



An
Bord
Pleanála

Inspector's Report PL06D.247831

Development	Studio apartment on the ground floor with alterations to front and side entrances.
Location	House # 2 Eagle House, Killiney Village, Co. Dublin
Planning Authority	Dún Laoghaire-Rathdown
Planning Authority Reg. Ref.	D16A/0746
Applicant	Tony McDonnell
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant	Tony McDonnell
Observers	(1) Michael & Mary McClure (2) Clodagh & Brian Kevans
Date of Site Inspection	30/3/17
Inspector	Siobhan Carroll

1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 0.2274 hectares is located in the centre of Killiney village off Killiney Hill Road in south County Dublin. The subject site contains a three-storey townhouse with a rooftop terrace with an area of 412 square metres. The front of the property addresses a shared forecourt with Druids Chair public house and Killiney Hill Plaza an apartment development to the south of the site.
- 1.2. The dwelling is served by an off-street car parking space located at first floor level and accessed via a garage door to the north facing side elevation. Vehicular access to the property is available from Talbot Road to the north of the subject site.

2.0 Proposed Development

- 2.1. Permission is sought for the provision of a studio apartment to the ground floor of the townhouse and alterations to the front and side entrances of the property.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for two reasons as follows;

1. It is considered that the proposed development, by reason that the proposed studio apartment intended for a family member, will not be interlinked with the primary dwelling and will involve the removal of the existing stairs connecting the ground floor with the upper floors, and would be contrary to the provisions set out in Section 8.2.3.4 (iii) of the 2016-2022 Dún Laoghaire-Rathdown County Development Plan as the development would not be capable of being readily subsumed back into the primary dwelling when no longer required. The proposed development, therefore, would be seriously injurious to the residential amenities of the area and of property in the vicinity, would depreciate the value of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

2. It is considered that proposed development would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise due to the removal of the existing off-street car parking space creating potential for illegal/inappropriate parking on roads and laneways in the area and affecting local amenity. Furthermore, it is considered that the proposed development, by itself, or by the precedent which a grant of permission would set in respect to the removal of an existing off-street car parking space for this type of development in relation to future development on adjoining sites, would adversely affect the use of the existing road by traffic. In addition, it is considered that the removal of the existing off-street car parking space would be contrary to the car parking standards set out in Table 8.2.3 of the 2016-2022 Dún Laoghaire-Rathdown County Development Plan which requires the provision of one off-street car parking space for a one or two bedroom residential dwelling unit. The proposed development, therefore, would be seriously injurious to the residential amenities of the areas and of property in the vicinity, would depreciate the value of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The proposed development would be contrary to Section 8.2.3(iii) and Table 8.2.3 of the Development Plan refusal was recommended on that basis.

3.2.2. Other Technical Reports

Drainage Planning: No objection

Transportation Planning: Refusal recommended

Conservation Division: No objection

3.3. Third Party Observations

The Planning Authority received 4 no. submissions/observations in relation to the proposed development. The main issues raised refer to the narrowness of Talbot Road which serves the site, the lack of existing car parking, the lack of justification

for the proposal, the proposal would result in intensification, the proposed removal of an internal staircase and the lack of private open space.

4.0 Planning History

There is an extensive planning history pertaining to the site which is detailed in the report of the Planning Authority. The most recent decision permission was granted under Reg. Ref. D14A/0256 for the internal widening of ground floor garage, alterations to rear elevation and provision of rear balcony.

5.0 Policy Context

5.1. Development Plan

The site is governed by the provisions of the Dún Laoghaire – Rathdown County Development Plan 2016-2022.

- The site is zoned Objective 'A' with a stated objective 'to protect and/or improve residential amenity'.
- The site is located with Killiney Architectural Conservation Area.
- Section 8.2.3.4(iii) refers to Family Member/Granny Flat extension
- Table 8.2.3 – Residential Land Use - car parking standards

5.2. Natural Heritage Designations

5.2.1. Rockabill to Dalkey Island SAC is 1.65km to the east of the appeal site.

5.2.2. Dalkey Island SPA is 1.9km to the east of the appeal site.

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal was lodged by Donal McNally Architects on behalf of the applicant Tony McDonnell on the 11th of January 2017. The main issues raised concern the following;

- The applicant purchased the property House #2 Eagle House and the adjoining property House #1 in 2007. In 2014 permission was granted for the retention of a one-bedroom apartment on the ground floor of House #1 Eagle House. This provided for temporary subdivision of that property with a studio apartment for the applicant's adult children.
- In 2015 Mr McDonnell sold House #1 and retained ownership of House #2 and he and his wife use the dwelling as a base when visiting Dublin. Their main home is in Co. Galway. The proposed temporary subdivision of the property to provide a ground floor studio apartment is to provide separate accommodation for one of the applicant's adult children. The same number of people will reside in House #2 when subdivided as currently do.
- In relation to the first reason for refusal the proposed apartment would have the same arrangement in terms of the interlinkage with the main dwelling as was the case with the studio apartment to House #1. The proposal involves the removal of the stairs linking the ground floor with the upper floors and includes the partial infilling of stairwells and the provision of separate entrances to both dwelling units.
- It is contended that the proposed would not be contrary to Section 8.2.3.4(iii) of the Dún Laoghaire – Rathdown County Development Plan 2016-2022. The temporary subdivision of House #1 did not seriously injure the residential amenities of the area and of property in the vicinity and it did not depreciate the value of property in the vicinity. It is therefore stated that the proposed scheme would similarly not be detrimental.
- The proposed subdivision of the original townhouse involves minor alterations to the elevations to provide to new entrance doors and entrance halls. It would also involve a marginal increase in floor area by 9sq m with the partial infilling of the ground floor entrance terrace.
- The applicant has stated that he is willing to omit the proposal to partially infill the ground floor entrance terrace should the Board consider that it would be appropriate. This would facilitate the subsuming of the temporary ground floor studio apartment back into the main dwelling when it is no longer required.

- In relation to the second reason for refusal the applicant states that given the small size of the existing off-street car parking space which is (4.6m x 2.4m) that they do not use it. Mr McDonnell & his wife generally park in the forecourt to the front of House #1 and House #2. The applicant does not have a history of illegally parking on the roads or laneways in the area.
- The applicant's principle dwelling is in Galway and therefore House #2 is not permanently occupied. The proposed studio apartment will be similarly intermittently occupied.
- The proposed development will be a temporary arrangement and it is considered that the removal of the existing off-street car parking space would not be contrary to the car parking standards set out in Table 8.2.3 of the Dún Laoghaire –Rathdown County Development Plan 2016-2022.

6.2. Planning Authority Response

- The removal of the main stairs which connect the ground floor level with the first floor level constitute significant internal works to the existing dwelling. The proposed works would mean that the studio apartment could not be readily subsumed back into the primary dwelling when no longer required and therefore would be contrary to Section 8.2.3.4(iii) of the Dún Laoghaire – Rathdown County Development Plan 2016-2022.
- The removal of the existing off-street car parking space to facilitate the proposed development would be contrary to the car parking standards set out in Table 8.2.3 of the Dún Laoghaire –Rathdown County Development Plan 2016-2022. It is required that one off-street car parking space is provided for a two-bedroom dwelling unit. The removal of the existing one off-street car parking space would potentially create illegal/inappropriate parking on roads and laneways in the area.
- The proposed reinstatement of the terrace and the omission of the 9sq m extension to the front (north-east) at ground floor level and it would not address the reasons for refusal.

- The Planning Authority request that the Board uphold the decision to refuse permission.

6.3. Observations

(1) An observation to the appeal was received from Michael & Mary McClure on the 26th of February 2017. The main issues raised are as follows;

- The observers state that Talbot Road which serves the site is a narrow cul-de-sac which has very limited parking. Vehicles using the road require space to turn in order to exit it.
- The proposed development would generate car parking on Talbot Road which would add to congestion in the area.
- Having regard to the narrow nature of the road it would be difficult for construction vehicles and machinery to access the site.

(2) An observation to the appeal was received from Marston Planning Consultancy on behalf of Clodagh and Brian Kevans on the 6th of February 2017. The main issues raised are as follows;

- The observers fully support the decision made by the Planning Authority to refuse permission.
- The proposed development is contrary to section 8.2.3.4(iii) of the Dún Laoghaire –Rathdown County Development Plan 2016-2022.
- The applicant's argument that the proposed development is similar to that granted at the adjoining property House #1 is not correct. That development did not involve the removal of a car parking space.
- The need for the proposed subdivision of the dwelling unit has not been satisfactorily provided. The proposed development would result in the two residential units not being interlinked. A significant level of works would be required to subsume the development back into a single dwelling unit.
- The observers state that the applicant does use the existing off-street car parking space and that it has a width of 2.44m and a length varying from 4.8m to 5.4m. Car parking spaces on Killiney Hill road are only available for

residents of Talbot House, Killiney Hill Plaza and customers of the Druids Chair public house. The applicant has stated that car parking is available to the rear of the site. The applicant does not have ownership or control of those lands.

- Talbot road is a narrow road and where parking occurs cars generally park on the pavement to facilitate other cars to pass safely. The generation of additional parking need and traffic movements would lead to congestion and cause a traffic hazard.
- The removal of a car parking space is contrary to Table 8.2.3 of the Dún Laoghaire –Rathdown County Development Plan 2016-2022.

7.0 Assessment

- 7.1. It is proposed to subdivide the existing three storey dwelling to provide a studio apartment at ground floor. Separate access is proposed to the two dwelling units. Access to the studio apartment is proposed from the front elevation of the property. The proposed development includes internal works to the property which would involve the removal of the existing internal staircase between ground and first floor level and the construction of a new internal staircase to serve the main dwelling within the area currently occupied by the garage/store. It is also proposed to extend the floor area of the studio apartment into the ground floor terrace. The applicant has stated in the appeal that the proposed studio apartment is to provide separate accommodation for one of his adult children.
- 7.2. Section 8.2.3.4(iii) of the Dún Laoghaire –Rathdown County Development Plan 2016-2022 refers to Family Member/Granny Flat extension. This is the relevant section of the Development Plan to consider in the assessment of the current proposal as it specifically refers to a temporary subdivision of a single dwelling for a family member. For such proposal it is generally required that the proposed subdivided unit be interlinked with the primary dwelling and capable of being readily subsumed back into same. The applicant has stated that the proposed studio apartment is temporary and that it will be subsumed back into the main dwelling when it is no longer required.

- 7.3. The proposal to alter the internal layout involving the removal of a stairs between ground floor and first floor without the provision a new internal linkage between the proposed studio apartment and the main dwelling would result in the no internal linkage which is contrary to Section 8.2.3.4(iii). Furthermore, I would concur with the Planning Authority that having regard to the nature of the proposed works the studio apartment could not be readily subsumed back into the primary dwelling when no longer required.
- 7.4. The proposed scheme also involves extending the floor area at ground floor into the existing terrace to the front. This would reduce the private amenity space to the main property and would result in no separate private amenity space to serve the proposed studio apartment. The applicant has stated he is willing to omit the proposal to partially infill the ground floor entrance terrace should the Board consider that it would be appropriate.
- 7.5. The existing dwelling has a garage at first floor level which is accessed to the northern side of the property. This provides 1 no. off-street car parking space to serve the existing two-bedroom dwelling. It is proposed to develop an entrance door to serve the main dwelling at the location of the existing garage door. It is proposed that the area of the garage would be converted into an entrance hall to serve the main dwelling and it is proposed to construct a new staircase to provide access between the first and second floors of the main dwelling. The proposed development would result in the loss of the existing off-street car parking space. The applicant has stated that he does not used the garage to park a car and that he avails of parking to the front or rear of the property. Those areas referred to are not in the ownership or control of the applicant.
- 7.6. Table 8.2.3 of the Development Plan refers to Residential Land Use – car parking standards. It is required that a minimum of 1 no. car parking space is provided for a one or two bedroomed dwelling unit. The existing dwelling contains two bedrooms and is served by 1 no. car parking space. The proposed development would result in two separate one-bedroom dwelling units with no off-street car parking. The proposed development involves the conversion of the existing garage and the construction of a new internal stairs this does not in my opinion provide a layout which can be readily returned to its original configuration when the use of the studio

apartment ceases. The proposed development would therefore result in the loss of the off-street car parking space.

- 7.7. The site is located within the centre of Killiney Village and there is no on-street parking within the ownership or control of the applicant. Having regard to the proposal to remove the existing car parking space within the existing dwelling and the narrow road width of Talbot Road the adjacent public road to the north of the site the proposed development would generate roadside parking and traffic movements which would lead to congestion and give rise to hazardous traffic movements and would endanger public safety by reason of traffic hazard.

Appropriate Assessment

- 7.8. Having regard to the nature and scale of the proposed development, nature of the receiving environment and proximity to the nearest European site, 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 have read the submissions on file and visited the site. Having due regard to the provisions of the Development Plan, together with all other issues arising, I recommended that permission be refused for the following reasons.

9.0 Reasons and Considerations

1. The proposed development entails the sub-division of an existing dwelling to provide two completely separate and independently accessed dwelling units to facilitate the provision of a temporary studio apartment for a family member. The proposed design and internal layout would not facilitate the apartment being readily subsumed back into the primary dwelling when the usage ceases and there is no internal linkage between the units. Accordingly, it is considered that the proposed development, would be contrary to the provisions of Section 8.2.3.4(iii) of the Dun Laoghaire-Rathdown County Development Plan 2016-2022, would seriously injure the residential amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the proposal to remove the existing off-street car parking space and in the absence of an alternative suitable proposal for replacement, it is considered that the proposed development would not provide satisfactory parking to cater for the proposed scheme in accordance with the car parking standards set out in Table 8.2.3 of the Dún Laoghaire-Rathdown County Development Plan 2016-2022 which requires the provision of one off-street car parking space for a one or two bedroom residential dwelling unit. Accordingly, it is considered that the proposed development would generate roadside parking and traffic movements onto the existing narrow road network which would lead to congestion give rise to hazardous traffic movements and would endanger public safety by reason of traffic hazard.

Siobhan Carroll
Planning Inspector

10th of April 2017