

An Bord Pleanála



Inspector's Report

Appeal Reference No: PL06D.245837

Development: Retention of change of use from garage to family flat of existing single storey extension at side of house

Location: No. 10 Kill Avenue, Dun Laoghaire, Co. Dublin

Planning Application

Planning Authority: Dun Laoghaire Rathdown County Council

Planning Authority Reg. Ref.: D15A/586

Applicant: John Keegan

Planning Authority Decision: Grant permission

Planning Appeal

Appellants: Art O'Carroll and Rosie Carley

Type of Appeal: Third party

Date of Site Inspection: 2/3/16

Inspector: Siobhan Carroll

1.0 SITE LOCATION AND DESCRIPTION

1.0.1 The appeal site is located at no. 10 Kill Avenue, Dun Laoghaire, Co. Dublin. The Kill Avenue runs from the roundabout Mounttown Lower and Glenageary Road Upper to the junction at Barker's Corner. There are a mixed of uses in the surrounding area including residential, commercial, retail and educational. The subject site is located on the northern side of Kill Avenue and opposite the entrance to the Honeypark residential area.

1.0.2 The property is served by a gate vehicular entrance and the front garden is surfaced with brick paving. The site contains a semi-detached dwelling. The dwelling has been extended at attic level and also to the side and rear. The family flat which is the subject of the application is located to the western side of the property. It adjoins the garage and dining room. The family flat extends back for 14m and contains a living room, bedroom, study and bathroom. It is connected to the main dwelling via a link corridor which also provides access to the rear garden. It is served by a separate front doorway.

2.0 PROPOSED DEVELOPMENT

Permission is sought for the retention of a change of use from garage to family flat of existing single storey flat roof extension at side of the house. Features of scheme include;

- Site area – 0.05 hectares,
- Area of proposed family flat 48sq m.

3.0 PLANNING HISTORY

Reg. Ref. D14A/0065 – Permission was refused for the retention of the family flat at the side of the existing dwelling. Permission was refused for two reasons. The first reason refers to the impact the retention of the development would have on 525mm foul sewer. The second reason refers to the development to be retained being in conflict with policies and standards set out in Section 16.3.4(iii) of the Development Plan.

4.0 PLANNING AUTHORITY DECISION

4.1 Planning and technical reports

Internal Reports:

Surface Water Drainage: No objection subject to condition.

External Reports:

Irish Water: No objection subject to conditions.

Submissions

The Planning Authority received one submission in relation to the planning application. The issues raised are similar to those set out in the appeal.

4.2 Planning Authority Decision

The Planning Authority granted permission subject to 4 no. conditions.

5.0 GROUNDS OF APPEAL

A third party appeal was submitted by Art O'Carroll and Rosie Carley on the 2nd of December 2015. The content of the appeal submission can be summarised as follows;

- The retention of the family flat would seriously injure the residential amenities of No. 10 and No. 11 Kill Avenue.
- The proposed family flat is contrary to the pattern of development in the area which comprises single family dwellings.
- The retention of the change of use would depreciate the value of property in the area as it would alter the existing pattern of semi-detached dwellings on the street. It would result in terraced development.
- The proposed retention of the change of use would contravene materially a condition attached to the existing permission for the dwelling on site.
- The proposal would materially contravene the zoning and other Development Plan objectives for the area.

6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL

A response to the third party appeal has been submitted by Granville Design Service on behalf of the applicant John Keegan on the 11th of January 2016. The main issues raised concern the following;

- No. 10 Kill Avenue was constructed in the late 1950's. The dwelling included a large single storey flat roof double garage to the western side of the property.
- The applicant purchased the property in 1994 and part of the existing flat roof single storey section of the property was converted to a family flat in 1996.
- It is noted that a number of similar extensions and garage conversions have been carried out along Kill Avenue.
- It is also noted that the observation made by Mr O'Carroll to the application made relating to the structure under Reg. Ref. D14A/0065 stated, "In principle I am not objecting to the family flat as it has been in existence for a number of years". The application was refused mainly due to issues raised by Irish Water. These issues have now been resolved.
- There are no proposals to make changes to the existing structure and the proposal would not have any visual impact or impact upon residential amenity.

6.1 Planning Authority response

- The Planning Authority submitted a response to the Board on the 22nd of December 2015 and advised that they had no further comments in relation to the appeal.
- The Board were advised to refer to planning officer's report.

7.0 POLICY CONTEXT

Dun Laoghaire-Rathdown Development Plan 2016-2022

The subject site at no. is located on Map 3 of the Dun Laoghaire Rathdown Development Plan and is identified as being Zoned Objective A 'to protect and/or improve residential amenity'.

- Chapter 8 – Principles of Development
- Section 8.2.3.4 refers to Additional Accommodation in Existing Built-up Areas and part (iii) refers to ‘Family Member/Granny’ Flat Extension

8.0 ASSESSMENT

Having regard to the above, and having inspected the site and reviewed all documents on file, the following is my assessment of this case. Issues to be considered in the assessment of this case are as follows:

- Principle of development and planning history
- Impact on amenity
- Appropriate Assessment

8.1 Principle of Development and planning history

8.1.1 It is proposed to retain the change of use of from garage to family flat of an existing single storey flat roof extension at side of the house. The principle of using parts of residences as ‘family flats’ for limited periods of time as semi-independent living spaces for family members of the occupants of the main house is well established. Planning policy and practice has generally facilitated such sub-units of the main residential unit where appropriate subject to the preservation of the residential amenities of surrounding properties and the maintaining of an appropriate standard of development.

8.1.2 The appeal site is located within an area zoned objective A ‘to protect and/or improve residential amenity’. Residential extensions and alterations to an existing dwelling for residential purposes are considered a permissible use. Section 8.2.3.4(iii) of the Dun Laoghaire-Rathdown Development Plan 2016-2022 refers to ‘Family Member/Granny’ Flat Extension. It is stated in this section of the Plan that such ‘family’ or ‘granny’ flat refer to a temporary subdivision of a single dwelling by extension or conversion of an attached garage. It is further stated that the ‘family’ or ‘granny’ flat shall be a subsidiary element, for use by a member of the immediate family but not as a fully independent dwelling. The Planning Authority generally consider such subdivision and/or extension favourably subject to ensuring no negative impacts on the integrity of the primary dwelling.

- 8.1.3 There are a number of specific criteria set out in Section 8.2.3.4(iii) which such proposals should provide. These are an internal link with the primary dwelling and capability of the unit being readily subsumed back into the main dwelling, that the Planning Authority is satisfied that there is a valid justification for the proposal in use terms, that a condition be included to provide that the flat can be subsumed back into the main dwelling when it is no longer required and that it shall not be let or sold, other than as an intrinsic part of the overall property.
- 8.1.4 The subject 'family flat' includes an internal corridor which connects with the main dwelling. There is a doorway from the main dwelling into the link corridor also. This ensures that the 'family flat' can be reintegrated into the main dwelling house when no longer required. The Planning Authority in the grant of permission attached a number of conditions including two which the entire premises be used as a single dwelling unit and that the 'family flat' shall be occupied by a member of the immediate family of the occupier of the main dwelling. Should the Board decide to grant permission, I would recommend the attachment of a similarly worded condition or conditions to ensure the use of the extension is restricted in the interest of residential amenity.
- 8.1.5 Under Reg. Ref. D14A/0065 the Planning Authority refused permission for the retention of the subject family flat two reasons. The first reason refers to the impact the retention of the development would have on 525mm foul sewer. The second reason referred to the development being in conflict with policies and standards set out in Section 16.3.4(iii) of the Dun Laoghaire-Rathdown Development Plan 2010-2016. In relation to the matter of the location of the existing foul sewer I note that the report from Irish Water dated the 4th of November 2015 states that there are no objections to the proposal subject to conditions.
- 8.1.6 In relation to the second reason for refusal it referred to the lack of compliance with Section 16.3.4(iii) of the Development Plan. The Planner's report in relation to that application noted the lack of an internal access door to the primary dwelling. The currently proposed scheme has addressed this matter as an internal doorway has been provided from the dining room of the main dwelling into the link corridor. Accordingly, having regard to the planning history and the relevant Development Plan provisions I would consider that the principle of the proposed family flat is generally acceptable.

8.2.1 Impact on amenity

- 8.2.1 The appellants have expressed concern that the proposal would seriously injure the residential amenities of the surrounding property and depreciate the value of property in the area. The proposed 'family flat' has a floor area of 48sq m which is an adequate size for such a unit but relatively limited in scale. In relation to the siting of the 'family flat' relative to the appellant's property no. 11 Kill Avenue it is noted that the side of the proposed flat adjoins the eastern side wall of the garage of that property. There is a separation distance of 3m

between the proposed 'family flat' and the side wall of the dwelling at no. 11 Kill Avenue. Having regard to the separation distance provided to the main dwelling to the west, I consider that it would not unduly impact upon the residential amenities of the property or depreciate the value of the property in the area. Furthermore, I am satisfied that the proposal would not unduly impact the amenities of other neighbouring properties.

8.2.2 In relation to the visual amenity of the area having regard to the scale, form and design of the extension and existence of similar extensions and converted garages to side of properties in the vicinity I consider that it is consistent with the original form and appearance of the parent house and that the proposed development will not have a significant negative impact on the established character or visual amenities of the area.

8.3 Appropriate Assessment

8.3.1 In relation to the matter of appropriate assessment, I consider that having regard to the nature of the proposal the retention of a change of use from garage to family flat and the nature of the receiving environment, namely a suburban and fully serviced location that no appropriate assessment issues arise.

9.0 CONCLUSIONS AND RECOMMENDATION

9.0.1 I have read the submissions on file and visited the site. Having due regard to the provisions of the Development Plan, together with all other issues arising, I recommended that permission be granted for the following reasons and considerations subject to the conditions set out below.

REASONS AND CONSIDERATIONS

Having regard to the Residential zoning objective for the area as set out in the Dun Laoghaire-Rathdown Development Plan 2016-2022, and to the scale and nature of the development proposed to be retained, it is considered that, subject to compliance with the conditions set out below, the retention of the family flat would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. 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.

Reason: In the interest of clarity.

2. The existing dwelling and proposed family flat extension shall be jointly occupied as a single residential unit and the family flat shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling. The family flat shall be used for private domestic use only and it shall be reintegrated into the main dwelling house when no longer required.

Reason: To restrict the use of the extension in the interest of residential amenity.

3. Water supply and drainage arrangements, including the disposal of surface water, shall be in accordance with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

**Siobhan Carroll,
Inspectorate
22nd of March 2016**