



An  
Bord  
Pleanála

## Board Order ABP-319056-24

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### Planning and Development Acts 2000 to 2022

**Planning Authority: Dun Laoghaire-Rathdown County Council**

**Planning Register Reference Number: D23A/0734**

**Appeal** by James Delaney care of Armstrong Planning Limited of 12 Clarinda Park North, Dun Laoghaire, County Dublin against the decision made on the 23<sup>rd</sup> day January, 2024 by Dun Laoghaire-Rathdown County Council in relation to an application for retention of insertion of a rooflight and conversion of first-floor garage storage area for use as a family member/granny flat ancillary to the main house, ground floor extension to the side of the garage with a lean-to roof and access onto private access road, erection of a gate at the north-east of the site and external alterations to the front elevation of the garage, all at Barrington, Sával Park Road, Dalkey, County Dublin in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions permission for single storey extension to the side of the garage, erection of a gate to the north east of the site, insertion of a rooflight on the western roofline of the garage and alterations to the front elevation of the garage and to refuse permission for conversion of the first floor garage storage area into a family member flat).

## **Decision**

**GRANT permission for retention of insertion of a rooflight, ground floor extension to the side of the garage with a lean-to roof and access onto private access road, erection of a gate at the north-east of the site and external alterations to the front elevation of the garage in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for conversion of first-floor garage storage area for use as a family member/granny flat ancillary to the main house for the reasons and considerations marked (2) under.**

## **Reasons and Considerations (1)**

Having regard to the policies and objectives of the Dun Laoghaire-Rathdown County Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would be in accordance with the provisions of the development plan for the area, would not seriously injure the amenities of the area, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Conditions**

1. The development shall be retained 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 and the development shall be retained in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The entire dwelling shall be used as a single dwelling unit and shall not be subdivided or used as two or more separate dwelling units.

**Reason:** In the interest of orderly development.

3. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health and surface water management.

## **Reasons and Considerations (2)**

The development proposed to be retained (conversion of first-floor garage storage area for use as a family member/granny flat ancillary to the main house) is not physically interlinked with the main dwellinghouse and would materially contravene the requirements of Section 12.3.7.3 ('Family Member/Granny' Flat Extension) of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 which specifically states that family member flats should be 'interlinked with the primary dwelling and capable of being readily subsumed back into same.' The development proposed to be retained would set an undesirable precedent for further similar development in the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission for retention of the conversion of first-floor garage storage area for use as a family member/granny flat ancillary to the main house, the Board considered that the application was made for retention by the applicant with the intended use listed as 'family member/granny flat' and that the planning authority was correct to assess the application under that policy, and that the intention of the planning authority is clear when using the term 'interlinked' that the intention of the planning authority was of a physical interlink.

A handwritten signature in black ink is written over a circular official stamp. The stamp contains the text "BORD PLEANÁLA" around the perimeter and a stylized logo in the center. The signature is written in a cursive style.

**Liam Bergin**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

**Dated this 07<sup>th</sup> day of August 2024.**