion

For the considerations set out above I concur with the Planning Authority's reasons for refusal of the timber clad bicycle and wheelie bin refuse storage structure sought under this application.

8.0 AA Screening

8.1. I have considered the project which consists of the retention of a timber clad bicycle and wheelie bin storage shed structure to the front of No, 21 Maryville Road, Ballintemple, Cork City, in light of the requirements of S177U of the Planning & Development Act, 2000, as amended.

8.2. The subject site is located in a suburban serviced residential area to the southeast of Cork city.

8.3. The nearest European site is Cork Harbour SPA (Site Code: 004030) which is located c1.1km to the north of the site and with and Great Island Channel SAC (Site Code: 001058) a further c6.5km lateral separation distance to the east of the site at their nearest point as the bird would fly.

8.4. No nature conservation concerns were raised by any parties in the planning appeal.

8.5. Having considered the nature, scale, and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site either alone or in combination with other plans of projects.

8.6. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in

combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (Stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

9.1. I recommend that retention permission be REFUSED.

10.0 Reasons and Considerations

1. The proposed retention of the timber clad bicycle and bin storage shed structure infringes on the existing building line and constitutes a sub-standard form of development, the retention of which would, both by itself and the precedent such a retention would set, give rise to disorderly form of development that would have a negative visual impact on the character of the area in a manner that would fail to accord with the proper planning and sustainable development as provided for under the Cork City Development Plan, 2022-2028. The development sought 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.

Patricia-Marie Young
Planning Inspector

31st day of May, 2024.

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-318290-23.		
Proposed Development Summary	Retention of a timber clad bicycle and wheelie bin storage box to the front of existing dwelling.		
Development Address	21 Maryville, Ballintemple, Cork City.		
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	<input checked="" type="checkbox"/>
		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	<input type="checkbox"/>	Class.....	EIA Mandatory EIAR required
No	<input checked="" type="checkbox"/>		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)
			Conclusion
No	<input checked="" type="checkbox"/>	N/A	
			No EIAR or Preliminary Examination required
Yes	<input type="checkbox"/>	N/A	
			Proceed to Q.4

4. Has Schedule 7A information been submitted?

No		Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: _____