



An
Bord
Pleanála

Inspector's Report PL06F.247578

Development	Two-storey extension to side, single storey extension to rear, dormer style roof to create habitable first floor level and internal alterations to provide granny flat/family apartment
Location	Carina, 5 Bissets Strand, Malahide, Co. Dublin
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F16B/0227
Applicant(s)	Giuseppina Morelli
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First
Appellant(s)	Giuseppina Morelli
Observer(s)	Tom and Brid Gale & Lia Morelli
Date of Site Inspection	14 February 2017
Inspector	Una Crosse

1.0 Site Location and Description

- 1.1. The site is located to the rear of No. 5 Bissets Strand with access from Bisset Strand Road via a shared private driveway. The site which has a stated area of 0.069ha and currently accommodates a single storey detached dwelling, known as 'Carina' which has a stated area of 82 sq.m.
- 1.2. The site is adjoined to the north by No. 5 Bissets Strand which is a single storey property which addresses the public road (Bissets Strand Road) and to the west by a detached garage which is located on the other side of the shared driveway from the subject site but is part of the application site. To the south (further to the rear of the site) there is a bungalow known as Silina. To the east, the appeal site is adjoined by No. 1 Broadmeadow Mews which is a dormer dwellinghouse with a further dwellinghouse (No. 2 Broadmeadow Mews) located to the rear of same. The site is relatively flat with a gradient change of c. 0.5 metres from the public road to the rear of the site.

2.0 Proposed Development

- 2.1. The development as submitted to the PA comprised an extension to the existing property which has a proposed gross floor area of 86 sq.m. It was proposed to provide a two-storey extension to the side (west facing) and a single storey extension to the rear (south facing). It was proposed to alter and extend the roof profile to create habitable first floor space with dormer roof design and use the first floor as an ancillary granny flat/family apartment. The proposal also included a number of other alterations internally and externally including relocation of the main access door from the side to the front face.
- 2.2. In the appeal submitted to the Board it is proposed to omit the proposed granny flat use from the 1st floor and create attic accommodation within the space in its place. The proposed dormer windows on the front and rear elevations and the 1st floor openings on the east and west elevations have also been omitted. Drawings No. 1 of 2-A and No. 2 of 2-A have been submitted with the appeal in respect of the amendments proposed.

3.0 Planning Authority Decision

3.1. Decision

The PA decided to refuse permission for three reasons which are summarised as follows:

R1: size of proposal at first floor not considered subordinate to the main dwelling and contrary to Objective 25 of the CDP which it materially contravenes;

R2: existing dwelling permitted as a granny flat under 92/1726 with proposal considered overdevelopment detracting from residential amenity with proposal contravening materially the RS zoning objective;

R3: Design and layout would result in overlooking of adjacent properties and significantly detract from residential amenity, materially contravening the RS zoning objective.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Notes that no supporting information was included as to who the family flat was required for or the period of time for which it was required;
- Proposal exceeds the 60 sq.m max on family flats included in objective RD25;
- No internal door proposed within the unit and it is not considered subordinate to the main dwelling;
- Upper floor location of the unit not considered suitable for elderly relative;
- Flat would not able to be incorporated into the existing dwelling when no longer required with rooms complying the Development Plan standards but compliance with storage standards not demonstrated;
- Subject dwelling was granted as a granny flat to be functionally linked to the main dwelling known as Silina;
- Proposal will add additional bulk and height to the existing dwelling by redesigning it as a dormer style dwelling;

- Height of building to be increased by 1.1m with impact on private open space of adjacent dwelling of concern and shadow analysis required to determine level of overshadowing if permission being considered;
- While No. 5 and Silina are single storey, the proposed dormer window on northern roof slope create overlooking of the open space of No. 5 with overlooking not considered acceptable;
- Not clear if proposed ground floor extension of western building line will impact on right of way extending into land not within applicant's ownership and should be clarified;
- Not considered that proposal would be likely to have a significant effect individually or in combination with other plans or projects on a European site;

3.2.2. Other Technical Reports

Transportation Planning Section – no objection;

3.3. Prescribed Bodies

None

3.4. Third Party Observations

As per observations below.

4.0 Planning History

- 4.1. Ref. 92A/1726 – Permission granted for a detached granny with a condition attached requiring the provision of screen walls to screen rear gardens.
- 4.2. Ref. 93B/0031 – Permission granted for a garage for parking of cars of A. Morelli only.

5.0 Policy Context

5.1. Development Plan - Fingal County Development Plan 2011-2017

The site is located within an area zoned objective RS which seeks to 'provide for residential development and protect and improve residential amenity'.

Objective RD25 seeks to ensure family flats:

- Are linked directly to the existing dwelling via an internal access door;
- Are subordinate to the main dwelling;
- Have external doors to the side and rear of the house, with the presumption against an independent front door;
- When no longer required for the identified family member, are incorporated as part of the main unit on site; and
- Do not exceed 60 sq.m in floor area.

6.0 The Appeal

6.1. Grounds of Appeal

The first party grounds of appeal are summarised as follows:

- Intends to address the reasons for refusal by omitting the habitable first floor level proposed with the dormer roof design;
- Drawings attached showing revisions (Drawing No. 1 of 2-A and No. 2 of 2-A)
- Proposed revisions omit the granny flat (reason No. 1); the overdevelopment (reason No. 2) and no windows above ground floor level (reason No. 3);
- Request that the Board assess the appeal based on the revisions included which remove the reasons for refusal;
- Appellant wishes to maintain the level of value of appeal property and neighbours;
- Proposal matches extension types in terms of design and material and PA already approved similar developments along Bissets Strand;

- Consider it appropriate to consider the appeal in accordance with Section 139 of the Planning and Development Act and request the Board omit the first floor level;
- Letter attached from appellant refuting comments included in a submission to the PA;

6.2. Planning Authority Response

The PA response is summarised as follows:

- Notes the revision proposed in the appeal which omits the dormer window and proposed granny flat on first floor/attic level and consider that the revised proposals address the reasons for refusal;
- If permission granted requested that a financial contribution is applied;
- Request conditions attached stating that the attic floor space shall not be used for human habitation and the entire premises is used as a single granny flat;

6.3. Observations

Two observations were submitted which are summarised as follows:

- Appeal based on modification of original plan by omitting the dormer windows and the proposed use of the first floor;
- Dimensions of proposed development remains the same and issues outlined at PA stage relating to impacts on No. 1 Broadmeadow Mews remain;
- Proposal will create loss of light, overshadowing with large ugly wall addressing observers garden;
- Despite proposed amendments the size of proposal remains overdevelopment of the site;
- Area proposed for storage equivalent to proposed internal living space;
- Original permission for the unit did not include a large Velux window on east facing roof with drawings not including the Velux window with same permitting overlooking of the observer's garden and breaches planning regulations;

- Have concerns regarding potential further modifications;
- Applicants assertion regarding a similar development to those existing not relevant in context of potential overlooking and overshadowing which would be created;
- History of the development of the site outlined in detail as per submission to PA;
- Contention about maintaining level of value of property disingenuous with bulk of proposal and removal of gates to observer's property reducing value of property known as Silina;
- Proposal comprises demolition of the existing structure and reconstruction of a new structure on the site;
- Material's, texture, colour or finishes of the proposal not raised as an issue with reference to similar proposals not considered relevant given each proposal considered on its own merits;
- Works proposed to the existing family flat must be assessed against criteria set out in Objective RD25;
- Scale and bulk of proposal which was raised at pre-app stage not addressed in revised proposal;
- Existing use of the property not properly described;
- Inaccuracies in the application documentation including stated area of the existing unit which is 105.4m² rather than the stated 82 m² with area to be demolished incorrect;
- Concern that revised proposals retain the volume previously proposed could lead to internal alterations which may be exempt to create habitable space;
- Observer includes a response to details refuted by the appellant;

7.0 **Assessment**

7.1. Revisions Proposed

The first party appellant has submitted a revised proposal which they consider intends to address the reasons for refusal by omitting the habitable first floor level

proposed with the dormer roof design. Drawing No. 1 of 2-A and No. 2 of 2-A are the relevant submissions. They consider that the proposed revisions which omit the granny flat use addresses reason No. 1 and the concerns raised regarding the overdevelopment addresses reason No. 2. In relation to reason No. 3, it is considered that the removal of the windows above ground floor level addresses this concern. The first party has requested that the Board assess the appeal based on the revisions included which they state remove the reasons for refusal.

The first party state that they consider it appropriate to consider the appeal in accordance with Section 139 of the Planning and Development Act and request the Board omit the first floor level. However, as the Board will be aware, Section 139 of the Act relates to appeals against conditions where the PA have granted permission and therefore it is not applicable in this instance.

7.2. Scale of Proposal

While I note that the granny flat use proposed at first floor level has been omitted from the scheme providing that the first floor space is now proposed as attic accommodation/storage space and the former windows proposed on the front and rear elevation have been removed, the scale of the structure has not been addressed. The Planning Authority in their response state that the reasons for refusal have been addressed. However, I consider that serious matters remain in respect of the scale of the structure notwithstanding the amendments.

The appeal structure was permitted as a granny flat ancillary to the main dwelling and located to the front of the main house within a narrow site to the rear of the public road. Its scale, as it currently stands, reflects the ancillary nature of its use. The proposal, even omitting the proposed 1st floor granny flat use and its attendant dormer windows, provides that this ancillary structure would be substantially increased in scale and bulk creating a substantially larger structure on this restricted site. It is the impact of the proposed structure, as amended, on the residential amenity of the immediate area that is the critical consideration in this appeal, in my opinion.

The proposal would, given the proposed scale and bulk, create an overbearing impact on the adjoining properties, particularly the rear garden of the property located directly to the east (No. 1 Broadmeadow Mews) given the proximity of the

properties and the scale of the proposed changes to the appeal property. The rationale for maintaining such an extensive area of attic accommodation for storage purposes, within the proposed development, is not clear. Notwithstanding, having regard to the restricted nature of this site, which is divided by the road which dissects the site, I do not consider that it would be appropriate to permit the proposed development even with the amendments made to the proposal.

The height and scale of the roof structure remain and I consider that the volume and bulk created by same would adversely affect the residential amenity of the adjoining property to the east given the overbearing impact it would create and the diminution of the daylight within this private open space, which the appellants have failed to address in their appeal submission. Therefore, I consider that the proposal should not be permitted.

I would note in respect of the existing east facing roof light/velux, the presence of same is a matter for the Planning Authority's enforcement section.

7.3. Appropriate Assessment

Having regard to the nature and scale of the proposed development, nature of the receiving environment, the likely emissions arising from the proposed development, the availability of public water and sewerage in the area, I am satisfied that 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 that permission for the development as proposed and revised is refused for the reasons and considerations set out below:

9.0 Reasons and Considerations

Having regard to the planning history of the unit, the restricted size and configuration of the site and the proximity of the adjoining property to the east, it is considered that, notwithstanding the amendments submitted with the appeal, the proposed development would, having regard to its scale, height and bulk create an adverse

impact on the residential amenity of the property to the east by reason of its overbearing impact and visual obtrusiveness and diminution of daylight. Therefore, the proposed development would be contrary to the proper planning and sustainable development of the area.

Una Crosse
Senior Planning Inspector

February 2017