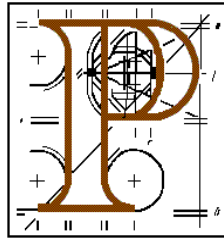


An Bord Pleanála



Inspector's Report

Development

Demolition of outbuilding and construction of a two-storey extension to house, conversion of the existing garage to living accommodation and construction of garage at "Mandalay", Ballyman Road, Bray, County Dublin.

Planning Application

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Authority Register Reference: D16B/0914

Applicant: Karen & Howard Heatley

Type of Application: Permission

Planning Authority Decision: Refuse

Planning Appeal

Appellant(s): Karen & Howard Heatley

Type of Appeal: First Party

Date of Site Inspection: 21st September, 2016

Inspector: **Kevin Moore**

1.0 APPLICATION DETAILS

1.1 There is a first party appeal by Karen and Howard Heatley against a decision by Dun Laoghaire-Rathdown County Council to refuse permission for the demolition of an outbuilding, the construction of a two-storey extension to the existing house, the conversion of an existing garage to living accommodation and the construction of garage at “Mandalay”, Ballyman Road, Bray, County Dublin.

1.2 The proposed extension to the house would be two-storey in height and would have a stated floor area of 378 square metres. It would be located to the side of the existing house, and would project beyond the front and rear established building lines of the house. It would provide a balcony to the rear at first floor level. The proposed garage would be detached, would be located to the front of the house and would have a stated floor area of 58 square metres. The development would be located on a site with a stated area of 0.365 hectares. The covering letter with the application refers to the proposal being an extension and upgrading of the house to allow Karen Hartley and her family to live with and care for her elderly father.

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

The Drainage Engineer requested further information in relation to septic tank drainage.

The Environmental Health Officer noted the existing septic tank and percolation area are in working order.

The Planner noted the development plan provisions, including zoning, green belt area policy, and provisions relating to extensions, and the internal reports received. It was submitted that the site is well screened to the north, west and south-west but that there is little screening to the south and east. The purpose for the extension referenced in the cover letter was noted. It was considered that a family flat is a temporary arrangement for a subsidiary element of the dwelling for use by a family member but not a fully independent dwelling. It was submitted that, given the separate entrance and stairs, the overall internal layout, and the scale of the extension at 378m², it is not subsidiary to the existing dwelling of 240m², the proposal exceeded any reasonable interpretation of a family flat and that it would be considered as an additional dwelling unit, notwithstanding it being attached to the existing dwelling. It was considered that the

proposal did not meet with Green Belt Area policy and that it was contrary to the rural design guide in the development plan. Furthermore, it was submitted that the proposal would have a negative impact on protected views from the Ballyman Road and that no Appropriate Assessment (AA) screening or Natura Impact Statement (NIS) was included in the application, given the site is c.200m from the Ballyman Glen SAC. It was concluded that the proposal constituted an independent living unit. The Planner submitted that the site could accommodate a more modest extension. A refusal of permission for three reasons was recommended.

- 1.4 On 29th June, 2016, Dún Laoghaire-Rathdown County Council decided to refuse permission for the development for three reasons relating to the excessive scale of the development and it comprising an independent dwelling unit, the impact on a protected view, and the impact on the SAC in the absence of an AA screening or NIS.

2.0 SITE DETAILS

2.1 Site Inspection

I inspected the appeal site on 21st September, 2016.

2.2 Site Location and Description

The site of the proposed development is located in a rural area to the south of the Ballyman Road, north-west of the town of Bray and close to the county border with Wicklow. There is a large two-storey dwelling on the site. The house is well screened across the frontage and along its western flank boundary. There is sporadic housing in the general area.

2.3 Dun Laoghaire County Development Plan 2016-2022

Zoning

The site is zoned 'GB' with the objective to protect and enhance the open area of lands between urban areas.

Residential Development

Green Belt Areas

In relation to residential development, only individual dwellings on lands comprising at least 4 hectares per dwelling will be considered.

Landscape, Heritage and Biodiversity

Views and Prospects

Policy LHB6: It is policy to protect and encourage the enjoyment of views and prospects of special amenity value or special interest.

Development Plan Maps show that views from the Ballyman Road are protected.

Development Management

'Family Member / Granny' Flat - Rural

A family flat is a temporary self-contained living unit with one or (maximum) two bedrooms for a member of the immediate family to reside in. Family flats can provide a short-to-medium term solution to housing needs within the rural area, particularly in cases where an applicant cannot satisfy rural housing policy or where a native is required to return to live in the rural area in order to care for family members. In general, a family flat would consist of extending/ adapting an existing family dwelling to accommodate their needs. In such cases, a direct link (in the form of an internal door) to the main dwelling house would be maintained and the unit, when no longer in use as a family flat, would be subsumed back into the fabric of the main dwelling.

A family flat will be subject to the following criteria:

- the flat must not exceed 50 sq.m. in floorspace and/or comply with rural extensions guidance above.
- the site must be suitable for development.
- the flat must be occupied by an immediate family member and a legal agreement - under the provisions of Section 47 of the Act - to this effect may be sought by the Planning Authority. When no longer in use as a family flat, the unit must be subsumed back into the fabric of the main dwelling house.

- The flat must be capable of being connected to the existing wastewater treatment system on the site. Where such a system is not sufficiently sized or operating efficiently it must be capable of being replaced with a suitable wastewater treatment system to serve both the existing house and family flat.
- The creation of an additional vehicular access will not be considered acceptable and the existing access and parking on site must be capable of accommodating any additional vehicular movements, or upgraded as deemed necessary by the Planning Authority.

2.4 Planning History

I have no record of any previous planning application or appeal relating to this site.

3.0 FIRST PARTY APPEAL

3.1 The grounds of the appeal may be synthesised as follows:

Reason No. 1

- The proposed dwelling is of an appropriate size to meet the needs of Karen Heatley's family and those of her father. An attached letter from Karen Heatley is included.
- Precedents exist – an extension to a dwelling to the west and one on the opposite side of the road and Dún Laoghaire Golf Club are referenced.
- The proposal is clearly contained within an existing house and garden site, and is within a larger field owned by Howard Heatley's son.

Reason No. 2

- The design is considered to reduce any impact on protected views, with the height of the extension matching the existing house, it being proposed to be tight to and largely behind the house, simple materials being used are consistent with the existing building, and proposed landscaping would complement the area.

- The proposal would not affect the character of a town or the special amenity or biodiversity value of the countryside.
- Attached 'before and after' views show the proposal would have minimal effect on protected views.
- Impacts have been anticipated and avoided to a level consistent with the sensitivity of the landscape.

Reason No. 3

- An attached Appropriate Assessment screening report demonstrates that the proposal would not give rise to a significant adverse effect on the integrity of the Ballyman Glen SAC.

The appeal includes a letter from the appellant Karen Heatley, an Appropriate Assessment screening report, a note on the capacity of the existing septic tank, drawings and photomontages.

4.0 PLANNING AUTHORITY'S RESPONSE TO APPEAL

- 4.1 The planning authority request the attention of the Board be drawn to the planner's report. Comment is made on the precedence cases referred to in the appeal. It is requested that the advice of the NPWS is sought on the AA screening report. It is concluded that the visual assessment shows the proposal is overscaled when viewed from the east.

5.0 ASSESSMENT

5.1 Introduction

5.1.1 I will consider the relevant planning issues under the following:

- The nature and extent of the proposed development;
- The impact on protected views; and
- The impact on European sites.

5.2 The Nature and Extent of the Proposed Development

5.2.1 The proposed development comprises the extension of an existing large four bedroom two-storey house, resulting in the addition of a substantially larger two-storey, four bedroomed house. The larger house being added to the existing house is to be occupied by a daughter and her family, while the remaining four bedroomed house would be the residential unit for her father. The plans indicate that the existing four bedrooms at first floor level would be reconfigured to create two larger bedrooms. The proposal is clearly not a 'granny flat'. The overall development is effectively laid out to function as two separate residential units, inclusive of separate front doors and separate internal stairs to first floor levels. Notwithstanding the development of two separate residential units, it is intended that there would be communal use of on-site services.

5.2.2 It is my opinion that it was appropriate for the planning authority to conclude that the proposed extension constitutes a separate dwelling. It is reasonable to determine that the extension does not form a 'granny flat' because it comprises an extension to be used as a separate family house and because of its scale and function. It is acknowledged that the application has been submitted to the planning authority by the applicant as an extension. The provisions of the Dún Laoghaire-Rathdown County Development Plan, as they relate to granny flats', are not applicable in this instance.

5.2.3 The applicant has not demonstrated the need for a new house at this location. Furthermore, the applicant has not demonstrated the need for an extension of the scale proposed, where an existing four bedroomed house is to be retained. In the context of the development constituting two separate dwelling units reliant on communal servicing arrangements, it is considered that the development constitutes overdevelopment of a single dwelling site. Furthermore, in realising the proposal would result in the provision of two large dwellings on the plot, it is considered that the proposal cannot be merited and is non-compliant with the County Development provisions that are applicable to a new dwelling in this Green Belt area as it does not constitute an individual dwelling on lands comprising at least 4 hectares.

5.2.4 Based upon the information available on the appeal file, it is clear that the intent is to allow for a daughter and her family to live at this location and to look after her elderly parent. This property can clearly accommodate these

needs. However, a suitably sized extension that is subservient in scale to the existing four bedroomed house to provide for these needs should be sought and not an addition that is effectively a new larger house. The conclusions drawn by the planning authority on this issue are regarded as acceptable and are in the interests of the sustainable development of this rural area.

5.3 The Impact on Protected Views

- 5.3.1 The site of the proposed development is a large plot in an open rural landscape. The site is substantially screened by way of peripheral hedgerow planting, tree planting and extensive landscaping throughout. Notwithstanding the existence of a large two-storey house on the site, it is reasonable to determine that the landscaping that exists provides a substantial form of screening of the dwelling when viewed from the public realm.
- 5.3.2 It is noted from the Dún Laoghaire-Rathdown County Development Plan that it is the policy of the planning authority to protect and encourage the enjoyment of views and prospects of special amenity value or special interest (Policy LHB6). A map from the Plan shows that views from the Ballyman Road are protected.
- 5.3.3 In considering the potential impact of an extension on views from the public road in the vicinity of the site, I first acknowledge that there is an established large two-storey on the site. I acknowledge once again the extent of planting that has occurred and the effectiveness of that landscaping to screen the potential development. It is my submission that there is no reason to conclude that an extension to the dwelling at this site would constitute an intrusive development. If there are any particular concerns, there is ample opportunity to minimise considered adverse impact by way of improved boundary treatment and the application of a more vigorous landscaping scheme. A proposed extension to the existing house, when in keeping with the form and character of the existing house and developed to an appropriate scale, should not have any notable adverse impacts on views southwards from the Ballyman Road.

5.4 The Impact on European Sites

- 5.4.1 I note the proximity of the site of the proposed development to the Ballyman Glen Special Area of Conservation, i.e. it is some 200 metres to the north. This European site has been selected for the habitats Petrifying Springs and Alkaline Fens. I also note that there is an established house on the property with an established septic tank system that has been found by the Health Service Executive to be in working order. I submit that the attenuation, treatment and disposal of foul and clean surface waters leaving this site would not likely result in any known deleterious impact on the qualifying interests of the Natura 2000 site. I further submit that the separation distance, short-term nature, and application of common construction management provisions should ensure that there would be no likelihood of any significant impacts at the construction phase on the conservation site. I know of no other developments in the vicinity of this site that would give rise to any significant cumulative impacts.
- 5.4.2 I acknowledge that the appellant has submitted an Appropriate Assessment screening report with the appeal submission. The conclusions in this report are that there will be no significant direct, indirect or cumulative effects on the Ballyman Glen SAC.
- 5.4.3 It is reasonable to conclude that, on the basis of the information on the file, which I consider adequate in order to issue a screening determination, the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the Ballyman Glen SAC or any other Natura 2000 site in the wider area. A Stage 2 Appropriate Assessment is, therefore, not required.

6.0 RECOMMENDATION

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

Reasons and Considerations

1. The site of the proposed development is located within an area designated a Green Belt in the Dún Laoghaire-Rathdown County Development Plan 2016-2022. It is considered that the proposed development, having regard to its form, layout and intended function, would constitute a separate dwelling on the site. It is a provision of the planning authority, in relation to residential development in Green Belt areas and as set out in the County Development Plan, that only individual dwellings on lands comprising at least 4 hectares per dwelling will be considered within these areas. It is considered that the proposed development would constitute overdevelopment of an established site for a single dwelling, would be contrary to the provisions of the Dún Laoghaire-Rathdown County Development Plan as they relate to housing in Green Belt areas, would set an undesirable precedent for development of this nature in other Green Belt areas, and would, therefore, be contrary to the proper planning and sustainable development of the area.

Kevin Moore

Senior Planning Inspector

October, 2016.