



An  
Bord  
Pleanála

## Inspector's Report

ABP-321428-24

<b>Development</b>	Retention of garden shed/gym/playroom.		
<b>Location</b>	39, The Walk, Robswall, Malahide, Co. Dublin.		
<b>Planning Authority Ref.</b>	F24A/0863.		
<b>Applicant(s)</b>	Patrick Watson.		
<b>Type of Application</b>	Retention.	<b>PA Decision</b>	Grant Retention.
<b>Type of Appeal</b>	Third Party	<b>Appellants</b>	Gary Coffey & Catherine Gallagher Richard & Orla Owen
<b>Observer(s)</b>	None on file		
<b>Date of Site Inspection</b>	5 <sup>th</sup> March 2025	<b>Inspector</b>	Des Johnson

### 1. Site Location/ and Description.

1.1 The site is located c.2km south-east of the centre of Malahide Town, and c.750m south west of the coast road R106.

1.2 There is a three-storey dwelling on the site currently being extended. In the rear garden there is a single storey structure with sloping roof next to the back wall. This was partly completed at the time of inspection and used for the storage

of sundry items. At the end of the rear garden are the rear gardens of houses on Biscayne housing development.

## **2. Proposed development.**

2.1 The proposal is for the retention of a garden shed/gym/playroom.

2.2 The gross floor area of existing buildings is stated to be 112m<sup>2</sup>, and the gross floor area of proposed works is stated to be 24.7m<sup>2</sup>. The site area is 0.02ha.

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

3.1 The planning authority decided to grant permission for retention subject to 5 conditions.

3.2 The conditions relate to the following:

1. Standard Compliance
2. Structure to be used solely for use incidental to the enjoyment of the dwellinghouse, and not be sold, rented, or leased independently, or not used for any trade or business
3. Not to be used for human habitation or for any form of tourist accommodation
4. External finished
5. Surface water requirements.

3.3 The Planner's report states that the subject property is a 3-storey semi-detached dwelling on a 0.02ha site in a primarily residential area. A 2-storey extension was previously granted for the premises. The site is in an area zoned RS 'Residential' with the objective to *provide for residential development and protect and improve residential amenity*. The development is permissible in principle subject to assessment and compliance with other policies and objectives of the Fingal Development Plan 2023-2029. There are no impacts on the visual amenities of the streetscape, or impacts on the character of the area. The development is not visually obtrusive when viewed from surrounding gardens. There would be no undue overlooking, overshadowing or overbearing appearance. DAA requirements regarding noise insulation are not necessary given the use of the structure. The development would accord with Section 14.10.4 and Objective SPQH045 of the Plan.

3.4 Water Services Planning Section has no objections subject to condition.

DAA states that for noise sensitive uses, noise insulation to appropriate standard should be provided, as the site is within Dublin Airport Noise Zone C.

## **4. Planning History.**

ABP 305203-19 – Permission granted on appeal for two-storey extension to rear of existing dwelling at 39, The Walk, Robswall, Malahide.

F23B/0115 – Permission granted for single-storey extension to the rear at 33, The Walk, Robswall, Malahide.

F19B/0102 – Permission granted for single-storey extension to rear and conversion of attic to storage space at 29, The Walk, Robswall, Malahide.

F00A/1009 – permission granted for housing development accessed off the Coast Road, Malahide. Condition 14 stated that development described in Classes 1 or 3 of Part 1 of the Second Schedule of the Planning Regulations, 2000 shall not be carried out within the curtilage of any of the proposed dwellinghouses without a prior grant of planning permission.

### **5.1. Planning Policy**

The Fingal Development Plan 2023-2029 came into effect on 5<sup>th</sup> April 2023.

The site is in an area zoned RS with the objective seeking to provide for residential development and protect and improve residential amenity.

Section 14.10 refers to Additional Accommodation in Existing Built-up Areas.

Section 14.10.4 refers to Garden Rooms. It states that garden rooms can provide useful ancillary accommodation such as a playroom, gym, or study/home office for use by occupants of the dwelling house. Such structures should be modest in floor area and scale, relative to the main house and remaining rear garden area.

Applicants will be required to demonstrate that neither the design nor the use of the structure would detract from the residential amenities of either the main residence or of adjoining property. External finishes shall be complementary to the main house. Such structures shall not be let or sold independently from the main dwelling.

Objective SPQHO45 – refer to Domestic Extensions. It is an objective to encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area.

### **5.2 Natural Heritage Designations**

Malahide Estuary SAC, SPA & pNHA – c. 320m to the north-east.

## **6. The Appeal**

### **6.1 Third Party Appeals.**

6.2 Two Third Party appeals have been lodged. They may be summarised as follows:

**Gary Coffey and Catherine Gallagher.** 146, Biscayne, Malahide.

- There is the likelihood of increased noise and disturbance. It would disrupt the quiet enjoyment of the appellants' home.
- The size and height are excessive. It is an overbearing feature and out of character with the neighbourhood.
- The shed is imposing and unsightly, and has a negative impact on the appellants' enjoyment of their garden.
- There are concerns regarding the future use of the shed, and the associated noise it may bring.
- If granted permission, a condition should be imposed to ensure that the structure is appropriately scaled and designed to mitigate adverse impacts.

**Richard and Orla Owen,** 41, The Walk, Robswall, Malahide.

- The building is too large for this high density estate. It is an eyesore.
- Then development could set an undesirable precedent.
- The shed is larger than permitted. This does not include a large overhang.
- There is no toilet provided for.
- There is no need for this shed, given the size of the extension being constructed to the dwelling

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

The application was assessed against the policies and objectives of the Development Plan. The retention would not contravene objective SPQH045 – Domestic Extensions. If permission for retention is upheld, the planning authority requests condition requiring a financial contribution and/or a provision for any shortfall in open space and/or any Special Development Contributions in accordance with the Section 48 Development Contribution Scheme, and Bond/Cash Security.

### **1<sup>st</sup> Party Response**

This may be summarised as follows:

- It was originally understood that this development was exempted development. It would be exempted only for a condition of F00A/1009 which required permission to be obtained.
- A similar development was granted within the Robswall development under Reg Ref: F23A/0713.
- The development is required as additional space to house the gym and sports equipment, tools and garden equipment. There is no toilet as the building is not for residential purposes
- The building is to a very high standard in a significantly sized garden.
- All dimensions submitted are accurate.
- Concerns about noise are unfounded.
- The planning authority considered that the design and intended use were in line with the planning guidelines.

## **7.EIA Screening**

The construction/retention of an outdoor shed/gym/ playroom is not of a Class contained in Schedule 5, Parts 1 or 2 of the Planning and Development Regulations 2001, as amended. The requirement for EIA, or screening for EIA does not arise.

## **8.0 Assessment**

8.1 The proposal is for the retention of a garden shed/gym/playroom in the rear garden of a three-storey dwelling at 39, The Walk, Robswall, Malahide. The structure is constructed but not finished. Externally it measures 4200mm x 5900mm, and it is to have off-white plaster finish to exterior blockwork. It has a shallow sloped roof 3100mm high at the front sloping to 2900mm at the rear.

8.2 The Walk backs on to the rear gardens of Biscayne houses.

8.3 The applicant states that the structure would be within exempted development limits, but refers to a condition of the original permission for the housing development which effectively de-exempts it and requires planning permission to be obtained.

8.4 The planning authority granted permission subject to 5 conditions. There are two 3<sup>rd</sup> party appeals. The grounds of appeal relate to likelihood of noise and disturbance, excessive size and negative visual impact, undesirable precedent, and negative impact on the enjoyment of property in the vicinity.

8.5 I consider that the key issues to be addressed are as follows:

- Policy

- Residential amenities
- Precedent
- Conditions
- Appropriate Assessment

## **Policy**

8.6 The site is in a residential area zoned RS 'Residential' with the objective to *provide for residential development and protect and improve residential amenity*. The development of a garden shed/gym/playroom serving the dwelling on site is permissible in principle within that zoning. The structure is modest in scale and floor area relative to the main house, and there is satisfactory rear garden space remaining. I consider that the proposed retention is acceptable in principle on policy grounds.

## **Residential Amenities**

8.7 Appellants contend that the use of the structure gives rise to a likelihood of noise and general disturbance. The applicant states that this is not the case as the use will be ancillary to the residential use of the main dwelling. I consider that the proposed use of the structure, as proposed, and as conditioned by the planning authority in the permission granted, would not be likely to give rise to noise or general disturbance

8.8 Appellants state that the development constructed is excessive and an overbearing feature. The applicants claim that the structure meets all of the requirements for exempted development, and the only reason permission is being applied for is a condition inserted in the permission for the overall estate. They state that the site is large and that the garden space remaining is 77m<sup>2</sup>. I consider that the structure, as constructed, is not excessive in floor area or height, and does not have undue negative impact on the amenities of surrounding property or is out of character with existing property. The remaining rear garden area is satisfactory.

## **Precedent**

8.9 Appellants state that the retention of the structure would set an undesirable precedent for similar structures in the vicinity. I contend that any future application would be considered on its own merits, having regard to site size, and the impact on the residential amenities of property in the vicinity.

## **Conditions**

8.10 The planning authority requests that, in the event of permission being granted, conditions should be attached by the Board requiring financial contribution, and a bond/cash security. Having regard to the nature of the structure for retention, which is for use ancillary to the residential use of the dwelling, I consider that no such conditions should be attached in the event of permission for retention.

## **Appropriate Assessment**

8.11 I have considered the development proposed for retention in light of the requirements of S177U of the Planning and Development Act 2000 as amended. The subject site is located in a residential area, separated from designated European sites. The proposed development consists of the retention of a garden shed/gym/playroom, and is ancillary to the dwelling on site. Having regard to the nature and scale of development, location in an existing residential area, and separation from 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.

## **9.Recommendation**

I recommend that permission for retention be granted.

## **Reasons & Considerations**

Having regard to the nature and scale of the structure proposed for retention, the provisions of the Fingal Development Plan 2023-2029, and to the pattern of development in the area, it is considered that, subject to compliance with the conditions attached, the development, would not be seriously injurious to the amenities of property in the vicinity, would not set an unacceptable precedent, and is in accordance with the proper planning and sustainable development of the area.

## **Conditions**

1. The development shall be retained in its entirety in accordance with the plans, particulars and specifications lodged with the application, save as may be required by other conditions attached hereto.

**Reason:** In the interest of clarity.

2. The permitted structure shall be used for the purposes indicated in the application and solely for use ancillary to the enjoyment of the dwellinghouse, and shall not be used for human habitation, or rented, sold, or leased

independently of the house and shall not be used for the carrying on of any trade or business.

**Reason:** In the interest of residential amenity.

3. Surface water drainage shall be to the requirements of the planning authority.

**Reason:** In the interests of sustainable drainage and public health.

---

Des Johnson

Planning Inspector

11.03.2025.

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.



## Appendix 1 - Form 1

<b>An Bord Pleanála Case Reference</b>	321428-24		
<b>Proposed Development Summary</b>	Retention of garden shed/gym/playroom		
<b>Development Address</b>	39, The Walk, Robswall, Malahide, Co. Dublin		
<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>	
		<b>No</b>	No
<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>			
<b>No</b>	No		
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>	N/A		
<b>No</b>	N/A		
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>	N/A		
<b>5. Has Schedule 7A information been submitted?</b>			
<b>No</b>	No		

Yes		
-----	--	--

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