



An  
Bord  
Pleanála

## Inspector's Report ABP-319881-24

### Development

Permission is sought for the retention of a foundation slab and the partly constructed walls with the construction of a garden shed together with all other associated site works.

### Location

No. 56 Landscape Park, Churchtown, Dublin 14, D14 X364.

### Planning Authority

Dun Laoghaire Rathdown County Council.

### Planning Authority Reg. Ref.

D24B/0125.

### Applicant(s)

Donla Lynott.

### Type of Application

Retention Permission & Planning Permission.

### Planning Authority Decision

Grant with conditions.

### Type of Appeal

Third Party.

### Appellant(s)

Brian Gorham & Siobhan Dempsey.

### Observer(s)

None.

**Date of Site Inspection**

9<sup>th</sup> of August, 2024

**Inspector**

Patricia M. Young

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## 1.0 Site Location and Description

- 1.1. No. 56 Landscape Park, the appeal site has a stated site area of 0.045ha. It is located on the eastern side of Landscape Park's junction with Landscape Crescent, in the south city suburban area of Churchtown, Dublin 14. The site contains a much altered two-storey semi-detached dwelling that has and is in the process of being extended to the side and rear dwelling. It is setback from the public domain of Landscape Park by a front garden area that also accommodates off-street car parking. Within the rear garden area, there is a partially constructed structure that extends the width of the property. The rear garden area was dug up for trenching works and for the storage of construction materials and waste.
- 1.2. The rear boundary of the site backs onto the rear garden area of No. 75, 77 and 79 Braemor Road. I observed a single storey timber shed type structure to the rear of No. 75 Braemore Road and the boundary with the three adjoining Braemor Road properties included mature laurel planting.
- 1.3. The northern boundary of the site adjoins No. 58 Landscape Park, which together with No. 56 Landscape Park once formed part of a uniform in design semi-detached pair. This property is extended to the side and rear by way of a part two storey and part single storey extension. There is also an ancillary single storey building situated in its rear garden area.
- 1.4. The southern boundary of the site adjoins a pedestrian footpath that provides connection from Landscape Park to Braemor Road (R112). The public domain of Braemor Road is situated c50m to the north east of the site. The surrounding area has an established residential character.

## 2.0 Proposed Development

- 2.1. **Retention permission** is sought for a foundation slab and a partially constructed block walls. Additionally, **planning permission** is sought for the construction of a single storey garden shed, storage room, home office and home office to rear garden, all to include associated drainage and external works. According to the planning application form the gross floor space to be retained is 45m<sup>2</sup> and the gross floor space of proposed

works is also 45m<sup>2</sup>. It also indicates that the proposed use of the structure is ancillary to the use of the dwelling.

### 3.0 Planning Authority Decision

#### 3.1. Decision

- 3.1.1. Retention Permission and Planning Permission **granted** subject to 13 no. conditions. Of note are the requirements of the following conditions:

Conditions No. 2: Restricts the subject structure to a maximum size of 45m<sup>2</sup>.

Condition No. 3: Restricts further development on site.

Condition No. 4: Front and rear windows shall not exceed the dimensions indicated on the submitted drawings.

Condition No. 5: Restricts the use of the subject structure.

The Planning Authority's decision notification is accompanied by Advisory Notes:

Note 1: Requires engagement with Irish Water.

Note 2: Sets out Section 34(13) of the Planning & Development Act, 2000, as amended.

Note 3: Consent required for any encroachment &/or oversailing of adjoining properties.

Note 4: Requires foul drainage and potable water to accord with Irish Waters requirements.

#### 3.2. Planning Authority Reports

##### 3.2.1. Planning Reports

The Planning Officers report is the basis of the Planning Authority's decision and considers that outstanding matters of concern can be dealt with by way of conditions and/or advisory notes. Concludes with a recommendation to grant retention permission and planning permission for the development sought under this application.

### 3.2.2. Other Technical Reports

**Drainage:** Surface water run-off concerns raised.

### 3.3. Prescribed Bodies

3.3.1. None.

### 3.4. Third Party Observations

3.4.1. Two Third Party Observations were received during the course of the Planning Authority's determination of this application. I have read both submissions which are attached to file, and I consider that the substantive key issues raised correlate with those raised by the Third-Party Appellant in their appeal submission to the Board (See: Section 6 of the report below).

## 4.0 Planning History

### 4.1. Site

4.1.1. **ABP-3138896-22 (P.A. Ref. No. D22A/0243):** On appeal to the Board retention permission was **refused** for a reinforced concrete foundation slab and partly constructed concrete blockwork walls and planning permission for the construction and completion on the reinforced concrete foundation slab of a single storey garden shed, storage room, home office/studio building to rear garden, all to include surface water drainage and all external works. The subject structure had a given floor area of 79m<sup>2</sup>. The stated reasons and considerations read:

"1. *The Board noted from file details that the Drainage Division of the planning authority raised concerns in relation to surface water drainage, while confirmation of feasibility was required from Irish Water due to the presence of a 300mm diameter foul sewer crossing the rear of the site which may be impacted by the proposed development. The Board was not satisfied, on the basis of the information on file with regard to the Uisce Éireann foul sewer, that the proposed development would not be prejudicial to public health, and therefore the Board considered that the proposed development would be contrary to the proper planning and sustainable development.*

2. *The development proposed for retention and the proposed development fails to accord with Section 12.3.7.4 Detached Habitable Room of the Dun Laoghaire Rathdown County Development Plan 2022-2028 due to its excessive scale. The Board considered the mass, scale and form of the proposed garden shed, storage room, home office/studio building structure was excessive in that it extended from boundary to boundary. The Board considered that, if granted, the proposed development would set an undesirable precedent and would, therefore be contrary to the proposed planning and sustainable development for the area". Decision date: 22/11/2023.*

4.1.2. **ABP PL06D.244488 (P.A. Ref. No. D14B/0415)**

On appeal to the Board permission was **granted** for construction of two-storey extension to rear and side, porch, attic conversion and single storey garage/studio building to rear garden and all associated site works. In relation to the single storey garage/studio building Condition No. 3 restricted its floor area to a maximum of 36m<sup>2</sup> and a maximum ridge height of 3.6m. The given reason for this was '*in the interest of clarity and residential and visual amenity*'. Additionally, Condition No. 4 restricted its use to purposes ancillary to the main house. The given reason for this was 'in the interest of proper planning and sustainable development'. Decision date: 20/05/2015.

4.2. **Site: Other**

- 4.2.1. The site is subject to enforcement (Note: P.A. Ref. No. 37721).

4.3. **Setting**

**No. 58 Landscape Park**

**ABP PL06.244489 (P.A. Ref. No. Reg. Ref. D14B/0416):** On appeal to the Board permission was **granted** for alterations and additions subject to conditions. Decision date: 20/05/2015.

## 5.0 **Policy Context**

### 5.1. **Development Plan**

- 5.1.1. The Dún Laoghaire County Development Plan, 2022-2028, is the applicable Development Plan, under which the site is zoned '*Objective A*'. The stated land use

zoning objective for such lands seeks ‘*to provide residential development and improve residential amenity while protecting the existing residential amenities*’.

- 5.1.2. Section 12.3.7.4 of the Development Plan deals with the matter of detached habitable room. It states that these: “*should be modest in floor area and scale, relative to the main house and remaining rear garden area*” and that “*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 10.2.2.6 - Policy Objective EI6 of the Development Plan states that: “*it is a Policy Objective to ensure that all development proposals incorporate Sustainable Drainage Systems (SuDS)*”. It also states that: “*development will only be permitted where the Council is satisfied that suitable measures have been proposed that mitigate the impact of drainage*”.

## **5.2. Natural Heritage Designations**

- 5.2.1. None within the zone of influence.
- 5.2.2. The nearest Natura 2000 sites are South Dublin Bay SAC (Site Code: 000210) and South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) which are located c4.3km to the east at their nearest point as the bird would fly.

## **5.3. EIA Screening**

- 5.3.1. See Appendix 1 – EIA Pre-Screening Form attached. Having regard to the nature, scale and extent of the development sought under this application, the site location within an established built-up suburban area of Dublin City and is served by public infrastructure, the nature of the receiving environment, 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 in this case.

## **6.0 The Appeal**

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

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

- This development would seriously injure residential amenities.
- Concern is raised that the extension is being built over the foul sewer.
- Drawings provided show conflicting information and details.
- The roof height is considered to be excessive for such a structure.
- It is difficult to assess what is the precise nature and extent of the development sought having regards to the documentation provided.
- Issues with unauthorised development on site raised.
- Lack of compliance with previous grants of permission.
- Development encroaches onto a party wall without consent.
- The Board in its refusal of permission for a similar building on site was not satisfied that it would not be prejudicial to public health due to the presence of a foul sewer crossing the site. This refusal reason is still valid.

### **6.2. Applicant Response**

6.2.1. The 1<sup>st</sup> Party's response can be summarised as follows:

- The development sought relates solely to an ancillary structure that would not contain any bathroom or WC and therefore cannot function as an independent dwelling unit.
- The structure is indicated as comprising of:
  - A garden shed/garage for the storage of garden equipment and a motorcycle with a floor area of 13m<sup>2</sup>. This element is indicated as having a pitch of 4 degrees and a maximum height of 2.9m.
  - A storage room with a floor area of 12m<sup>2</sup>. This element is indicated as having a pitch of 4 degrees and a maximum height of 3.1m.

- A home office with a stated floor area of 15m<sup>2</sup>. This element is indicated as having a pitch of 4 degrees and a maximum height of 3.1m.
- The cumulative internal floor area of the subject structure is 45m<sup>2</sup> and is contended to not be excessive in its scale nor injurious in its design. The 55m<sup>2</sup> relates to the external dimensions of the structure.
- The subject structure is not built over a public sewer.
- The difference in floor area arises from the lack of insulation in the floor of the shed element.
- There is no lack of details in the information provided.
- It is not accepted that there is unauthorised development on site.
- The use of a party wall is not accepted.
- Previously permission was granted for 36m<sup>2</sup> shed/home office/studio (P.A. Ref. No. D14B/0415).
- Reference is made to precedents for similar structures in the area.
- This development would not be highly visible from the properties to the rear as a result of the existing laurel hedging and the height of an existing ESB substation.
- This development is consistent with Development Plan requirements.
- The Board is requested to uphold the Planning Authority's decision.

### **6.3. Planning Authority Response**

- 6.3.1. The Planning Authority's response indicates that in their view the grounds of appeal do not raise any new matter which would justify a change of attitude to the development sought under this application.

### **6.4. Observations**

- 6.4.1. None.

## 7.0 Assessment

### 7.1. Introduction

7.1.1. I consider that the key planning issues in this appeal case can be examined under the following broad headings:

- Principle
- Planning History
- Compliance with Development Plan
- Other Matters Arising
- Appropriate Assessment

7.1.2. Prior to my assessment, I note that the development sought under this application relates in part to the retention permission of a foundation slab and partly constructed block walls. On the matter of retention for clarity I 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.

7.1.3. Additionally, the Third-Party Appellant as part of their appeal submission raise concerns in relation to other works carried out on site by the applicant which in their view includes unauthorised works. On this matter I note that there appears to be an enforcement file open with the Planning Authority in relation to site and the status of this is unclear.

7.1.4. In relation to this concern the appeal case before me relates solely to the retention of a foundation slab and a partly constructed block walls on site alongside permission is also sought for the construction of a single storey shed, storage room and home office to the rear of No. 56 Landscape Park, the subject host dwelling. With this single storey shed, storage room and home office that is in essence what is sought indicated as being ancillary to the residential function of the host dwelling. The development also includes all associated site works. The applicants are not applying for the use of this

structure as a residential unit and therefore it should not be assessed as such, and I am satisfied that should the Board be minded to grant retention permission and planning permission for the development sought under this application its future use can be restricted by way of condition similar to the requirements set out under Condition No. 5 of the Planning Authority's decision notification. Any other works that have been carried out on site outside of that to which this subject application relates through to any non-compliance with any grant of permission pertaining to development that has been previously permitted on the site is in my view a matter of enforcement for the Planning Authority and should be directed to them to deal with as they see fit.

- 7.1.5. I also consider it necessary to address the procedural concerns raised in relation to the adequacy of the documentation accompanying this application. Having inspected the site and having examined the documentation provided including the nature, extent and scale of the development sought I am not satisfied that the information provided with this application in terms of what is to be retained through to what is proposed has been demonstrated with a sufficient degree of clarity for a lay person or indeed if permission were to be granted for the Planning Authority to carry out enforcement should any compliance issues arise.
- 7.1.6. Additionally, the extent of the concrete slab and building works present on site do not correspond with the details provided with this application nor is there any inclusion in the public notice description of the development that it would for example include any level of demolition of existing structures that are present on the site in order to reach an outcome of the combined shed, garage and home office structure as indicated in the submitted drawings accompanying this application.
- 7.1.7. Moreover, there also appears to be discrepancy in the positioning of this structure for which permission is sought and boundaries associated with the subject site and adjoining properties to the rear and to the north.
- 7.1.8. Of further concern there appears to be encroachment onto a party boundary with No. 58 Landscape Park without the provision of any consent for the same. Alongside there appears to have been interference with boundaries between the subject site and the properties adjoining the rear boundary of the site. The latter matter in my view are civil matters and outside of the Boards remit in their determination of this appeal case.

- 7.1.9. Alongside the above concerns, I note that the Board refused permission for a single storey integrated shed, storage and home office under ABP-3138896-22 (P.A. Ref. No. D22A/0243). The given reasons and considerations included surface water drainage concerns including the lack of confirmation of feasibility with Irish Water in relation to the presence of a 300mm diameter foul sewer which there was a concern crossed the rear of the site and may be impacted by the proposed development. They were not satisfied, on the basis of the information on file with regard to the Uisce Éireann foul sewer and therefore they raised the concern that the proposed development could be potentially prejudicial to public health.
- 7.1.10. Of concern the documentation provided with this application does not provide any evidence to the location of this foul sewer relative to the structure to which this application relates or indeed any written confirmation of feasibility from Irish Water. It is simply put by the First Party that the subject structure has not been built on the foul sewer.
- 7.1.11. Additionally, on the matter of drainage there is a lack of adequate surface water drainage information provided with this application.
- 7.1.12. This I note is raised as a concern by the Planning Authority's Drainage Section and it is requirement for developments to demonstrate compliance with Section 10.2.2.6 - Policy Objective EI6 of the Development Plan. In this regard this policy objective requires all development proposals to incorporate Sustainable Drainage Systems (SuDS) and states that: *"development will only be permitted where the Council is satisfied that suitable measures have been proposed that mitigate the impact of drainage"*. There is no such demonstration provided with this application.
- 7.1.13. When this concern is coupled with the concerns in relation to the location of a 300mm foul sewer to the rear of this site and while I am cognisant that the validation of a planning application, are generally the responsibility of the Planning Authority which in this instance took the view that the application documentation as lodged satisfied the minimum statutory requirements. Notwithstanding, I am not satisfied that when the above concerns are taken together that it is reasonable to reach a conclusion that this planning application provides adequate clarity on the actual scope, nature, and extent of the development for which permission is sought under this application. Nor am I

satisfied that the imposition of conditions is appropriate avenue in this case to overcome such concerns.

## **7.2. Principle of Development Sought**

- 7.2.1. No. 56 Landscape Park forms part of a larger parcel of suburban land zoned 'A' under the Dun Laoghaire Rathdown County Development Plan, 2022-2028. The objective for such land is to: *"provide residential development and improve residential amenity while protecting the existing residential amenities"*. In this zone residential developments are considered an acceptable development in principle, subject to safeguards. As such I concur with the Planning Authority's Planning Officer that the general nature of the development sought is acceptable in principle, subject to safeguards.

## **7.3. Planning History**

- 7.3.1. As set out in Section 4.1.1 and Section 7.1 of this report the Board refused permission under ABP-3138896-22 for the retention permission of a reinforced concrete foundation slab and partly constructed concrete blockwork walls and planning permission for the construction and completion on the reinforced concrete foundation slab of a single storey garden shed, storage room, home office/studio building to rear garden, all to include surface water drainage and all external works. The subject structure under this previous application had a larger given floor area of 79m<sup>2</sup> and as already raised as a concern the documentation provided with this application in relation to the 300mm diameter foul sewer crossing the rear of the site does not evidentially clarify that this is no longer an issue. As such the applicant in this case has not demonstrated that the development sought under this application, if permitted, would not be prejudicial to public health.
- 7.3.2. Additionally, the second given reason and consideration given by the Board for refusal in appeal case ABP-3138896-22 raised concerns that the development failed to accord with Section 12.3.7.4 Detached Habitable Room of the Dun Laoghaire Rathdown County Development Plan, 2022-2028, due to its excessive scale. It further considered the mass, scale and form of the proposed garden shed, storage room, home office/studio building structure was excessive in that it extended from boundary to boundary and if granted, it would set an undesirable precedent. On the basis of

these considerations, it concluded that the development would be contrary to the proposed planning and sustainable development for the area.

- 7.3.3. In relation to the shed, storage and home office/studio building structure previously sought to the rear of the host dwelling this I note had a given floor area of 79m<sup>2</sup>, as said it extended the width of the private amenity space in proximity to the rear boundary (Note: stated 17.6m), for the most part it had a depth of 5m overlapping with the boundary with No. 58 Landscape Park and in part abutting the rear boundary where at this point its depth increases to c7.5m (Note: the drawings accompanying this application like those accompanying this application are not of an indicated scale and have been photocopied and as such the c7.5m is a best guess estimate). They have a variable height with the maximum height indicated as 3.3m. This application also indicates that the cumulative internal floor area of the subject structure would be 45m<sup>2</sup>, that part of the built structure which there is a current slab and built structure over would be in part retained as an uncovered patio area, however, there is no indication given in the accompanying documentation that the works to achieve this, including the demolition of existing wall structures forms part of the development sought.
- 7.3.4. Additionally, the structure would at its highest point have height of 3.3m and a mono-pitched but variable profile with the garden shed element being lower. The structure is indicated as being setback 2.5m from the rear boundary of the site and overlapping with the boundary with No. 58 Landscape Park.
- 7.3.5. Despite the discrepancies in the drawings provided, including the conflicting information on the elevational window treatment I consider that the 45m<sup>2</sup> is not excessive in the context of the size of No. 56 Landscape Park's rear garden as it would still leave a generous in size private amenity space for its occupants and would not having regards to its positioning, orientation and aspect give rise to substantive undue overshadowing of this amenity space.
- 7.3.6. What is of concern is the necessity for windows facing into the rear boundary of the site, in a context where they have the potential to give rise to undue overlooking to the rear private amenity space of adjoining Braemor Road properties. These windows and the rear door to garden shed which is also served by a roller shutter door in my view excessive and have the potential to give rise to undue residential amenity

diminishment to adjoining Braemor Road properties in a manner that would be contrary to Section 12.3.7.4 of the Development Plan and the land use zoning objective of these lands. This section of the Development Plan together with the site's land use zoning together seek that such developments provide a balance between the provision of residential improvements and the protection of established residential amenities.

7.3.7. Should the Board be minded to grant permission for the development sought under this application I consider that condition be imposed to omitted the two windows and the door in the rear elevation of the subject structure in the interest of protecting adjoining properties established private amenity. Alternatively, the omission of the rear door and the provision of high clerestory windows fitted with opaque glazing in place of the two rear windows would also mitigate potential for undue overlooking of adjoining properties to the rear of the subject structure.

7.3.8. On this point the presence of mature planting to the rear of these properties should not be relied upon for permanent visual obscuring of potential views arising from the subject structure onto the rear private amenity space of adjoining Braemor Road properties. Also given the ancillary uses indicated for the subject structure it could have been designed more sensitively in relation to limiting overlooking and/or perception of overlooking.

7.3.9. Conclusion:

On the basis of the information provided with this application I am not satisfied that the development as sought under this application has demonstrated that the Board's first reason and consideration of appeal case ABP-3138896-22 has been overcome and in turn that this development, if permitted, would not be prejudicial to public health.

#### 7.4. **Other Matters Arising**

7.4.1. **Visual Amenity:** Concerns are raised in relation to the subject's structure, design, size through to scale and the fact that it is visible from the observer's property. The subject structure in its existing state together with the garden at the time of my inspection was unsightly due to the fact that construction works are currently on-going to the side of the existing dwelling. The structure that is *in situ* was in part visible from the adjoining pedestrian laneway and the structure for which retention as well as completion is sought is not one that is presented in the drawings as one that would be

a high quality new detached built addition. However, in saying this agreement of external finishes, treatments and materials could give rise to some visual improvements to it. Given that the structure would still be in part visible from the adjoining public domain and from adjoining properties should the Board be minded to grant permission for the development sought under this application this concern could be dealt with by way of an appropriately worded condition in the interests of visual and residential amenity protection.

- 7.4.2. **Residential Amenity:** In terms of impacts on residential amenity, outside of the concerns already noted in my assessment above, I consider that once completed the impacts of this development would not be so great as to warrant a refusal of permission. I concur with the Planning Authority that there is capacity, subject to safeguards, for this site to accommodate a detached ancillary to the main dwelling detached structure. Nuisances arising during the construction phase could be dealt with by way of standard conditions. Additionally, interferences/and or loss of any party boundary in the absence of required consent is a civil as well as may be enforcement matter outside of the Boards remit in the consideration of this appeal case.
- 7.4.3. **Contributions:** Should the Board be minded to grant permission I recommend that it impose the contributions sought under Condition No. 10, 11 and 12 of the Planning Authority's notification decision.
- 7.4.4. **Advisory Notes:** Should the Board be minded to grant permission and given the lack of any consent for oversailing and/or encroachment on Third Party lands, which has been raised as a concern by Third Parties, I recommend that it include an advisory note that sets out the provisions of Section 34(13) of the Planning & Development Act, 2000, as amended. This indicates that a person shall not be entitled solely by reason of a permission under section 37(g) to carry out any development. This subsection makes it clear that the grant of permission does not relieve the applicant of the necessity of obtaining other permits or licences which statutes, regulations or common law may necessitate.

## 8.0 AA Screening

- 8.1. I have considered the appeal in relation to the development sought under this application in light of the requirements S177U of the Planning and Development Act 2000, as amended.
- 8.2. The subject site is located c4.3km to the west of South Dublin Bay SAC (Site Code: 000210) and South Dublin Bay & River Tolka Estuary SPA (Site Code: 004024) as the bird would fly.
- 8.3. The development sought under this application in summary relates to the retention and permission for ancillary detached building to the rear of a dwelling house together with associated site works at No. 56 Landscape Park, in suburban south Dublin, within the administrative boundaries of Dún Laoghaire Rathdown County Council.
- 8.4. No nature conservation concerns were raised in the planning appeal or by the Planning Authority during the course of their determination of this planning application.
- 8.5. Having considered the nature, scale and location of the project sought, I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect to any Natura 2000 Site. The basis for this conclusion is as follows:
- The nature, scale, and extent of the development sought for retention and permission.
  - The brownfield nature of the appeal site and its location within an established and serviced suburban area of south Dublin.
  - The site is served by an existing connection to the public foul sewer and public water supply. There is no capacity issue in terms of these public services to accommodate the nature, scale, and extent of residential proposed, notwithstanding, no connections to public foul sewer or water supply are proposed for this detached ancillary to residential structure.
  - The separation distance from the nearest Natura 2000 site(s) and the lack of any connections.
  - The nature of the intervening lands between the site and the nearest Natura 2000 site.

- The screening assessment conducted by the Planning Authority and their conclusions.

8.6. Conclusion: I consider that the development sought under this application would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a Natura 2000 Site or Sites and appropriate assessment is therefore not required in this case.

## 9.0 Recommendation

9.1. I recommend that permission is **refused** for the following reasons and considerations.

## 10.0 Reasons and Considerations

1. The Board noted from file details that the Drainage Division of the planning authority raised concerns in relation to surface water drainage, in particular whether the proposed development accorded with the provisions of Section 10.2.2.6 Policy Objective EI6 Dún Laoghaire County Development Plan, 2022-2028. This requires all development proposals to incorporate Sustainable Drainage Systems, and that development will only be permitted where the Council is satisfied that suitable measures have been proposed that mitigate the impact of drainage. It is also unclear from the details provided the location on site of the 300mm diameter foul sewer and whether the development works for which permission is sought may or could potentially impact it in the absence of appropriate mitigation measures and lateral separation distance. The Board was not satisfied, on the basis of the information on file, that the development sought would accord with required policy objectives of the Development Plan, and that the development would not be prejudicial to public health. The Board, therefore considered, that the proposed development would be contrary to the proper planning and sustainable development.
2. On the basis of the submissions made in connection with the planning application and appeal, it appears to the Board that the development sought under this application relates to a structure which is unauthorised and that the proposed

development would comprise alterations to it where the outcome of these alterations is not made clear in the documentation provided. Accordingly, it is considered that it would be inappropriate for the Board to consider the grant of a permission for the development sought in such circumstances.

*I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.*

---

Patricia-Marie Young  
Planning Inspector

27<sup>th</sup> day of September, 2024.

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	ABP-319881-24			
<b>Proposed Development Summary</b>	Permission is sought for the retention of a foundation slab and the partly constructed walls with the construction of a garden shed together with all other associated site works.			
<b>Development Address</b>	No. 56 Landscape Park, Churchtown, Dublin 14, D14 X364.			
<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>	<input checked="" type="checkbox"/>	
		<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>	<input type="checkbox"/>	Class.....	EIA Mandatory EIAR required	
<b>No</b>	<input checked="" type="checkbox"/>		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>	<input checked="" type="checkbox"/>		Development consists of Shed/Garage/Home Office	No EIAR or Preliminary Examination required
<b>Yes</b>	<input type="checkbox"/>			Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No	N/A	Preliminary Examination required
Yes		Screening Determination required

Inspector: \_\_\_\_\_

Date: 27<sup>th</sup> of September, 2024.