



An
Bord
Pleanála

Inspector's Report PL06D.247175

Development	Retention of a mobile for a period of two years for habitable purposes.
Location	40 New Vale Cottage, Shankill
Planning Authority	Dun Laoghaire Rathdown County Council.
Planning Authority Reg. Ref.	D16A/0429
Applicant(s)	Nicole Daly
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First-v-Refusal
Appellant(s)	Nicole Daly
Observer(s)	Mr & Mrs Gerald O'Donnell
Date of Site Inspection	10 th November 2016
Inspector	Colin McBride

1.0 Site Location and Description

1.1. The appeal site, which has a stated area of 0.061 hectares, is located to the east of Shankhill and just west of the M50 motorway. The appeal site is located in an established residential development (New Vale Cottages). The appeal site is within the curtilage of number 40, which is a single-storey semi-detached dwelling. There is a mobile home located in the back garden of no. 40 along the western boundary of the site. To the north is no. 39, which is also a single-storey semi-detached dwelling and to the south is no. 41, also a single-storey detached dwelling, which is attached to no. 40. To the west are two-storey dwellings at Stonebridge Grove. Boundary treatment on site consists of block walls along the southern and western boundaries, and a wooden fence along the northern boundary.

2.0 Proposed Development

2.1. Permission is sought to retain a mobile home for a period of two years for habitable accommodation. The mobile home, which has a floor area of 41.95sqm is located within the rear garden associated with no. 40 New Vale Cottages.

3.0 Planning Authority Decision

3.1. Decision

Permission refused based on one reason...

1. Having regard to Section 2.1.3.4, Policy RES4 and Section 8.2.3.4, Paragraph (vii) of the Dun Laoghaire Rathdown County Development Plan 2016-2020, it is considered that the mobile home and temporary nature of the development proposed to be retained, would be out of keeping with the character of the surrounding residential area and established dwelling type found there and would constitute substandard residential accommodation which would seriously injure the residential amenity of its occupants and of property in the vicinity. The development proposed to be retained, therefore, would be contrary to the zoning objective for the site which is to protect and or/improve

residential amenity, and to the proper planning and sustainable development of the area.

3.2. Local Authority and External reports

3.2.1. Drainage Planning (08/07/16): Insufficient drainage details have been submitted, further information required.

3.2.2. Irish Water (15/07/16): Further information required regarding water supply.

3.2.3. Transportation Planning (26/07/16) No objection.

3.2.4. Planning report (02/08/16): The proposal would conflict with the zoning objective, be out of character with existing residential development and result in a substandard form of development. Refusal was recommended based on the reason outlined above.

3.3. Third Party Observations

3.3.1 Observation from Mr & Mrs Gerald O'Donnell, 41 New Vale Cottages, Shankhill, Dublin 14.

- The observers note there was a previous refusal for retention of the proposal under ref no. D16A/0057, the observers' previous objection to this proposal is attached. The observer notes that the proposal is an undesirable illegal form of development and constitutes substandard development.

4.0 Planning History

4.1 D16A/0057: Permission refused for retention of a mobile home for habitable purposes. Refused based on one reason...

1. Having regard to Section 2.1.3.4, Policy RES4 and Section 8.2.3.4, Paragraph (vii) of the Dun Laoghaire Rathdown County development Plan 2016-2022, it is considered that mobile home and temporary nature of the development proposed to be retained, would be out of keeping with the character of the

surrounding residential area and established dwelling type found there and would constitute substandard residential accommodation which would seriously injure the residential amenity of its occupants and of property in the vicinity. The development proposed to be retained, therefore, would be contrary to the zoning objective for the site which is to protect and or/improve residential amenity, and to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. Development Plan

The relevant Development Plan is the Dun Laoghaire Rathdown County Development Plan. The site is zoned Objective 'A' with a stated objective 'to protect and/or improve residential amenity'.

5.2 Policy RES4:

It is Council policy to improve and conserve housing stock of the County, to densify existing built-up areas, having due regard to the amenities of existing established residential communities and to retain and improve residential amenities in established residential communities.

5.3 Section 8.2.3.4 Additional Accommodation in Existing Built-up Areas (attached).

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal has been lodged by Hendrik W Van der Kamp on behalf of Nicole Daly. The grounds of appeal are as follows...

- The applicant/appellant is a young single mother currently on the housing list. The mobile home is located in the rear garden of her aunt's house and is connected to all services. The proposal is for a structure ancillary to the existing house with the connection being the fact the applicant is a relative of the resident of the existing dwelling.
- It is noted that the impact of the structure on the character of the area is negligible and no different to the many extensions permitted in the vicinity.
- The appellant notes that the proposal does not constitute substandard development and reiterates the link between it and the existing dwelling on site.
- It is noted that the proposal is satisfactory in the context of residential amenity with the mobile home having ample living accommodation, off-street car parking available and outdoor private open space. The structure for retention would also cause no overlooking, overshadowing or visual intrusion.
- It is noted the proposal is consistent with the zoning objective as the existing residential amenities of the existing dwelling and the mobile home are not impacted upon adversely.
- There were no traffic issues raised by the Transportation Section.
- It is noted that the mobile home is connected to all services (foul drainage and surface water).
- It is noted that the proposal is temporary and a two year permission would not be contrary to the proper planning and sustainable development of the area.

6.2. Planning Authority Response

- The Planning Authority reiterate the reason for refusal and request that the Board uphold the decision to refuse permission.

6.3. Observations

- 6.3.1 An observation has been received from Mr & Mrs Gerald O'Donnell.

- The development is visually offensive and an unacceptable form of backland development.
- The applicant is described as a niece of the resident of no. 40 in the documents submitted, this is incorrect.
- The proposal is an illegal development and no regard has been had for the Planning Acts. Permission should be refused.

7.0 Assessment

7.1. Having inspected the site and the associated documentation, the following are the relevant issue in this appeal.

Quality of Development/Development Plan policy, Residential Amenity

Other Issues

7.2 Quality of Development/Development Plan policy, Residential Amenity:

7.2.1 The proposal is to retain a mobile home in the back garden for a period of two years to house a family currently on the Local Authority Housing list. The applicant/appellant is of the view that due to her relation to the owner and resident of the dwelling that the proposal is ancillary accommodation to the existing dwelling and is of an acceptable standard in terms of residential amenity and has no significant impact on the amenities of adjoining properties.

7.2.2 Having inspected the site, I would note that the proposal is a separate residential unit in the back garden of an existing dwelling with no physical link between it and the existing dwelling. Having regard to such it is important that a separate independent dwelling unit meets all the relevant development control standards set down under the County Development Plan. These include the provision of dedicated private open space and off-street car parking. In this case the development is located within the rear garden with no separation between it and the existing dwelling in regards to private open space and car parking. In this regard the proposed residential unit is

substandard in quality and residential amenity. In addition, its location within the rear garden of the existing dwelling without a sufficient degree of separation means it also impinges on the residential amenities of the existing property. The applicant/appellant and the owner of the dwelling may not share this view, however the proposal provides for a substandard form of residential development that does not meet Development Control Standards as set down under Chapter 8 (Principles of Development) and would set an undesirable precedent for similar type development in the area and Dublin City.

7.2.3 Section 8.2.3.4 relates to Additional Accommodation in Existing Built-up Areas and includes policy for 'family member/granny flat' extensions', extensions and subdivisions of dwellings among others. I would note that this policy shows what is acceptable in regards to additional accommodation within the curtilage of existing residential development and what is proposed would not comply with this policy.

7.2.4 I would note that having regard to the substandard nature of the proposal in regards to residential amenities in relation to both the proposed unit and the existing dwelling on site, the proposal would be contrary the zoning objective for the site, which is to protect and/or improve residential amenity'.

7.3 Other Issues:

7.3.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, 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.

8.0 Recommendation

8.1. I recommend refusal based on the following reason.

9.0 Reasons and Considerations

1. The site is zoned Objective A, 'to protect and/or improve residential amenity' under the Dun Laoghaire Rathdown County Development Plan 2016-2020. The proposed development provides for an independent residential unit within the curtilage of an existing dwelling without providing a sufficient degree of separation between the two residential units on site in terms of the provision of private open space and off street car parking. The proposal would constitute a substandard development that fails to meet the basic development control standards set down under Chapter 8 of the County Development Plan, lacking in sufficient residential amenity for the proposed unit and impinging upon the residential amenity of the existing dwelling within whose curtilage it is located. The proposed development would, therefore, be contrary the zoning objective of the area and would set undesirable precedent for substandard development in the surrounding area. The proposed development would be contrary to the proper planning and sustainable development of the area.

Colin McBride
Planning Inspector

23rd November 2016