



An
Bord
Pleanála

Inspector's Report

ABP-306910-20

Development

Alterations to previously granted permission SD17A/0023: enlargement of house to front side and rear by 1 meter to allow additional space needed to accommodate a third bedroom and all associated site works.

Location

1, Wheatfields Crescent, Clondalkin, Dublin 22.

Planning Authority

South Dublin County Council

Planning Authority Reg. Ref.

SD19B/0487

Applicant(s)

Shane Casey

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Appellant(s)

Shane Casey

Observer(s)

none

Date of Site Inspection

29th July, 2020.

Inspector

Stephen Kay

1.0 Site Location and Description

- 1.1. The appeal site is located in an established residential development of semi detached two storey houses to the east of Ronanston in west Dublin and close to the M50 motorway. The site is located on a corner at the junction of Wheatfields Crescent and Wheatfield Avenue. The dwelling on the appeal site is consistent with the prevailing type in the vicinity and the layout of the site is such that there is a significant undeveloped area located to the side (north) of the existing house.
- 1.2. There is a small ESB sub station located on the northern boundary of the site and this intrudes slightly into the rear garden of the existing house on the site. There is also currently a shed located at the north east corner of the garden.
- 1.3. The stated area of the site is 0.0294 ha.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a two storey house in the side garden of the existing house on the site (No.1 Wheatfields Crescent). There is already an extant permission (Ref. SD17A/0023) for the construction of a dwelling to the north of the existing house, and the current application proposes an increase in the size of this unit such as to provide c.90 sq. metres of accommodation in a three bedroom unit.
- 2.2. The new dwelling is proposed to be attached to No.1 creating a terrace of three houses and would extend c.1.5 metres beyond the rear building line of No.1 at ground floor level. The building line at first floor level is proposed to be the same as No.1.
- 2.3. The proposed dwelling would be set back by c.1.8 metres from the side (northern) boundary of the site and a rear garden depth of 7.2 metres is proposed with an area of open space to the rear of the building line of c.55 sq. metres. The existing shed on the site is proposed to be demolished.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a Notification of Decision to refuse Permission for two reasons that can be summarised as follows:

1. That having regard to the size of the dwelling, the development would not meet the minimum standards for unit and room sizes set out in the development plan and in the DoE Guidelines Quality Housing for Sustainable Communities and such that the development as proposed represents a sub standard form of residential development that would contravene the provisions of the county development plan and DoE Guidance and would be seriously injurious to the residential amenities of future occupants.
2. That the proposed development would set an undesirable precedent for other similar developments that would in themselves and cumulatively be harmful to the residential and visual amenities of the area.

It is noted that reason for refusal No. 1 states that the development would '*contravene the development plan*', however the wording does not clearly state that the development would materially contravene the plan. It is not therefore considered that the provisions of s.37(2)(b) of the Act are applicable in this case.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer notes the planning history of the site including the previous grant of permission for what was applied for as a three bedroom house but was amended by condition to a two bedroom unit. The specific issues arising in the previous application regarding minimum unit and bedroom sizes are noted, and it is stated that the current application does not address these issues. Refusal of permission consistent with the notification of decision which issued is recommended.

3.2.2. Other Technical Reports

Drainage Division – No objection subject to conditions.

3.3. Prescribed Bodies

Irish Water – No report received by the Planning Authority.

3.4. Third Party Observations

None received by Planning Authority.

4.0 Planning History

Appeal Site

South Dublin Co. Co. Ref. SD17A/0023 – Permission granted by the planning authority for alterations to previously granted permission, Ref: SD15B/0287, increasing side extension to allow for a new 2 storey, semi-detached, 3 bedroom house, with shared entrance and all associated site works. On site to the side of No.1 Wheatfields Crescent. Condition No.1 required the revision of the internal layout to provide for two bedrooms rather than the three proposed.

South Dublin Co. Co. Ref. SD15B/0287 – Permission granted by the Planning Authority for the construction of a new two storey extension to the front, side and rear of the existing house at No.1 Wheatfields Crescent.

South Dublin Co. Co. Ref. SD07A/0894 – Permission refused by the Planning Authority for the construction of a two storey extension to the side, single storey extension to the rear all to be used as a crèche and the change of use of the existing house at No.1 Wheatfields Crescent to use as a crèche and provision of a one bedroom apartment.

Other Adjacent Sites

South Dublin Co. Co. Ref. SD03A/0215 – Permission granted by the Planning Authority for the demolition of existing shed and construction of 2 no. two storey 3 bedroom detached houses at No.2 Wheatfields Avenue which is a corner site c.150 metres to the wests of the current appeal site.

5.0 Policy Context

5.1. Development Plan

The site is zoned Objective RES under the provisions of the *South Dublin County Development Plan, 2016-2022* with a stated objective 'to protect and / or improve residential amenity'. As per Table 11.2, residential development is listed as a Permissible in Principle use on lands zoned Objective RES.

Section 11.3.1 of the Plan relates to residential development.

(iv) Dwelling Standards

Designers should have regard to the targets and standards set out in the Quality Housing for Sustainable Communities Guidelines, DEHLG (2007) with regard to minimum room sizes, dimensions and overall floor areas when designing residential accommodation.

All houses must be required to accord with or exceed the minimum floor area standards set out in Table 11.20.

Table 11.20: Minimum Space Standards for Houses

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|--|---------------|---------------------------|
| Type of Unit | Houses | Private Open Space |
| One Bedroom | 50 sq.m | 48 sq.m |
| Two Bedroom | 80 sq.m | 55 sq.m |
| Three Bedroom | 92 sq.m | 60 sq.m |
| Four Bedroom or more | 110 sq.m | 70 sq.m |

In houses and apartments (apartment/duplex units) the floor area of single bedrooms must be a minimum of 7.1 sq. metres; the floor area of a double bedroom must be a minimum of 11.4 sq. metres; and the floor area of the main bedroom should be at least 13 sq. metres.

Paragraph 11.3.2 relates to residential Consolidation, and includes the following regarding development in corner or side gardens.

- *Development on corner and/or side garden sites should meet the criteria for infill development in addition to the following criteria:*
- *The site should be of sufficient size to accommodate an additional dwelling(s) and an appropriate set back should be maintained from adjacent dwellings,*
- *The dwelling(s) should generally be designed and sited to match the building line and respond to the roof profile of adjoining dwellings,*

5.2. Other Policy / Guidance

5.2.1. Quality Housing for Sustainable Communities (Best Practice Guidelines for Delivering Homes Sustaining Communities)

Section 5 relates to internal layouts and accommodation and **Table 5.1** summarises the target floor areas for living and bedrooms for various formats of houses. In the case of a three bedroom 4 no. person house (the floor plans submitted indicate a double and two single bed layout) the target gross floor area is 83 sq. metres, with an aggregate bedroom area of 28 sq. metres.

Section 5.3.2 states that *'The area of a single bedroom should be at least 7.1 sq. metres, and that of a double bedroom at least 11.4 sq. metres. The area of the main bedroom should be at least 13 sq. metres in a dwelling designed to accommodate three or more persons'*.

5.3. Natural Heritage

5.4. Designations

The site is not located within or close to any European site.

5.5. EIA Screening

Having regard to the nature and scale of the proposed development and its separation from sensitive receptors, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The following is a summary of the main issues raised in the first party appeal submitted:

- That the site, like many other corner sites granted permission over the years, has an appropriate garden size to cater for a new house and would fit in with the streetscape and surrounding area.
- That the room sizes are adequate.
- The attic could be converted to accommodate additional storage space.
- That car parking is available.

6.2. Planning Authority Response

The response received states that the Planning Authority confirms its decision and that the issues raised in the appeal have been covered in the Planning Authority report.

7.0 **Assessment**

7.1. The following are considered to be the main issues in the assessment of the subject appeal:

- Zoning and Principle of Development
- Design, Visual Impact and Impact on Residential Amenity
- Internal Layout and Compliance with Development Plan
- Other Issues
- Appropriate Assessment

7.2. **Zoning and Principle of Development**

7.2.1. The appeal site is located on lands that are zoned Objective RES under the South Dublin County Development Plan, and therefore on lands where residential development and an infill dwelling is permitted in principle.

7.2.2. The site is also located in an established residential area, and there are a number of precedents in the general area for houses in side gardens. In principle, the scale of the appeal site which measures approximately 7.75 metres between the north facing side gable of the existing house at No.1 Wheatfields Crescent and the site boundary, is in my opinion adequate to accommodate an infill dwelling and is consistent with the basic provisions of Paragraph 11.3.2 of the Plan relating to development in corner and side gardens.

7.3. **Design, Visual Impact and impact on Residential Amenity**

7.3.1. The external design and scale of dwelling proposed is consistent with the established form of development in the vicinity, and eaves, main front and rear building lines and roof height are proposed to match the existing levels on surrounding houses. The same basic fenestration and finishes to the front elevation are proposed and, in principle, I consider that the design is acceptable and compatible with the surrounding development.

- 7.3.2. The development as proposed will result in the creation of a terrace of three dwellings in this location in place of the existing pair of semi detached units. No objection to the proposed development was submitted by the owner of No.3 Wheatfields Crescent to the immediate south of the appeal site, and I do not consider that the amenity of this property would be adversely impacted by the development.
- 7.3.3. The design proposed respects the existing front and rear building lines established by Nos. 1 and 3 Wheatfields Crescent and no significant negative impact on residential amenity in terms of overlooking or overshadowing are considered likely to arise. The proposed dwelling would break the building line formed by the existing houses to the east on Wheatfields Avenue, however I consider that the separation between the rear of the proposed dwelling and No.38 Wheatfields Avenue is sufficient that there would not be any significant adverse impact in terms of visual intrusion, overlooking or overshadowing.
- 7.3.4. An area of private amenity space to the rear of the building line measuring c.55 sq. metres is proposed to be retained in the development. This is slightly below the minimum of 60 sq. metres for a three bedroom house as set out in Table 11.20 of the development plan.

7.4. Internal Layout and Compliance with Development Plan

- 7.4.1. The basis of the reasons for refusal in the Notification of Decision to Refuse Permission issued by the Planning Authority relates to the internal layout of the proposed dwelling, in particular the bedroom accommodation, and the fact that the minimum room sizes set out in the development plan and in the DoE Guidance Quality Housing for Sustainable Communities (2007) are not met in the development.
- 7.4.2. In terms of the gross floor area of development, the proposed dwelling at 90 sq. metres is very close to the minimum floor area of 92 sq. metres for a three bedroom dwelling set out in Table 11.20 of the development plan and is therefore acceptable. The issue more relates to the layout of the accommodation at first floor level and the ability of the development to meet the required room sizes.

- 7.4.3. As highlighted in the planning history above, it should be noted that Planning Ref. SD17A/0023 was submitted as an application for a three bedroom house on the appeal site, however following an assessment by the planning authority, the permission granted specified that a maximum of two bedrooms would be provided. In the subject application, the width of the house has been widened by a metre such that additional accommodation is available at first floor level. The same basic first floor layout as under Ref. SD17A/0023 has however been proposed. In particular, the same location and layout of staircase and landing is proposed such that the small front bedroom / bedroom 3 measures only c.5.5 sq. metres, very significantly below the minimum of 7.1 sq. metres required under both the development plan and Quality Housing for Sustainable Communities. Similarly, in the case of the two larger bedrooms indicated, which measure c.9.0 sq. metres and 9.7 sq. metres, both are below the required minimum for a double room of 11.4 sq. metres and 13 sq. metres for a main bedroom prescribed in the development plan (paragraph 11.3.1) and in Table 5.1 of Quality Housing for Sustainable Communities. The applicant has not made any significantly impact in addressing the room size issue identified in the previous application (Ref. SD17A/0023), and the layout as proposed is clearly deficient and below the prescribed standards and such that I would agree with the Planning Authority assessment that it would lead to a sub standard form of residential development that would be injurious to the residential amenities of future occupants. I do not therefore agree with the case made in the first party appeal that the development has acceptable room sizes.
- 7.4.4. Given the fenestration to the front elevation and the configuration of the stairs, I do not see a ready solution whereby the available floorspace could be reallocated between the rooms to allow for three bedrooms that would meet the required internal standards. I do not therefore see how the layout can be amended by condition to provide three bedrooms and I consider that a more fundamental redesign and revised application would be required to achieve this. Such a revised layout might best provide for a 13 sq. metre minimum double room and two smaller single rooms rather than two doubles and a single.
- 7.4.5. The option of recommending a grant of permission subject to a condition that required the amalgamation of the two front bedrooms to create one large double room was considered. This would result in a layout similar to the extant permission

under Ref. SD17A/0023, albeit a larger overall floor area (increased from c.81 sq. metres to 90 sq. metres). I am however cognisant of the fact that there is an extant permission for a two bedroom dwelling on the site, that the current proposal results in an increased proximity to the northern site boundary and breaking of the building line formed by houses to the east on Wheatfields Avenue and to the fact that the location of the ESB sub station in the northern side of the site would mean that the currently proposed layout could not provide for a connection between the rear garden and the front of the house that would allow the movement of a bin or easy pedestrian movement. It should also be noted that the area of private amenity space at 55 sq. metres is relatively low and below the minimum specified in the development plan. For these reasons, it is considered that refusal of permission for reasons similar to reason for Refusal No.1 issued by the Planning Authority is warranted in this case.

- 7.4.6. As highlighted in the report of the planning officer on file, a number of three bedroom infill houses have been permitted in the general vicinity of the appeal site. Specific reference is made in the report of the Planning Officer to Ref. SD03/0215 at No.2 Wheatfield Avenue, however a review of this permission indicates that it was on a significantly larger site than the current appeal site. As highlighted by the Planning Officer, it was also permitted under the provisions of a previous development plan. For these reasons it is not considered to represent a strong precedent for a grant of permission in this case.

7.5. Other Issues

- 7.5.1. I note that the report of the Drainage Division indicates that there is no objection to the proposed development subject to conditions. There is no report from Irish Water on file, however there is no indication that there is any issue with regard to the capacity to accommodate an addition foul drainage and water supply connection. In this regard, it is noted that there is an extant permission for a dwelling on the site. In the event of a grant of permission it is recommended that a condition requiring the developer to enter into water and waste water connection agreements with Irish Water prior to the commencement of development.

7.5.2. I note the proposed use of a shared vehicular access to the development shared with No.1 Wheatfields Crescent. This layout is as per the extant permission granted under Ref. SD17A/0023, and I do not have any issues with this arrangement.

7.6. **Appropriate Assessment**

7.6.1. Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.

8.0 **Recommendation**

8.1. Having regard to the above, it is recommended that permission be refused based on the following reasons and considerations:

9.0 **Reasons and Considerations**

1. Having regard to the design and layout of the proposed development, and in particular the layout and room sizes of the accommodation at first floor level, the development would not comply with the minimum floor area requirements for a three bedroom dwelling as set out at Paragraph 11.3.1 of the *South Dublin County Development Plan, 2016-2022* and the *Best Practice Guidelines for Planning Authorities, Quality Housing for Sustainable Communities, 2007*. The proposal would therefore result in a sub standard form of development which would seriously injure the residential amenities of future occupants, would be contrary to the requirements of the *South Dublin County Development Plan, 2016-2022* and national guidance, *Quality Housing for Sustainable Development, 2007* and would be contrary to the proper planning and sustainable development of the area.

Stephen Kay
Planning Inspector

31st July, 2020