



An
Bord
Pleanála

Inspector's Report

ABP-319758-24

Development	Permission sought to extend existing garden shed to rear including the raising of roof from 2.680 meters to 3.385 metres.
Location	166C Saint Maelruan's Park, Tallaght, Dublin 24
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD24B/0077
Applicant	Eamon Walsh
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party v. Refusal
Appellant	Eamon Walsh
Observer(s)	None.
Date of Site Inspection	16 th July 2024
Inspector	Matthew O'Connor

1.0 Site Location and Description

- 1.1. The application site has a stated area of 0.037ha and comprises a two-storey end-of-terrace dwelling forming a corner site in Saint Maelruans Park, Tallaght. The area is primarily residential in character and the dwellings are predominantly two-storey terraced units with front garden areas containing on-curtilage carparking and generally elongated garden spaces to the rear. The subject site forms a terrace which is a later addition to the original dwellings in Saint Maelruans Park but largely maintains the overarching style and form.

2.0 Proposed Development

- 2.1. The proposed development, as described in the statutory development description, comprises the extension of an existing garden shed along with the raising of the roof from 2.680 metres to 3.385 metres in height.

3.0 Planning Authority Decision

- 3.1. The Planning Authority refused permission for the following stated reason:

1. *The proposed extension of the existing garden shed and the raising of the roof which is integral to the extension would result in the building close to (within 1.6m approx.) of an existing 225mm public surface water sewer running parallel to the western boundary of the proposed development. This is unacceptable as adequate access would not be maintained to the public surface water sewer for maintenance reasons and also it would induce loading from the garden shed onto the surface water sewer which has the potential to damage the existing public surface water network. As per GDSDS (Greater Dublin Strategic Drainage Study) requirements, clear distances for public drainage must have minimum widths of 3m from the centreline of the pipe to adjacent building structures. Thus, the proposed development would be prejudicial to public health and contrary to the proper planning and sustainable development of the area.*

4.0 Planning Authority Report(s)

4.1 Planning Report

- Planner's Report dated 23/04/2024 forms the basis for the decision to refuse permission.
- The report provides a description of the site, associated planning history, identifies the land use zoning designation and associated policy context from the South Dublin County Council Development Plan 2022-2028.
- The overall design and scale of the proposal as broadly acceptable in principle having regard to the context of the amenities of the area and property in the vicinity.
- The Planning Authority agreed with comments returned from the Water Services section who recommended refusal of permission on account of the proximity of the proposed works to existing surface water services.
- The raising of the roof as linked to the proposed extension would not be appropriate in light of the comments returned from the Water Services section.

4.2 Other Technical Reports

- Water Services - Recommended refusal on the basis that the proposed development would result in the building being close to (within 1.6m approx.) of an existing 225mm public surface water sewer running parallel to the western boundary of the proposed development.
- Inadequate access to the public surface water sewer for maintenance reasons
- Extension would induce loading onto the surface water sewer which has the potential to damage the existing public surface water network.
- Proposal would not be consistent with Greater Dublin Strategic Drainage Study (GDSDS) distances.

4.3 Prescribed Bodies

- Irish Water - No comments/observations indicated as being received.

4.4 Third Party Observations

- None.

5.0 Planning History

5.1 The following valid planning history is associated with the subject site:

SD21B/0464 – Retention **GRANTED**, and permission **REFUSED** to extend existing garden shed at rear and raise existing boundary wall at side/rear from 1.305 metres to 1.985 metres.

The refusal reasons in respect of the permission element are summarised as follows:

1. The proposed extension would cause a traffic hazard and endanger public safety from the increased height of the boundary wall as visibility for vehicles exiting the vehicular access to the north would be hindered.

2. The extension of the garden shed would result in the construction of the building close to (within 1.5m approximately) an existing 225mm public surface water sewer, where adequate access is required to be maintained to the public surface water sewer for maintenance reasons. The structure would induce loading onto the surface water sewer which has the potential to damage the existing public surface water network and would be non-compliant with the separation distances in the Greater Dublin Strategic Drainage Study.

SD20B/0079 - Permission **REFUSED** to extend an existing garden shed at rear; raise existing boundary wall at side/rear from 1.305 metres to 1.985 metres.

The refusal reasons state as follows:

1. The proposed development would endanger public safety by reason of traffic hazard. The proposal to increase the height of the boundary wall on the application site, which lies to the south of an existing residential vehicular access, from 1305mm to 1985mm, would cause an increased traffic hazard as it would significantly hinder visibility for vehicles exiting the vehicular access to the north.

2. The proposed extension of the structure would be prejudicial to public health. The extension of the shed would cover a manhole to a 225mm public surface water sewer. This is unacceptable as adequate access would not be maintained to the public

surface water sewer for maintenance reasons and also it would create loading from the garden shed onto the surface water sewer which has the potential to damage the existing public surface water network. The proposal is contrary to the proper planning and sustainable development of the area.

SD08B/0799 – Permission **GRANTED** for a single storey extension at side and rear incorporating 6 ‘Velux’ rooflights.

SD04A/0864 – Permission **GRANTED** for change from a terrace of 4 no. two storey dwellings; comprising 2 no. 2 bedroom and 2 no. 3 bedroom dwellings to a terrace of 3 no. two storey dwellings; comprising 1 no. 4 bedroom and 2 no. 3 bedroom dwellings and associated works.

6.0 Policy Context

6.1 Development Plan

6.1.1 The South Dublin County Development Plan 2022-2028 is the relevant Development Plan for the subject site.

6.1.2 The site is zoned ‘RES’ - Existing Residential with an objective ‘*To protect and/or improve residential amenity*’. Residential use is listed as a ‘permitted in principle’ development type in this zoning designation.

6.1.3 The following Development Plan chapters and associated policies/objectives are considered to be most relevant in respect of the subject development:

Chapter 4: Green Infrastructure

Section 4.2.2 relates to Sustainable Water Management and includes commentary on Sustainable Drainage Systems (SuDS). It is the Planning Authority’s policy (Policy G14) to ‘*require the provision of Sustainable Drainage Systems (SuDS) in the County and maximise the amenity and biodiversity value of these systems.*’

Having regard to the above policy, the following objectives are of note:

GI4 Objective 1: To limit surface water run-off from new developments through the use of Sustainable Drainage Systems (SuDS) using surface water and nature-based solutions and ensure that SuDS is integrated into all new development in the County

and designed in accordance with South Dublin County Council's Sustainable Drainage Explanatory Design and Evaluation Guide, 2022.

GI4 Objective 6: To maintain and enhance existing surface water drainage systems in the County and promote and facilitate the development of Sustainable Drainage Systems (SuDS), including integrated constructed wetlands, at a local, district and County level, to control surface water outfall and protect water quality.

6.2 Natural Heritage Designations

- 6.2.1 The appeal site is not located on or within proximity to any designated Natura 2000 sites, with the nearest designated site being the Glenasmole Valley Special Area of Conservation (Site Code: 001209) which is located approximately 2.65km to the south of the site. Other any designated Natura 2000 sites include the South Dublin Bay & River Tolka Estuary Special Protection Area (Site Code: 004024) the South Dublin Bay Special Area of Conservation (Side Code:000210) which are located approximately 11.3km to the east. The Dodder Valley pNHA (Code: 000991) is located approximately 0.75km to the southeast of the site.

6.3 EIA Screening

- 6.3.1 Having regard to the limited nature and scale of the proposed development, which is for the extension to a garden shed on a residential property in an established built-up urban area, it is not considered that it falls within the classes listed in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended), and as such preliminary examination or an Environmental Impact Assessment is not required. See Appendix 1.

7.0 The Appeal

7.1 Grounds of Appeal

7.1.1 The first party appeal has been prepared and submitted on behalf of the applicant by Weber Architecture. The grounds of appeal can be summarised as follows:

- Permission was previously granted in 2009 for a single storey extension to the side of the dwelling (Pl. Ref. SD08/B/0799) which included the diversion of a 225mm public surface water sewer in the side garden area of the property.
- The applicant claims that when the sewer was exposed during the construction of the extension in 2009 that the sewer was not parallel to the house but travelled in an angular north-westerly direction away from the buildings. As such, there was no need to re-divert the sewer back in a northeasterly direction back towards the area of the existing shed. It is claimed that the decision not to divert the sewer was agreed with officials from the Drainage Department of South Dublin County Council.
- An application for the extension of the shed was refused under Pl. Ref. SD20B/0079 in 2020 on account of the proposed works being erroneously demonstrated over a surface water manhole.
- A subsequent application (Pl. Ref. SD21B/0464) was submitted to retain and extend the garden shed. The retention of the shed was granted but the extension of same was refused.
- The Planning Authority incorrectly refer to the surface water sewer running parallel to the western boundary of the proposed development as it angular not parallel.
- The separation distance between the existing sewer and the proposed shed extension would be greater than the separation distance that exists presently between the public sewer and the single storey domestic extension that was approved and constructed in 2009. It is contended that if the residential extension was acceptable in 2009 then the proposed shed extension should be acceptable at present.

- The invert level of the public sewer is 1400 below ground level. The proposed foundation excavations will be below the invert level of the pipe hence no damage to the public sewer.
- The proposed extension will be lightweight and not comparable to the side extension constructed in 2009 and will only be utilised for ancillary storage/maintenance of uilleann pipes.
- The refusal refers to GDSDS requirements for a 3-metre separation distance between the centreline of the pipes and the buildings however, when the domestic extension was built, there was a 5-metre separation distance and South Dublin County Council accepted a reduced separation distance. Again, the proposed separation should be considered.

7.2 Planning Authority Response

7.2.1 A response from the Planning Authority has been received on file and states that *‘the Planning Authority confirms its decision. The issues raised in the appeal have been covered in the Chief Executive Order’*.

7.3 Observations

7.3.1 There are no observations.

8.0 Assessment

8.1 Having examined the application details and all other documentation on file, the reports of the Planning Authority, having conducted an inspection of the site, and having reviewed relevant local policies and guidance, I consider that the main issues in this first party appeal can be addressed under the following relevant headings:

- Principle of Design
- Water Services
- Appropriate Assessment Screening

8.2 In light of the above grounds, I am satisfied that no other substantive issues arise in this particular instance.

8.3 Principle of Design

- 8.3.1 The subject site is zoned 'RES' - Existing Residential with an objective 'to protect and/or improve residential amenity' as set out in the South Dublin County Development Plan 2022 - 2028. 'Residential' development is 'Permitted in Principle' within this zoning objective.
- 8.3.2 The proposed development essentially seeks to extend an existing detached single storey shed building (indicated as having a floor area of approximately 7.34sq.m) situated in the rear area of the existing property. The proposal will extend to the west of the existing shed unit and is demonstrated as having an additional floor area 8.41sq.m (approximately 2.095 metres X 4.015 metres). The proposal also includes the raising of the existing hipped roof from an indicated height of 2.68 metres to 3.385 metres which represents a height change of approximately 0.7 metres. The roof profile of the extended structure will also be hipped.
- 8.3.3 The existing shed is positioned on the northern boundary of the application site which abuts the rear party wall. This boundary forms the front curtilage area of the adjoining property, No. 167 Saint Maelruan's Park and the wall extends to a height of between 1.15 metres and 1.750 metres (excluding boundary piers). The shed extension will be finished in materials to match the dwelling which is acceptable.
- 8.3.4 Given the setting and layout of the subject property and the neighbouring residence to the rear (north), I consider that the proposed shed extension will create a localised visual impact on the front curtilage area of the neighbouring property to the north. I note that there have been a number of extensions, modifications and other works to an extensive amount of properties in the locality and therefore, the extension to the existing structure is modest in scale having regard to the prevailing form and pattern of development in Saint Maelruan's Park. I am satisfied that the development would not result in any significant or detrimental injury to the amenity of the adjoining property.
- 8.3.5 Accordingly, I consider that the design principle of the shed extension as acceptable and wholly consistent with the parameters pertained in the South Dublin County Development Plan 2022-2028 insofar as it relates to residential-type development and should be granted.

8.4 Water Services

- 8.4.1 I consider that the pertinent matter arising in this appeal relates to the separation distance of the proposed shed extension from the existing surface water pipe which traverses the western portion of the application site.
- 8.4.2 The Case Officer has formed their recommendation to refuse permission on comments returned from the Water Services section who raised concern that the proposed shed extension would be approximately 1.6 metres to the east of an existing 225mm public surface water sewer which runs in a generally southerly to northerly direction within the western extent of the subject property. The Planning Authority consider this distance to be unacceptable and at odds with the requirements of the Greater Dublin Strategic Drainage Study (GDSDS) as adequate access would not be sustained to the public surface water sewer for maintenance. There is further concern from the Planning Authority that the development would induce loading from the garden shed onto the surface water sewer which has the potential to damage the existing public surface water network.
- 8.4.3 I acknowledge that the development, as proposed, would not accord with the prescribed 3-metre separation distance as set out in the GDSDS and that it would be unclear as to how sufficient access to surface water sewer, in compliance with the such distances, could or would be maintained. Notwithstanding, it is my view that development occurring proximate to or indeed over sewers are relatively common, especially in built-up residential areas where extensions and ancillary buildings are prevalent and that there are reasonable modern engineering solutions available to ensure that damage to services is prevented. Additionally, the proposal as indicated, would be an extension to an existing shed which is an ancillary structure to the main dwelling. I concur with the applicant that the proposed shed extension would be a lighter development to that of a conventional domestic extension. I further note that the foundations of the shed extension are indicated as being stepped down below the invert level, or base, of the existing surface water pipe which is stated as approximately 1.4 metres below ground level which would also aid in protecting the services pipe from damage.
- 8.4.4 Whilst the existing shed could have been extended to the east which would maintain an appropriate separation distance from the surface water sewer thereby eliminating

the issue of maintaining a 3-metre separation distance from the existing pipe, by doing so it would reduce the area of existing rear private amenity space dedicated to the dwelling and would also disrupt the existing east-facing elevation of the shed which currently contains the access door and two window openings. The proposed extension would also maintain the western building line of the extended part of the subject property. In this regard, I consider that the proposed shed extension is sited appropriate on the subject site and should be considered favourably.

8.4.5 In considering this development, I have had regard to the current site context and the extent of development which has been approved and constructed on site. The subject dwelling has been extended to the side with the benefit of planning permission in the past and this permission included the diversion of the surface water pipe on the site away from the extended area of the dwelling. According to the submitted particulars with the subject application, the surface water pipe is indicated as being approximately 1.735 metres to the west of the extended part of the dwelling and having inspected the site, this would appear to be accurate. The proposed extension of the shed building will be approximately 1.6 metres from the existing surface water pipe which is similar to that of the already extended portion of the dwelling. In light of the current site circumstances, I do not consider it reasonable to insist on the provision of a 3-metre separation distance where no such separation distance exists on the site presently and cannot be attained along the extent of the already extended portion of the site. I also consider that there will be a degree of space on the property around the line of the subject services which would enable reasonable access to the pipe should it be required. Permission for the extension should be granted.

8.4.6 In relation to surface water treatment referenced in the Water Services report, I contend that additional surface water arising within the site would be limited as it relates to a small impermeable area which would be created from the shed extension and the new roof area. I consider that the additional surface water may be dealt with by way of a suitably worded condition requiring compliance with best practice and standards.

8.5 Appropriate Assessment Screening

- 8.5.1 I have considered the proposed development, which comprises the extension of a garden shed in light of the requirements S177U of the Planning and Development Act 2000 (as amended).
- 8.5.2 The subject development is located on a serviced site in an established suburban area approximately 2.65km from the nearest European Site(s) namely, the Glenasmole Valley SAC (Site Code:001209); and, approximately 11.3km the South Dublin Bay & River Tolka Estuary SPA (Side Code:004024) and the South Dublin Bay SAC (Side Code:000210). The proposed development comprises an extension to an existing garden shed on an existing residential property. As such, the proposed development has no hydrological or other connection to any European site. No nature conservation concerns were raised in the appeal.
- 8.8.3 Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment as there is no conceivable risk to any European site. The reason for this conclusion is as follows:
- The small scale and nature of the development;
 - The distance to the nearest European site and the lack of connections; and,
 - Taking into account the screening determination of the Planning Authority.
- 8.8.4 I conclude 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 a retrospective Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000 (as amended) is not required.

9.0 Recommendation

- 9.1 I recommend that permission for the development be granted for the reasons and considerations set out below.

10.0 Reasons and Considerations

10.1 Having regard to the modest scale of the proposed shed extension, the characteristics of the subject site and associated planning history thereon, the prevailing pattern of development in the surrounding area, the provisions of the South Dublin County Development Plan 2022-2028 including the 'RES' - Existing Residential zoning designation for the site whereby 'Residential' development is 'Permitted in Principle' and the objective is 'to protect and/or improve residential amenity', it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the visual or residential amenity of the area and would not be prejudicial to public health on account of the proximity of the development to existing surface water services. 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 carried out and completed in accordance with the plans and particulars lodged with the application on 01/03/2024 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 interests of clarity.

2. The extended shed structure shall not be used for human habitation, commercial use, industrial use or for any other purpose other than a purpose incidental to the enjoyment of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

3. The external finishes shall match the existing dwelling in respect of materials and colour.

Reason: In the interest of the visual amenities of the area.

4. All soil and white wastewater pipes shall be contained within the site boundary and not oversail or overhang neighbouring property.

Reason: In the interests of visual amenity.

5. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: To prevent flooding and in the interests of sustainable drainage.

6. Prior to commencement of development, details of surface water drainage arrangements including measures to protect the integrity of surface water sewer within the application site and ensure appropriate access for maintenance purposes, shall be submitted to and agreed in writing with the planning authority. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of public health and surface water management

7. Site development and building works shall be carried out between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority

Reason: In order to safeguard the residential amenities of property in the vicinity.

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.

Matthew O Connor
Planning Inspector

30th July 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-319758-24			
Proposed Development Summary	Permission sought to extend existing garden shed to rear including the raising of roof from 2.680 meters to 3.385 metres.			
Development Address	166C Saint Maelruan's Park, Tallaght, Dublin 24			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X	
		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			EIA Mandatory EIAR required	
No	X		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	X	N/A		No EIAR or Preliminary Examination required
Yes				Proceed to Q.4

4. Has Schedule 7A information been submitted?

No		Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____