



An
Bord
Pleanála

Inspector's Report PL29S.247681.

Development	Single storey detached granny flat to the rear of the dwelling and for the use of the structure for habitable accommodation.
Location	480 Ballyfermot Road, Dublin D 10.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	3705/16.
Applicant(s)	Jason Meredith.
Type of Application	Retention.
Planning Authority Decision	Refuse.
Type of Appeal	First Party
Appellant(s)	Jason Meredith
Observer(s)	None.
Date of Site Inspection	24 th of February 2017 09 th of March 2017.
Inspector	Karen Hamilton.

1.0 Site Location and Description

1.1. The subject site is a semi-detached two storey dwelling located to the west of Ballyfermot District Centre, D10. The dwelling fronts onto the main Ballyfermot Road (R833) and has private off street parking to the front. There is a 2m high steel and timber gate at the side of the site with a locked pedestrian access and postbox for a dwelling to the rear. In addition to the detached dwelling in the rear garden, there is a shed and a third stand-alone building along the rear boundary wall.

2.0 Proposed Development

2.1. The proposed development is for the retention of an independent living accommodation unit (25m²) located in the rear garden of a semi-detached dwelling.

3.0 Planning Authority Decision

3.1. Decision

Decision to refuse permission for reasons relating to non-compliance with the development plan for “Ancillary Family Accommodation” and the undesirable precedent for similar substandard residential units.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the area planner reflects the decision to refuse permission and may be summarised as follows:

- Section 16.10.14 of the development plan and “ancillary family accommodation” is not relevant as the unit is detached and no family association has been demonstrated.
- The proposed “granny flat” cannot meet the required standards of the development plan or the national standards and is therefore substandard.

3.2.2. Other Technical Reports

Drainage Section- No objection to the proposal.

3.3. **Prescribed Bodies**

None received

3.4. **Third Party Observations**

None received.

4.0 **Planning History**

No planning history on the site.

5.0 **Policy Context**

5.1. Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (DoEHLG)

Quality Housing for Sustainable Communities- Best Practice Guidelines for Delivering Homes Sustaining Communities (DoEHLG, 2007).

- Section 5.3: Internal Layout and space provision.

5.2. **Development Plan**

The site is zoned as Z1 Residential where it is an objective “*To protect, provide and improve the residential amenities*”

- **Section 16.10.1:** Residential Quality Standards- Apartments
- **Section 16.10.2:** Residential Quality Standards- Houses
- **Section 16.10.14:** Ancillary Family Accommodation.

Extension to a family dwelling to accommodate a family member must comply with the following:

- A valid case is made with regards the relationship with the applicant;
- It is directly connected to the main dwelling;
- The independent unit can be integrated into the dwelling once the family member no longer needs it.

- Sections 16.10.12 and 16.10.13 are relevant, as below.
- **Section 16.10.12:** Extensions and Alterations to Dwellings.
- **Section 16.10.13:** Subdivision of dwellings.

6.0 The Appeal

6.1. Grounds of Appeal

An agent on behalf of the applicant has submitted the appeal and the issues raised may be summarised as follows:

- The proposed occupant of the dwelling is a brother of the applicant who currently resides at his home in Lucan as he cannot afford rent.
- The subject site is the family home.
- The proposed development does not seriously injure the amenity of the existing and proposed residents and the proposed occupants housing situation is more serious.
- The limitations of the size of the site should be considered in the assessment of the design and should be assessed as a flat.

6.2. Planning Authority Response

No response received.

6.3. Observations

None received.

7.0 Assessment

7.1. The main issues raised in the grounds of appeal may be summarised as follows:

- Principle of development
- Impact on Residential Amenity
- Design Standards

- Appropriate Assessment

Principle of development

7.2. The proposed development is for the retention of a single storey detached granny flat within the rear garden of an existing two storey semi-detached dwelling. Section 16.10.14 of the development plan provides guidance for independent living accommodation where an extension to an existing dwelling unit will be favourably considered for an immediate family member or a temporary period of time should the need be justified for the relative to live in close proximity to their family. The grounds of appeal argue the occupant of the independent unit is a brother of the applicant and he has resided with the applicant in his home in Lucan. It is stated the main dwelling on the site is the family home. In addition, it is argued the occupant's need to live in this unit is for financial reasons. I note no further documentary evidence has been submitted in relation to the justification of need. I do not consider the financial circumstances of the occupant meets with the in requirements of criteria of need, in particular close proximity to the immediate family, in the development plan. Therefore, based on the applicant's statement of need, I do not consider the principle of development of this independent unit is justified.

Impact on Residential Amenity

- 7.3. The subject site is a relatively small plot and is typical of the other plots along the Ballyfermot Road and surrounding environs. The plans submitted indicate a boundary wall and shed to the immediate rear of the existing dwelling, and a further outbuilding, beside the independent unit, approx. 34m² in size. The additional outbuilding, not subject to the application, has the appearance of a separate stand-alone residential unit.
- 7.4. Open Space: In addition to other outbuildings (approx. 36m²), the residential unit occupies the majority of the rear garden space of the main dwelling and there is no private open space provision for the proposed development. Therefore, by reason of removal of the majority of the rear private amenity for the main dwelling and lack of provision of private amenity space for the unit to be retained, I consider the proposed development has a negative impact on the existing and proposed residential amenity.

7.5. Character of the area: The dwellings fronting onto Ballyfermot Road are all similar in design and plot size with private off street parking and long rear gardens. As stated above, the guidance for a proposed ancillary family accommodation is based on an extension of a family home and the criteria for assessment in the development relates to the impact on the residential amenity of the dwelling. As the dwelling to be retained is an independent detached unit, I do not consider it can be assessed as an extension of the current dwelling. There is no information on the provision of car parking on the site for the additional unit and I do not consider there is sufficient space for turning within the rear of the site. I consider the inclusion of two dwellings, with insufficient private amenity space or car parking represents a cramped form of development on a restricted plot. Therefore, I consider the proposed development is overdevelopment of the site and would set an undesirable precedent for similar developments in the area and have a negative impact on the character of the area.

Design Standards

- 7.6. Section 16.10.14 of the development plan states the proposed independent accommodation should not be a separate dwelling unit and direct access is required to the rest of the house. The subject residential unit is separated from the main dwelling by 5.7m and located within the rear garden space of the main dwelling and includes its own heating and water supply. I do not consider the existing unit complies with the criteria for ancillary family accommodation and therefore must be assessed for compliance with the standards for an apartment or dwelling.
- 7.7. The standards for residential units in the development plan are based on the requirements of the *Quality Housing for Sustainable Communities- Best Practice Guidelines for Delivering Homes Sustaining Communities* for dwellings and *Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities* for apartments.
- 7.8. The minimum size standard for a studio-type apartment is 40m², proposed development (25m²) living room, 5m² (3.7m²), aggregate dining room/ dining kitchen 30m² (12.6m²) and bedroom 30m² (10m²). The minimum size requirement for a dwelling is 44m². The current independent unit does not meet the minimum size requirements of the development plan or the national guidelines for either a studio

apartment of a dwelling. Therefore, I consider the proposed development is a substandard residential development.

7.9. **Appropriate Assessment.**

7.10. Having regard to the nature and scale of the proposed development within a serviced area and separation distance 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 the conservation objectives of any European site.

8.0 **Recommendation**

8.1. It is recommended that the proposed development is refused for the reasons and considerations as set out below.

9.0 **Reasons and Considerations**

Having regard to the limited size of the site and the scale and nature of development to be retained, the national guidance *Quality Housing for Sustainable Communities- Best Practice Guidelines for Delivering Homes Sustaining Communities* and *Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities* and Section 16.10.14 of Dublin City Development Plan 2016-2022, it is considered that the development to be retained would result in an unsatisfactory standard of residential accommodation for occupants of both the main house and the annex, by reasoning of the lack of open space and substandard accommodation provided by the annex and would result in overdevelopment of the site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Karen Hamilton
Planning Inspector

15th of March 2017.