



An
Bord
Pleanála

Inspector's Report

ABP-320115-24

Development

Retention permission for single-storey garage/playroom/home office (circa. 40m²) to rear garden of existing dwelling with associated site works.

Location

17 Wheatfields Close, Clondalkin, Dublin 22.

Planning Authority

South Dublin County Council.

Planning Authority Reg. Ref.

SD23B/0417

Applicant(s)

Shaun Graham.

Type of Application

Permission.

Planning Authority Decision

Refuse.

Type of Appeal

First Party.

Appellant(s)

Shaun Graham.

Observer(s)

None.

Date of Site Inspection

6th September 2024.

Inspector

Heidi Thorsdalen

1.0 Site Location and Description

- 1.1. The appeal site is located within Collinstown, Dublin 22. Vehicular access is via Collinstown Road and the local estate roads to Wheatfields Close, a cul-de-sac with a pedestrian link to Collinstown Road. The immediate surrounding areas to the north, east and south are residential, predominately two-storey detached and semi-detached housing. Collinstown Road and St Mary's National School is located to the west.
- 1.2. The appeal site is generally flat and has a stated area of 0.0463 ha. It consists of a two-storey, gable frontage house with a wide single storey side component. The stated gross floor space is 150 m². A detached building is located within the rear garden, and which retention forms part of this appeal (see Section 2.0 below). The dwelling is orientated in a north south direction and located at the end of the hammerhead turning area. The front is defined by low render walls, a wide vehicular entrance, extensive hardstanding used for car parking and a front garden. Block walls surround the rear garden. The house has render finishes with brown roof tiles.

2.0 Proposed Development

- 2.1.1. The proposed development is for a single storey timber clad building located within the rear garden of No. 17 Wheatfields Close. The height of the building is 3,935 mm, and the shallow pitched roof is clad in corrugated steel. A door and two windows are shown on the front (north) elevation, and no openings are detailed on the remaining elevations (planning application dwg. ref. PA-0002).
- 2.1.2. The total area of the building is c. 60 m², based on the stated external perimeters of 10,906 mm by 5,500 mm. The internal floor area as per Further Information submission is c. 49 m², and not the 40 m² stated in the application form. The garden room type building is shown to contain one room, and the proposed use is garage / playroom / home office. The internal floor to ceiling height is shown as 2,400 mm.
- 2.1.3. Distances to adjacent boundaries are: 270 mm to No. 1A Wheatfields Avenue (south); 614 to 984 mm towards no. 15 Wheatfields Close (east); and c. 1,000 to 1,691 mm towards the west (Collinstown Road) as per revised Further Information

dwg. ref. PA-0001. The stated distances to the rear elevation of the main dwelling are 6,282 to 7,015 mm, and a stated private amenity space of 89 m².

- 2.1.4. The site is connected to the public mains for water supply and drainage, and Further Information Dwg. ref. PA-0001 shows rainwater planter and permeable paving proposals, and soakaway within the front garden.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority decided to Refuse Permission for Retention for the proposed development on 11th June 2024 for the following reason:

1. *“Having regard to the scale, height, and overall massing of the structure to be retained, and position of same relative to subject site boundaries, the development for retention would have an adverse impact on the amenities of adjacent properties by way of overbearing appearance. Additionally, the retention of this structure as constructed, if permitted, would set an undesirable precedent for development of similar scale which in themselves and cumulatively would be harmful to the residential amenities of the area, and thus contrary to the ‘RES’ zoning objective of the area, which seeks ‘to protect and/or improve residential amenity’. The development to be retained would therefore be contrary to the proper planning and sustainable development of the area.”*

3.2. Planning Authority Reports

3.2.1. Planning Reports

- 3.2.2. Report requesting Additional Information, dated 22nd November 2023, raised concerns that the structure can be used as habitable accommodation, and revised drawings requested demonstrating a reduction in scale to reflect ancillary nature to the main dwelling and to address visual impact concerns. Revised drawings

demonstrating accurate internal gross space, elevation and floor plan details, and open space to the rear measurements were also requested, and SuDs measures.

3.2.3. Assessment of Further Information and Chief Executive's Order, dated 11th June 2024, notes that the structure for retention has not been reduced in scale, massing, or profile, and that revised internal space and elevation reflecting site observations have not been submitted. Concludes that having regard to the scale, height, overall massing and position, the structure to be retained is considered to have an adverse impact on the amenities of adjacent properties by way of overbearing appearance; set an undesirable precedent and contrary to RES zoning objective.

3.2.4. Other Technical Reports

- Water Services (2nd November 2023): No objection subject to conditions.

3.3. **Prescribed Bodies**

- None

3.4. **Third Party Observations**

- None

4.0 **Planning History**

4.1. Appeal site, recent planning history:

- SD18A/0335: Planning permission granted for the demolition of a single storey extension and construction of two two-storey houses to the side of existing dwelling. Permission has now lapsed.

4.2. Appeal site, planning enforcement:

- S8898 - Live enforcement file for the erection of an extension to rear.

5.0 Policy Context

5.1. South Dublin County Development Plan 2022-2028

5.2. The Development Plan came into effect on 3rd August 2022. The following policies, objectives and guidance are noted:

- Land Use Zoning Objective RES covers the appeal site (Map 2) and seeks “*to protect and/or improve residential amenity*”.
- Policy H14 and H14 Objective 1 Residential Extensions; support the extension of existing dwellings subject to the protection of residential and visual amenities.
- Chapter 12: Implementation and Monitoring and standards under Section 12.6.8 Extensions, the design of residential extensions should have regard to the permitted pattern of development in the immediate area.
- Guidance in South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines), criteria noted as follows: respect the appearance and character of the house and local area (I); provide comfortable inside space and useful outside space (II); do not overlook, overshadow or have an overbearing affect (III); consider the type of extension that is appropriate and how to integrate it (IV); and incorporate energy efficient measures where possible (V).
- GI4 Objective 1: To limit surface water run-off from new developments through the use of Sustainable Drainage Systems.

5.3. Natural Heritage Designations

- None.

5.4. EIA Screening

5.4.1. Having regard to the nature and small scale of the proposed development, which is for a building within the rear garden of an existing dwelling within a fully serviced urban area, and its proximity to 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. A First Party appeal has been lodged by pdc architectural ltd on behalf of the applicant Shaun Graham. The grounds of the appeal are summarised as follows:

- It is submitted that the scale of the structure is acceptable taking account of previous extensions to existing dwelling and the rear garden / private open space area remaining.
- It is submitted that the height is below permitted height, only the unit size is above exempted size and that the finish is in keeping with existing dwelling.
- It is submitted that no planning submissions have been made by the adjacent properties, so the rational for adverse impact on amenities of adjacent properties is unclear.
- It is stated that the existing unit is used ancillary to the existing dwelling and provides for extra usable space for the existing dwelling and that the applicant has a need for a home office.
- Similar type developments referred to at 40 Rowan Walk, Kilcarbery Grange, Dublin 22 (SD24B/0053); and 47 Dangan Park, Dublin 12 (SD23B/0472).

6.2. Planning Authority Response

6.2.1. Planning Authority's response dated 24th July 2024:

- The Planning Authority confirms its decision.
- The issues raised in the appeal are covered in the Chief Executive's Order.

6.2.2. Planning Authority's letter dated 11th July 2024 sets out that in the event of a decision to grant permission regard should be had to:

- The applicability of the South Dublin County Council Development Contribution Scheme and the Kildare Route Project Supplementary Development Contributions Scheme.
- The applications of conditions relating to Security under Section 34(4) (g) of the Planning and Development Act 2000, as amended, in particular in the case of residential developments of two or more units.

6.3. **Observations**

- None.

7.0 **Assessment**

7.1. Having reviewed the planning and appeal documentation, the Development Plan and visited the site, there are, in my opinion, three issues to be considered:

- The ancillary use of the building;
- visual amenity; and
- impact on residential amenities.

7.2. **The Ancillary Use of the Building**

7.3. I visited the site but was unable to gain access to inspect the timber clad building and the rear garden. From the perimeter of the site, I observed three entrance doors with doorbells on the front elevation, the main dwelling No. 17, No. 17A (single storey side component), and a third entrance providing access to the timber clad building along the western boundary. I observed that the rear garden has been subdivided by wooden panel fencing into three separate areas providing garden or access for the three units as outlined above. It is not clear but the subdivision of the garden indicates that there is no access to the building via the main dwelling. Furthermore, half drawn blinds were noted in the windows of the timber clad building and an external separate clothesline.

7.4. The building is also noted to include additional windows which are not detailed on the planning application elevations, one on the side (east) elevation and one on the

rear (south) elevation. In this regard, I note the Planning Authority raised inconsistencies in fenestration, elevation, and floor plans at Further Information, but that the applicant did not address these fully in its response.

- 7.5. My site observations did not find the building in use ancillary to the dwelling and there were signs of it facilitating habitable accommodation. In the absence of clarity of the use of the building, the subdivision of the garden, and the inconsistency between the building as constructed and the planning application drawings, I am not satisfied that the use for which retention permission is sought is an accurate reflection of the current use of the building. Should the Board be minded to grant retention permission of this development, I would recommend conditions that the fence subdividing the rear garden be removed within 3 months of the date of the order and that the use of the building shall be jointly occupied as a single residential unit and the extension shall not be used, sold, let or otherwise transferred or conveyed, save as part of the dwelling.

7.6. Visual Amenity

- 7.7. At 49 m² gross floor area, I consider the structure to be substantive in size when taken account of the proposed ancillary garden room type use. As a comparison, the residential standards for a one bedroom house are 50m² (Section 12.6.7 of the Development Plan) or 44 m² as per the Quality Housing for Sustainable Communities (2007). Whilst the building occupies a large portion of the rear garden, I note the remaining rear garden area taking account of inconsistencies in building footprint as per Existing Floor Plan (PA-0002) and Further Information Proposed Site Layout (PA-0001) would be sufficient to provide for outdoor amenity space for the main dwelling. I further note garden room type developments are common within the surrounding area, although these are generally of a substantially lesser scale than the proposed. Given its detached nature, its overall footprint combined with height and proximity to boundaries and existing dwelling, I consider it would constitute overdevelopment of the site and would be a visually dominant structure, affecting the visual amenities of the main dwelling and adjacent properties.

7.8. Residential Amenity

- 7.8.1. I have concerns regarding the windows on the east and south elevations and their proximity to the boundaries with No. 1A Wheatfields Avenue and No. 15 Wheatfields Close, and potential overlooking into the private rear amenity space. Whilst I note the presence of existing boundary walls, I do not consider these windows necessary for the proposed stated ancillary use. Should the Board be minded to grant retention permission for this development, I would recommend conditions that the windows on the east and south elevations be removed within 3 months of the date of the order and the elevations made good as per planning application dwg. ref. PA-0002 Existing Rear Elevation and Existing Side elevation 01/02.

8.0 AA Screening

- 8.1. Having regard to the nature and scale of the proposed development, which is for a building within the rear garden of an existing dwelling in an established and serviced urban area, the distance from the nearest European site, no Appropriate Assessment issues arise. Therefore, it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

9.0 Recommendation

- 9.1. I recommend that retention permission be refused.

10.0 Reasons and Considerations

1. Having regard to the scale and form of the structure as constructed, in particular to the footprint, height, fenestration and proximity to site boundaries, it is considered that the structure for which retention is sought would constitute overdevelopment of the site and comprise a visually dominant feature which would seriously injure the visual and residential amenities of the established house and adjacent properties. The retention of the structure would therefore be contrary to the 'RES' land use zoning objective, Policy H14, H14 Objective 1, and Section 12.6.8 which seeks to protect residential

and visual amenities, and contrary to the proper planning and sustainable development of the area.

2. Having regard to the inconsistency between planning application drawings and the development as constructed, and in the absence of clarity of the use of the structure given the development as constructed and the subdivision of the site, the Board is not satisfied that the applicant has demonstrated that the structure and its use for which retention permission is sought sufficiently corresponds with the development as constructed, and 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.

Heidi Thorsdalen
Senior Planning Inspector

26th September 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference			
Proposed Development Summary	Retention permission for single-storey garage/playroom/home office (circa. 40m2) to rear garden of existing dwelling with associated site works.		
Development Address	17 Wheatfields Close, Clondalkin, Dublin 22.		
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	✓
		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		Class.....	EIA Mandatory EIAR required
No	✓		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)
No	✓	N/A	No EIAR or Preliminary Examination required
Yes		Class/Threshold.....	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No		Preliminary Examination required
Yes		Screening Determination required

Inspector: _____**Date:** __26th September__