



An
Bord
Pleanála

Inspector's Report

ABP-318463-23

Development	Planning permission for the construction of a demountable single storey timber frame log cabin with a gym, home office and storage to rear garden of existing dwelling and associated site works.		
Location	28 Saint Catherine's Avenue, Rush, Co. Dublin K56 A398		
Planning Authority Ref.	F23A/0518		
Applicant(s)	Robert Squires		
Type of Application	Permission	PA Decision	Grant with Conditions
Type of Appeal	First Party	Appellants	Robert Squires
Observer(s)	None		
Date of Site Inspection	17/05/2024	Inspector	Terry O' Leary

Context

1. Site Location and Description. The proposed log cabin is to be situated in the rear garden of an existing residential dwelling set in the mature residential development of St. Catherine's Avenue in Rush, Co. Dublin. The overall site area is stated as comprising of c. 0.03Ha and this area includes the existing house and the associated garden areas. The site is abounded by residential properties on all sides.

2. Description of development.

- Construction of a demountable log cabin incorporating a gym, home office and storage area
- All associated site works.

3. Planning History.

None attached to the subject site.

4. National/Regional/Local Planning Policy

4.1 National Planning Framework

Project Ireland 2040 comprises the National Planning Framework (NPF) and the National Development Plan (NDP). The NPF is the Government's high-level strategic vision for shaping future growth and development in the entire country over a 20-year period. The NPF sets out a targeted pattern of growth for the Eastern and Midlands Region and Dublin City and these growth figures inform the delivery of national policy expressed in the NPF and the delivery of the Regional Spatial and Economic Strategies.

4.2 Regional Spatial & Economic Strategy 2019 - 2031

Regional Spatial and Economic Strategy 2019–2031 The Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Regional Assembly area sets out a strategic plan and investment framework to shape development and manage planning in the Region. The RSES translates the NPF objectives and the growth and settlement strategy at the regional level, ensuing coordination between the NPF and each County Development Plan. The RSES identifies the region's challenges as the need to sustain economic growth whilst transitioning to a low carbon society and the requirement to align population growth with the location of homes and jobs whilst creating healthy attractive places and an enhanced quality of life. The RSES is underpinned by three cross cutting principles; healthy placemaking, climate action and economic opportunity, which is incorporated into all facets of our new Development Plan. The growth strategy for the Region supports the continued sustainable growth of Dublin and its transition to a low

carbon, climate resilient and environmentally sensitive region in accordance with the Metropolitan Area Strategic Plan (MASP), which forms part of the RSES.

4.3 Fingal Development Plan 2023 – 2029 (Current Plan)

The subject site is zoned as 'RS – Residential' and this objective "provides for residential development and protect and improve residential amenity".

Section 14.10.4 Garden Rooms:

Garden rooms can provide useful ancillary accommodation such as a playroom, gym, or study/home office for use by occupants of the dwelling house. Such structures should be modest in floor area and scale, relative to the main house and remaining rear garden area. Applications will be required to demonstrate that neither the design nor the use of the structure would detract from the residential amenities of either the main residence or of adjoining property. External finishes shall be complementary to the main house and any such structure shall not provide residential accommodation and shall not be fitted out in such a manner including by the insertion of a kitchen or toilet facilities. Such structures shall not be let or sold independently from the main dwelling.

5. Natural Heritage Designations

There are no protected structures / NIAH registered buildings or recorded national monuments within close proximity of the sites according to the Kildare County Council GIS system.

6. Development, Decision and Grounds of Appeal

PA Decision.

Fingal County Council granted planning permission for the proposed development subject to 8 conditions with these conditions summarised as follows;

1. The development shall be carried out in accordance with the plans, particulars and specifications lodged with the planning application, save as may be required by the other conditions attached hereto.
2. The permission is granted for a period of ten years only.

3. Prior to the commencement of development, the developer shall submit revised plans and elevational drawings for the written agreement of the Planning Authority demonstrating the following amendments:

A reduction in size of the structure so that the overall floor area of the structure shall not exceed 35 square meters.

4. The permitted structure shall be used solely for use incidental to the enjoyment of the dwelling house and shall not be sold, rented or leased independently of the house and shall not be used for the carrying on of any trade or business or for human habitation. No separate or independent residential use shall be undertaken in the permitted structure.

5. External finishes shall accord with Drawing No. JS-RS-001 unless otherwise agreed in writing with the Planning Authority.

The remaining conditions were generic in nature for treatment of surface water, hours of operation for construction of the log cabin and good construction protocols and procedures.

7(a). First Party Appeal. Grounds:

- That the reduction in size of the cabin from the proposed c. 42 sq. meters to the permitted c. 35 sq. meters as stipulated to comply with Condition 3 would mean that the cabin would be extremely cramped.
- The log cabin is intended to contain specialised equipment which requires spacing requirements that are prejudiced by the reduction in the permitted floor area.
- Cites the granting of planning permission F23A/0291 as a precedent for allowing the larger size cabin of c. 40 sq. meters and suggests that if a reduction in the subject cabin is necessary that the reduction should be limited to 2 sq. meters rather than the 7 sq. meters as required under planning permission F23A/0518.
- That the proposed office rooms could be reduced by 1 sq. meter each as a suggested methodology to maintain the gym at its current proposed size to facilitate the specialised exercise equipment.
- The office rooms are to accommodate a number of family members working from home and that the reduction in size of the cabin will be challenging.

- The storage room in the cabin is required due to the occupancy of a number of adults in the main house and the limited storage space available in the family home.
- That there is a 40% cost implication for the cabin if it has to be modified from its pre-designed size of c. 42 square meters.

8. PA Response

The Planning Authority has reviewed the content of the first party appeal and has no further comment or observation to make.

Environmental Screening

9. EIA Screening

Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, 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.

10. AA Screening Having regard to the modest nature and scale of development and the absence of connectivity to European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

2.0 Assessment

The main issues for consideration in this appeal can be considered under the following headings;

- Principle
- Plot Ratio & Precedent
- Impact on Adjoining Residential Amenity

2.1 Principle

Policy objective 14.10.4 of the Fingal Development Plan 2023 – 2029 makes provision for the type of development proposed in this permission for uses of home office, gym and domestic storage. The proposed log cabin is therefore considered to be acceptable.

2.2 Plot Ratio & Precedent

Condition 3 of planning permission F23A/0518 seeks to reduce the floor area of the proposed development to c. 35 square meters and the planning authority has outlined that the actual scaled floor area of the proposed log cabin is c. 43 square meters as opposed to the c. 42 square meters as articulated in the planning application. The planning authority has confirmed that the subject property benefits from a relatively large garden but notwithstanding this large garden the proposed log cabin is considered excessive in scale. The planning authority refers to Policy Objective 14.10.4 which stipulates that garden room structures should be modest in floor area and scale relative to the main house and remaining rear garden area.

Planning permission F23A/0291 has permitted a garden room of c. 40 square meters at a nearby property where the overall site area is outlined as 0.0326Ha and this is considered to establish a precedent for acceptable garden room scale and plot ratio. The subject property has a similar site configuration to the property in F23A/0291 and if adopting the plot ratio established therein, then a garden room of c. 38.52 square meters would be appropriate where the garden comprises c. 0.0314Ha as in the case of the subject property.

Having regard to the submission by the first party appellant in relation to the medical equipment spacing requirements and the fact that proof can be provided to demonstrate minimum spacing requirements for the operation of this equipment is it considered appropriate to allow an increase in the floor area to c. 40 sq. meters. The first party appellant has conceded that some refinements in the floor area of the office rooms could be facilitated to allow for the reduction to c. 40 square meters.

2.3 Impact on Adjoining Residential Amenity

The proposed log cabin by its size and scale is not considered to negatively impact on the adjoining residential amenity.

3 Recommendation

I recommend that Condition 3 of planning permission F23A/0518 be modified to state that prior to the commencement of development, the developer shall submit revised plans and elevational drawings for the written agreement of the planning authority demonstrating the following amendments;

A reduction in size of the structure so that the overall floor area of the structure shall not exceed 40 square meters measured on a Gross Internal Floor Area.

4 Reasons & Considerations

1. In the interest of the proper planning and sustainable development of the area.
2. To maintain and respect the spacing requirements stipulated in the Fingal Development Plan (2023-2029).

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.

Terry O' Leary

Planning Inspector

28/08/2024