



An  
Bord  
Pleanála

## Inspector's Report ABP-320942-24

<b>Development</b>	<i>Retention development will consist of a detached ground floor building in the front garden to be used for office storage/space and all ancillary works</i>		
<b>Location</b>	<i>21 Glen Drive, The Park Cabinteely, Dublin 18, D18 X7R2</i>		
<b>Planning Authority Ref.</b>	<i>D24A/0538.</i>		
<b>Applicant(s)</b>	<i>Alan Muir</i>		
<b>Type of Application</b>	<i>Retention</i>	<b>PA Decision</b>	<i>To refuse.</i>
<b>Type of Appeal</b>	<i>First</i>	<b>Appellant</b>	<i>Alan Muir</i>
<b>Observer(s)</b>	<i>None</i>		
<b>Date of Site Inspection</b>	<i>08/01/2025</i>	<b>Inspector</b>	<i>Ian Doyle</i>

**1. Site Location/ and Description.** Two storey detached dwelling on a site of 0.0385ha in an established residential area. The area is characterised by two storey and single storey detached and semidetached suburban type residential development of similar form and appearance. Dwellings are set back from the roadside to accommodate on- site parking spaces and front gardens. The front boundary of the subject property consists of a low wall and a mature hedge. The property is bound to the West by 22 Glen Drive and to the East by the rear gardens of 1 and 1a Vale View Avenue.

**2. Proposed development.** Retention of detached single story ground floor building located in front garden for use as an office and storage area. The flat roofed timber clad structure proposed for retention has a floor area of 11sq.m, a ridge height of 2.4m and the general appearance of a garden shed/room/cabin.

### **3. PA's Decision**

Permission for retention refused on the 06<sup>th</sup> of September 2024 for the following reason:

- *It is considered that the retention of a detached office building in the front garden is visually obtrusive and would have a negative impact on the streetscape and be out of character with the surrounding area. This is considered to be contrary to section 12.3.7 of the development plan the proposed development would set an undesirable precedent and would be contrary to the proper planning and development of the area.*

### **4. Planning History. None**

#### **5.1. National/Regional/Local Planning Policy**

- The Dun Laoghaire-Rathdown County Development Plan 2022-2028 is the statutory development plan in the area where the proposed development for retention is located.
- The site is subject to zoning objective A which seeks *“to provide residential development and improve residential amenity while protecting the existing residential amenities”*.
- Section 4.2.1 of the plan “Sustainable Communities and Neighbourhood Infrastructure” includes broad objectives to provide homes capable of adapting to changing household needs, to creating spaces that are attractive with a distinct sense of place. Promoting the efficient use of land and providing a mix of appropriate land uses to minimise transport demand.
- Objective PHP2 Encourages the provision of multi-functional facilities, space and lands in the delivery and/or improvement of sustainable neighbourhood infrastructure.
- Section 6.4.2.15 and Policy Objective E16 relates to Home Working / E-Working where it is a stated Policy Objective to permit home-based economic

activities where, by virtue of their nature and scale, they can be accommodated without detriment to the amenities of residential areas.

- Proposals for use of the home, be it own door units or apartment schemes, as a workplace will be controlled through the development management system in order to ensure that development can be integrated without detriment to the amenities of residential areas
- Section 12.3.7.4 of the plan states the following under the heading “Detached Habitable Room” *“This can provide useful ancillary accommodation such as a playroom, gym, or study/home office for the main residence. It should be modest in floor area and scale, relative to the main house and remaining rear garden area. 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”.*

## **5.2 Natural Heritage Designations**

- South Dublin Bay SAC (Site Code 000210) which is located circa 3.75km to the east of the site

## **6. The Appeal**

### **6.1 First Party Appeal. Grounds:**

- The proposed detached office for retention is not visually obtrusive as it is screened by an existing hedge.
- Questions the validity of Section 12.3.7 of the development plan.

### **6.2 P.A. Response**

- A response was received by the Planning Authority on the 09<sup>th</sup> of October 2024 which states that the grounds of appeal do not raise any new matters which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

## **7. EIA Screening**

The proposed development is not a class for the purpose 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 screening determination refer to form one in appendix one of report.

## **8. AA Screening**

Having regard to the modest nature and scale of development, location in an urban area and absence of connectivity to European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **Assessment**

### **1.2. Introduction**

1.2.1. I have examined the application details and all other documentation on file and I have inspected the site and have had regard to relevant local development plan policies and guidance.

1.2.2. I am satisfied the substantive issues arising from the grounds of this first party appeal relate to the following matters-

- Principle of Development/Compliance with Policy
- Visual Impact

### **1.3. Principal of Development/Compliance with Policy**

1.3.1. The proposed development is located within an area subject to zoning objective A of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 (hereunder referred to as the plan) which seeks *“to provide residential development and improve residential amenity while protecting the existing residential amenities”*.

- 1.3.2. Having regard to the above, it is considered that the proposed development for retention which consists of a detached single storey structure for use as an office/storage space ancillary to the main dwelling does not contravene the zoning objective for the site.
- 1.3.3. Given the orientation of the structure and associated separation distance from neighbouring residential development it is considered that the proposed development for retention does not result in direct negative impacts on the residential amenities of surrounding dwellings such as overshadowing or overlooking.
- 1.3.4. It is policy of the plan to facilitate homebased economic activity that can be accommodated without detriment to the amenities of residential areas. The applicant has not included details of the type or scale of work related activity if any being conducted on site.
- 1.3.5. The principle issue in question is with respect to Development Plan policy which favours rear garden space for detached habitable rooms for ancillary accommodation. Section 12.3.7.4 of the plan states such structures *“should be modest in floor area and scale, relative to the main house and remaining rear garden area.”*
- 1.3.6. Therefore, development plan policy does not encourage the use of front garden space for detached habitable rooms. It is noted that sufficient scope exists to accommodate a similar structure in the rear garden of the subject property.

#### **1.4. Visual Impact**

- 1.4.1. While the structure is modest in floor area and scale, it is located prominently forward of the established building line adjacent to the entrance pillar of the property and is visible for a significant distance on approach from the junction of Park Drive and Glen Drive. The use of opposing finishing materials to that of the main dwelling and surround dwellings increases its prominence when viewed on approach.
- 1.4.2. The appeal letter states that the proposed structure for retention is *“hidden behind hedges from the road view”*, I do not share this opinion.

- 1.4.3. In consideration of the above, It is my opinion that the proposed development has an unacceptable visual impact on the residential amenities of the area and should be refused accordingly.

## 1.5. Recommendation

- 1.5.1. I recommend that permission for the development be refused for the following reasons:

- 1 *The detached office/storage building proposed for retention, by reason of its design and finish relative to surrounding buildings and its location forward of the established building line, is considered to be out of character with the pattern of development in the vicinity and constitutes a visually discordant feature which is detrimental to the character of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*
- 2 *The detached office/storage building proposed for retention is contrary to Section 12.3.7.4 of the Dun Laoghaire-Rathdown County Development Plan 2022-2028. Structures for use as Detached Habitable Rooms are more appropriately located in rear gardens, should be modest in floor area and scale, relative to the main house and remaining rear garden area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

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



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*Ian Doyle*

*Planning Inspector*

*Date: 29/01/25*

# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála</b>			
<b>Case Reference</b>	ABP-320788-24		
<b>Proposed Development Summary</b>	<i>Retention development will consist of a detached ground floor building in the front garden to be used for office storage/space and all ancillary works</i>		
<b>Development Address</b>	21 Glen Drive, The Park Cabinteely, Dublin 18, D18 X7R2		
<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>	Tick if relevant and proceed to Q2.
		<b>No</b>	Tick if relevant. 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)?</b>			
<b>Yes</b>	Tick/or leave blank	State the Class here.	Proceed to Q3.
<b>No</b>	Tick or leave blank		Tick if relevant. No further action required
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>	Tick/or leave blank	State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
<b>No</b>	Tick/or leave blank		Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>	Tick/or leave blank		

<b>5. Has Schedule 7A information been submitted?</b>		
<b>No</b>		Screening conclusion remains as above (Q1 to Q4)
<b>Yes</b>		Screening Determination required





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

Date: \_\_\_\_\_

