

Comhairle Chontae Atha Cliath Theas

PR/0542/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: ED22/0004 **Application Date:** 31-Mar-2022
Application Type: Declaration of **Registration Date:** 31-Mar-2022
Exemption Section 5

Correspondence Name and Address: James Maher 29, Parkhill Green, Dublin 24

Proposed Development: Concrete shed at the back of the garden

Location: 16, Birchwood Heights, Springfield, Tallaght, Dublin 24.

Applicant Name: Philip Maher

(CS)

Description of Site and Surroundings:

The subject site is located at 16, Birchwood Heights, Springfield, Tallaght and contains a two-storey end of terrace dwelling. The streetscape is characterised by dwellings of a similar form and character, with a mainly uniform building line.

Zoning:

The site is zoned 'RES' as per the South Dublin County Council Development Plan 2016-2022, the objective for which is 'To protect and / or improve Residential Amenity'.

Proposal:

This is an application requesting a Section 5 Declaration on whether the following works are or are not exempted development:

- Concrete shed at the rear of the garden.

Development details as per application form:

- (a) floor area of concrete shed to rear : 19sq.m.
- (b) floor area of rear garden remaining: 42sq.m.
- (c) width = 580cm, depth = 326cm, height = 262cm (highest point back of roof).

This Section 5 Declaration application includes:

- Application form
- Site location map

It is noted that the applicant has not submitted any scaled and dimensioned planning drawings so it is not possible for the Planning Authority to make an assessment at this juncture. It is noted from desktop research that there appears to already be a concrete shed constructed to the rear that is built to the boundaries with the immediate neighbours to the east, west and to the north.

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Relevant Planning History:

None recorded.

Pre-Planning

None recorded.

Relevant Enforcement History

None recorded.

Assessment

Consideration as to whether the structure constitutes exempted development or not is governed by Sections 4 and 5 of the Planning and Development Act 2000 (as amended) and Articles 5, 6, 7, 8, 9, 10 and 11 of the Planning and Development Regulations 2001 (as amended).

Is the proposal development?

Section 3(1) of the Planning and Development Act 2000 (as amended) states that 'development' means '*... the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land*'.

The term '**works**' is defined in **Section 2(1)** of the 2000 Act as '*any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal*'.

It is considered that the proposed development constitutes '**works**' and '**development**'.

Is the proposal exempted development?

In order to assess whether or not the works to be carried out constitute exempted development, regard must be had to the following:

Article 6(1) 'Exempted Development' of the Regulations states that '*Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with*

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the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1'.

Under Class 3 of **Part 1 Schedule 2** of the *Planning and Development Regulations, 2001* as amended, certain categories of structures within the curtilage of a house are identified as exempted development. The development is located to the rear of the dwelling house at 16 Birchwood Heights and is within the curtilage of the house.

The type of structure that is exempted development is specified as **Class 3** as follows:

“The construction, erection or placing within the curtilage of a house of any tent, awning, shade or other object, greenhouse, garage, **store, shed or other similar structure**.

This class is subject to 6 conditions and limitations. The proposal is assessed against these 6 conditions/limitations below:

1. No such structure shall be constructed, erected or placed forward of the front wall of a house.

The development is located to the rear of the dwelling house and is therefore within the conditions and limitations of Item 1 of Class 3.

1. The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres.

The application form submitted states the floor area for the shed is **19sq.m.** Therefore, the total floor area of all the structures would not exceed 25 square metres. However, the applicant has not submitted any scaled and dimensioned planning drawings to clearly show this in relation to the subject site therefore, it is not possible for the Planning Authority to make an assessment at this juncture. It is noted from desktop research that there appears to already be a concrete shed constructed to the rear that is built to the boundaries with the immediate neighbours to the east, west and to the north. The applicant is requested to submit the planning drawings necessary to make an assessment. Drawings required include scaled and dimensioned site plan, floor plans, sections and elevations in relation to the shed and the existing dwelling on the subject site. It is considered this may be addressed by way of a request for **additional information**.

2. The construction, erection or placing within the curtilage of a house of any such structure shall not reduce the amount of private open space reserved exclusively for the use of the occupants of the house to the rear or to the side of the house to less than 25 square metres.

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The applicant states on their application form that the level of private open space remaining is **42sq.m.** However, the applicant has not submitted any scaled and dimensioned planning drawings to clearly show this in relation to the subject site therefore, it is not possible for the Planning Authority to make an assessment at this juncture. It is considered this may be addressed by way of a request for **additional information.**

3. The external finishes of any garage or other structure constructed, erected or placed to the side of a house, and the roof covering where any such structure has a tiled or slated roof, shall conform with those of the house.

Not Applicable as shed is located to the rear of the house.

4. The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.

The applicant states the roof structure is 2.62m high at the highest point at the back of the roof and would therefore be within the conditions and limitations of Item 5 of Class 3. However, the applicant has not submitted any scaled and dimensioned planning drawings to clearly show this in relation to the subject site therefore, it is not possible for the Planning Authority to make an assessment at this juncture. It is considered this may be addressed by way of a request for **additional information.**

5. The structure shall **not be used for human habitation** or for the keeping of pigs, poultry, pigeons, ponies or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such.

The applicant has not clearly stated the use for the shed in the rear garden. It is not clear what use/uses exist and what use/uses are proposed. It is considered this may be addressed by way of a request for **additional information.**

Conclusion:

Request Additional Information.

Recommendation:

I recommend that **Additional Information Requested** be requested from the applicant with regard to the following:

1. The applicant is requested to submit the planning drawings necessary to make an assessment. Drawings required include scaled and dimensioned site plan, floor plans, sections and elevations in relation to the shed and the existing dwelling on the subject site (including rear garden dimensions on drawing). The applicant has not clearly stated the use for the shed in the rear garden. It is not clear what use/uses exist and what use/uses are proposed and therefore the applicant is requested to confirm the shed use.

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jjohnston

Jim Johnston,
Senior Executive Planner

ORDER: That **ADDITIONAL INFORMATION** be requested from the applicant as set out above and that notice thereof be served on the Agent/Applicant.

Dated: 27/4/22



Eoin Burke, Senior Planner