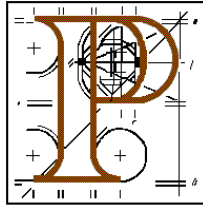


## An Bord Pleanála



## Inspector's Report

**Appeal Reference No:** PL29N.246028

**Development:** Convert and extend garage to side of dwelling with 1<sup>st</sup> floor extension over. New Velux roof lights to front elevation to existing attic. New office/garage/playroom to rear garden at 23 Beneavin Road, Glasnevin, Dublin 11

### Planning Application

Planning Authority: Dublin City Council  
Planning Authority Reg. Ref.: WEB1330/15  
Applicant: Michael Elliot and Maria Elliott  
Planning Authority Decision: Grant permission

### Planning Appeal

Appellant(s): Michael Elliot and Maria Elliott  
Type of Appeal: First Party v condition(s)  
Observers: None  
Date of Site Inspection: 6<sup>th</sup> April 2016

**Inspector:** Suzanne Kehely

## **1.0 SITE LOCATION AND DESCRIPTION**

- 1.1 The appeal site of 645 sq.m. is one in a row of twelve house plots located on the north side of Beneavin Road opposite institutional/residential lands and close to the R103/Glasnevin Avenue (otherwise known as Ballymun Avenue). This is a quiet and established residential area providing medium to low density housing in an urban context. It is one of a pair of semi-detached two storey dwellings being on the eastern side. Seven dwellings on Beneavin Park back onto the side boundary wall.
- 1.2 The row of houses on this stretch of the road are typically on plots of 9.5m in width but vary, particularly in depth; ranging at the western end from 32m deep (a wide plot) right up to 72m at the subject site. A laneway provides rear access to the sites which is accessed solely through a locked gate off the Beneavin Road near its junction with the R103. This has many domestic garages and sheds with direct frontage
- 1.3 As viewed from the road, No 23 comprises substantially the original structure with three bedrooms and an integrated garage to the side and extended shed to the rear. Views from the neighbouring dwelling no.21 indicate a new extension to the rear and partial raising of the breeze block boundary wall. The garage to the front has a flat roof and is slightly stepped back from the front building line of the house. The shed has a sloped roof and the original roof on the house is hipped.

## **2.0 PROPOSED DEVELOPMENT**

- 2.1 The proposed development comprises the following main elements:
- Conversion of extended garage and shed to habitable accommodation with independent access. This involves an increase of 4sq.m. (83 to 87 sq.m. at ground level)
  - The use of the converted garage as a granny flat for close family member. The independent access is designed for wheelchair access.
  - First floor extension of 22 sq.m. over to provide two additional bedrooms; (increasing 42 sq.m. to 64 sq.m.)
  - Attic storage to lounge area with roof lights (increase of 10 sq.m. in floor area)

- Garage/home office/playroom in single storey (4.2m) structure towards end of garden with vehicular access off lane. Floor area is 108 sq.m.

### **3.0 PLANNING HISTORY**

- 3.0.1 Dublin City Council Reg. Ref: 5775/05 Permission granted at No. 21 Beneavin Road Shandon Drive for ground floor extension to front of house with bay window and new pitched roof in place of flat roof and new hipped roof with skylights.

### **4.0 PLANNING AUTHORITY DECISION**

#### **4.1 Engineering Reports**

- 4.0.1 Drainage Division: No objection subject to conditions.

#### **4.1 Observations**

- 4.1.1 One submission from the resident of no. 1 Beneavin Park which is directly east. Concerns relate to the cumulative impact of extension with development at 23A with respect to overshadowing of garden and impact on amenity.

#### **4.2 Planning Report**

- 4.2.1 The planning report queries the extent of previous extensions.
- 4.2.2 The granny flat is considered acceptable having regard to the internal connection and potential to readily assimilate it into the principal residence.
- 4.2.3 The separate access is considered acceptable having regard to the need to accommodate a level access.
- 4.2.4 The gabled roof is considered out of character. It is noted that the eastern extent of the proposed extension will match that of the ground floor extension on the adjoining property. In view of the footprint of the adjoining development and its orientation, it is considered that the proposal would not impact on the amenities of this property. However, it is considered that the full width of the extension would detract from the amenities of the adjoining property to the east and therefore the proposed bedroom should be reduced in width by 1.2m from the boundary wall. The roof height of 7.029m is considered acceptable in order to achieve satisfactory floor to ceiling heights. Overshadowing is not considered to be an issue.
- 4.2.5 The proposed detached garage/office/play area at 108 sq.m is considered excessive in scale for a single dwelling. The potential for unauthorised mews type development is raised as an issue. For this reason it is considered appropriate to restrict the floor area to 50 sq.m. and to a depth of up to 10m.

- 4.2.6 The proposed development otherwise accords with section 17.9.8 and Appendix 25 of the current Dublin development plan

### **4.3 Planning Authority Decision**

- 4.3.1 By order dated 15<sup>th</sup> December 2015 Dublin City Council issued notification of decision to grant permission subject to 14 conditions.
- 4.3.2 **Condition 3** requires the development to be reduced and modified. The condition states:

The development shall be revised as follows:

(a) The gable-end pitched roof shall be omitted

(b) A hipped roof profile shall be retained over the proposed two-storey extension to the side and rear.

(c) A The applicant is required by condition to set back the first floor bedroom extension from the western site boundary by 1.2m and to locate fenestration centrally at first floor level

**(d) The proposed home office/garage/playroom to rear garden shall be significantly reduced in floor area to a maximum of 50 sq.m. The length shall be a maximum of 10m (as measured externally) and the width a maximum of 5m (as measured externally). Aside passage to both sides of the home/office/garage/playroom shall be provided.**

Development shall not commence until revised plans, drawings and particulars showing the above amendments have been submitted to and agreed in writing by the Planning Authority.

Reason: In the interest of orderly development and visual amenity.

### **5.0 GROUNDS OF APPEAL**

- 5.0.1 The appellants largely accept the conditions for a grant of permission and have illustrated how most of the conditions can be complied with. However the requirements under condition 3(d) in respect of modifying the garage rooms are called into question. Accordingly condition 3 (d) is under appeal and the grounds refer to :

- The plot ratio is calculated at .4 which is low by reference to guidance range of .5 to 2.0 and site coverage of 33% is similarly low. The development therefore constitutes underdevelopment
- The single storey nature of the development and the separation from dwellings is in keeping with development in area.
- The proposed garage element is intended to facilitate the applicant classic car hobby and accommodate two such cars. The proposed office is intended to accommodate both applicants to work from home
- The play room is designed to accommodate a snooker table and provide ancillary amenities appropriate to a five bed house.
- The limiting of size renders it unfit for purpose
- No third party objections
- It is pointed out that the garden is 56m deep and that boundaries in parts have been improved and some have established planting.
- Notwithstanding the absence in the development plan of particular requirements for garages, the applicant proposes setting back the structure from the boundaries on both sides.
- A set back of .6m is proposed from the east boundary and 1m from the west boundary which would give a 6m wide floor space and an overall floor space of 98 sq.m.
- The single storey nature and boundary treatment will not detract from visual amenities.

Revised plans are attached

## **6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL**

### **6.1 Planning Authority response**

- 6.1.1 The Planning Authority remains of the view that the grant of permission is contingent on conditions attached.

## **7.0 POLICY CONTEXT**

### **7.1 Development Plan**

7.1.1 Within the Dublin City Council Development Plan, 2011-2017 the appeal site is zoned Z1, where the objective is “to protect, provide and/or improve residential amenities.”.

7.1.2 In section **17.9.8 Extensions and Alterations to Dwellings** it is a requirements that the design of residential extensions should have regard to the amenities of adjoining properties and in particular the need for light and privacy. In addition, the form of the existing building should be followed as closely as possible, and the development should integrate with the existing building through the use of similar finishes and windows. Applications for planning permission to extend dwellings will be granted provided that the proposed development:

- Has no adverse impact on the scale and character of the dwelling.
- Has no unacceptable effect on the amenities enjoyed by the occupants of adjacent buildings in terms of privacy and access to daylight and sunlight.

7.1.2 **Appendix 25** of the development plan outlines the Council's policies on Residential Extensions.

## **8.0.0 ASSESSMENT**

### **8.1.1 Scope of Issues**

8.1.0 Having regard to the nature of the condition under appeal, I consider that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted. More precisely, having regard to the contents of the file and nature of the proposed development, I consider the issues can be confined to the matters arising in condition 3(d) which requires the reduction in the floor area of the proposed home office/garage/playroom structure. Accordingly the scope of the appeal can be determined in accordance with section 139 of the Planning and Development Act. The issue in this instance is one of visual impact and protection of amenities in an established residential area. The issue of Appropriate Assessment is not relevant in this case.

## **8.2.1 Visual Impact and protection of residential amenities**

- 8.2.1 It is proposed to construct a shed type structure of 108 sq.m. with a ride height of 4.2m at a distance of 7.6-10.6m from the rear wall onto the lane. Originally plans show construction along the eastern boundary and a 750mm set back from the western boundary wall face although in revised plans submitted with the grounds of appeal it is proposed to increase this 1m and to provide an additional set back of 600mm from the eastern boundary – that is to the rear of Beneavin Park where garden depths range from 10-12m typically.
- 8.2.2 It is argued that this is needed to accommodate a classic car hobby, home office working and family amenities that are considered appropriate to a five bed home. The large garden, modest height and boundary treatment are considered by the applicant to warrant approval. In this context the requirement to reduce to less than half the size is appealed.
- 8.2.3 The proposed garage/office/play area, by reason of its scale and materials is in my opinion, more industrial in appearance and character than domestic and for this reason is potentially quite jarring with the surrounding residential area. While I note that the rear garden of the property is considerably large relative to the surrounding properties which are more modest in scale than that proposed, I accept there is a case for a larger garage on this site. However the protection of amenities by way of character and overshadowing is of importance in the context of the residential zoning and prevailing pattern and character.
- 8.2.3 The structure will extend 17m deep close to the boundary of no.6. to the east. The extensive industrial type aluminium roof will be most prominent from the rear of all properties along the side boundaries which amount to 7 and most prominent from no.6 which will have direct views from the house along its c.10m deep garden. There will also be less direct views from the other neighbouring properties and also from surrounding houses in the area due to the topography and lack of trees.
- 8.2.4 The limited set back and pathway provide limited opportunity for soft landscaping within the site to assimilate the structure. Given the visual prominence of what I consider to be an incongruous

structure I consider the approach by the planning authority to reduce the scale of the proposed development to be generally reasonable. This is also supported in my view by the generous accommodation in the house by way of 'granny' flat, additional bedrooms and attic lounge in addition to the normal family accommodation. In this context and having regard to the objective to protect residential amenities in the area I would question the need for further ancillary accommodation that could be ordinarily provided within the family house. For this reason I consider a reduction in the office/play area to be justified.

- 8.2.5 Having regard to the orientation and garden depths and relationship with properties to the east I consider an increased setback is appropriate. This will potentially improve the visual aspect from these properties and maximise afternoon/evening light penetration into the garden areas. Accordingly I consider the 1m set back at this side to be appropriate and 700mm setback from the west side to be sufficient to provide some screen planting.
- 8.2.6 The further recessing of the structure into the garden toward the lane would also reduce the visual prominence from surrounding houses and would facilitate a modest increase from that recommended by the planning authority.
- 8.2.7 Accordingly I consider a setback in the order of 5.4 to 8.6m from the rear boundary with the lane to be appropriate and a reduction in depth to 13m to be reasonable on this site and at this location. This should also be subject to the submission of a landscape scheme and schedule.

#### **9.0.0 RECOMMENDATION**

I have read the submissions on file, visited the site, and have had due regard to the provisions of the Dublin City Development Plan 2011 – 2017 and accordingly I recommend that condition 3 (d) be amended and a decision be made to the following effect.



## DECISION

Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 AMEND condition number 3 (d) so that it shall be as follows for the reasons set out.

3(d) The proposed garage/play/office structure to the rear of the plot shall be modified by reducing its width so as to provide a 1m side passage along the eastern boundary and 700m set back from the western boundary. The site layout shall be modified such that the structure is set back at a distance of no greater than 8.6m from the rear boundary and the overall depth shall be no greater than 13m. The surrounding environs of the structure shall be provided with soft landscaping features and details of a planting schedule shall be included with revised plans.

Reason: In the interest of visual amenity and orderly development

## REASONS AND CONSIDERATIONS

Having regard to the pattern of development of the area and the nature and scale of the proposed development it is considered that the proposed home office/garage/play area to the rear of the garden subject to modifications would be acceptable in terms of visual amenities and orderly development of the area. The proposed development would therefore be consistent with the proper planning and sustainable development of the area.

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**Suzanne Kehely**  
**Senior Planning Inspector**  
Date: 6<sup>th</sup> April 2016