



An  
Bord  
Pleanála

## Inspector's Report

### ABP-319528-24

#### Development

Retention permission is sought for the amendment and omission of Condition No. 2 of P.A. Ref. No. D22A/0992 that allows for the retention of the storage and bicycle shed within the front garden of the two-storey semi-detached property.

#### Location

'Verdemay', Crosthwaite Park East, Dun Laoghaire, Co. Dublin, A96 HR29.

#### Planning Authority

Dun Laoghaire Rathdown County Council.

#### Planning Authority Reg. Ref.

D24A/0060.

#### Applicant(s)

Roland Monsegu & Fiona Boylan.

#### Type of Application

Retention Permission.

#### Planning Authority Decision

Refused.

#### Type of Appeal

First Party.

#### Appellant(s)

Roland Monsegu & Fiona Boylan.

#### Observer(s)

None.

**Date of Site Inspection**

9<sup>th</sup> day August, 2024.

**Inspector**

Patricia M.Young.

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## **1.0 Site Location and Description**

- 1.1. 'Verdemay', the irregular shaped appeal site has a stated area of 0.10443ha, on which sits a two-storey period semi-detached dwelling that is accessed from a shared private driveway that serves a group of three period semi-detached dwellings. This driveway provides access to the public domain via Crosthwaite Park East via an entrance located to the north of site at a point where Crosthwaite Park East changes direction from north south to east west.
- 1.2. This entrance is one of two entrances onto the public domain that serves the subject period set piece that 'Verdemay' forms part of. With the subject site located c43m to the east of its junction with Crosthwaite Park West and c130m to the south of Corrig Road.
- 1.3. Adjoining the western side of the shared driveway is a triangular pocket of green space. Its roadside boundary consists of attractive cast iron railings on stone plinth. This space is comprised of maintained lawn, mature trees, hedgerows and a number of storage structures.
- 1.4. The surrounding area has a mature residential period character.

## **2.0 Proposed Development**

- 2.1. Retention permission is sought for the amendment and omission of Condition No. 2 from the grant of permission P.A. Ref. No. D22A/0992. In essence this would allow for the retention of the storage and bicycle shed within the front garden of the two-storey semi-detached property. The accompanying documentation does not provide a gross floor area for either of the storage/shed structures which I note are mainly metal and dark charcoal/black in their exterior finish. However, the submitted drawings indicate that the smallest is for use as bike storage and has a maximum height of 1.7m, a depth of 2.1m and a width of 1.8m. The larger structure which is indicated as a storage shed has a maximum height of 2.2m, a depth of 3.4m and a width of 2.6m. The envelope of these structures are both metal finished in a charcoal/black hue.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. On the 25<sup>th</sup> day of March, 2024, the Planning Authority issued a notification to **refuse** retention permission for the following stated reasons:

- “1. *The land to which the subject proposal relates is located to the north-west of the access road, being the part of the application site, and is zoned ‘F’, whereby it is an objective ‘To preserve and provide for open space with ancillary active recreational amenities.’ in the Dún Laoghaire Rathdown County Development Plan 2022-2028. The Planning Authority have serious concerns regarding the proliferation of domestic related storage structures on the overall ‘F’ zoned lands at this location, and the precedent for further structures to be established on ‘F’ zoned lands. It is considered that this activity has the potential to erode the open space provision which the ‘F’ zoning objective provides for and anticipates. The 2 no. storage sheds proposed to be retained on the ‘F’ zoned land are for a storage use ancillary to the adjacent residential development. Ancillary residential storage use is not permitted on lands zoned “F” under the current County Development Plan. The proposed development would therefore set a precedent for such uses on “F” zoned lands at this location and encourage the continued proliferation of such uses on these lands contrary to the zoning objective of providing for open space and active recreational amenities. The proposed development to be retained would, therefore, be contrary to the Policy Objectives of the Dún Laoghaire-Rathdown County Development Plan, 2022-2028 and to the proper planning and sustainable development of the area.*
2. *Having regard to the proliferation of domestic related storage structures on the overall “F” zoned lands at this location, the Planning Authority has serious concerns that the proposal would set an undesirable precedent for the continued proliferation of such structures, with potential for damage to roots of mature vegetation and adversely impact the visual character and amenities of the ACA. The proposed development to be retained would, therefore, be contrary to the Policy Objectives of the Dún Laoghaire-Rathdown County*

*Development Plan, 2022-2028 and to the proper planning and sustainable development of the area.”*

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

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

The Planning Authority's Planning Officer's report is the basis of their decision. It includes the following comments:

- Residential development is not permitted in principle nor open for consideration on land zoned objective 'F'. In this regard as the development sought under this application relates to the residential use of the subject dwelling.
- These structures are not in use to support any ancillary active recreational amenities or other permissible use associated with 'F' zoned lands.
- The private ownership of the 'F' zoned land does not override the objectives for such land as provided for under the Development Plan.
- Serious concern is raised to proliferation of domestic related storage structures on lands zoned 'F' at this location.
- This type of development has the potential to erode the open space provision which land use objective 'F' provides for and anticipates.
- If permitted, it would set an undesirable precedent for other similar structures.
- One of the shed structures is located under the canopy of a mature tree and is therefore located on its root system.
- The size of the rear garden area serving this dwelling is in excess of 420m<sup>2</sup> and is sufficient in size to provide storage sheds and such structures. There is also ample access to the rear of this dwelling.
- These properties have a unique character.
- No AA or EIA issues arise.
- No development contributions applicable.
- Concludes with a recommendation for refusal as per Section 3 above.

### 3.2.2. Other Technical Reports

**Conservation:** Similar concerns raised to the Planning Officer's report. Considers that permitting these structures on land zoned objective 'F' would set a precedent for similar potential structures which would be injurious to the character of the Architectural Conservation Area they form part of and in turn would be contrary to Policy Objective HER13 of the Development Plan.

**Drainage:** No objection.

**Transportation:** No objection.

### 3.3. Third-Party Observations

3.3.1. The Planning Authority during their determination of this application received 1 No. Third-Party Observation with this raising concerns on the following matters:

- Unauthorised Development.
- Adverse visual impacts.
- Planning documents are considered to be misleading and vague.

## 4.0 Planning History

### 4.1. Site:

**P.A. Ref. No. D22A/0992:** Planning permission and retention permission was sought for a development comprising of: 1) retention permission for a storage shed and a bicycle shed in the front garden; and, 2) planning permission for the demolition of existing single-storey extension to rear of house, construction of a single storey flat roof extension to rear of house including shallow patio and steps down to garden and all ancillary site as well as boundary works. On the 10<sup>th</sup> day of February, 2023, the Planning Authority issued a notification to grant permission subject to conditions, including Condition No. 2 which reads:

*"The bike shed and storage shed proposed to be retained are not permitted pursuant to this grant of permission.*

*REASON: In order to comply with the objectives of the development plan for the area, namely the 'F' land use zoning objective which applies to part of the application site."*

#### 4.2. Setting

**ABP-PL 06D.248686 (P.A. Ref. No. D17A/0289)**

**Address: Leysin, Crosthwaite Park East, Dun Laoghaire (Note: adjoining property to the north of the subject semi-detached pair).**

On appeal to the Board permission was **refused** for a development consisting of the demolition of an existing single storey side extension to a house and the construction of a single storey pitched roof rear extension with all associated site works. The single stated reason and consideration reads:

*“The site of the proposed development is located within the Crosthwaite Park Architectural Conservation Area, a historic residential suburb developed at the mid 19th and early 20th centuries, which includes Crosthwaite Park East, a uniform terrace of Victorian houses comprising protected structures, that is separated from three pairs of semi-detached Edwardian houses, the near-most of which is ‘Leysin’ on the appeal site. The policies and objectives of Dún Laoghaire-Rathdown County Development Plan 2016-2022 seek to protect the character and special interest of an area which has been designated as an Architectural Conservation Area (ACA). Having regard to the sensitivity of the site within the designated ACA, and the well composed and attractive building form of Leysin, it is considered that the proposal to demolish the existing side extension constituting a structurally sound, viable and satisfactorily integrated component of ‘Leysin’, has not been adequately justified, would detract from the character of the ACA, and would constitute an unsustainable form of development. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.”*

Decision date: 18/09/2017.

**ABP- PL06D.248742 (P.A. Ref. No. D17A/0288)**

**(Note: Northern side garden of ‘Leysin’, Crosthwaite Park East, Dun Laoghaire)**

On appeal to the Board planning permission was **refused** for a development comprising the demolition of side extension to existing house to and the construction of a house with all associated works. The single stated reason and consideration for refusal reads:



*“The site of the proposed development is located within the Crosthwaite Park Architectural Conservation Area, a historic residential suburb developed at the mid-19th and early 20th centuries, which includes Crosthwaite Park East, a uniform terrace of Victorian houses comprising protected structures, that is separated from three pairs of semi-detached Edwardian houses, the near-most of which is ‘Leysin’ on the appeal site. The policies and objectives of Dún Laoghaire-Rathdown County Development Plan 2016-2022 seek to protect the character and special interest of an area which has been designated as an Architectural Conservation Area (ACA). Having regard to the sensitivity of the site within the designated ACA, forming an important separation space between Victorian and Edwardian blocks, the incongruous form, excessive scale, bulk and height of the proposed development, and the proximity of the proposed development to adjoining dwellings, and in particular to No. 32 Crosthwaite Park East (a protected structure), it is considered that the proposed development would be out of keeping with the pattern of development in the Architectural Conservation Area, would seriously injure the visual amenity and character of this Area, would be injurious to the amenities of adjoining residential property by way of overshadowing and overbearing impact, would adversely affect the setting of the adjoining protected structure, and would be contrary to the Development Plan policies. The proposed development would, therefore be contrary to the proper planning and sustainable development of the area”.*

Decision date: 18/09/2017

## **5.0 Policy Context**

### **5.1. Development Plan**

- 5.1.1. Dún Laoghaire-Rathdown County Development Plan, 2022-2028, is the operative plan.
- 5.1.2. The site is one with a transitional zoning character with the subject premises of ‘Verdemay’ and the area the setback area between the eastern side of the shared driveway and the front elevation which accommodates off-street car parking subject to land use zoning ‘Objective - A’ which has the objective *“to provide residential development and improve residential amenity while protecting the existing residential*

*amenities*". Residential land uses are permitted in principle under this zoning objective and the land to the triangular pocket of semi-private open space situated to the west of the driveway zoned 'Objective – F'. The stated land use objective for 'Objective – F- zoned land is *"to preserve and provide for open space with ancillary active recreational amenities"*. Additionally, this triangular pocket of semi-private open space which contains a number of mature trees is subject to the following objective *"to protect and preserve Trees and Woodlands"*.

- 5.1.3. The site and its setting are located in 'Crosthwaite Park' Architectural Conservation Area (ACA).
- 5.1.4. Policy Objective HER13 of the Development Plan deals with the matter of Architectural Conservation Areas.
- 5.1.5. The guiding principle of ACAs is to protect the special external expression of the buildings and the unique qualities of the area to ensure future development is carried out in a manner sympathetic to its distinctive character.
- 5.1.6. Section 12.11.4 of the Development Plan in relation to new developments within an ACA state that: *"sensitive design approach is required for any development proposals in order to respect the established character and urban morphology. Where development is appropriate, the Planning Authority are supportive of contemporary design that is complementary and sympathetic to the surrounding context and scale"*.
- 5.1.7. The site is subject to 'Policy Objective OSR7 - Trees, Woodland and Forestry' of the Development Plan. It states that it is a: *"Policy Objective to implement the objectives and policies of the Tree Policy and the forthcoming Tree Strategy for the County, to ensure that the tree cover in the County is managed, and developed to optimise the environmental, climatic and educational benefits, which derive from an 'urban forest', and include a holistic 'urban forestry' approach"*.
- 5.1.8. Section 13.1.2 of the Development Plan deals with the matter of 'Transitional Zonal Areas' and states that: *"it is important to avoid abrupt transitions in scale and use in the boundary areas of adjoining land use zones. In dealing with development proposals in these contiguous transitional zonal areas, it is necessary to avoid developments which would be detrimental to the amenities of the more environmentally sensitive zone"*.

## **5.2. National**

### **5.2.1. Architectural Heritage Protection Guidelines for Planning Authorities, (2011).**

This guidance, which is a material consideration in the determination of applications, sets out comprehensive guidance for development in conservation areas and affecting protected structures.

## **5.3. Natural Heritage Designations**

### **5.3.1. None within the zone of influence.**

### **5.3.2. The nearest Natura Sites to the site are:**

- South Dublin Bay & River Tolka Estuary SPA (Site Code: 004024) is located c1.5km to the north west.
- South Dublin Bay SAC (Site Code: 000210) is located c1.72km to the north west.

## **5.4. EIA Screening**

### **5.4.1. Having regard to the nature and scale of the development sought under this application, the site location within an established built-up urban area of metropolitan Dublin which is served by public infrastructure and outside of any protected site or heritage designation, the nature of the receiving environment, the existing pattern of 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.**

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

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

- This development should be considered under Section 13.1.5 of the Development Plan. This allows for case-by-case consideration of proposed developments.

- There are other shed structures visible within this ACA.
- This proposal would not have a negative amenity impact on the ACA.
- The triangular parcel of 'F' zoned land is not the same as other similarly zoned land within the Councils administrative area which are publicly accessible.
- The Development Plan encourages sustainable neighbourhood infrastructure.
- This development should be permitted on the basis that it accords with the proper planning and sustainable development of the area.

## **6.2. Planning Authority Response**

6.2.1. The Planning Authority's response can be summarised as follows:

- The Board should have regard to their Planning Officer's Report.
- No new issues raised that would justify a change in their decision.

## **6.3. Observations**

6.3.1. None.

## **6.4. Referrals - Prescribed Bodies**

6.4.1. The Board referred this appeal case to An Chomhairle Ealaíon; The Heritage Council; Fáilte Ireland; Development Applications Unit; and, An Taisce. No responses were received.

## **7.0 Assessment**

### **7.1. Introduction**

7.1.1. This assessment relates to a First Party Appeal against the decision of the Planning Authority to refuse retention permission for the amendment and omission of Condition No. 2 of the development granted permission under P.A. Ref. No. D22A/0992 that would allow for the retention of the storage and bicycle shed within the front garden of the two-storey period semi-detached referred to as 'Verdemay' in the documentation attached.

- 7.1.2. As set out under Section 3 of this report above the Planning Authority refused retention permission for two stated reasons and consideration.
- 7.1.3. The first given reason having regard to the zoned 'F' location of the two shed/storage structures for which retention is sought raised concerns regarding the proliferation of domestic related storage structures and that the principle of ancillary residential structures are not generally acceptable on land zoned 'F' zoned under the provisions of the Dún Laoghaire Rathdown County Development Plan, 2022-2028. It therefore concluded that the proposed development to be retained would be contrary to the provisions of the Development Plan and the proper planning and sustainable development of the area.
- 7.1.4. The second stated reason for refusal again made note of proliferation of domestic related storage structures on 'F' zoned lands at this location and raise concern for the potential for damage to roots of mature vegetation and in turn the potential for adverse impact to arise to the visual character and amenities of the ACA that the site forms part of. It similarly concludes that the proposed development would be contrary to the Development Plan and the to the proper planning and sustainable development of the area.
- 7.1.5. The First Party disagree with the Planning Authority's given reasons for refusal of retention permission for a number of given reasons including that they are ancillary to the residential use, that are sited on privately owned lands, they are not highly visible from the public domain on their individual merits through to they would not give rise to any undesirable precedent. They therefore seek that the Board overturn the Planning Authority's decision.
- 7.1.6. The Planning Authority in their response to the grounds of this appeal consider that the appeal submission raised no new issues that would justify a change in attitude towards the development sought under this application.
- 7.1.7. I consider the key issues in this appeal case are as follows:
- Planning History & Principle of the Proposed Development
  - Proliferation of Similar Structures in the Setting
  - Appropriate Assessment

7.1.8. For clarity I also note that this application is for permission for retention of development, and it is unclear as to how long the development has been in place. It should be noted that the period for which a development has been in place is immaterial to consideration of a planning application for permission for retention, although, there are implications regarding enforcement proceedings. I also note that the Development Management Guidelines for Planning Authorities, 2007, make it clear that, in dealing with applications for retention, 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. Therefore, no account can, or should, be taken of the fact that the development has already taken place.

## **7.2. Planning History & Principle of the Proposed Development**

- 7.2.1. Under the grant of permission P.A. Ref. No. D22A/0992 retention permission was refused for a storage shed and a bicycle shed in the front garden by way Condition No. 2. The basis of this condition is given as in order to comply with the land use zoning objective ‘F’.
- 7.2.2. This current application seeks that Condition No. 2 be omitted from the P.A. Ref. No. D22A/0992 decision notification.
- 7.2.3. The Planning Authority’s Planning Officer’s report for P.A. Ref. No. D22A/0992 noted that the land to the north west of the access road serving ‘Verdemay’ is subject to the land use zoning objective ‘F’ which has a stated object to preserve and provide for open space. Additionally, they considered that the shed structures would not comply with permissible land uses on ‘F’ zoned land. They raised further concern that whilst these structures are currently well screened behind mature planting this screening cannot be relied upon to mitigate the visual impact of the structure. Further concerns were raised in relation to the lands being subject to the objective of ‘to protect and preserve trees and woodlands’. Overall, the Planning Officer considered that these structures be omitted by way of condition.
- 7.2.4. As such having regard to the planning history of the site, the general principle of the development sought under this application is contrary to the grant of permission P.A. Ref. No. D22A/0992. Notwithstanding, it is appropriate that the current application before the Board by way of this 1st Party appeal is assessed on an entirely *de novo*

basis and that a final decision on the appropriateness of the subject development having regard to the proper planning as well as sustainable development is made.

- 7.2.5. In this regard, the zoning objective of the two shed structures and their location within an Architectural Conservation Area has not changed with P.A. Ref. No. D22A/0992 having been determined against the provisions of the Dún Laoghaire-Rathdown County Development Plan, 2022-2028. This is still the operative plan for the area.
- 7.2.6. Under Table 13.1.9 of the Development Plan the permitted in principle and open for consideration land uses are listed. The land uses listed do not include storage or residential.
- 7.2.7. I concur with the Planning Authority's Planning Officer that the storage structures for which retention is now sought are intrinsically linked to residential use of the appeal site. That is to say that they provide ancillary storage for occupants of this dwelling.
- 7.2.8. Section 13.1.5 of the Development Plan which deals with the matter of 'Not Permitted / Other Uses', sets out that uses which are not indicated as 'Permitted in Principle' or 'Open for Consideration', will not be permitted. However, it also provides a level of flexibility for the consideration of such land uses on a case-by-case basis against the general policies of the Development Plan having regard to the zoning objectives for the area to which they relate.
- 7.2.9. The appellants in this case seek that the Board should apply this flexibility in their consideration of this application. With such a consideration appropriate on the basis sustainable infrastructure modes is broadly supported under local and national planning provisions.
- 7.2.10. The site is one that forms part of a distinctive architectural set piece that consists of three highly intact period semi-detached pairs that are served by a shared private driveway that separates them from a triangular shaped green that together forms part of the Architectural Conservation Area of Crosthwaite Park. As such Section 11.4.2.1 Policy Objective HER13 of the Development Plan is applicable to the development sought at this location.
- 7.2.11. The Policy Objective of HER13 of the Development Plan includes but is not limited to the protection of the character and special interest of the ACA area. Further it provides under subsection (i); to ensure that all developments within an ACA be appropriate to

the character of the area under subsection (ii); seek a high quality, sensitive design for any developments ensuing that they are complementary and/or sympathetic to their context and scale simultaneously under subsection (iii); through to seek a high quality sensitive design for any development ensuring that it is appropriate to its context and scale under subsection (iv). As a policy it is consistent with the guidance set out under the Architectural Heritage Guidelines. Which for example under Section 3.4.2 recognises: “*the contribution of setting to the character of the architectural heritage should not be underestimated*” through to that the location of a structure may have been designed to relate to a particular landscape feature.

- 7.2.12. The architectural set piece that Verdemay forms part of is a surviving purposefully designed collection of buildings, structures and spaces. Within it there is a distinct hierarchy and balance between its buildings, structures and spaces including as it presents to Crosthwaite Park East and Crosthwaite Park West. However, within the triangular green space there are number of later additions. Outside of the subject shed structures these consist of a small number of *ad hoc* timber storage structures for which there is planning history for.
- 7.2.13. In relation to these existing structures their main external material is wood cladding, and they are largely obscured from view not only within the semi-private domain of the subject group but also from the public domain.
- 7.2.14. Whereas when entering from the shared driveway serving the subject group from Crosthwaite Park East the two shed structures are highly visible and their metal external treatment adds to them being visually discordant features within what is now a mature green semi-private space with a sylvan character. There is also minimal planting to the north of them to provide visual buffering and the metal finish is a type of material that is at odds with the palette of materials, treatments and finishes that characterise this architectural set piece as well as that of the surrounding ACA setting.
- 7.2.15. At the time of inspection, it was August and the mixture of mature trees which include deciduous and coniferous species provided for the most part good screening of the two subject structures and they were not highly visible from the adjoining public domain. There is potential that during other times of the year where the deciduous species have lost their leaf canopies that the two subject shed structures could be more visually apparent than what I observed from the public domain.



- 7.2.16. The subject property includes a substantial rear garden space with exterior access to the same. I concur with the Planning Authority's Planning Officer at such a location the structures for which retention are sought could be more sustainably absorbed within this sensitive to change Architectural Conservation Area context. Particularly considering that the subject architectural set piece the subject site forms part of adds to the architectural variety, richness and quality of this particular location.
- 7.2.17. While I accept that the two subject structures are modest in their individual footprints their locations over the root structure of trees in their immediate vicinity have the potential to undermine the health of these trees. With the trees within this triangular green space afforded protection under Section 12.8.11 of the Development Plan. This section of the Development Plan provides for the protection and preservation of trees and woodlands. With the mixtures of trees within the green triangular green space providing not only visual screening for this period architectural set piece but also providing a sylvan backdrop that positively contributes to the visual amenities of the ACA streetscape scenes of Crosthwaite Park West, Crosthwaite Park East but also at a further distance Corrig Road. With this streetscape scene including a period formally laid out green square that is bound by Crosthwaite Park East, Crosthwaite Park West and Corrig Road.
- 7.2.18. There is no Arboricultural Assessment provided with this application or with the appeal submission that would support that this concern is unfounded. Alongside there is no additional natural screening proposed to visually buffer their appearance of these structures in their sensitive to change setting.
- 7.2.19. My final comment is that the guiding principle of ACAs as provided for under Section 12.11.3 Architectural Conservation Areas is to protect the special external expression of the buildings and the unique qualities of the area to ensure future development is carried out in a manner sympathetic and Section 12.11.4 similarly requires sensitive design to respect the character ensuring that design is complementary and sympathetic to the surrounding context and scale. In this case I am not satisfied that the development sought under this application is consistent with these Development Plan provisions. Nor are they consistent with the provisions set out under Section 11.4.2.1 and Policy Objective HER13 which also provide for protection of Architectural Conservation Areas as well as Section 12.8.11 that seek to protect and preserve trees and woodlands. This is largely based on the retention of the two sheds structures

would in my considered opinion result in the diminishment of this formally designed set piece and it also has the potential to also diminish the sylvan features within its semi-private open space in a manner that would be contrary to the said provisions.

7.2.20. Further, the development sought under this location is a type of development that if considered as ancillary to the residential use of the Verdemay residential plot of land or as a separately as a new addition on 'F' zoned land is a development that does not support the zoning objectives of such land but rather diminishes the value of the recreational amenity space it forms part of.

7.2.21. Conclusion

I am not satisfied on the basis of the above that the principle of the development sought under this application is acceptable.

### 7.3. Proliferation of Similar Structures / Undesirable Precedent

7.3.1. The second given reason for refusal of permission for the development sought under this application is based on the concern that there is a proliferation of domestic related storage structures on the overall 'F' zoned lands at this location. In this regard, it sets out that if permitted, this development would set an undesirable precedent for the continued proliferation of such structures. It also raises concerns in relation to the potential for damage to roots of mature vegetation and in turn the potential for adverse impact to arise on the visual character and amenities of the ACA. The latter matter I have already discussed in the previous section of this report.

7.3.2. On the matter of proliferation of similar structures, I did observe that this is a concern not only within the subject architectural set piece that 'Verdemay' forms part of, but also within its ACA setting. In this context I consider that the proliferation of similar *ad hoc* structures has the potential to visually diminish the special character of this sensitive to change ACA setting, notwithstanding, it would be appropriate that such applications are assessed on their individual merits.

### 7.4. Other Matter Arising

7.4.1. **Sustainable Transport Modes – Use of One of the Shed Structures for Bike Storage:** The smallest of the two shed type structures for which retention is sought under this application is indicated as being used as a 'bike shed'. The Development Plan through to national planning provisions are generally supportive of cycling as an

active travel mode. Notwithstanding, as discussed above in this case the location chosen for the two storage structures are sited where there is built and natural heritage considerations that constrain the ability of their setting to absorb them. Alongside form part of a land use zone where ancillary residential structures are not deemed to be permissible. The First Party in this case has failed to demonstrate that there is not a more suitable location within this appeal site where they can be accommodated without giving rise to the land use, built and natural heritage concerns raised above.

## **8.0 AA Screening**

- 8.1. I have considered the proposed development in light of the requirements of S177U of the Planning & Development Act, 2000, as amended.
- 8.2. The subject site is not located within or adjacent to any European Site designated as an SAC or SPA. The closest European Site, that forms part of the Natural 2000 Network, are the South Dublin Bay & River Tolka Estuary SPA (Site Code: 004024) which is located c1.5km to the north west and the South Dublin Bay SAC (Site Code: 000210) is located c1.72km to the north west.
- 8.3. Whilst the site forms part of an architecturally and visual sensitive setting the proposed development is located within urbanscape that is predominantly characterised by residential development at this location.
- 8.4. The proposed development comprises of the retention of two modest in built form, nature, scale and extent storage structures within a mature green landscaped area.
- 8.5. No nature conservation concerns were raised as part of the planning appeal or by the Planning Authority in their determination of this application.
- 8.6. Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site.
- 8.7. The reason for this conclusion is as follows:
  - The nature, scale and location of the development.
  - The distance from the European Site and the nature of the intervening landscape.
  - Absence of meaningful pathway to any European Site.

- The limited zone of influence of potential impacts of the proposed development and the potential impacts being restricted to the immediate vicinity.
- Surface water measures are not needed to avoid, prevent, or reduce significant effects on European Sites within Dublin Bay and that no mitigation has been put forward in this regard.

8.8. **Conclusion:** I conclude that on the basis of objective information, the proposed development would not have a likely significant effect on any European Site or Sites 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 in this case.

## 9.0 Recommendation

9.1. I recommend that retention permission be **refused**.

## 10.0 Reasons and Considerations

1. The retention of the two storage shed structures would constitute a visually discordant feature that would be detrimental to the careful balance and treatment that exists between buildings, structures and spaces within the architectural set piece that they would form part of. This set piece forms part of and adds to the special character of the 'Crosthwaite Park' Architectural Conservation Area (ACA) which is afforded protection under Section 11.4.2.1 Policy Objective HER13, Section 12.11.3 and Section 12.11.4 of the Dún Laoghaire-Rathdown County Development Plan, 2022-2028. Collectively provide protection for the ACA through to ensure that developments such sensitive to change settings are sympathetic to their surrounding context.

Additionally, the storage shed structures for ancillary residential use would be contrary to the land uses permissible on land zoned objective 'F' under the Development Plan. With the stated land use zoned for such lands seeks to preserve and provide for open space with ancillary active recreational amenities. It is also a location that is subject to the specific objective of protecting and preserving trees and woodlands. With further protection set out under Section

12.8.11 of the Development Plan. The location of the development has the potential to adversely impact upon the root structures of mature trees below where they are sited in a manner that would be contrary to the Development Plan provisions and in turn adds to the potential for this development to give rise to adverse visual impact on the mature sylvan character of its sensitive to change ACA setting.

The proposed development, for the above reasons would materially affect the character of the 'Crosthwaite Park' Architectural Conservation Area and would thereby seriously injure the visual amenities of the area. The proposed development for retention 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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Patricia M. Young  
Planning Inspector

21<sup>st</sup> day of August, 2024.

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	<b>ABP-319528-24</b>			
<b>Proposed Development Summary</b>	<b>Retention for the amendment and omission of Condition No. 2 granted as P.A. Ref. No. D22A/0992 that allows for the retention of the storage and bicycle shed within the front garden of the two-storey semi-detached property.</b>			
<b>Development Address</b>	<b>‘Verdemay’, Crosthwaite Park East, Dun Laoghaire, Co. Dublin, A96 HR29.</b>			
<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>	✓	
		<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>	✓		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>Conclusion</b>
<b>No</b>	✓	N/A		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:** \_\_\_\_\_