



An
Bord
Pleanála

Inspector's Report ABP306856-20

Development	Granny flat extension
Location	50 Kingston Grove, Ballinteer, Dublin 16.
Planning Authority	Dun Laoghaire Rathdown
Planning Authority Reg. Ref.	D19/0510
Applicant(s)	David and Theresa McDonnell
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party v refusal
Appellant(s)	David and Theresa McDonnell
Observer(s)	None
Date of Site Inspection	18 th July 2020
Inspector	Hugh Mannion

1.0 Site Location and Description

- 1.1. The site has a stated area of 0.0261ha and comprises one of a pair of semidetached two storey houses with front and rear gardens at 50 Kingston Grove, Ballinteer, Dublin 16. Kingston Grove is separated from the M50 by public open space and the area is accessed from the M50 at junction 13. The immediate area is characterised by two storey detached houses, generally in cul -de sac arrangements, but there is a nearby three storey apartment development (Grange Hall).

2.0 Proposed Development

- 2.1. The proposed development comprises the erection of part single storey/part two storey grant flat to the side of the existing house at 50 Kingston Grove, Ballinteer, Dublin 16.

3.0 Planning Authority Decision

3.1. Decision – Refuse Permission

The proposed development because of its length and proximity to the boundaries would overlook adjoining property to the north (32 Kingston Avenue) and be visually over-bearing when viewed from the property to the west (4 Kingston Crescent). The proposed development would therefore injure the amenity of property in the vicinity and materially contravene the zoning objective for the area set out in the County Development Plan to protect and/or improve residential amenity.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's Report recommended refusal as set out in the manager's order.

3.2.2. Other Technical Reports

3.2.3. Surface Water Drainage section reported no objection.

4.0 Planning History

No relevant history.

5.0 Policy and Context

5.1. Development Plan

5.2. The site is zoned A “to protect and/or improve residential amenity” in the Dun Laoghaire Rathdown County Development Plan 2016-2022.

5.3. Section 8.2.3.4(i) provides that domestic extensions will be assessed against these criteria:

- Overshadowing, overbearing and overlooking - along with proximity, height and length along mutual boundaries.
- Remaining rear private open space, its orientation and usability.
- Degree of set-back from mutual side boundaries.
- External finishes and design, which shall generally be in harmony with existing.

5.4. Granny flats (Section 8.2.3.4(iii)) must

- Be interlinked with the primary dwelling and capable of being readily subsumed back into same.
- Such that the Planning Authority is satisfied that there is a valid justification for the proposal in use terms.

5.5. Where permission is granted conditions will require that:

- The flat can be subsumed back into the main dwelling when it is no longer required.
- It shall not be let or sold, other than as an intrinsic part of the overall property.
- Where the owner wishes it to remain subdivided on a permanent basis, an application shall be made for sub-division which will be assessed on the more demanding criteria as would be applied to a separate dwelling house.

5.6. **Natural Heritage Designations**

Not relevant.

5.7. **EIA Screening**

5.8. Having regard to the minor scale of the proposed development, the likely emissions therefrom and the availability of public water and sewerage to serve the proposed development I conclude that there is no likelihood of significant environmental impacts arising from the proposed development and that the need for an EIAR can be ruled out.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- The proposed granny flat is linked to the main house.
- The flat will accommodate the applicant's son.
- The set back of the first floor will not injure the visual amenity of the area.
- The proposed blank wall is 11.1m distance from the rear wall of 4 Kingston Crescent and will not negatively impact on that property.
- Neighbours in the adjoining properties have not objected to the proposed development.
- The extension is 18.5m from the rear of 32 Kingston Avenue.

6.2. **Planning Authority Response**

- No further comment.

6.3. **Observations**

- None.

7.0 **Assessment**

7.1. **Visual Impact.**

7.2. The planning authority reported that the set back of the two-storey element of the proposed extension and the use of white render would not negatively impact on the streetscape. I agree with this conclusion.

7.3. **Impact on Adjoining property.**

7.4. Due west of the application site are numbers 4, 5 and 6 Kingston Crescent. Of these the two-storey element of the proposed granny flat will impact most obviously on 4 Kingston Crescent. The extension is flat roofed has a parapet height of 5.85m and replicates the eaves level of the main house (50 Kingston Grove). There are no windows on this elevation and therefore overlooking does not arise. The rear garden boundary wall of 4 Kingston Crescent along the western boundary of the application site is 2.2m and rendered. The proposed extension is due east of the rear garden of 4 Kingston Crescent and therefore will not significantly impact on direct sunshine into that garden. I conclude on this basis that the proposed development would not seriously injure the amenity of the houses on Kingston Crescent.

7.5. To the north of the extension is the rear garden of 32 Kingston Avenue. The application drawings indicate that the rear facing window of the proposed bedroom is 18.5m off the back wall of 32 Kingston Avenue. A 22m separation distance between opposing rear windows is generally considered adequate to protect residential amenity in neighbouring properties. In this case the rear bedroom window is wide (2.5m) and could give rise to an unreasonable level of overlooking of rear gardens to the north. I consider that reducing the width of the window to 1.5m would reduce the perception of overlooking and protect the amenity of adjoining property to the north without taking from the utility of the proposed room as a bedroom.

7.6. **Use of the Unit.**

7.7. The Development Plan's objective in requiring an interconnection between the main house and granny flats is to ensure that separate dwellings do not become established on smaller single unit sites. The present case provides such a connection and I conclude, therefore, that the application meets the Development Plan standard on this point.

7.8. Private Open Space.

7.9. I consider that adequate private open space remains to satisfy the recreational needs of the main house and the granny flat.

7.10. Appropriate Assessment

7.11. Having regard to the nature and scale of the proposed development, nature of the receiving environment and proximity to the nearest European site, I am satisfied that 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 a European site.

8.0 Recommendation

8.1. I recommend a grant of planning permission.

9.0 Reasons and Considerations

9.1. The proposed development is in an area zoned to protect and/or improve residential amenity in the Dun Laoghaire Rathdown County Development Plan 2016-2022. The proposed development is connected with the main house on site and will accommodate a family member, therefore, and subject to compliance with the conditions set out below it is considered that the proposed development will not seriously injure the visual or residential amenity of the area, will not contravene the zoning objective for the area set out in the County Development Plan and will, otherwise, accord with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed granny flat shall be used solely for that purpose and shall revert to use as part of the main dwelling on the cessation of such use.</p> <p>Reason: To protect the amenities of property in the vicinity.</p>
3.	<p>The glazed area of the north facing bedroom window shall be a maximum of 1.5m wide. Prior to commencement of development plans and particulars providing for this amendment shall be submitted to and agreed in writing with the planning authority.</p> <p>Reason: To limit overlooking in the interests of residential amenity.</p>
4.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
5.	<p>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 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</p>

	<p>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.</p> <p>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.</p>
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Hugh Mannion
Senior Planning Inspector

20th July 2020