



An
Bord
Pleanála

Inspector's Report ABP-318651-23

Development	Construction of a garden shed in the garden to the front of the property.
Location	No. 3 Doddervale, Churchtown, Dublin 14
Planning Authority	Dún Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D22A/0908
Applicant(s)	Michael Conroy
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant(s)	Michael & Fidelma Norton
Observer(s)	None
Date of Site Inspection	2 nd February 2023
Inspector	Donal Donnelly

1.0 Site Location and Description

- 1.1. The appeal site is located in Doddervale, Churchtown approximately 4km south of Dublin city centre. Doddervale, Orwell Walk and Orwell Gardens make up a residential area located between Orwell Road and the River Dodder. Doddervale is a cul de sac situated parallel and to the south of the River Dodder comprising a mix of single and 2-storey dwelling types with different orientations.
- 1.2. No. 3 Doddervale is located within a terrace of four single storey dwellings situated perpendicularly to the public road. The terrace faces west and there are long gardens to the front. A road-fronting dwelling has been constructed to the front of No. 1 Doddervale. No. 3 has been extended and there is an existing garden room to the rear of the property. At the front (west) of the site, a concrete plinth has been laid at the location of the proposed shed. The front boundary of the site is shared with part of the side boundary of No. 10 Orwell Walk. The stated area of the appeal site is 0.0623 hectare.

2.0 Proposed Development

- 2.1. Planning permission is sought for the construction of a shed in the garden to the front of the property. The floor area of the proposed shed is 21.9 sq.m. and the height is 3.273m. The structure will be situated a distance to 0.814m from the front boundary, and 0.925m and 1.046m from the northern and southern boundaries respectively.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Dún Laoghaire Rathdown County Council issued notification of decision to grant permission subject to four conditions.
- 3.1.2. Conditions were attached relating to the usage of the structure and flood mitigation.

3.2. Planning Authority Reports

3.2.1. The recommendation to grant permission in the final Planner's Report reflects the decision of the Planning Authority. The following are the main points raised under the assessment of the proposal:

- Detached habitable rooms (including garden sheds/ rooms) may be permitted where the Planning Authority is satisfied that the development would be compatible with the zoning objective, would not have undesirable effects, and would otherwise be consistent with the proper planning and sustainable development of the area.
- Noting the proposed materials and fenestration, the structure is best assessed as a detached habitable room.
- Having regard to the size and scale of the structure relative to the dwelling, the design is considered acceptable.
- Not anticipated that the proposed use would detract from the residential amenity of adjoining property or the main house. Use condition recommended in the event of a grant of permission.
- Structure will not impact on visual and residential amenities of adjoining property having regard to its height, fenestration, materials, and size.
- Front garden is set back from the public road within a cul de sac and the structure will not impact on the streetscape. Suitable area of private amenity space will be retained.

3.2.2. The applicant was requested to undertake a site-specific flood risk assessment (SSFRA) as further information, together with a demonstration that all surface water generated by the proposed development can be infiltrated or used locally with no overflow to the sewer system, or if not feasible, an alternative SuDS measure should be proposed. Revised plans were also requested to show the existing detached structure in the rear garden.

3.2.3. The Flood Risk Assessment submitted in response to the further information request stated that the site is in Flood Zone C and the Drainage Development reiterates that

it is in Flood Zone B. Furthermore, the applicant failed to illustrate the detached structure to the rear of the parent dwelling in revised drawings.

- 3.2.4. Clarification of further information was requested from the applicant to include an updated SSFRA correctly identifying the flood risk to the site and details of any proposed mitigation/ protection measures. It was also noted that the further information drawings fail to identify the existing detached structure in the rear garden. The applicant was also asked to comment on the planning status of same.
- 3.2.5. The applicant correctly referred to the site being in Flood Zone B in the clarification of further information response. The revised drawings outline the existing rear garden room as being less than 25 sq.m. and maintaining an amenity space in excess of 25 sq.m., thus constituting exempted development. It is noted, however, that this room appears to have an external area of c. 29.5 sq.m. and could be dealt with by way of a separate enforcement/ retention process as necessary. The clarification of further information response is otherwise noted as acceptable.

3.3. Third Party Observation

- 3.3.1. An observation on the application was received from the third party appellant outlining similar issues to the appeal, and also highlighting the following:
- The history of planning applications on site.
 - Foundation constructed within planning permission.
 - Development same as that proposed at No. 4.
 - Area of structure with roof extending over the front of the building.
 - Development not in keeping with host property.
 - Site located on flood plain without proper drainage.
 - Impact on biodiversity.
 - Proximity to the main sewer.
 - Traffic impacts.

4.0 Planning History

Subject site:

Dún Laoghaire Rathdown County Council Reg. Ref: D15B/0255 (245496)

- 4.1. Retention permission granted for 2 no. roof lights in the rear extension.

Dún Laoghaire Rathdown County Council Reg. Ref: D14A/0681 (244350)

- 4.2. Permission granted for rebuilding of brickwork wall to front and omission of the construction of 2 no. faux chimneys approved under D14A/0017. The Board refused permission for the removal of Condition 2 of D14A/0017.

Dún Laoghaire Rathdown County Council Reg. Ref: D14A/0362 (243789)

- 4.3. Permission refused for (1) rebuilding of brickwork wall to front, (2) removal of Condition 3 of D14A/0017, and (3) omission of construction of 2 no. faux chimneys granted under D14A/0017.

Dún Laoghaire Rathdown County Council Reg. Ref: D14A/0017 (243246)

- 4.4. Permission granted for (1) retention of demolition of original dwelling and the provision of a replacement dwelling and rear extension as constructed, (2) permission for installation of 4 no. rooflights, and (3) permission for construction of 2 no. faux chimneys to match original chimneys removed.

Dún Laoghaire Rathdown County Council Reg. Ref: D12B/0294

- 4.5. Permission refused for extensive modifications to and extension of existing single storey terraced dwelling (87.5 sq.m.) to provide a 2-storey 3-bedroom dwelling (187 sq.m.) including 8 no. rooflights, soakaway and other associated site works.

Dún Laoghaire Rathdown County Council Reg. Ref: D11B/0402

- 4.6. Permission refused for the construction of a private domestic recreational building facility (98 sq.m.), partially submerged below garden ground level, with single pitch roof and located within the adjoining rear joint gardens of No. 3 & 4 Doddervale.

Adjacent property:

Dún Laoghaire Rathdown County Council Reg. Ref: D22A/0888

- 4.7. An application by Michael Conroy for retention of a garden shed to the front of No. 4 Doddervale was declared withdrawn in July 2023 following a request for clarification of further information.

5.0 Policy Context

5.1. Dún Laoghaire Rathdown County Development Plan 2022-2028

- 5.1.1. The zoning of the site is *“Objective A – To provide residential development and improve residential amenity while protecting the existing residential amenities.”*
- 5.1.2. Section 12.3.7 provides guidance on additional accommodation in existing built-up areas. It is stated that detached habitable rooms *“...can provide useful ancillary accommodation such as a playroom, gym, or study/home office for the main residence. It 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. Any such structure shall not be to provide residential accommodation for a family member/ granny flat nor shall the structure be let or sold independently from the main dwelling.”*
- 5.1.3. Section 5.2 of Appendix 15 of the Development Plan refers to development in Flood Zone A or B where it is noted that minor developments are unlikely to raise significant flooding issues. However, a commensurate assessment of the risks to flooding should accompany such applications to demonstrate that they would not have adverse impacts or impede access to a watercourse, floodplain or flood protection and management facilities. It is noted under Section 6.2.15 that flood risk arising from the River Dodder has long since been identified as a problem.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A third party appeal was submitted against the Council's decision by the residents of No. 10 Orwell Walk, which adjoins the appeal site to the west. The grounds of appeal and main points raised in this submission are summarised as follows:

- Proposed shed together with shed in the adjacent property, subject to a separate application, are incongruous with the pattern of development in the area – creates undesirable precedent with sheds to the front of existing houses.
- Impact of proposal on appellant's property in terms of visual and noise is undesirable and will have a negative impact.
- Despite attached condition, applicant will use the structure for other means rather than the storage of garden tools – quality of proposed structure is too high a specification for a garden shed.
- Board's attention is drawn towards other points raised in the objection and the support of adjacent neighbours to the objection.

6.2. Applicant's Response

6.2.1. None.

6.3. Planning Authority's Response

6.3.1. It is considered in the Planning Authority's response that the grounds of appeal do not raise any new matter, which would justify a change of attitude to the proposed development.

7.0 EIA Screening

7.1. Having regard to the nature and scale of the development proposed, the site location within an established built-up urban area which is served by public infrastructure and outside of any protected site or heritage designation, the nature of the receiving

environment and the existing pattern of residential development in the vicinity, and the separation distance from the nearest sensitive location, 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.

8.0 Assessment

8.1. I consider that the key issues in determining this appeal are as follows:

- Development principle;
- Impact on visual and residential amenity;
- Other matters;
- Appropriate Assessment.

8.2. Development Principle

8.2.1. The appeal site is zoned “*Objective A – To provide residential development and improve residential amenity while protecting the existing residential amenities.*” The construction of a detached habitable room would be acceptable in principle under the zoning objective subject to an assessment of the impact of the proposal on residential amenity and compliance with other relevant Development Plan policies and objectives.

8.3. Impact of Residential and Visual Amenity

8.3.1. Section 12 of the Dún Laoghaire Rathdown County Development Plan 2022-2028 sets out development management advice for the purpose of promoting a high level of amenity and quality design, and to protect and complement existing amenities and character, in the interests of sustainable and orderly development. Guidance for additional accommodation in existing built up areas, including detached habitable rooms, is provided in Section 12.3.7. It is recognised that detached habitable rooms can provide useful ancillary accommodation such as a playroom, gym, or study/home office for the main residence. These structures should be modest and

size and their design and use shall not detract from the residential amenity of adjoining property or the main house.

- 8.3.2. A third party appeal has been lodged by the resident of No. 10 Orwell Walk on a number of grounds relating to visual and amenity impacts. The appellant has concerns regarding the intended use of the structure; its incongruity with the established development pattern; and the potential for adverse visual and noise impacts.
- 8.3.3. With respect to the use of the structure, I note Conditions 2 & 3 attached to the Planning Authority's notification of decision that the proposed shed shall not be used to provide residential accommodation for a family member and shall be used for purposes ancillary to the parent residence, etc. I consider that these conditions can be consolidated into a single use condition.
- 8.3.4. In terms of the compatibility of the structure with the established pattern of development in the area, I refer the Board to the fact that the immediate residential area in Doddervale has a somewhat irregular layout. Historic mapping shows the original terrace of four dwellings being the only buildings in this area. North facing road fronting dwellings were constructed along Orwell Walk with the end dwelling (No. 10) facing side onto the front boundaries of No. 1-4 Doddervale. Infill dwellings and rear extensions and garden structures were also constructed to the rear (east) of 1-4 Doddervale and a detached dwelling was developed to the front of No. 1 Doddervale. The front garden of No's. 2, 3 & 4 are essentially landlocked and do not have any road frontage. The original front gardens of these properties therefore take the appearance of private amenity spaces.
- 8.3.5. Notwithstanding the presence of a garden structure to the actual rear of No. 3, I consider that the proposal for another garden room within the original front garden does not detract from the pattern of development of the area, or the view/appearance of the host dwelling given the landlocked nature of the site. The proposed structure will not be visible from the public road and will not interfere with setting or primary elevation of the main dwelling. The garden room will also be located a considerable distance from the dwelling and the terrace retains its original character when viewed from the front.

- 8.3.6. The proposed garden will be located in close proximity to the side boundary of No. 10 Orwell Walk; however, I do not consider that there will be any undue impact on adjoining residential amenity. The proposed structure will not rise significantly above the boundary and there will no windows facing in the direction of the appellant's property

8.4. Other Matters

- 8.4.1. The appellant refers to a number of other issues in their objection to the Planning Authority. Matters relating to the existing foundations, adjoining developments and planning history do not affect the status of the current planning application. Any biodiversity and traffic impacts will not be substantial given the nature and limited scale of the proposal.
- 8.4.2. The Planning Authority requested further information and clarification of further information on drainage and flood risk. I note, however, that this has been addressed to the satisfaction of the Drainage Department subject to conditions. It is considered that the appeal site is now correctly referred to as being in Flood Zone B, where less vulnerable development can be sited, in this case a garden shed, if no other lands are available. Having regard to the nature of the proposed development, I consider this to be acceptable.

8.5. Appropriate Assessment

- 8.5.1. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely an urban and fully serviced location, no appropriate assessment issues arise.

9.0 Recommendation

- 9.1. It is considered that the proposed development should be granted for the reasons and considerations hereunder and subject to the conditions below.

10.0 Reasons and Considerations

Having regard to the zoning objective for the site and pattern of development in the area, together with the design, scale and layout, it is considered that, subject to compliance with conditions below, the proposed garden shed would not seriously injure the visual amenities of the area or the residential amenities of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be completed in accordance with the plans and particulars lodged with the application, as amended by further plans and particulars submitted to the Planning Authority on 16th day June 2023 and the 13th day of October 2023, 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.

Reason: In the interest of clarity.

2. The garden room shall be used solely for purposes incidental to the enjoyment of the dwellinghouse as such and shall not be used for human habitation or for any business or commercial purpose, unless otherwise authorised by a prior grant of planning permission.

Reason: To protect the amenities of property in the vicinity and in the interest of clarity.

3. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

Donal Donnelly
Senior Planning Inspector

6th February 2024