



An
Bord
Pleanála

Inspector's Report ABP 306045-19

Development	Retention for a timber cabin for use as temporary residential accommodation to rear of house.
Location	6 Tudor Grove, Mullagharlin Road, Dundalk, Co. Louth.
Planning Authority	Louth County Council.
Planning Authority Reg. Ref.	19744.
Applicant(s)	Dalton Patrick Conroy.
Type of Application	Retention.
Planning Authority Decision	Refuse.
Type of Appeal	First Party
Appellant(s)	Dalton Patrick Conroy.
Observer(s)	None.
Date of Site Inspection	18 th of January 2019.
Inspector	Karen Hamilton.

1.0 Site Location and Description

1.1. The subject site includes a two storey detached dwelling located within the residential estate of Tudor Grove, Mullagharlin Road, Dundalk, Co. Louth. Similar type of dwellings are located along the same row as the subject site and the estate forms a large cul-de-sac. There is a small garden and off street parking to the front of the site and to the rear a garden shed and timber cabin occupy the majority of the private amenity space. The dwellings in the vicinity have similar sized plots and front and rear private space.

2.0 Proposed Development

2.1. The proposed development comprises of the following:

- Retention of timber cabin (c.42m²) for use as temporary residential accommodation to the rear of the house.

3.0 Planning Authority Decision

3.1. Decision

Decision to **refuse** permission for the following reason:

It is a policy (HC 22) of the Dundalk & Environs Development Plan 2009-2015 (as varied and extended) "*to require that all proposed residential developments, including apartments, comply with the internal space provision as set out in Appendix 4*". Furthermore proposals for dwellings shall be required to comply with the standards set out in the Quality Housing for Sustainable Communities- Best Practice Guidelines for Delivering Homes, Sustainable Communities, 2009 and the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities 2018.

The retention of the temporary accommodation fails to comply with these standards having regard to provide adequate:

- a) Total floor area.
- b) Private Amenity space for existing and future occupants.

- c) Storage Space.a
- d) Minimum aggregate living floor area.

Furthermore it is considered that the temporary residential accommodation to be retained currently represents a cramped and substantial form of development on a site that fails to offer an adequate level of residential amenity for existing and future occupants. Accordingly the development to be retained would be contrary to the proper planning and sustainable development of the area.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The report of the area planner reflects the decision to refuse permission and refers to the following:

- The sections (Section 6.6.9 and Policy HC 14) of the development plan relating to Accommodation for Older People and Dependant Relatives.
- The national guidance for sustainable residential development.
- The private amenity space standards of the development plan (Table 6.4).
- The development plan requirements for apartments including internal spaces standards and treatment of refuse.
- The design and impact on visual amenity.
- Impact on neighbouring properties.

3.2.2. Other Technical Reports

Infrastructure Directorate: No objection subject to conditions

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

Two third party submissions were received from residents of the neighbouring properties to the subject site as summarised below:

- The accommodation is used on a commercial basis and was never a playroom.
- There is an increase in traffic movements.
- The applicant is ignoring the planning process and copies of enforcement correspondence was submitted.

4.0 Planning History

Reg Ref 12/41

Permission granted for conversion of an existing garage to family room and single storey extension to the rear of the existing dwelling.

Reg Ref 99/622

Permission granted for 24 dwellings.

5.0 Policy Context

5.1. Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (DoEHLG)

Quality Housing for Sustainable Communities- Best Practice Guidelines for Delivering Homes Sustaining Communities (DoEHLG, 2007).

- Section 5.3: Internal Layout and space provision

5.2. Dundalk and Environs Development Plan 2009-2015 (as extended)

The subject site is zoned residential where it is an objective “*To protect and improve existing residential amenities and to provide for infill and new residential developments*”

Section 6.6.8 Extension to Residential properties

Section 6.6.9 Accommodation for Older People and Dependent Relatives

Section 6.7 Residential Development Standards

Policy HC 18 Ensure proposed development complies with the provisions of 'Sustainable Residential Development in Urban Areas 2008' and other DoEHLG guidelines

Table 6.4: Private Amenity Space Standards-

- Dwelling 3 bed plus- 80m²
- Apartment 2/3 bedroom- 40m²

Policy HC 19 Require that private amenity space is provided in accordance with the quantitative standards

Policy HC 22 Require that all proposed residential developments, including apartments, comply with the internal space provisions as set out in appendix 4

5.3. **Natural Heritage Designations**

None relevant.

5.4. **Environmental Impact Assessment (EIA)**

The proposed development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations and therefore is not subject to EIA requirements.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The appeal is submitted from the applicant in relation to the planning authority refusal and the issues raised area summarised below:

Principle of Development

- The proposed development is in keeping with the zoning objective of the area.
- The cabin was initially built for the applicant's grandchildren as a games room.
- The applicant has had bad health and had to relocate to the ground floor accommodation (letter of support from GP included).

- It is unclear from the planners report if the PA consider the cabin a granny annex, a separate dwelling or an apartment.
- The cabin is not an independent unit, rather it is a temporary substitution for an inaccessible first floor of the main dwelling.

Planning Authority considerations

- The reference to national guidance in the planning authority report is not of relevance.
- The reference to Policy HC 14- dependant relative- in the planners report is incorrect, as the applicant is not applying for the structure to be used for a dependant relative.
- The applicant still relies on the facilities in the main dwelling.

Impact on Residential Amenity

- The proposed development will cause any overlooking/ overshadowing or the existing residential amenities.
- The use of the cabin by the owner is consistent with the main residential use on the site.
- A time period for removal was not specified in the planners report.
- It is suggested that a 3 year timescale could be included on any grant of permission.

Standards

- Appendix 4 of the development plan relates to new houses or apartments.
- As the cabin is not an independent residential unit it does not generate any additional domestic waste or separate bin storage.

Third Party Objections

- The information contained in the submissions by neighbours are factually incorrect.
- Objection letters were submitted to an application previously withdrawn.

- Issues relating to traffic impact are not relevant as the appellant is the user of both the main dwelling and the cabin.
- The yard was previously concreted over and therefore there are no issues relating to surface water run-off.

6.2. Applicant Response

The applicant is the appellant.

6.3. Planning Authority Response

A response from the planning authority was received to acknowledge the appeal, state that the proposal to be retained would represent a cramped, over development form and a substandard scheme that would fail to offer adequate level of private residential amenity space for occupants.

6.4. Observations

None received.

7.0 Assessment

7.1. The main issues raised in the grounds of appeal may be summarised as follows:

- Principle of Development
- Residential Amenity
- Appropriate Assessment

Principle of Development

7.2. The timber structure is located within the rear garden of detached two storey dwelling in a residential estate in the suburban area to the south of Dundalk town. The cabin is c. 42m², 3.2m in height and finished with external timber panelling. The cabin is an independent standalone unit with two bedrooms, a bathroom, kitchen and dining area. The grounds of appeal are submitted from an agent on behalf of the applicant in relation to the refusal by the PA, which refers to noncompliance with the national standards for apartments/ dwellings and overdevelopment of the site.

- 7.3. The grounds of appeal argue the dwelling is an independent unit currently used as the main residence by the owner of the main dwelling, required due to health issues and the necessity to live on the ground floor. The appeal statement makes further reference to the inclusion of lodgers in the main dwelling on a causal and temporary basis.
- 7.4. The planners report references Section 6.6.9 of the development plan “Accommodation for Older People and Dependent Relatives” and non-compliance with the standards. The appellant states is incorrect and has was not applied for. The application is for a temporary retention permission, no timescale was included in Q7 of the planning application although in the appeal statement suggests that an initial period of 3 years may be considered acceptable. The cabin in currently permanently grounded on the site.
- 7.5. The objective of the residential zoning on the site, “*To protect and improve existing residential amenities and to provide for infill and new residential developments*” requires both the protection of existing residential amenities while balancing the promotion of additional residential development. I consider the design and use of the cabin as an independent residential unit requires assessment as new dwelling and having regard to the location within the rear garden of an existing dwelling. I do not consider the principle of development of this independent unit is justified, having regard to planning considerations below and therefore is not in keeping with the land use zoning objective.

Impact on Residential Amenity

- 7.6. The subject site is a relatively modest plot and is typical of the other plots within the Tudor Grove residential estate. The plans submitted indicate an additional garden shed to the immediate rear of the existing dwelling, beside the independent unit, c. 23m² in size. The reasons for refusal by the PA refers to the inadequate level of residential amenity provision for existing and future occupants due to the cramped and substantial form of development.
- 7.7. Open space: Table 6.4 of the development plan requires the provision of 80m² private amenity space for dwellings with 3 bedrooms and 40 m² for a 2 bed apartment. In addition to other outbuilding, the residential unit occupies the majority of the rear garden space of the main dwelling and aside from a timber deck (c. 6m²)

there is no private open space provision for the proposed development. Therefore, by reason of removal of the majority of the rear private amenity for the main dwelling and lack of provision of private amenity space for the unit to be retained, I consider the proposed development has a negative impact on the existing and proposed residential amenity.

- 7.8. Unit size: The standards for residential units in the development plan, as supported by Policy HC 16, are based on the requirements of the Quality Housing for Sustainable Communities- Best Practice Guidelines for Delivering Homes Sustaining Communities for dwellings and Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities for apartments and the standards contained in Appendix 1. Having regard to the minimum size requirement for a two bed apartment 63m², (proposed development 42m²), aggregate dining room/ dining kitchen 28m² (c. 14m²) and aggregate bedroom c. 24m² (c.14m²), the current independent unit does not meet the minimum size requirements of the development plan or the national guidelines for either an apartment or a dwelling. Therefore, I consider the proposed development is a substandard residential development.
- 7.9. Character of the area: Section 6.6.8 of the development plan requires that extension to residential properties shall not detrimentally affect the scale, appearance and character of the existing dwelling. As stated above, the subject site is typical of other plots in the vicinity. Although I consider the cabin should be assessed as an independent unit the impact on the existing residential dwelling and those in the vicinity should be protected to ensure compliance with the land use zoning objective. Having regard to the insufficient private amenity space, size of the unit and use of the main dwelling for additional residents, I consider the development represents a cramped form of development on a restricted plot and is inconsistent with the prevailing density in the vicinity. Therefore, I consider the proposed development is overdevelopment of the site and would set an undesirable precedent for similar developments in the area and have a negative impact on the residential amenities of existing and proposed residents and the character of the area.

Appropriate Assessment

- 7.10. Having regard to the nature and scale of the proposed development within a serviced area and separation distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on the conservation objectives of any European site.

8.0 Recommendation

- 8.1. It is recommended that the proposed development is refused for the reasons and considerations as set out below.

9.0 Reasons and Considerations

Having regard to the limited size of the site and the scale and nature of development to be retained, the national guidance *Quality Housing for Sustainable Communities- Best Practice Guidelines for Delivering Homes Sustaining Communities* and *Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities*, the residential zoning on the site and the policies and objectives of the Dundalk and Environs Development Plan 2009-2015 (as extended), it is considered that the development to be retained would result in an unsatisfactory standard of residential accommodation for occupants of both the main house and the cabin, by reasoning of the lack of open space and substandard accommodation provided by the cabin and would result in overdevelopment of the site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Karen Hamilton
Planning Inspector

20th of January 2020