



An
Bord
Pleanála

Inspector's Report

ABP-320926-24

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| Development | Retention of the provision of two wooden storage units in the patio to the front of the property |
| Location | 1 Sydenham Road, Ballsbridge, Dublin 4 |
| Planning Authority | Dublin City Council |
| Planning Authority Reg. Ref. | WEB2087/24 |
| Applicant(s) | James Coyle. |
| Type of Application | Retention |
| Planning Authority Decision | Refuse |
| Type of Appeal | First Party |
| Appellant(s) | James Coyle |
| Observer(s) | Brendan O'Riain |
| Date of Site Inspection | 3 rd January 2025 |
| Inspector | Robert Keran |

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Appendix 1 – Form 1: EIA Pre-Screening

1.0 Site Location and Description

- 1.1. The appeal site is located at 1 Sydenham Road, Ballsbridge, Dublin 4. 1 Sydenham Road is located on the eastern side of Sydenham Road and is an end of terrace property, with a private laneway immediately to the south which provides for rear access to properties on Sydenham Road and properties on Merrion Road further south,.
- 1.2. Sydenham Road is a residential cul-de-sac road accessed from Merrion Road to the south. At the end of the cul-de-sac is gated access to an apartment development, Sydenham Court. Sydenham Road is characterised by terraced housing on both sides, of two storeys in height. Some of those properties to the eastern side have dormer windows at roof level. To the southwest of the road is a more modern 3 storey building, attached to the rear of a property on Merrion Road, known as Premier Suites.
- 1.3. There is designated pay and display on-street car parking on both sides of the road.
- 1.4. 1 Sydenham Road has been previously extended and converted into 5 no. residential units. There is a red paved garden area to the front of the property, surrounding by railings to the front and a low red brick wall to the south.
- 1.5. To the rear of the property is a small yard area, with low boundary wall of circa 1 metre in height. At the date of inspection, this yard contained 2 no. wheelie bins, 2 no. bicycles and a number of items of outdoor furniture.
- 1.6. At the time of site inspection 2 no. wooden storage units were in place to the front of the property, adjacent to the side and front boundary wall of the property. The units are painted grey and made of timber.
- 1.7. Upon site inspection, it was noted that the front garden was also used for storing a number of waste and recycle bins, in addition to loose bags of rubbish/waste and numerous bicycles were also stored outside the storage unit.

2.0 Subject Development

- 2.1. Retention permission is sought for two wooden storage units located in the open space to the front (west) of the property. The storage units are painted a grey colour.

- 2.2. The submitted drawings (Dwg. 23026-RFI-3.02 -Proposed Storage Units, Plan, Section and Elevation) show some indicative screening planting between the storage units and the red brick wall and the storage units and the front railing.
- 2.3. The storage unit provides space for 4 no. bins and 4 no. bicycles. They are located along the red brick wall to the southern side of the front open space to the property.
- 2.4. There are effectively two separate storage units. One for the bicycles measures circa 2.13 metres in length and 1.37 metres in height. The storage unit for the bins is circa 2.78 metres in length and 1.18 metres in height. The height of both units exceeds the height of the red brick wall.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1 By Order dated 2nd September 2024, Dublin City Council issued a notification of decision to refuse retention permission, for the following reason:

“The retention of the 2 no. storage units to the front of no. 1 Sydenham Road would be a visually poor addition to the ‘Z1’ zoned residential amenity space to the front of a multi-unit property. The storage units are not fit for their intended purpose as they are too small to adequately cater for this multi-unit property and are visually dominate and injurious to the residential amenities of the area. Furthermore, the applicants have failed to provide a robust reason for the retention of the storage units in the most visible location of the site, taking into account the previous planning history, which located storage to the rear of the property, which is considered a more appropriate location. Therefore, to approve the retention of the storage units would be contrary to the policies and objectives of the Dublin City Development Plan, would set an undesirable precedent for similar type development and would be detrimental to the visual and residential amenities of the area”.

- 3.1.2 The decision followed a request for further information from Dublin City Council, on the 7th February 2024, on the following points:

“1. The applicant is requested to clarify the number of units on site and clarify whether each unit has access to the rear yard or wider site to the rear.

2. The applicant is requested to clarify the number of bins required for the property and whether the number of bins can fit in the unit for retention.

3. The applicant is requested to justify why these storage units cannot be placed to the rear of the property”.

3.1.3 A response to the request for further information on behalf of the applicant was submitted on the 1st August 2024.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The Dublin City Council Planner’s Report concluded that the proposed retention of waste and bicycle parking is inappropriate, having regard to the characteristics of the site within ‘Z1’ where the general objective for such areas is ‘to protect, provide and improve residential amenities’.
- It further stated that the site, although subdivided between a new property under construction to the rear and the existing multi-unit property to the front, is in the singular ownership of the applicant and that permission was previously granted, under reg. ref. 4142/19 for bicycle parking for the new property and the existing property to the rear of the site.
- The Planner’s Report was of the view that the applicant has failed to consider any other alternative location, including the reconfiguration of the bicycle parking area to the rear, to provide a more appropriate bin and bicycle storage area.
- The Planner’s report states that the existing units for retention are insufficient in size for their intended use, are not fit for purpose, add to the visual clutter to the front of the property and would be harmful to the residential amenity of the area.
- The Planner’s Report concluded that retention permission should be refused for reasons that reflect that attached to the Dublin City Council Order dated 2nd September 2024.

3.2.2. Other Technical Reports

- Drainage Planning Division: No objection subject to conditions.

There were no other technical reports issued by Dublin City Council.

3.3. **Prescribed Bodies**

3.3.1. There are no submissions or observations from prescribed bodies.

3.4. **Third Party Observations**

3.4.1. There were 4 no. third party submissions received on the planning application. These were from:

- B Patrick Ryan
- Elizabeth Keating
- Philip O'Reilly
- Dr Paul Bolger

3.4.2. The issues raised by observers are summarised as follows:

- Dublin City Council refused similar retention application Ref: 3045/22, at No. 43, St Lawrence Road, Clontarf, Dublin 3.
- Any change to the nature of the front garden would result in a negative impact upon the amenity of adjoining properties.
- The proposed wooden storage were part of Ref: 4142/19.
- Unsympathetic within the front curtilage of a historical red brick 100 year Edwardian terrace and local streetscape.
- Incompatible with the character of the area.
- Planting screening is not to all sides and would not in any event be a solution as such planting could be removed.
- Procedural and validation issues, including inadequacy of site and newspaper notices.
- Would set a precedent for other similar multi-unit developments.
- Insufficient for the existing house of 22 no. bed spaces.

- Proposal is unnecessary as the applicant has rear bin and bike storage for the house.

4.0 Planning History

4.1.1. The following planning history is noted in relation to the appeal site:

- 2325/21 Permission refused for a new vehicular access to front garden to provide a new car parking space and to widen side lane access.
- 4142/19 - Following a notification of decision of Dublin City Council to refuse planning permission, permission was granted by An Bord Pleanála (Ref: 306245-19) on the 20th of June 2020 following a first party appeal for a detached new two storey mews with roof light, external store to rear of private open space with 2 no. bicycle spaces, provide for 6 no. bicycle spaces to rear of main house, private open space to replace granted permission ref: 4481/17 for a two car garage and associated car parking spaces to main house.
- 4481/17 - Planning permission granted by Dublin City Council, subject to 12no. Conditions for a new detached 2 car garage with storage in attic space, pitched roof with roof lights, replanting of rear garden to provide for 4 car parking spaces and 6 no bicycle spaces. And increase in private open space to main house.
- 2662/00 - Planning permission granted by Dublin City Council for extensions and alterations to side and rear on three floors: Condition 2 states that “There shall be a maximum of five dwelling units on the site”.

5.0 Policy Context

5.1. Development Plan

5.1.1 The operative Development Plan is the Dublin City Development Plan 2022 – 2028.

5.1.2 The following are the key provisions of the Development Plan relating to the appeal site and appeal:

- The appeal site is zoned objective Z1 ‘Sustainable Residential Neighbourhoods’, ‘To protect, provide and improve residential amenities’.

- Section 15.9.13 relates to refuse storage for apartments and states that *“Refuse storage and collection facilities should be provided in all apartment schemes. Refuse storage should be accessible to each apartment stair / lift core and be adequately sized to cater for the projected level of waste generation, types and quantities”*.

5.2. Natural Heritage Designations

- 5.2.1 The closest site of natural heritage interest to the development site is located approximately 1.1 kilometres to the west and is the South Dublin Bay and River Tolka Estuary SPA. South Dublin Bay SAC and South Dublin Bay proposed Natural Heritage Area (NHA).

5.3. EIA Screening

- 5.3.1 The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A first party appeal has been submitted by MFA Architects on behalf of the applicant, James Coyle. The grounds of appeal are summarised as follows:
- Following the notification of decision to refuse by Dublin City Council, the appellant has removed the bicycle storage unit. The refuse storage unit remains.
 - Only 1 no. of the 5 no. units in the property has access to the rear yard area at 1 Sydenham Road and as such 4 no. units do not have access to the rear for refuse storage.

- The remainder of the site is currently under construction for a new house (under Reg. Ref: 4142/19) and as such this plot/site is not available for refuse storage.
- The bin store provides space for 5 no. communal bins and without this storage unit free-standing bins would be less aesthetically pleasing.
- The unit is painted a soft grey and made of a renewable timber to ameliorate its impact, and the visual impact will be further managed by planting.

6.2. Planning Authority Response

6.2.1. No response has been received from the local planning authority.

6.3. Observations

6.3.1. An observation was received by Brendan O’Riain. The observer states that the Edwardian red brick houses on Sydenham Road are of high architectural merit and high aesthetic importance. The observer is of the view that the storage for which retention is sought is visual clutter, is visually incongruous, and sets an undesirable precedent. The observer is of the view that bin storage to the rear of the property is the preferred solution.

6.3.2. The observer also comments that the site plan submitted may be confusing as it does not clearly articulate that there is no open space to the rear of the property.

7.0 Assessment

7.1.1. I consider the main issues in determining this appeal are as follows:

- Principle of development
- Visual impact and Impact on the Character of the Area

7.2. Principle of Development

7.3. The principle of residential storage facilities for bins and bicycle parking is considered acceptable under Z1 Land use zoning.

7.4. Visual Impact and Impact on the Character of the Area

- 7.5. It is acknowledged that the absence of storage units may lead to clutter in the form of bin and/or bicycle storage in the front garden/yard area at 1 Sydenham Road. It is apparent however from the site inspection that this clutter is already occurring, with a number of bins, bicycles and other items located outside the storage units.
- 7.6. Furthermore, the 2 no. painted timber structures are visually prominent from the street at Sydenham Road. The 2 no. structures are considered to be of a low quality appearance, appearance. The painted timber material is not sympathetic to the character of the area. The front yard areas to the Edwardian era properties on Sydenham Road contribute to the character of the houses and the street. Of the 10 no Edwardian properties on Sydenham Road, some have maintained the front areas to a better standard and quality than others but nonetheless, the protection of these yards/gardens against inappropriate development is important to maintain the distinctive character of the area.
- 7.7. The appellant states that only 1 no. of the 5 no. units within the building has access to the rear yard. The rear yard area has a gated access to the rear, accessed from the laneway to the side (east) and as such it would appear to be feasible for more than one property to access this yard. Irrespective, it would appear that the development now under construction on site under Reg. Ref: 4142/19 for 2 no. houses to the rear plot, has incorporated refuse store of 3 metres x 1.5 metres and bicycle parking (6 no.) for the existing 5 no. units in the main house at 1 Sydenham Road.
- 7.8. Notwithstanding the above, even in the absence of Reg. Ref: 4142/19 making allowance for refuse storage and bicycle parking for the 5 no. units in the main house, it is not considered that the storage units are of sufficient quality of design and materials to justify a grant of planning permission.
- 7.9. The proposed planting is not considered to be sufficient mitigation to screen to storage units. The front of these units would still need to be open for access. Whilst planting may be of some benefit to the south and west, the storage units would still be visible from the street.

- 7.10. Neither is the appellants proposal to remove the bicycle store considered to be of sufficient mitigation. The remaining refuse store would of itself be visually incompatible with the character of the area.
- 7.11. Having regard to the above, it is considered that the storage units have a poor visual prominence and poor quality design and materials. The retention of the storage units would be contrary to the policies and objectives of the Dublin City Development Plan, would set an undesirable precedent for similar type development and would be detrimental to the visual and residential amenities of the area.

8.0 AA Screening

- 8.1. I have considered the development in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 8.2. The subject site is located at 1 Sydenham Road, Ballsbridge, Dublin 4, approximately 1.1 kilometres to the west from the closed Natura 2000 site (South Dublin Bay and River Tolka Estuary SPA and **South Dublin Bay SAC**).
- 8.3. The development comprises retention permission is sought for two wooden storage units located in the open space to the front (west) of the property. The storage units are painted a grey colour.
- 8.4. No nature conservation concerns were raised in the planning appeal.
- 8.5. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:
- The small scale and minor nature of the development
 - The urban location in an existing residential area
 - The distance to the nearest European site and lack of pathways between the development and the European Site.
 - Taking into account screening report/determination by Dublin City Council.
- 8.6. I conclude that on the basis of objective information, that the development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

- 8.7. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

- 9.1. I recommend that retention permission be refused.

10.0 Reasons and Considerations

- 10.1. The retention of the 2 no. storage units to the front of no. 1 Sydenham Road would be visually intrusive to the character of 1 Sydenham Road and Sydenham Road generally due to their visual prominence and poor quality design and materials. Having regard to the character and pattern of the area, and the planning history relating to the site, the retention of the storage units would be detrimental to the character and pattern of development in the area and contrary to the policies and objectives of the Dublin City Development Plan relating to lands zoned Z1 (Sustainable Residential Neighbourhoods).

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.

Robert Keran
Planning Inspector

7th January 2025

Appendix 1 - Form 1
EIA Screening

Form 1

EIA Pre-Screening

| | | | |
|--|--|-------------------------------------|--|
| An Bord Pleanála | | | |
| Case Reference | ABP-320926-24 | | |
| Proposed Development Summary | Retention of the provision of two wooden storage units in the patio to the front of the property | | |
| Development Address | 1 Sydenham Road, Ballsbridge, Dublin 4 | | |
| 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 | <input checked="" type="checkbox"/> | Tick if relevant and proceed to Q2. |
| | No | <input type="checkbox"/> | Tick if relevant. 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)? | | | |
| Yes | <input type="checkbox"/> | | Proceed to Q3. |
| No | <input checked="" type="checkbox"/> | | |
| 3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class? | | | |
| Yes | <input type="checkbox"/> | | EIA Mandatory EIAR required |
| No | <input type="checkbox"/> | | Proceed to Q4 |

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| 4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]? | | | |
| Yes | | | Preliminary examination required (Form 2) |

| | | |
|---|---|---|
| 5. Has Schedule 7A information been submitted? | | |
| No | X | Screening conclusion remains as above (Q1 to Q4) |
| Yes | | Screening Determination required |

Inspector: Robert Keran Date: 6th January 2025