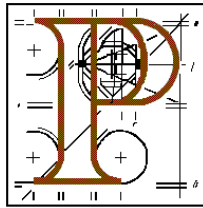


An Bord Pleanála



Inspectors Report

Development: Demolish side detached garage and rear shed and construct rear/side single storey granny flat/family apartment with own door access. Rear single storey sunroom extension at 425 Griffith Avenue, Dublin 9

Planning Application

Planning Authority: Dublin City Council
Planning Authority Reg. Ref. WEB 1340/15
Applicant: Derbhil Geoghegan
Type of Application: Permission
Planning Authority Decision: Grant with conditions

Planning Appeal

Appellant(s): Connie and John Loftus
Observers: None
Type of Appeal: Third Party v Grant

Inspector: Suzanne Kehely
Date of Site Inspection: 25/04/16

1.0.0 SITE LOCATION AND DESCRIPTION

- 1.0.1 The subject site is located on the northern side of Griffith Avenue – a mature and distinctive tree lined boulevard style residential road north of the City. The area is characterised by early to mid-20th century well-spaced semi-detached houses arranged on generous plots in terms of both width and depth (about 60m x 10m and a 45m deep rear garden.)
- 1.0.2 The house is a semi-detached two storey three bed single dwelling. It is on the western side of the pair. There is a detached flat roofed garage along the western boundary. It is set back about one metre from the rear building line of the dwelling but there is a door/wall between the garage and house that closes off the rear garden. There is a rear patio off which sheds are accessed and this is fairly level with the house. The rear garden lawn is raised above the patio by about 700mm. The garden is screened by a mature hedge up to about eye level whereas the patio to the rear is screened by a concrete wall.
- 1.0.3 In the adjacent dwelling to the west the garage has been redeveloped as part of a substantial contemporary extension to its rear. This is setback from the boundary with the subject site and the appearance of a garage/side access has been retained by the use of timber panelled door/elevation which is slightly raised in height.
- 1.0.4 The adjoining house has also been extended by way of a two storey extension and a conservatory which is set back over 2m from the boundary with the subject site and also from its eastern boundary.
- 1.0.5 Photographs illustrate the site and neighbouring properties as viewed from the street and the rear garden of the property.

2.0.0 PROPOSED DEVELOPMENT

- 2.0.1 Permission has been sought for 48 sq.m. increase in ground floor area in the form of a mono-pitched roofed extension which slopes upwards away from the house proper. There are two flat roofed protrusions. The rear elevation incorporates three high level windows extending across the entire width just under the elevated eaves. This is in addition to 5 roof lights.
- 2.0.2 The proposal includes provision for a separate family flat with independent external access beside the existing front door. The accommodation includes a lobby parallel to the existing hall with access to a living kitchen area and ensuite bedroom off this living space. The lobby also provides direct access into the existing kitchen of the principal residence.
- 2.0.3 In addition to this space a 'sunroom' to the rear of the existing kitchen is proposed to the principal residence. This is however a substantially

solid structure with window/glazed accordion doors in the rear elevation and one roof light in the otherwise solid roof.

3.0.0 PLANNING HISTORY

3.0.1 None applicable.

4.0.0 PLANNING AUTHORITY DECISION

4.1.0 Planning and Technical Reports

4.1.1 **Drainage Division Engineering Dept.:** No objection subject to developer complying with standard conditions regarding drainage.

4.1.2 **Planning Report:** The planning report notes the objections from the neighbours and refers to the requirements of the Development plan in section 17.9.8 and Appendix 25 and with particular reference to the need to protect light and privacy and also the need to integrate with the existing building. The assessment concludes that conditions to the following effect should be attached.

- To omit the pitched roof and restrict height to 2.77m
- To omit independent access beside the front door and access through kitchen.

These conditions are however not reflected in the decision.

4.2.0 Planning Authority Decision

4.2.1 By order dated 4/12/2015 a notification of intent to GRANT permission subject to conditions was issued. Condition no 3 requires alterations to include painted timber windows and inward opening gates – matters not raised in report. The alterations recommended in report which rendered the proposal acceptable were not included. There would appear to be an error of omission in the conditions.

5.0.0 GROUNDS OF APPEAL

5.0.1 The grounds of appeal are based on the following submissions:

- There is no basis for a family flat. This is supported by sworn statements referring to previous occupancy by the applicant's grandparents, observations of occupancy and conversations with the applicant.
- The proposed form of the extension is objectionable due to its relationship with the boundary being up to and along it for over 5

metres. This is contrary to the approach in the neighbouring dwelling where the extension was well setback from the boundary.

- The scale and extent of the proposed extension will have an overbearing impact with a potential for loss of daylight in the conservatory and patio door in original rear wall of kitchen.

6.0.0 RESPONSES

6.1.0 Planning Authority Response

6.1.1 No further comment has been submitted in response.

6.2.0 First Party

6.2.1 The applicant explains her family needs and living arrangements which support the case for a family flat within her dwelling.

6.2.2 The applicant's dwelling is quite unique in not having been extended. This is in contrast to the substantial extension to the west and also the two storey and conservatory extension to the east which protrudes deeper into the garden than what is currently proposed.

6.2.3 The applicant has been helpful in providing drawings to the neighbours

6.2.0 Observations

6.2.1 None on file.

7.0.0 POLICY CONTEXT

7.1.0 DUBLIN CITY DEVELOPMENT PLAN 2011 - 2017

7.1.1 The subject site is zoned "Z1" in the Dublin city development plan, with the stated objective "to protect, provide and improve residential amenities'. The public area between the front wall and road is part of tree lined avenue and is zoned Z9 "to preserve provide and improve recreational amenity and open space and green networks."

7.1.2 Section **17.9.8 Extensions and Alterations to Dwellings**. 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.

7.1.3 **Appendix 25** of the development plan provides detailed guidance on the Council's policies for Residential Extensions. **Section 11** refers to roof extensions, stating: The roofline of a building is one of its most dominant features and it is important that any proposal to change the shape, pitch, cladding or ornament of a roof is carefully considered.

7.1.4 **Separation between Dwellings:** A distance of at least 1.5 m shall be provided between dwellings for the full length of the flanks in all developments of detached, semi-detached and end-of-terrace houses. In general, this distance should be equally divided between dwellings so separated to allow for a usable side entrance. Where garages are provided at the side of semi-detached dwellings and end-of-terrace houses, they may substitute for this requirement, provided they incorporate a direct through access from the front to the rear of the premises.

7.1.5 Chapter 17 advocates good quality design in the provision of residential accommodation. It recognises the need in certain circumstances for **subdivision of dwellings** and section 17.9.9 sets out guidance in this regard.

Large areas of suburban residential development in the Dublin City Council area have retained a pattern of use as single family dwelling units. **In many cases the conversion of such dwellings to two or more units could lead to deterioration in the amenities and change in the character of these areas and therefore, will not generally be permitted.**

In other locations, however, principally those along main transport routes in the inner city suburbs and in the vicinity of district centres, the subdivision of large family sized dwellings may be permitted. Such subdivision may involve the subdivision of dwellings into individual distinct units on each floor.

Where subdivision is being considered, factors such as the extent of open space within the site boundaries, landscaping schemes including the retention and planting of trees, the provision of on-site parking, the retention of existing railings and gates and screened refuse storage areas will be evaluated as part of the assessment.

When subdivisions are allowed, they should be compatible with the architectural character of the building. An appropriate mix of accommodation in particular areas will be determined by Dublin City Council taking account of the mix of residential accommodation in an area. Dublin City Council may accept a parking provision of less than one space per dwelling unit to encourage the occupation of the dwellings by households owning fewer cars.

7.1.6 Section 17.9.10 sets out more specific guidance for **Ancillary Family Accommodation**

Ancillary family accommodation refers to a sub-division/extension of a single dwelling unit to **accommodate a member of an immediate family for a temporary period (e.g. elderly parent)**. It is also recognized that there may be circumstances other than age (i.e. disability or illness where an immediate relative may need to live in close proximity to their family).

Dublin City Council will, in principle, favourably consider applications for such subdivision provided the planning authority is satisfied that:

- There is a valid case, including details of the relationship between the occupant(s) of the main dwelling house and the occupant(s) of the ancillary family accommodation.
 - It is not a separate detached dwelling unit, and direct access is provided to the rest of the house.
 - There shall be no permanent subdivision of the garden.
 - The accommodation shall revert back to being part of the original family house when no longer occupied by a member of the family.

8.0.0 ASSESSMENT

8.1.0 Issues

8.1.1 This appeal is against a decision to grant permission for a domestic single storey extension to a semi-detached property for the purpose of principally providing an independent living area in addition to a 'sunroom' extension to the existing kitchen area. The proposed works will involve demolition of both garage and shed to the rear and side. The issues centre on the conflict between providing what is, on one the hand a fairly modest (in the context of other extensions – notably to the west - and site size) but nevertheless, extensive single storey extension and the need to protect amenities of adjacent properties having regard to relationship with boundaries and character of the area. Both these matters throw up issues in relation to the overall quality of accommodation as a consequence of the proposed design and use and also as a consequence of the potential amendments as

proposed by the planning authority to address its concerns. In my opinion, the main issues to be addressed in this appeal are as follows:

- Development principle of extension and family flat;
- Impact on residential amenity of neighbours
- Substandard accommodation

8.2.0 Development principle

8.2.1 The proposed extension is for an additional 48 sq.m. of ground floor space onto a dwelling of 102 sq.m. The extension comprises independent living space of about 37 sq.m. with independent access and an 11sq.m. 'sunroom' to the rear of the kitchen.

8.2.2 The development plan objective for the site location is "to protect provide and improve residential amenities". Providing additional family accommodation, including partially independent space for a family member, accords in principle with providing for residential amenity. The case for permitting such an extension is also supported by the relatively generous site scale and proportions. However, the degree to which this is acceptable is predicated on the degree of protection of both the amenities of neighbouring residents and also respecting the character of the area. In this case, I do not consider either of these matters has been satisfactorily addressed and accordingly the principle of such a development is called into question.

8.3.0 Impact on amenities

8.3.1 The neighbours in the adjoining house to the east (appellants) are concerned about the impact of the extension which extends 5.025m along the party boundary wall at a point where the appellants have set back a conservatory extension from the same party wall. This westerly facing side of the glazed conservatory would be overshadowed by the extension which rises to 4.125m at the boundary. They are also concerned about the loss of daylight through the patio doors in the original rear wall into the kitchen which is very close to the boundary. (I note the drawings are not clear on contiguous elevations.)

8.3.2 The planning authority in its appraisal had an issue with the height and boundary treatment and addressed this matter in the report by proposing a lowering of the roof height to 2.775m. This includes the roof and floor plate and accordingly leaves a fairly minimal residual floor to ceiling height. This however is not carried through in the conditions of permission. (The recommended amendment relates to window finish and gate opening which would appear to be an error as such matters were not at issue or discussed in the report or submissions.)

- 8.3.3 I concur with the planning authority that the scale and extent of the wall would be overbearing and injurious to the amenities of the adjoining house, however I do not consider the lowering of the roof is an appropriate remedy. A possible alternative would be to set back the raised roof from the boundaries but this would be out of kilter with the internal layout. The internal space would have a proportionately low roof relative to the scale of the extension. The kitchen would, for example be over 9m deep and approx. 2.3m in width. There would be an overreliance on a glass roof which is not the most sustainable form of development and would also result in the kitchen being a highly visible space from the upper floor of adjoining house.
- 8.3.4 I also have concerns about the extension across the entire plot width of 10m on a road where houses are typically well spaced on quite large plots (600square metres) and have ample room for a large extension without building up to the boundary. There are also other design issues relating to the standard of the existing house. There is for example the matter of rear garden access. In this case, the garden is very large and mature and there is no rear access in the proposed plans. The layout does not provide for the more heavy duty requirements such as fuel delivery, bringing a lawnmower through or managing garden waste. There is for example no utility passage or area incorporated. The development plan requires a form of rear access normally and in this context the layout is lacking without good reason. I would also question the cellular layout to the rear and the accentuation of dark internal spaces, unnecessarily in my judgement, reliant on roof lights.

8.4.0 Family Flat

- 8.4.1 On this matter, in the first instance, I would question the nature of the use by reference to sections 17.9.9 and 17.9.10 of the Plan which govern flats and subdivision in family homes. My understanding of the Development Plan policy and guidance is that temporary provision of family accommodation is provided for subject to evidence of need and basic design criteria, neither of which, in my opinion, has been fully met.
- 8.4.2 The applicant's need is largely speculative and makes the case that would be a future need as her parents are in their 60s and in good health but and that the accommodation would also be available for her siblings on return to Dublin. The profile of the future occupants fits more with that of some(one) with a more independent lifestyle which the proposed layout cannot provide to an acceptable standard. I refer to the management of domestic affairs and amenity such as laundry drying, waste management, open space and possibly vehicular access. Having regard to nature and duration of future occupants it is perhaps more appropriate to apply standards for formal subdivision in order to meet the needs of what is likely to include an independent lifestyle.

Critically, however subdivision of a dwelling is 'generally not acceptable' due to deterioration of amenities and change in character of the area which in this instance is derived from spaciouly set family homes.

- 8.4.3 Were it the case that there was a need for a highly dependent relative there remains layout issues. The occupants have no means of going directly outside from the apartment kitchen. In order to put bins outside for example, in the configuration as required by the planning authority the occupant would have to travel though the apartment living area and lobby and then through the kitchen and hall of the main house before reaching the outside driveway.
- 8.4.4 I would also have reservations about the justification for the scale of the extension having regard to the nature of the use and the consequences for the layout arising from the development plan criteria and the planning authority's requirement for interconnection as specified in its appraisal. The proposed ground floor plan indicates direct access between the unit and the rest of the house via the proposed rear lobby, (the applicant can access the unit through the existing main door on the western elevation and go through the hallway and kitchen to the ancillary granny flat extension/family apartment extension,) but this is meaningless in the context of the proposed independent 'street' access. The access door to the lobby which provides own door access should be omitted. While, I consider the approach to restrict access via internal interconnection to be in accordance with the Development Plan guidance, in this case it is most circuitous and cannot be satisfactorily addressed by condition. Access from the hall would be preferable but it is not entirely clear if this feasible.
- 8.4.5 Essentially, sole internal access could result in a more compact and efficient layout, for example, the lobby could be considerably reduced and provide direct living and bedroom access and reduce the footprint possibly by permitting a set back and thereby enabling a higher roof and light penetration. I do not however consider this can be dealt with by condition.
- 8.4.6 Notwithstanding concerns over the nature of use and standard of development I would point out that a preferable arrangement would be a setback from the western party wall and provision of a side passage and garden access from a kitchen door. Patio doors from the bedroom would also enhance the living accommodation of the flat.
- 8.4.7 In conclusion, having regard to the submissions on file and the site location and in terms of the nature of the need and proposed independent access, it is consider that the proposal amounts to subdivision of a dwelling which would be substandard for both existing and future occupants and would give rise to a pattern of development not in keeping with the character of the area. This would be injurious

to amenities and contrary to the zoning objective and policies of the development plan.

8.5 Appropriate Assessment

- 8.5.1 Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely a suburban and fully serviced location, no appropriate assessment issues arise.

9.0.0 CONCLUSIONS AND RECOMMENDATION

- 9.0.1 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, in particular sections 17.9.9 and 17.9.10, the pattern of development of the area and all other matters arising. In my judgment, the proposed development would constitute substandard development and would be visually overbearing and would not be in accordance with provisions of the development plan for domestic extension or ancillary family accommodation. The proposed development would accordingly injure the residential amenities of the area for existing and future occupants and would not be consistent with the proper planning and sustainable development of the area. I therefore recommend permission be refused and an order to the following effect.

DECISION

REFUSE permission for the above proposed development based on the reasons and considerations set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

- 1 Having regard to the established character and pattern of development in the vicinity, it is considered that the proposed development, by reason of its overall design and layout and relationship with the site boundaries, would represent substandard development of the site and

would seriously injure the residential amenities of the area by reason of its overbearing effect on the adjoining dwelling to the east. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

- 2 Having regard to the submissions on file in respect of the intended use of the proposed family flat and its layout which provides for independent access, it is considered that the proposed development would amount to a subdivision of the property which would be substandard and could therefore lead to a deterioration in the amenities and change in the character of this section of Griffith Avenue. The proposed development would therefore conflict with the policies in section 17.9.9 of the current development plan in respect of subdivision of dwellings and be contrary to the objective 'to protect, provide and improve residential amenities' and would accordingly be contrary to the proper planning and sustainable development of the area.

Suzanne Kehely
Senior Planning Inspector
3rd May 2016