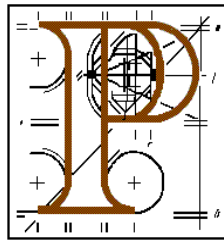


# An Bord Pleanála



## Inspector's Report

### Development

Single-storey extension to rear and side of dwelling incorporating a 'granny flat' at 69 Seafield Crescent, Booterstown, County Dublin.

### Planning Application

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Authority Register Reference: D15A/0432

Applicant: Dolores Salmon

Type of Application: Permission

Planning Authority Decision: Grant

### Planning Appeal

Appellant(s): Dolores Salmon

Type of Appeal: First Party

Date of Site Inspection: 23<sup>rd</sup> June, 2016

**Inspector:** Kevin Moore

## **1.0 APPLICATION DETAILS**

1.1 There is a first party appeal by Dolores Salmon against condition no. 1 attached with the decision by Dún Laoghaire-Rathdown County Council to grant permission for the extension of a dwelling to provide a 'granny flat' at No. 69 Seafield Crescent, Booterstown, County Dublin.

1.2 The proposal comprises a single-storey extension to the side and rear of a two-storey semi-detached house to provide a self-contained 'granny flat', with an internal link to the existing dwelling. The stated site area is 0.041 hectares. The original submission provided for a floor area of 64 square metres, incorporating a one-bedroom unit with ancillary accommodation. Details with the application included a letter from the applicant's doctor referring to a medical condition the applicant had been diagnosed with.

1.3 The reports received by the planning authority were as follows:

The Transportation Planning Engineer had no objection subject to the attachment of a condition.

The Water Services Engineer had no objection subject to the attachment of a condition.

The Planner noted the observations received, planning history of development in the area, and departmental reports. A grant of permission was recommended subject to conditions.

1.6 On 6<sup>th</sup> April, 2016, Dún Laoghaire-Rathdown County Council decided to grant permission for the development subject to 10 no. conditions.

## **2.0 SITE DETAILS**

### **2.1 Site Inspection**

I inspected the appeal site on 23<sup>rd</sup> June, 2016.

### **2.2 Site Location and Description**

No. 69 Seafield Crescent, Booterstown is a semi-detached two-storey dwelling within a well-established estate of semi-detached houses. The house is paired with No. 71 to the north. There is a detached garage to the rear on the site that has been converted to a playroom and this is constructed along the party boundary with No. 67, which lies to the south. There is also a small shed. There is a shared passageway between No. 69 and No. 67 which provides access to the structure to the rear and to the neighbour's garage. There are small sheds to the rear of the neighbour's garage. The neighbouring dwellings are similar in design and form to that on the appeal site. Two-storey extensions to the rear of Nos. 71 and 77 are noted from the back garden of the appeal site.

### **2.3 Dún- Laoghaire-Rathdown County Development Plan 2016-2022**

#### Zoning

The site is zoned 'A' with the objective "To protect and/or improve residential amenity."

### **2.4 Planning History**

#### P.A. Ref. D12B/0350

Permission was granted for a single-storey extension at the rear of the house, incorporating an existing garage conversion.

Permission was refused for a single-storey extension to the rear and side incorporating a self-contained granny flat for one reason relating to the impact on the amenities of Nos. 67 and 71 Seafield Crescent.

### **3.0 FIRST PARTY APPEAL**

3.1 The appeal is against Condition No. 1 of the planning authority's decision and seeks the appellant being permitted to construct the original proposal submitted to the planning authority. The appellant's agent submits:

- The original layout provided good accommodation for the appellant that made practical sense.
- Its impact on adjoining properties is minimal. Correspondence from the owner of No. 71 is attached which indicates no objection to the proposal. It is noted that there are sheds against the wall of the adjoining property and the height of the extension is only marginally above the height of the boundary wall.
- The proposal approved by the planning authority isolates the garden area from the main house and disconnects the appellant from the family adjacent to her.
- The reintegration into the main house in the revised proposal would be difficult to achieve in a practical manner.
- There is a large void to the front of the property in the revised proposal which is of no useful purpose around the entrances.

3.2 The appeal submission includes a letter from the appellant referring to her experiences while looking after her own mother in the house and her

reasons for wanting a separate residential unit. It also includes a letter from her doctor explaining her medical condition.

#### **4.0 PLANNING AUTHORITY'S RESPONSE TO THE APPEAL**

4.1 The planning authority submitted that the case for the granny flat was deemed acceptable. The Board was urged to uphold the planning authority's decision.

#### **5.0 ASSESSMENT**

5.1 I note that the appellant has submitted that an appeal is being made against the attachment of condition 1 of the planning authority's decision. However, in effect, the appellant is seeking the Board to consider a different proposal to that which was permitted by the planning authority, namely the proposal prior to that revised by way of further information. I, therefore, submit that the development for consideration should appropriately be considered by the Board *de novo*, with comparison being made between the original and revised schemes.

5.2 In considering the main issue the subject of this appeal, I first acknowledge that the principle of the proposed development is acceptable by the planning authority. The development would serve the needs of an elderly parent and the main house would be occupied by the appellant's daughter and her family. The proposal is seen also to be compatible with the zoning provisions for the site. The matter of concern in this appeal is how the proposal affects the amenities of adjoining residents.

5.3 The appellant evidently considers that the original proposal submitted to the planning authority in the making of the application makes better provision for herself and her family, while the planning authority considers

- that the original proposal impacted on the neighbouring No. 67 Seafield Crescent by creating an overbearing impact, while also impacting on the visual amenity of the neighbouring property of No. 71.
- 5.4 In considering the original and revised proposals, I note the changes that were made. Clearly the overall footprint was revised, with the revision reducing the floor area by approximately seven square metres. The depth of the proposed extension was reduced by approximately two metres. The width of the main living area for the granny flat was reduced by approximately one metre. However, the originally proposed small courtyard area was effectively replaced by a new dining area added to the kitchen for the main house. The revised extension would have a flat roof, replacing the part flat roof / part pitched roof of the original proposal.
- 5.5 It is noted that the nearest section of the original proposed extension to the flank boundary with No. 71 was designed to be flat-roofed also and would have been similar in height to that of the revised proposal. It is also noted again that the original courtyard area would be built over by the revised proposal. Overall, I consider that the revisions are marginal and I do not accept that they would make a significant and material difference to the visual amenity of the occupier of No. 71.
- 5.6 With regard to the overbearing impact on No. 67, I note firstly that the proposed extension would be developed along the flank boundary with No. 67 and that both the original and revised proposals would abut an adjoining garage and two sheds located in the rear garden of No. 67. In the original submission, the pitch of the roof of the extension would fall towards the existing boundary wall with No. 67, with minimal differences resulting in terms of height immediately adjoining the flank boundary. I do not accept that the saving of a depth of two metres in building footprint, where the proposed development abuts a high flank wall and neighbouring sheds, makes the original submission substantially and significantly

different to the revised proposal, and most certainly in terms of impact on the amenities of No. 67. The consequence of a difference being made to any overbearing impact on the property to the south in such circumstances would be extremely limited. I further note that there is no concern about the impact of the original proposal in terms of overshadowing, overlooking and any loss of privacy to the neighbouring property. It is further acknowledged that the neighbours adjoining this site have raised no concerns with the proposal to either the planning authority or the Board.

- 5.7 Further to the above, I submit to the Board that the original proposal would function better as an independent living unit for the appellant, with its own kitchen/dining habitable space, when contrasted with the revised proposal in which dining and kitchen accommodation would be provided in the main house.
- 5.8 Finally, I note the provisions of the Dún Laoghaire-Rathdown County Development Plan as they relate to granny flats. The original proposal presents itself as a development forming an extension to the house that lends itself to reintegration with the main house when not needed as a granny flat. The appellant has provided sufficient details to justify the need for the development. There is no proposal to let or sell the development separate from the existing house and there is no indication that there is any intention to keep the overall development subdivided on a permanent basis. The proposed development can, thus, be seen to be in accordance with the provisions of the development plan as they relate to granny flats.

## 6.0 RECOMMENDATION

I recommend that permission is granted in accordance with the following:

### **Reasons and Considerations**

Having regard to the limited physical changes of the revised proposal submitted by way of further information to the planning authority when compared with the proposal submitted with the original application and to the lack of consequential material impacts resulting for neighbouring properties, it is considered that the original design proposal submitted at the time of the making of the application would not adversely impact on the residential and visual amenities of neighbouring properties, would not set an undesirable precedent for similar types of development in the area, would be in accordance with the provisions of the current Dún Laoghaire-Rathdown County Development Plan, and would otherwise 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 on 3<sup>rd</sup> July 2015, 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 proposed granny flat shall be used solely for that purpose, shall not be sold or let as an independent living unit, and shall revert to use as part of the main dwelling on the cessation of such use.

**Reason:** To protect the amenities of property in the vicinity.

3. The 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 to ensure a proper standard of development.

4. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid within one month of the date of this Order, or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the

Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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Kevin Moore

Senior Planning Inspector

June, 2016.