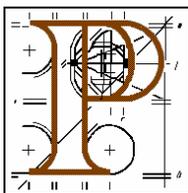


An Bord Pleanála



Inspector's Report

Appeal Reference: PL06D.243295

Development: Demolition of single storey garage/ store to side of existing house and construction of single storey 'family/ granny flat' extension comprising 2 no. en-suite bedrooms and kitchen/ living room area at No. 26 St. Fintan's Villas, Deansgrange, Co. Dublin.

Planning Application

Planning Authority: Dún Laoghaire-Rathdown County Council
Planning Authority Reg. Ref.: D14B/0021
Applicants: Patricia Griffin
Type of Application: Permission
Planning Authority Decision: Refuse permission

Planning Appeal

Appellants: Patricia Griffin
Type of Appeal: First Party
Observer(s): None
Date of Site Inspection: 11th July 2014

Inspector: Donal Donnelly

Appendices: Photographs and Maps

1. SITE LOCATION AND DESCRIPTION

- 1.1 The appeal site is located within St. Fintan's Villas in Deansgrange to the south-east of Dublin City. St. Fintan's Villas forms a horseshoe layout off Deansgrange Road. To the south-east is a cul de sac of approximately 11 no. dwellings where the appeal site is located on a corner site.
- 1.2 The surrounding area is characterised by early local authority type housing in terraced and semi-detached formats with large rear gardens. Infill development has occurred in places and other dwellings have been modified and extended.
- 1.3 The dwelling on the appeal site is a semi-detached unit with adjoining single storey garage to the side. The stated area of the dwelling area of 153 sq.m. and the garage is 31 sq.m. The site tapers from a narrow frontage of approximately 5m to a wide rear boundary of 33m. The stated area of the site is 0.7 hectare. The adjoining semi-detached dwelling is to the west and the dwelling on the property to the east sits perpendicularly to the subject dwelling.

2. PROPOSED DEVELOPMENT

- 2.1 The proposed development as described on statutory notices is for the demolition of the single storey garage/ store to the side of the existing house and the formation of a single storey extension to side comprising 2 no. bedrooms with en-suite bathrooms, kitchen/ living room with utility room, cloakroom and circulation area linked by reception room to main dwelling and associated site works.
- 2.2 It is intended that the proposed extension will serve as an independent unit for a family member connected to the main dwelling by a doorway from the existing sitting room. An entrance serving the proposed unit only is also proposed to the front. A 23 sq.m. entrance hall will continue along the north-eastern side of the unit providing access to the kitchen/ living room (61 sq.m.), master bedroom (30 sq.m.) and walk-in wardrobe. A second bedroom (16 sq.m.) will be located between the proposed unit and the main dwelling. In total, the proposed extension will have a floor area of 162 sq.m.
- 2.3 The proposed extension will continue along most of the north-eastern boundary of the side. The length will be approximately 20m and its width will be as much as 8m. The structure will have a pitched roof with ridge height of 4.863m and height to eaves of c. 2.7m. To the rear the extension will step down to a maximum height of 3.721m.
- 2.4 Externally, a new patio is proposed where the extension dog-legs to the south-east. The remaining garden area will serve the proposed unit and the existing dwelling.

3. TECHNICAL REPORTS

- 3.1 The recommendation to refuse permission, as outlined within the planning report, reflects the decision issued by the Planning Authority.
- 3.2 It is stated under the assessment of the application that the main issues to be considered are whether the proposal complies with the Development Plan, and the impact on the residential and visual amenities of adjoining properties and the surrounding area.
- 3.3 It is noted that family or 'granny' flat accommodation should be designed so that it can be incorporated back into the main dwelling when no longer required. The Planning Authority is satisfied that the extension and main dwelling can be renovated in future to form a single dwelling unit.
- 3.4 In terms of ownership and accommodation, the Case Planner is satisfied that the proposed family flat is in accordance with Section 16.3.4 of the Development Plan. It is recommended that a condition be attached stating that the proposed 'granny flat' shall be subsumed back into the dwelling when it is no longer required.
- 3.5 It is noted that the full nature and extent of the proposed works have not been clearly indicated on the development description, i.e. the proposal is to provide for a family member/ granny flat. It is therefore considered that the development description is misleading.
- 3.6 There is concern with regards to the scale and length of the proposed extension. It is considered that its height and length located in close proximity to the north-eastern boundary will have an overbearing impact when viewed from the adjoining rear garden of No. 27. It is stated that the extent of the development with total floor area of 162 sq.m. would constitute overdevelopment of the site and would seriously injure the residential amenities of the adjoining dwellings.
- 3.7 The open space provision to serve the main dwelling and the proposed 'granny flat' is considered acceptable and would not seriously detract from the residential amenities of the property.
- 3.8 In terms of vehicular entrance and parking, it is noted that the subject site can accommodate off-street parking to facilitate the proposed 'granny flat' to the side.
- 3.9 The Case Planner concludes that the proposal for a 'granny flat' is acceptable in principle on the subject site but that the proposed development in its current form is unacceptable.

4. PLANNING AUTHORITY'S DECISION

- 4.1 Dún Laoghaire-Rathdown County Council issued notification of decision to refuse permission for the proposed development for the following reasons:

1. It is considered by virtue of its scale and extent that the proposed development, which is in close proximity to the east/north-eastern and rear site boundaries, would constitute over development of the subject site. The proposed extension to the side and rear, by reason of its height, length and proximity to the east/north-eastern site boundary, would seriously injure the amenities and depreciate the value of the adjoining dwelling to the northeast, No. 27. The proposed development would be overbearing and, if permitted, would set an undesirable precedent for similar development in the vicinity. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

2. The description of the proposed development in the public notices does not comply with Article 18(1)(d) of the Planning and Development Regulations, 2006 (as amended) as the use of the proposed ground floor extension as a 'family member/granny flat' does not form part of the development description in the public notice. Therefore, the description of the development is inaccurate and misleading.

5. APPEAL GROUNDS

5.1 A first party appeal against the Council's decision has been submitted on behalf of the applicant. The grounds of appeal and main points raised in this submission can be summarised as follows:

- Significant amount of backland development in the area has been facilitated by unusually large gardens and plots and the various house types do not impact on general residential amenity across the estate.
- Proposal represents a modest but necessary increase in applicant's living accommodation by c. 132 sq.m – following Council's notification of decision, no modifications to the scheme are proposed and it is submitted that it stands up to scrutiny.
- Residents of No. 27 have included a letter in support of the proposed development.
- Application was deemed valid by the Planning Authority and the development description sets out the main components of the development proposal.
- Orientation of living accommodation and garden of No. 27 is in a south-easterly direction away from No. 26 and the proposed development.
- Proposal is single storey only and does not overlook any private amenity space, and is in keeping with site coverage (32%) and plot ratio (0.45) standards.

- Based on the precedent at No. 29A, the proposed development is appropriate within the streetscape, is sensitive to its surrounds and is in keeping with the pattern of development in the area. Application at No. 46A is also pertinent to the consideration of the proposed development.
- It is specific Council policy to increase the supply of housing (RES1).
- Massing of proposal seeks to utilise the length as opposed to the width of the garden and is able to do so given the alternate orientation of the adjoining house.
- Existing boundary treatment will be retained to the front, rear and side of the dwelling and proposal is considered to have more than adequate set back distances from all boundaries.
- Height of the proposal will not impact on adjoining dwellings and given the southern and western orientation of gardens, there is no impact on access to sunlight and daylight or overshadowing.
- Proximity of the proposed development to the adjoining boundary of No. 27 is entirely mitigated by the alternate orientation of this dwelling and the size of the plot on which it is located.

6. RESPONSES

Second Party

- 6.1 In response to the first party appeal, the Planning Authority notes that some of the elements of the proposed extension may be considered acceptable but that the extent of the development with a total floor area of 162 sq.m. and in close proximity to the side and rear boundaries, would constitute over-development.

7. PLANNING HISTORY

- 7.1 There is no planning history on the appeal site. The following cases are referred to in the appeal submission as precedents.

DL-RD County Council Reg. Ref: D03A/0517

- 7.2 Michael Hanrahan and Donna Barnes were granted permission in December 2003 for a new 2-storey dwelling house with a single-storey annex, to be constructed at the side of No. 29 St. Fintan's Villas.

DL-RD County Council Reg. Ref: D00B/0218

- 7.3 Ms. Barbara Wallace was granted permission in May 2000 for a single storey extension to the side and rear at No. 46A St. Fintan's Villas.

8. DEVELOPMENT PLAN

Dun Laoghaire-Rathdown County Development Plan, 2010

- 8.1 The appeal site is within the area covered by the Dun Laoghaire-Rathdown County Development Plan, 2010-2016, and has a zoning objective 'A': *'to protect and/ or improve residential amenity.'*
- 8.2 Section 16.3.4 relates to additional accommodation in existing built-up areas. This section includes guidance on extensions to dwellings, in particular 'family member/ granny flat' extensions.

9. NATIONAL GUIDELINES

Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities, December 2008

- 9.1 It is recommended in these Guidelines that planning authorities should consider policies to permit the more intense residential usage of houses with more extensive plots.

10. ASSESSMENT

- 10.1 Planning permission is sought for the demolition of a garage (31 sq.m.) adjoining a 2-storey semi-detached dwelling (153 sq.m.), and construction of a single storey side extension (162 sq.m.) to accommodate a family member. The appeal site is located with an estate of early local authority type housing where the pattern of development includes backland development and side extensions.
- 10.2 Dún Laoghaire Rathdown County Council issued notification of decision to refuse permission for the proposed development. It was considered under the first reason for refusal that the proposal would constitute over-development by virtue of the scale and extent of the extension in close proximity to the side and rear boundaries. It is also considered that the proposed development would be overbearing and would seriously injure the amenities of the adjoining property at No. 27 St. Fintan's Villas. Under the second reason, it is stated that description of the proposed development does not comply with Article 18(1)(d) of the Planning and Development Regulations, 2001 (as amended).
- 10.3 A third party appeal has been submitted against the Council's decision on behalf of the applicant. Having considered the contents of the application, grounds of appeal, planning precedent and site context, I consider that this appeal should be assessed under the following:
- Compliance with Regulations;
 - Development principle;

- Impact on surroundings.

Compliance with Regulations

- 10.4 Article 18(1)(d) of the Planning and Development Regulations, 2001 (as amended) requires that published notices shall contain a brief description of the nature and extent of the proposed development. It is considered by the Planning Authority under its second reason for refusal that the development description fails to record that the proposed extension is to be used as a 'family member/ granny flat.' It is therefore considered that the development description is misleading and inaccurate.
- 10.5 The applicant's agent refers to the Development Management Guidelines in the appeal submission wherein it is stated that '*where the requirements of Article 18 (newspaper notice), Article 19(1)(a) (site notice) and Article 22 (application form and required accompanying documentation) are complied with, the application is then deemed to be valid.*'
- 10.6 In my opinion, any issues relating to the validation of a planning application are the concern of the Validation Section of the Planning Authority. I am otherwise satisfied that the information available on file outlines the applicant's intentions for the appeal site. The Board, however, may wish to invite further information from the applicant to include re-advertised notices.

Development principle

- 10.7 The appeal site is zoned 'A – to protect and improve residential amenity.' The construction of an extension to a dwelling in the form a 'family' or 'granny' flat is acceptable in principle subject to an assessment against the criteria applied to normal domestic extensions. In addition, I would be satisfied that the proposed extension can be successfully subsumed back into main dwelling when it is no longer required and that there appears to be a valid justification for the proposal.
- 10.8 It is noted in the Development Plan that such a sub-division to provide for accommodation for a family member will generally be considered favourably subject to ensuring no negative impacts on the integrity of the primary dwelling. Furthermore, it is stated that ground floor extensions should be considered in terms of their length, height, proximity to mutual boundaries, and quantum of usable open space remaining. Side extension should also be evaluated in terms of visual harmony with the existing dwelling. These issues shall be addressed hereunder.

Impact on Surroundings

- 10.9 In my opinion, the proposed development should be assessed having regard to its impact on the visual and residential amenities of the surrounding area.
- 10.10 The Planning Authority is concerned with the impact of the proposed extension upon the adjoining property to the east. Essentially, the proposed structure will have a height of 2.7m at a distance of c. 1.4m from the boundary

rising up to a maximum height of 4.893m at ridge level which will be located c. 5.5m from the boundary.

- 10.11 In normal circumstances, a single storey extension with pitched roof angled back at approximately 25 degrees would not give rise to significant overbearing or overshadowing impacts. However, in this case the extension will continue almost the entire length of the boundary, a distance of approximately 20m.
- 10.12 It would appear that the garden of the adjoining property at No. 27 sits above the level of the appeal site. I would be satisfied that the proposed extension will not unduly overshadow the adjoining property. Moreover, there is an existing mature hedgerow which restricts views between properties.
- 10.13 My concerns with the proposed extension when viewed from the adjoining property would relate to its overbearing and overly obtrusive appearance along the entire site boundary. The proposed structure will rise almost to the height of the eaves of the existing dwelling and above the level of the hedge be approximately 1.7m. In my opinion, there are valid grounds that the proposed extension contravenes Section 16.3.4(i) of the Development Plan relating to ground floor and side extensions, particularly with respect to the overall length of the extension and its proximity to the mutual boundary.
- 10.14 Notwithstanding the above, my concerns relating to the impact of the proposed extension on adjoining property would be secondary to the impact on the integrity of the host dwelling.
- 10.15 The Development Plan describes a 'family' or 'granny' flat as a *subsidiary* element of usually singular accommodation. The proposed extension will have a floor area of 162 sq.m. when the existing dwelling has a floor area of 153 sq.m. In terms of building footprint, the proposed extension occupies a significantly greater area than the main dwelling with floor plate of approximately 70 sq.m.
- 10.16 Whilst I accept that the proposed dwelling and existing dwelling are well within maximum site coverage and plot ratio standards, I consider that any extension should be of a shape and size so as to harmonise with the existing dwelling. The proposed extension, on the other hand, is larger than the host dwelling and in my opinion this adversely impacts on its scale and character. This is exacerbated by the overly horizontal emphasis of the extension against a well-proportioned 3-bay house.
- 10.17 Having regard to the above, I consider that the proposed extension/ 'granny flat' should be refused permission on the grounds that does not appear as a subordinate element and adversely impacts on the visual integrity and character of the main dwelling.
- 10.18 I acknowledge that any instances of planning precedent in an area should be taken into account when assessing a planning application. However, I also consider that each application should be assessed having regard to the circumstances of an individual site.

RECOMMENDATION

Having considered the contents of the application, the provisions of the Development Plan, grounds of appeal and my assessment of the planning issues, I recommend that permission for the proposed development be refused for the reasons and considerations set out hereunder:

REASONS AND CONSIDERATIONS

The proposed extension/ 'granny flat', by reason of its design, scale and overly horizontal emphasis, would result in the creation of an overly dominant structure that does not form a subsidiary element to the main dwelling and would therefore adversely impact on its integrity and character. In addition, the extent of the proposed development along the side boundary would give rise to an overbearing appearance when viewed from adjoining property. The proposed development would therefore adversely impact on the visual and residential amenities of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

Donal Donnelly
Inspector

25th July 2014