

An
Bord
Pleanála

AN BORD PLEANÁLA	
LDG-	068150-23
ABP-	
17 NOV 2023	
Fee: €	220
Type:	CHQ
Time:	9.15am
By:	Post

Planning Appeal Form

Your details

1. Appellant's details (person making the appeal)

Your full details:

(a) Name

Stewart McKenna

(b) Address

58 Orpen Green
Stillorgan Drive, Blackrock, A94C2D3

Agent's details

2. Agent's details (if applicable)

If an agent is acting for you, please **also** provide their details below. If you are not using an agent, please write "Not applicable" below.

(a) Agent's name

Click or tap here to enter text.

(b) Agent's address

Click or tap here to enter text.

Postal address for letters

3. During the appeal we will post information and items to you **or** to your agent. For this appeal, who should we write to? (Please tick ✓ one box only.)

You (the appellant) at the
address in Part 1

☒

The agent at the address in
Part 2

☐

Details about the proposed development

4. Please provide details about the planning authority decision you wish to appeal. If you want, you can include a copy of the planning authority's decision as the appeal details.

(a) Planning authority

(for example: Ballytown City Council)

Dun Laoighaire Rathdown County Council

(b) Planning authority register reference number

(for example: 18/0123)

REF11323

(c) Location of proposed development

(for example: 1 Main Street, Baile Fearainn, Co Ballytown)

58 Orpen Green
Stillorgan Drive, Blackrock, A94C2D3

Appeal details

5. Please describe the grounds of your appeal (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

I am appealing the decision of the county council on the grounds of:

1. Needing to aid Ireland in the urgent need to curb greenhouse gas emissions,
2. The temporary nature of the bike shed
3. The fact that the shed is barely noticeable from the road
4. It is smaller than the second car I would need without it
5. It is completely in keeping with the surrounding area and grounds contributing in no possible way to the detriment of the environment / housing estate in which is located.

Regarding a temporary bike storage unit I installed in the front garden of the rental property at 58 Orpen Green which my family and I have been living in since 3 July 2023.

Firstly I would like to say that I very much regret any inconvenience caused to your department in having to write to me about this matter. For the reasons outlined below, I did not consider that our bike storage unit would require planning permission.

By way of background, I am a paediatric doctor working in Tallaght children's hospital. My wife is a Public Health Nurse working in Clonskeagh Hospital. We have 2 toddlers (ages 2 and 1) who attend creche locally.

5. Please describe the grounds of your appeal (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

Recognising the enormous challenges facing us regarding the climate change emergency, we try to use more sustainable and active modes of travel where possible which has allowed us to forego having 2 cars.

I commute daily to Tallaght hospital by bicycle, and we bring our children to creche in a cargo bike.

To improve its energy performance, our permanent home, located in Mount Merrion, is currently undergoing a deep retrofit and renovation which commenced in late June. As a result, we have had to move into the rental property for the duration of this work, which is expected to take approximately 10 months.

Finding rental accommodation has been very difficult. Indeed, in the current market, even getting a viewing has been challenging and so when we were lucky enough to be offered the opportunity to rent this property we jumped at it.

However, this house is a terraced house with no side access. As a result, we needed to find a solution that would allow us to store our bikes securely when they were not in use. This is why we ordered the storage unit from a specialist supplier. It is custom made to house the cargo bike as that bike is larger than regular bikes.

It would not be possible to bring the cargo bike through the house to store it in the back garden given its weight, the narrow front door, the height of the

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front step, and the impracticality of even attempting to hoist it through the house while simultaneously managing two toddlers.

The bike storage unit is not a permanent structure. It is mobile and something we will take with us when returning to our home in Mount Merrion (where it will be located in the back garden as that house has side access). Therefore, it is important to note that it is a temporary storage unit.

We did ask the owners of the property for permission to install the unit in the front garden and they said it was fine.

As I said out the outset, I did not consider that our bike storage unit would require planning permission.

Section 4(1)(h) of the Planning and Development Act 2000 provides that the following is an exempted development for the purposes of that Act:

“development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.”

In addition, Section 4(1)(l) of that Act provides that the following is also an exempted development for the purposes of that Act: “development

5. Please describe the grounds of your appeal (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

consisting of the use of any structure or other land within the curtilage of a house for any purpose incidental to the enjoyment of the house as such.”

For the reasons outlined above, I would consider the storage to come within the terms of one or both of these provisions and therefore fall outside the requirement to obtain planning permission given its discreet appearance which doesn't materially affect the external appearance of the house or neighbouring houses, its temporary nature, and the fact that its use is incidental (indeed it is fundamental) to our enjoyment of the house.

I hope this letter will enable you to determine that no unauthorised development has in fact taken place on the basis that the structure is an exempted development not requiring planning permission.

Supporting material

6. If you wish you can include supporting materials with your appeal.

Supporting materials include:

- photographs,
- plans,
- surveys,
- drawings,
- digital videos or DVDs,
- technical guidance, or
- other supporting materials.

Acknowledgement from planning authority (third party appeals)

7. If you are making a third party appeal, you **must** include the acknowledgment document that the planning authority gave to you to confirm you made a submission to it.

Fee

8. You **must** make sure that the correct fee is included with your appeal. You can find out the correct fee to include in our Fees and Charges Guide on our website.

Oral hearing request

9. If you wish to request the Board to hold an oral hearing on your appeal, please tick the "yes, I wish to request an oral hearing" box below.

Please note you will have to pay an **additional non-refundable fee** of €50. You can find information on how to make this request on our website or by contacting us.

If you do not wish to request an oral hearing, please tick the "No, I do not wish to request an oral hearing" box.

Yes, I wish to request an oral hearing

☒

No, I do not wish to request an oral hearing

☐

NALA has awarded this document its Plain English Mark
Last updated: April 2019.



OSi PLACE Map



CENTRE COORDINATES:

ITM 720821,727830

PUBLISHED: 03/10/2023
ORDER NO.: 50360639_1

MAP SERIES: 3393-06
1:1,000
3393-07
1:1,000
3393-11
1:1,000
3393-12

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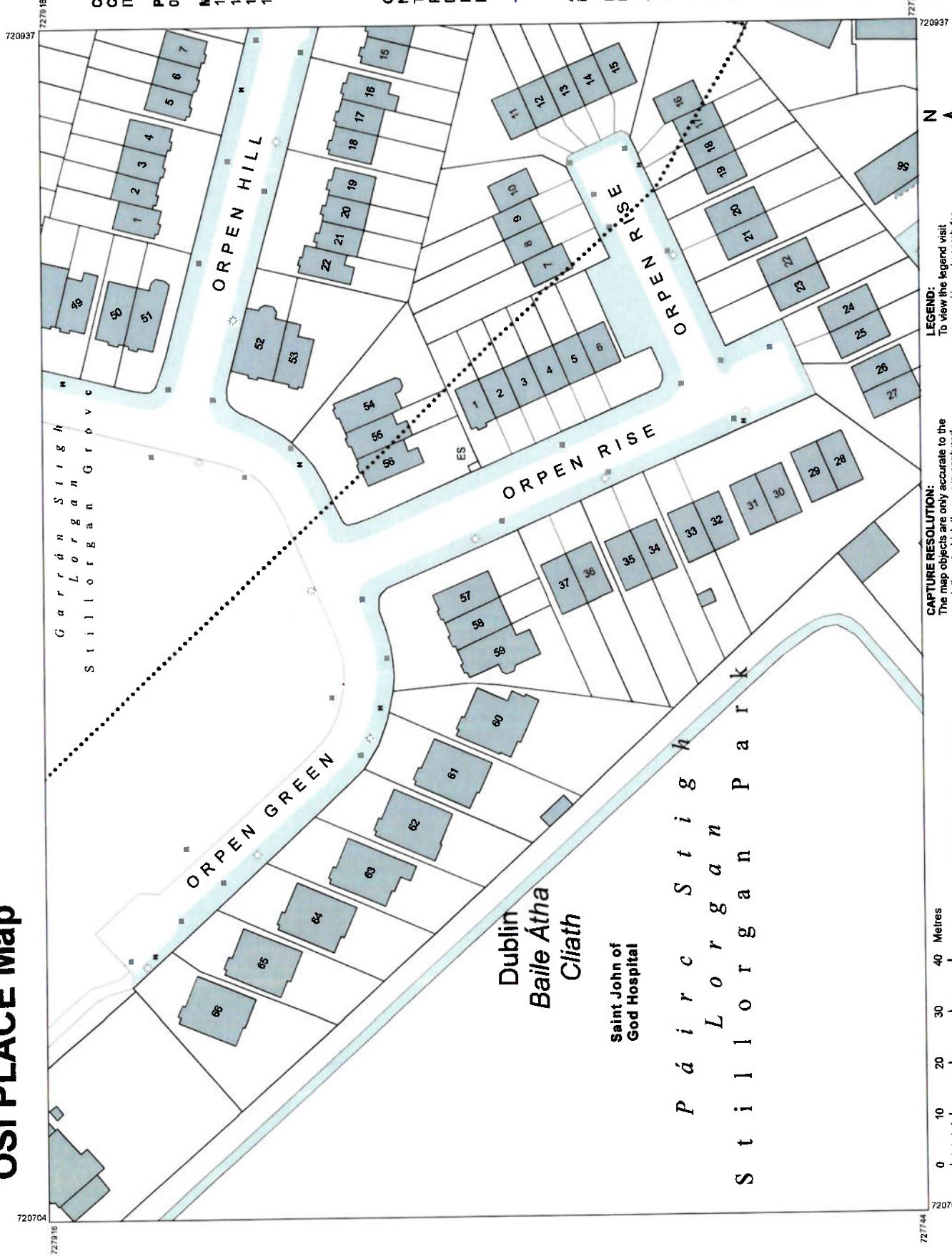
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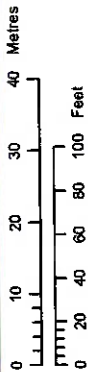
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OUTPUT SCALE: 1:1,000







Planning Department
An Rannóg Pleanála
Registry Section
Aolfe Whelan
Tel: 01 2054700

Stewart McKenna
58, Orpen Green
Stillorgan Drive
Blackrock
A94C2D3

Reference No: REF11323

Application Type: Declaration on Development and Exempted Development Act- Section 5, Planning & Development Act (as amended)

Registration Date: 06-Oct-2023

Decision Date: 25-Oct-2023

Location: 58, Orpen Green, Stillorgan Drive, Blackrock, A94C2D3

Development Works: Bicycle storage unit in the front lawn/ drive-way
2.8m long, 1.4m wide, 1.2m tall

NOTIFICATION OF DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

In pursuance of its functions under the planning and Development Act, 2000 (as amended), Dún Laoghaire-Rathdown County Council has, by Order No. Ref.P/1864/23 dated 25-Oct-2023 decided to issue a Declaration that:

Having regard to the nature of the proposed development, a bike shed, and its proposed location, within the curtilage of a house, the proposed works at 58, Orpen Green, Stillorgan Drive, Blackrock, Co. Dublin are not exempt under Class 3 of Part 1, Schedule 2 (Exempted Development – General) of the Planning and Development Regulations, 2001, as amended with regard to exempted development.

It is considered that the proposed works constitute 'development' but do not constitute 'exempted development'.

Date of issue: 25-Oct-2023

Signed: Cormac Heavey
For Senior Executive Officer

NOTE: Where a Declaration is issued under Section 5, any Person issued with such a Declaration, may, on payment to An Bord Pleanála, 64 Marlborough Street, Dublin 1, of a fee of €220, refer the Declaration for review, within 4 weeks of the date of issue of the Declaration.

