



An
Bord
Pleanála

Inspector's Report ABP-321524-22

Development	Retention development will consist of a ground floor only detached building in the side/rear garden. Retention for a velux window to the front and side of existing house roof and all ancillary works.		
Location	1 Westbrook Park, Balbriggan, Co. Dublin, K23 AT20		
Planning Authority Ref.	F24A/0512		
Applicant(s)	Brian Sherlock		
Type of Application	Retention	PA Decision	Split Decision.
Type of Appeal	First	Appellant	Brian Sherlock
Observer(s)	None		
Date of Site Inspection	01 st February 2025	Inspector	Colin McBride

Context

1. Site Location/ and Description. The site, which has a stated area of 0.0325 hectares, is located at no. 1 Westbrook, Balbriggan, which is to the southeast of the town centre and at the junction of Clonard Road and Westbrook Park. The site is occupied by a two-storey semi-detached dwelling part of a suburban housing development. Adjoining development include no. 2 Westbrook Park, which is a two-storey semi-detached dwelling attached to the dwelling on the appeal site. To the west is the curtilage of an existing single-storey dwelling off the Clonard Road

with the site adjacent the roundabout junction on Clonard Road and Westbrook Park.

2. Description of development. Permission is sought to retain a single-storey detached structure to the side and rear of the existing dwelling with a floor area of 56sqm and ridge height of 3.2m. Permission is also sought to retain 2 no. rooflight windows, one to the front and one to the side roof profiles.

3. Planning History. F10B/0154: Permission granted for a two-storey extension to the side of existing dwelling and associated site works.

4. National/Regional/Local Planning Policy (see attached)

- Fingal Development Plan 2023-2029
- Zoning Objective 'RS' Residential with a stated objective 'to provide for Residential Development and protect and improve Residential Amenity'.
- Section 3.5.13.1 Residential Extensions
- Policy SPQHP41 – Residential Extensions Support the extension of existing dwellings with extensions of appropriate scale and subject to the protection of residential and visual amenities.
- Objective SPQHO45 – Domestic Extensions Encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area.
- Objective ZO4 – Ancillary Uses Ensure that developments ancillary to the parent use of a site are considered on their merits.
- 14.10.4 Garden Rooms 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 and any such structure shall not provide residential accommodation and shall not be fitted out in such a manner including by the

insertion of a kitchen or toilet facilities. Such structures shall not be let or sold independently from the main dwelling.

5. Natural Heritage Designations

- None in the vicinity

Development, Decision and Grounds of Appeal

6. PA Decision. Split decision. Permission granted for retention of 2 no. velux windows and permission refused for retention of detached building to the side and rear of existing dwelling.

Reason for refusal

1. The detached building in the side/rear garden of an existing dwelling, being location within an area where the zoning objective is 'RS' Residential, i.e. 'Provide for residential development and protect and improve residential amenity' is contrary to the proper planning and development of the area, and by virtue of its size and scale, would be out of character with the established pattern of development in the area. The retention of the structure would set an undesirable precedent for similar large-scale development and would seriously injure the amenities of the surrounding residential area.

7. First Party Appeal.

Grounds:

- The existing dwelling is a corner site with a larger garden and still has 100sqm of garden space remaining with the structure for retention.
- The size and scale of the structure does not injure the residential amenities of the area and is hugely visible in the surrounding area.
- The building houses a home office, gym and storage, which are needed by the applicant/appellant.
- The applicant/appellant points to a similar structure but bigger granted in similar circumstances in Dublin City Council's administrative area (ref no. cited).

8. PA Response

- The PA request that the Board uphold the decision to refuse permission.
- In the event of grant of permission, a condition should be applied including a financial contribution in accordance with the Council's Section 48 scheme.

Environmental Screening

9. EIA Screening

Having regard to the limited nature and scale of development, being minor alterations to the roof profile of an existing dwelling and provision of an ancillary structure within the curtilage of an existing dwelling in a built-up area, and the absence of any significant environmental sensitivity in the vicinity of the site, 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.

10. AA Screening - Use standard wording with site specific focus

Having regard to the modest nature and scale of development being minor alterations to the roof profile of an existing dwelling and provision of an ancillary structure within the curtilage of an existing dwelling in a built up area urban area with connection to existing services 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.

2.0 Assessment

2.1. Having inspected the site and the associated documents the main issues can be assessed under the following headings.

2.2. Design, scale and Development Plan policy.

- 2.3. The proposal entails retention of an existing detached building within the curtilage of an existing dwelling and retention of 2 no. rooflights on the roof profile. Permission was granted for retention of the rooflights and refused for the detached structure on the basis that the proposal is contrary to the proper planning and development of the area, by virtue of its size and scale, would be out of character with the established pattern of development in the area. The applicant/appellant argues that the size and scale is modest relative to the existing dwelling, sufficient amenity space is retained, that proposed uses are ancillary to the existing structure and the proposal is not highly visible.
- 2.4. Development Plan policy under Objective ZO4 indicate that ancillary uses to residential development will be considered on their merits. For garden rooms is under Section 14.10.4 and provides for a variety of uses that are ancillary accommodation subject to an appropriate scale and the proposal not detracting from the residential amenities of the area. The applicant/appellant indicates the proposal is to be used as a gym, home office and storage. The planning report states that the proposal has been subject to enforcement relating to use of the structure for car repair/commercial use.
- 2.5. The proposal is for retention of that detached structure within the curtilage of the existing dwelling with the applicant describing it as for ancillary uses being gym, home, office and storage. These uses would be ancillary uses under Objective ZO4 and would be acceptable in terms of Development Plan policy. I would consider such to be acceptable subject to an appropriate condition confining use of the detached structure for such purposes and not as an independent dwelling unit or a commercial/business purpose.
- 2.6. In relation to overall scale, the proposal has a floor area of 56sqm and is located to the side and rear of the existing dwelling. The appeal site is corner site, and the existing dwelling does have a larger site than the majority of the other dwellings within Westbrook Park. With the detached structure the dwelling is left with approximately 120sqm of garden space to the rear and side of the dwelling. I am of

the view that the structure would not be excessive in scale relative to the existing dwelling and the level of private amenity space retained.

- 2.7. In terms of overall visual impact, the proposal has a ridge height 3.2m. The existing dwelling has established boundary treatment including a stone wall along the southern boundary along the public road (Clonard Road). The detached structure is not highly visible outside the site, or the surrounding area given its location to the side and rear of the existing dwelling and having regard to its ridge height and existing boundary treatment. The structure is only partially visible above the southern boundary wall and not to an extent that would have an adverse visual impact.
- 2.8. I am satisfied that the nature and scale of the detached structure for retention is ancillary to the use of the existing dwelling and an appropriate condition will ensure that such can be enforced. The structure is sufficiently subordinate to the existing dwelling and its overall design and scale will have a negligible physical/visual impact in the surrounding area. The proposed development would be satisfactory in the context of the visual amenities of the area and the amenities of adjoining property and comply with Development Plan policy in relation to ancillary uses and garden rooms. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.
- 2.9. The proposal also includes retention of 2 no. velux windows, which was granted as part of the split decision. These have no adverse physical or visual impacts and are in accordance with the proper planning and sustainable development of the area.

3.0 Recommendation

- 3.1. I recommend that permission for the development be granted subject to the following conditions.

4.0 Reasons & Considerations

Having regard to the nature and scale of the proposed development, the proposed development would be ancillary to the existing dwelling and is of design and scale that is subordinate in scale relative to the existing dwelling and has limited visual impact in the surrounding area. The proposed development would be satisfactory in the context of the visual amenities of the area and the amenities of adjoining property and comply with Development Plan policy in relation to ancillary uses and garden rooms. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

5.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. No surface water shall be allowed to discharge onto the public road or adjoining properties.

Reason: In the interest of orderly development and public health.

3. The structure for retention shall be used for purposes ancillary to the enjoyment of the existing structure and shall not be used for the purposes of a self-

contained dwelling unit or for any commercial, business or industrial purposes.

Reason: In the interest of orderly development.

4. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under Section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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.

Colin McBride

Senior Planning Inspector

04th February 2025