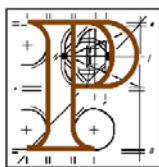


An Bord Pleanála



Inspector's Report

Appeal Reference No: PL06S.246297

Development: Granny flat extension, 2 new porches, attic conversion with 1 dormer roof to rear, 2 dormer roofs and 3 rooflights to front and associated site works.
1 Saint Peters Road, Walkinstown, Dublin 12.

Planning Application

Planning Authority: South Dublin County Council
Planning Authority Reg. Ref.: SD15B/0361
Applicant: Valentin Lasilcovschi
Planning Authority Decision: Refuse Permission

Planning Appeal

Appellant(s): Valentin Lasilcovschi
Type of Appeal: First Party v Refusal
Observers: None on File
Date of Site Inspection: 8th June 2016

Inspector: Sarah Moran

1.0 SITE LOCATION AND DESCRIPTION

1.1 The site, which has a stated area of 0.0382 ha, is an end of terrace house in the established suburban area of Walkinstown, Co. Dublin, adjacent to the Walkinstown Roundabout. The site has a narrow, triangular rear garden with a small shed to the rear of the property. It is bound by a public lane to the north and by the adjoining residential property to the south. There is an existing flat roofed single storey extension to the side of the house.

2.0 PROPOSED DEVELOPMENT

2.1 The proposed development involves:

- New 2 storey extension plus dormer attic to the side of the house, stated area 109 sq.m., to incorporate the existing single storey side extension.
- The addition of a porch and dormer window to the front elevation of the existing house.
- Large dormer window to the rear of the house and extension, to facilitate an attic conversion and third floor to the extension. Also rooflights in the existing and proposed roof areas.
- Connection to existing site services.

3.0 PLANNING HISTORY

3.1 None on file.

4.0 PLANNING AUTHORITY DECISION

4.1 Planning and Technical Reports

4.1.1 South Dublin County Council Water Services report 18th January 2016. Requests additional information comprising surface water drainage plans with required details. Also recommends conditions.

4.1.2 Irish Water submission to South Dublin County Council 20th January 2016. Requests further information comprising foul water plans, also a condition requiring submission of foul drainage plans.

4.1.3 South Dublin County Council Roads Department report 27th January 2016. Notes that there is no link between the proposed granny flat extension and the existing house, therefore it requires an additional parking space. No objection.

4.1.4 South Dublin County Council Planning Department report 16th February 2016. Recommends refusal on grounds relating to non-compliance with Development Plan policies on house extensions and family flats,

overdevelopment of site, adverse impact on residential amenities and overbearing appearance.

4.2 Third Party Submissions

4.2.1 There are no third party submissions on file.

4.3 Planning Authority Decision

4.3.1 The PA refused permission on 16th February 2016, for 2 no. reasons relating to:

- Development would undermine the residential amenity of the area through intensification of development of the site of an existing house. Material contravention of zoning objective 'A', '*To protect and/or improve Residential Amenity.*'
- Development would be of excessive massing and scale and would cause undue visual impact on the streetscape of St. Peter's Road, would be overly visible from the heavily trafficked Walkinstown Roundabout, would be overbearing in its appearance to the neighbouring dwellings on St. Peters Road. Overdevelopment of this suburban site, would not comply with Development Plan policy H16 relating to house extensions and would contravene the zoning objective for the area.

5.0 GROUNDS OF APPEAL

5.1 The main points made in the first party appeal may be summarised as follows:

- The applicant is entitled to develop his family home and has a generous site, which can accommodate the proposed development.
- The development complies with County Development Plan family flat policy H18. It is designed to provide temporary shared accommodation for the applicant and his extended family/dependents, who are in need of housing and are struggling to find reasonable and comfortable places to live. The house will return to a single dwelling unit when the urgent need for housing has ceased. The house and extension will not be rented out separately under any circumstances. There is linkage between the flat and the main house and further connection can be provided if required. The flat is subordinate to the main house both in appearance and nature. The proposed separate front porch provides access to the family flat, this is open for consideration and has been permitted in many instances in Dublin.
- The planning report on file presents a one sided, negative appraisal of the application. It does not recognise positive aspects of the application. The report states incorrectly that there is no interconnection between the house and the extension. Development Plan policy H16 supports the extension of dwellings in principle.

- There were no third party submissions regarding the application. The Roads Department have no objection. The next door neighbours have confirmed that they have no objection. Many houses in the surrounding area have been extended as per policy H16, including dormer roof extensions in many cases.
- The development will not result in a doubling of visual impact of the existing house. Having regard to the size of the site, it is considered that the side extension would not increase the massing and scale of the house relative to the adjoining properties and is not an overdevelopment of the site. The rear dormer and front windows are positive design features and are in scale and proportion and there are many examples of similar features granted throughout the greater Dublin area.
- The development is designed to enhance and improve a plain house and it is hoped to improve the BER rating to A3 incorporating additional insulation, triple glazing and air to water heat pump system.

6.0 PLANNING AUTHORITY RESPONSE TO GROUNDS OF APPEAL

6.1 The PA submits the following statement:

“The Planning Authority stands over its decision and both reasons for refusal. Regarding the review of the submitted information it is acknowledged that a connection is proposed at ground floor. Notwithstanding this, taking into account the size and scale of the proposed family flat, the assessment and refusal reasons remain pertinent.”

7.0 POLICY CONTEXT

7.1 The site has the zoning objective ‘A’, ‘*To protect and/or improve residential amenity*’ under the current South Dublin County Development Plan 2010-2016.

7.2 Development Plan section 1.2.27 sets out policy on house extensions, also the *House Extension Design Guide* contained in Appendix 5 of the plan. Development plan policy H16, *Extensions to Dwelling Houses*, states:

It is the policy of the Council to support the extension of existing dwelling houses in principle subject to safeguards contained within this Plan and within the House Extension Design Guide document contained as Appendix 5.

7.3 Development plan section 1.2.31 defines a ‘family flat’ as follows:

A ‘family’ flat refers to a temporary sub-division or extension of a single dwelling unit to accommodate a member of the immediate family for a temporary period (e.g. older parent or other dependent).

Development plan policy H18: *Family Flat* states that the Council will favourably consider family flat developments where satisfied that there is a valid case, provided that that the proposal does not otherwise detract from the residential amenity of the area, subject to the following:

- *The proposed family flat should be linked directly to the main dwelling via an internal access door;*
- *The proposed family flat should be subordinate to the main dwelling and should generally not exceed 50% of the floor area of the main dwelling;*
- *In the case of a two-storey family flat, an internal connecting door will normally be required at both levels;*
- *External doors will normally only be permitted to the side and rear of the house, with the presumption against an independent front door. Access from an internal door only or by side doors well screened from the front elevation or to the front within an enclosed porch shared with the existing front door and*
- *A grant of permission will normally be conditioned that the premises be returned to a single dwelling unit when the flat is no longer required for the family member.*

7.4 Other standards for residential development set out in section 1.4 of the development plan, *Sustainable Neighbourhoods*.

7.5 Table 2.2.4 of the Development Plan sets out standards for car parking, such that 1-2 spaces are required for residential development.

8.0 ASSESSMENT

8.1 No 1 St Peters Road is an end of terrace dwelling of traditional design within a mature residential area. Whilst extensions and alterations to the existing dwelling are acceptable in principle, there is an obligation to reconcile the need to meet the requirements of the applicants seeking to maximise accommodation with the need to protect the residential amenities of adjoining properties whilst maintaining the visual amenities, scale and architectural character of the parent building and wider area. The following are considered to be the substantive issues in this case:

- Section 37(2)(b) of the Planning and Development Act 2000 (as amended);
- Compliance with County Development Plan policy *H18: Family Flat*.
- Impacts on visual and residential amenities.
- Parking provision.
- Appropriate Assessment.
- Conclusion.

These issues may be considered separately as follows.

8.2 Section 37(2)(b) of the Planning and Development Act 2000 (as amended)

8.2.1 Refusal reason no. 1 states that the proposed development would materially contravene the zoning objective of the site and the surrounding area, which is 'A', 'To protect and/or improve residential amenity'. Section 37(2)(b) of the Planning and Development Act 2000 (as amended) provides that where a PA has decided to refuse permission on the grounds that a development materially contravenes the development plan, the Board may only grant permission where it considers that:

- (i) the proposed development is of strategic or national importance, or
- (ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or
- (iii) permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or
- (iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

Each of the above may be considered separately as follows.

8.2.2 (i) the proposed development is of strategic or national importance

This is not considered to be the case with regard to the nature and scale of the development.

8.2.3 (ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or

(iii) permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or

Section 1.2.27 of the current South Dublin County Development Plan 2010-2016 provides detailed policy on house extensions. Further guidance is provided in the *House Extension Design Guide*, Appendix 5 of the plan. Development plan section 1.2.31 and policy H18 provide guidance on 'family flat' extensions. Other standards on residential development are set out in

section 1.4 of the plan, *Sustainable Neighbourhoods*. These policies are consistent the development plan Core Strategy and with national policies and guidelines on residential development.

On this basis, it is considered that section 37(2)(b)(ii) and (iii) do not apply.

8.2.4 *(iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan*

There is no evidence of a pattern of similar developments being granted in this area since the adoption of the current South Dublin County Development Plan on 6th October 2010.

8.2.5 I therefore conclude that section 37(2)(b) of the Act does not apply and that the Board is precluded from granting permission in this case. However, I now propose to consider the case on its merits, in order to provide as full an assessment as possible.

8.3 Compliance with County Development Plan Policy H18: Family Flat

8.3.1 Development plan section 1.2.31 defines a 'family flat' as follows:

A 'family' flat refers to a temporary sub-division or extension of a single dwelling unit to accommodate a member of the immediate family for a temporary period (e.g. older parent or other dependent).

The applicant submits that the proposed additional residential unit would accommodate extended family members who are in need of housing. The house would return to a single dwelling unit when the urgent housing need has ceased. The proposed development is considered to be in accordance with the above definition.

8.3.2 The proposed 'family flat' development may be considered with regard to the criteria provided in development plan policy H18 as follows:

The proposed family flat should be linked directly to the main dwelling via an internal access door.

The ground floor layout indicates an internal connection between the existing and proposed residential units. There is no other internal connection.

The proposed family flat should be subordinate to the main dwelling and should generally not exceed 50% of the floor area of the main dwelling.

The stated floor area of the existing house, as per the application form on file, is 141.5 sq.m. The stated floor area of the proposed works is 109 sq.m.,

almost all of which is the proposed family flat (except for the additional attic space to the existing house). The proposed extension projects c. 1m from the existing front building line and the front elevation reads as two separate houses, notwithstanding the fact that the site would not be subdivided. On balance, I consider that the development does not comply with this requirement.

In the case of a two-storey family flat, an internal connecting door will normally be required at both levels.

The proposed and existing residential units would be connected at ground floor level only. The proposed first and second floor plans would not allow for additional internal connections to be created easily when use as a family flat ceases. I also note that the floor plans of the proposed new residential unit include kitchen/dining areas and bathrooms at both ground and first floor levels, such that the extension could easily be subdivided into two separate residential units after construction. The proposed internal layout therefore does not comply with Development Plan policy H18.

External doors will normally only be permitted to the side and rear of the house, with the presumption against an independent front door. Access from an internal door only or by side doors well screened from the front elevation or to the front within an enclosed porch shared with the existing front door.

The proposed development includes a separate front door with a porch, such that the front elevation does not comply with policy H18. The extension abuts the side boundary of the site, which precludes the creation of an entrance to the side of the building. The front elevation could be redesigned such that the additional entrance is provided within an enclosed porch shared with the existing front door. This could be a condition of permission if the Board is minded to grant permission.

A grant of permission will normally be conditioned that the premises be returned to a single dwelling unit when the flat is no longer required for the family member.

This requirement could be a condition of permission if the Board is minded to grant permission.

- 8.2.3 The proposed development does not involve subdividing the site and it is accepted that the family flat would accommodate family members of the applicant on a temporary basis. However, having regard to the overall scale of the additional residential unit and to the proposed internal layout, which would not facilitate the creation of internal connections or the creation of a single residential unit when the family flat use has ceased, it is considered that the development amounts to the creation of a separate additional residential unit at this location rather than the creation of a 'family flat' as

defined by development plan section 1.2.31. In addition, the development does not comply with the criteria for family flats as set out in development plan policy H18.

8.3 Impacts on Visual and Residential Amenities

- 8.3.1 The site is located at the end of a terrace and the proposed 2 storey extension would generally be in accordance with the existing front and rear building lines. The structure is set back from adjacent residential properties to the north as the side site boundary abuts a public lane. Having regard to the layout and orientation, it is considered that the development is unlikely to have a significant adverse impact on adjacent residential properties by way of overshadowing. The site is in a built up area and the first floor windows in the existing rear elevation already overlook the rear of residential properties to the north of the site. The proposed dormer structure at attic level would increase the degree of overlooking somewhat, however I note that there are several existing attic dormer windows at the rear of other houses on this terrace, therefore there is an established precedent for same. The overall design of the front elevation is compatible with that of the existing house and the remainder of the terrace. The proposed dormer and rooflights to the front elevation would be incongruous and set an undesirable precedent, but these could be omitted by condition if the Board is minded to grant permission.
- 8.3.3 I note the lack of third party submissions on file. On balance, given that the design is in keeping with the existing context and that there is a precedent for dormer extensions in the immediate vicinity, I consider that the proposed development would not have a significant adverse impact on visual or residential amenities, subject to the omission of the front dormer windows.

8.4 Parking Provision

- 8.4.1 County Development Plan parking policy requires 1-2 car parking spaces for residential development as per Table 2.2.4 of the Plan. I note the report on file by the Roads Department of South Dublin County Council, which requires 2 no. spaces for the overall development. There is scope within the front of the site to accommodate this requirement.

8.5 Appropriate Assessment

- 8.5.1 Having regard to the nature and scale of the development within a fully serviced suburban location, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.6 Conclusion

- 8.6.1 Having regard to the above assessment, it is considered that the development does not comply with County Development Plan policy H18 on family flat developments and would result in overdevelopment of this restricted site. I therefore consider that permission should be refused for this development.

9.0 RECOMMENDATION

- 9.1 Having regard to the foregoing, I recommend that permission be refused for this development for the reasons and considerations set out below.

REASONS AND CONSIDERATIONS

1. Having regard to the design and internal layout of the proposed residential unit, it is considered that it would not comply with County Development Plan policy H18: Family Flat. In addition, it is considered that the development would result in overdevelopment of this restricted site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Sarah Moran,
Senior Planning Inspector
8th June 2016