



An
Bord
Pleanála

Inspector's Report PL06F.247387

Development

Conversion of detached garage to front of house to one-bedroom self-contained unit, minor modifications to front and side facade and extensions.

Location

1, d'Alton Mews, Malahide, Co. Dublin.

Planning Authority

Fingal County Council

Planning Authority Reg. Ref.

F16A/0323

Applicant(s)

Alison and Adrian Devally

Type of Application

Permission

Planning Authority Decision

Refuse

Type of Appeal

First Party

Appellants

Alison and Adrian Devally

Observers

Residents of Houses No.s 2-11
d'Alton Mews.

Date of Site Inspection

01 December 2016

Inspector

Patricia Calleary

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1.0 Site Location and Description

- 1.1. The appeal site forms part of the existing curtilage of an established detached two storey detached dwelling house (with additional dormer roof level) and comprises a single storey detached domestic garage. Access to the host house and garage is provided from the existing driveway off the estate road serving the residential area, d'Alton Mews. The garage which is positioned forward from the house consists of a brick façade wall and pitched roof and measures 7m wide x 8m deep.
- 1.2. The site with a stated area of 0.22 ha is a portion of what is currently the host house and domestic garage site with an area of 0.068 ha. It is bounded by a brick wall on its north/north-east side which varies from a height of 2m to 1.2m, adjacent to the public road and footpath. There is no existing physical boundary to the south/south-east. The boundary to the rear (west) is a 2m high brick wall separating the site from 2 detached houses to its rear.

2.0 Proposed Development

- 2.1. The proposed development would comprise the conversion of the existing domestic garage to a one-bedroom residential unit. It would also involve the addition of two extensions, one of size 6.3m x 1.2m along the east side and one 3.2m x 0.6m along the north side. The existing garage door on its front (east) elevation would be removed and the new elevation as extended would provide an entrance door and two windows. Provision for attic storage is also shown on the cross-section drawing presented with the application. Two roof lights are proposed on the northern sloped section of the roof over the kitchen and bathroom area.
- 2.2. A new boundary wall varying in height between 2m and 1.2m is proposed along the south and south east side of the site as outlined by the red line boundary and a new vehicular access is proposed to the front (east) of the site which would measure 3m in width. An area of garden space c.48 sq.m is proposed to be located to the side (south) of the house.

3.0 Planning Authority Decision

3.1. The Planning Authority issued a decision to **refuse permission** for 2 stated reasons summarised as follows:

- Proposal would be out of character and inconsistent with the pattern of development in the immediate area and would result in a residential unit inappropriately positioned forward of the building line which would injure the amenities of property in the vicinity;
- Private outdoor space which would be directly overlooked would be substandard.

4.0 Planning Authority Reports

4.1. Planning Reports

- Site located in an area with '**RS**' zoning objective;
- As a dwellinghouse, the proposal would break the established building line of the neighbouring houses and would be inconsistent and out of character with the pattern of development in the area. Would contravene **Objective RD10** when read in full;
- Proposal while complying with residential standards as set out in **Table RD01 and RDO2** of the CDP does not comply with the minimum size requirement for 11.4 sq.m double bedroom and storage of 2.5 sq.m has not been shown on a plan. Overall proposal would result in a dwelling which is constrained in size;
- Private open space is inadequate as it is overlooked and would not comply with the development management standards;
- Concerns that visual impact would arise with the addition of the proposed southern wall boundary;

The Planning officer considered that the proposed development is not acceptable and would significantly detract from residential amenity and the residential character of the area and put forward a recommendation to **refuse** permission.

4.2. **Other Technical Reports**

Water Services – No objection (Surface water);

Transportation – Requires further information around the change in position of the entrance to improve sight lines.

4.3. **Prescribed Bodies**

Irish Water – No objection.

4.4. **Third Party Observations**

4.5. Submissions were received from 11 parties. Issues raised are summarised below:

- Impact on residential amenity and devaluation of property;
- Out of character with the area;
- Inadequate private open space;
- Over development and inadequate separation distances;
- Construction impacts;
- Traffic hazard.

4.6. Representatives were also received from Cllr Eoghan O'Brien and Darragh O'Brien TD both opposing the development.

5.0 **Planning History**

5.1. **F00A/0485** – On appeal site (garage) and host house.

Permission granted for the construction of 1 no. two storey infill detached dwelling (with habitable dormer attic space) and garage on undeveloped lands being part of the rear of site no.26 Castlefield Manor (Reg. 92/0254) and part of the side of site

no. 1 d'Alton Mews Reg. Ref. F99A/0406 and change to the western boundary of site no.1 Ivy Grange, with access from the back road via 'Castlefield Manor.'

6.0 Policy Context

6.1. Local Planning Policy

- The proposed development is governed by the policies and provisions contained in the **Fingal County Development Plan 2011-2017**;
- Located in an area with **Zoning objective 'RS'** which is to 'provide for residential development and protect and improve residential amenity'. The vision is to ensure that any new development in existing residential areas has a minimal impact on existing amenity;
- **Table RD01 and RD03** set out the unit and room sizes required for houses;
- **Objective RD10** – Encourage and promote the development of underutilised infill and backland sites in existing residential areas subject to the character of the area being protected;
- Objectives **OS38** and **OS39** (Open Space provision).

6.2. Natural Heritage Designations

- None

7.0 The Appeal

7.1. Grounds of First Party Appeal

7.1.1. An appeal was received from **F D Breitenstein's Studio d'Architectes** representing the first party against the decision made by the Planning Authority to refuse planning permission. The following points are set out in the appeal:

- Minor departure from residential policies would not automatically result in seriously injuring the amenities of the properties in the vicinity, be disorderly and/or injurious to the character of the area;
- Provides a description of how the dwelling would function;
- Bedroom is the required 11.4 sq.m size and there is no stairway in bedroom;

- Garden is directly accessible from the conservatory, ventilation and lighting provision are in accordance with the current building regulations;
- C.50 sq.m of private open space is provided to the south side and applicants would make a financial contribution in lieu of open space in the estate;
- Garden wall boundary would match existing garden walls;
- Construction issues would be managed, traffic issues have been considered and car manoeuvres would include reverse movements.

7.2. Planning Authority Response

7.2.1. The Planning Authority's response provides a summary of the points raised by the first party appeal and reaffirm their opinion that the proposed development would result in an unacceptable adverse impact on the residential amenity of adjacent residents and on the character of the area. The Planning Authority also restates their concern regarding the quality of private open space proposed.

7.3. Observations

7.3.1. An observation was received from the residents of Houses No.s 2-11 (inclusive). The following points were put forward:

- The parent planning permission was for one house and one garage as the site could not accommodate two residential units;
- Development would not be in keeping with the character of the area and the proposal for a 2m screening wall would be inconsistent with Objective OS37 and would have a negative impact;
- Would be seriously injurious to the amenities of properties within d'Alton Mews and would set a precedence for disorderly development throughout Fingal;
- Provides examples of previous refusals for similar development (F15A/0578 and F06A/0686);
- Need to include moveable structures in the revised design emphasises the constrained size available within the proposed residential unit;

- Appeal does not address overlooking, overshadowing and/or outlook from the existing dwelling;
- Lack of private open space would result in substandard development for the future occupier of the unit;
- Traffic issues not addressed.

8.0 **Assessment**

8.1. **Introduction**

8.1.1. I have read and considered the contents of the planning application, grounds of appeal, responses and relevant planning policy. I have also attended the site and environs. The following assessment covers my considerations on the key planning issues and encapsulates my *de novo* consideration of the application. I consider the key issues in determining the application and appeal before the Board are as follows:

- Compliance with Development Plan Policy
- Character of the area
- Design and Residential Amenity
- Other (Transport and Appropriate Assessment)

I consider each of the above issues as set out under the respective headings below.

8.2. **Compliance with Development Plan Policy**

8.2.1. The site is located within an area which is zoned as 'RS - provide for residential development and protect and improve residential amenity' in the current Fingal Development Plan 2011-2017. The vision for this objective is to 'ensure that any new development in existing residential areas has a minimal impact on existing amenity'.

8.2.2. Based on the planning policy and applicable residential objectives, I am satisfied that the proposed development for a residential unit on residential zoned lands is acceptable in principle. However, the site which contains a house and associated domestic garage has already provided for residential development on what was a corner infill site. I note that what is now proposed is to effectively change the use of

the garage to generate a new residential unit on a site carved out from the existing house and garage site. Notwithstanding the suitable zoning objective, my assessment also considers relevant planning issues listed in Section 8.1.1 above and dealt with under each of the respective heading in the following sections of my report.

8.3. Character of the area

- 8.3.1. The pattern of development in the immediate adjoining area consists of established detached houses laid out in a planned form. The host house is positioned c.5m forward of the established building line and the garage is forward again but noting the materials used and the mature landscaping on site, both the garage (appeal site) and house integrate well with the established rhythm of the area. I have formed this view based on the building functioning as a domestic garage which is ancillary to the host house.
- 8.3.2. I hold a different view in considering the changed use of the garage as a residential unit in its own right as this would result in a second house on what now functions as one site. The conversion of the garage located within the curtilage of an established house to a detached dwelling house would be out of character and inconsistent with the established pattern of development in the area which consists of 2 storey detached houses with added dormer accommodation. The site is not underutilised in its current form and therefore cannot benefit from Objective RD10 (which allows for the development of underutilised infill sites in certain circumstances), in my view.
- 8.3.3. The creation of an independent living unit at this location would be out of sequence with the established housing pattern in the area resulting in un-coordinated disorderly development which would also have the potential to set an undesirable precedent for future such developments. Accordingly, I consider that the development should be refused for reasons of being out of character with the area and injurious to the amenities of property in the vicinity.

8.4. Design and residential amenity

- 8.4.1. The proposal complies with Table RD01 of the Fingal Development Plan 2011-2017, with regard to the floor area required for living rooms. The minimum space required

for a double bedroom (11.4 sq.m) was not achieved on the drawings initially submitted. At appeal stage, the first party submitted a slightly revised proposal within the same footprint where it stated that the area is achievable. The observation received by the Board points out that moveable structures proposed demonstrates the space available is constrained. Under Table RD01: Houses, a minimum area of 2.5 sq.m of storage space is required, preferable accessed from circulation areas. It is difficult to accept that this is achievable in the attic space which has a low-pitched roof and where either the standing heights, or useable storage space have not been dimensioned and the vertical access arrangements are not shown on a drawing. Neither has a plan of this storage space been presented. I agree with the Planning Authority that some ground floor storage space should also be provided as this would be useable and readily accessible for future occupants.

8.4.2. Objective OS38 and OS39 collectively require 48 sq.m of private amenity space located behind the front building line of the house. As pointed out by the planning authority, narrow strips of open space to the side of a house are not to be included as these are generally found to provide a deficient level of amenity. I consider the space shown is marginally acceptable numerically but would be overlooked by windows at the upper floor of the host house, resulting in poor residential amenity for future occupants. Overall, I consider the development would result in poor quality private open space, largely due to the restricted site size and context of the site.

8.4.3. The proposed private amenity space by virtue of its limited size, its position on site and the degree to which it would be directly overlooked, would result in substandard level of private amenity space and I recommend that on that basis, permission should be refused.

8.5. **Other**

8.5.1. Transport

A new vehicular access is proposed to serve the development from d'Alton Mews estate road. The applicant proposes that cars would reverse out onto the road. The road is not heavily trafficked and I consider this is acceptable in a sub-urban context. I note the observation made reference to school traffic in the area, however, I

consider this would be for short periods of the day and I do not consider that the development would add greatly to existing residential traffic. The transport section required that the access would be moved forward to achieve improved sightlines. I consider that the development would be acceptable on traffic grounds subject to the revised position of the vehicular access.

8.5.2. Appropriate Assessment

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 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.

9.0 Recommendation

- 9.1. Further to the above assessment of matters pertaining to this appeal, including the consideration of the submissions made in connection with the appeal and including my site inspection, I recommend that **permission** should be **refused** for the reasons and considerations set out below.

10.0 Reasons and Considerations

1. The pattern of development in the immediate adjoining area consists of established two storey detached houses with dormer accommodation. The conversion of a garage ancillary to one of these existing houses to form a new single storey residential unit on a sub-divided site would result in a residential development inappropriately positioned forward of the building line which would be out of character and inconsistent with the pattern of development in the immediate area and injure the amenities of property in the vicinity. Furthermore, it would have potential to set an

undesirable precedent for other such similar development and accordingly would be contrary to the proper planning and sustainable development of the area.

2. The proposed outdoor private amenity space intended to serve the residential unit, by virtue of its position on a constrained site and the degree to which it would be directly overlooked by the current host house on site, would result in substandard private amenity space for future occupants of the new residential unit and would therefore be contrary to the proper planning and sustainable development of the area.

Patricia Calleary

Senior Planning Inspector

16 December 2016