



An
Bord
Pleanála

Inspector's Report ABP-300564-18

Development	Permission sought for retention and reconstruction of a partly completed single storey granny flat extension at rear.
Location	89, Walkinstown Park, Walkinstown, Dublin 12
Planning Authority	Dublin City Council Sth
Planning Authority Reg. Ref.	3975/17
Applicant(s)	Yan Rong Zhong.
Type of Application	Retention.
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Yan Rong Zhong
Observer(s)	None.
Date of Site Inspection	03 rd of April 2018.
Inspector	Karen Hamilton

1.0 Site Location and Description

- 1.1. The site contains a two storey end of terrace dwelling, located within Walkinstown Park, Walkinstown, Dublin 12. The rear of the site backs onto Walkinstown Park and is separated by a large block wall greater than 2m in height. The site currently has two areas of accommodation with a recent extension converted for independent living accommodation, including a bedroom and bathroom area to be retained, and is accessed via a side door and covered side passageway.

2.0 Proposed Development

- 2.1. The proposed development comprises of:
- Retention and reconstruction of a partially completed single storey granny flat extension at the rear of existing dwelling.

3.0 Planning Authority Decision

3.1. Decision

Decision to refuse for the following reason:

The proposed development would materially contravene condition no. 2 of plan ref no 3867/16 and condition no. 5 of plan ref no 2178/15 and consequently the proposed development would materially contravene a condition attached to an existing permission for development. The development proposed, would involve the retention of unauthorised structures which are inconsistent with the requirements for the provision of ancillary family accommodation as set out under Section 16.10.14 of Dublin City Development Plan 2016-2022. Having regard to the planning history on the subject site, the proposed development in itself and by the precedent it would set for the retention and alteration of similar unauthorised works, would be seriously injurious to residential amenity and contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the area planner reflects the decision to refuse permission and refers to the following:

- The planning history on the site includes the unauthorised development, of a two storey conservatory, and the additional bedroom to the rear.
- The proposed development would involve the retention of a part of the room which was specifically omitted by condition under Plan Ref 3867/16.
- Section 16.10.14 of the development plan includes guidance for family based accommodation and the proposed development of a 12.4m² free standing proposal would not meet the requirements of the guidance.
- The proposed structures on site are not sub-ordinate to the existing dwelling.

3.2.2. Other Technical Reports

3.2.3. Drainage Division- No objection subject to conditions.

3.3. **Prescribed Bodies**

None requested.

3.4. **Third Party Observations**

- Submissions were received from and adjoining neighbours in support of the application.
- A submission was received from the residents association of the area raising concern over non-compliance with planning permission on the site, unauthorised development, unregulated construction and the letting of rooms within the property.

4.0 **Planning History**

Reg Ref 3867/16

Permission granted for a 2 storey extension to the rear, new first floor window to existing gable at side, single storey extension at rear, new pedestrian gate entrance at rear with access to Walkinstown Ave at the rear.

Condition No 2 required the omission to the bedroom at the rear of the conservatory, the removal of the proposed access to the park at the rear, and reduction in the depth of the proposed first floor extension over the conservatory.

Reg ref 2178/15

Permission granted for single storey passage/ conservatory extension at the side.

Condition No 5 removed any entitlement for exempted development within the curtilage of the site.

Reg Ref 3531/13

Permission granted for the retention of an existing front porch, existing front vehicular entrance, existing partly constructed conservatory at the rear and proposed completion of same.

Condition No 2 required the construction of front boundary walls with an opening no greater than 3.6m

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.

5.3. Natural Heritage Designations

None relevant

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are submitted by an agent on behalf of the applicant in relation to the refusal and the issues raised are summarised below:

- The applicants were initially confused with the decision to grant issued under Reg Ref 3867/16, which required the omission of rear bedroom. This should have been issued as a split decision by the City Council.
- The purpose of the granny flat is for visiting grandparents from China who, subject to visa can only stay for 3 months. The applicant also has a medical complaint and requires privacy, peace and quiet. A Doctors letter has been submitted in support for the application.
- The first floor bedroom permitted in Ref Ref No 3867/16 is not appropriate for a granny flat due to the age of the grandparents and the nature of the use of the separate accommodation by the applicant.
- The size of the bedroom has been reduced in order to retain 25m² for the open space at the rear.
- A room in the dwelling is sub-let to supplement income for the owners.

6.2. Applicant Response

The applicant is the appellant.

6.3. Planning Authority Response

None received.

6.4. 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 attached granny flat to the rear of an end of terrace two storey dwelling. The current size of the proposed development is c. 23m² and includes a single bedroom, double bedroom and en-suite. It is proposed to reduce the proposal to c. 15m². 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 for 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 accommodation will be to facilitate visiting grandparents from China and also for the owner of the dwelling to have additional space within the dwelling for respite from the rest of the family.

7.3. The room, which is the subject of this application, in itself does not include any separate living accommodation. The room connects directly onto an extension which

the planning authority notes as unauthorised, further discussed below, and I consider the size and layout of the proposed development does not lend itself to be used for independent living accommodation and is referred in the grounds of appeal as a bedroom, which I consider is a more reasonable description for the proposal. This aside, I do not consider the requirement for independent living accommodation for visiting relatives or additional space for occupants of the main dwelling complies with the requirement of the criteria in Section 16.10.14 of the development plan.

7.4. Planning History: A previous planning application Reg Ref 2178/15 permitted a covered passageway along the side of the semi-detached dwelling and included condition no. 5 restricting any further exempted development on the site. A further development permitted Reg Ref 3867/16 for a two extension and a single storey conservatory and bedroom to the rear of the dwelling, included condition no. 2 requiring the omission of the additional bedroom located to the rear of the conservatory. The conservatory as previously permitted has been constructed as a two storey extension which is currently used for living accommodation and is substantially different to the granted permission and provides connectivity between the bedrooms, which is the subject of this appeal, and the main dwelling. The report of the area planner determines the principle of a bedroom extension onto unauthorised extension as unacceptable and the reason for refusal states that the proposed development would materially contravene condition no. 2 of Reg Ref 2178/15 and condition no 5 of Reg Ref 3867/16. These previous permissions were for alterations to the dwelling as the main residence and I consider the cumulative impact of both the authorised and unauthorised works have led to the development of an independent living accommodation attached to the rear of the main dwelling which have not been included in the overall proposal, therefore I consider the works are a material contravention of the conditions on these previous permissions.

7.5. Therefore, having regard to the size and location of the extension, the proposed use and the planning history on the site, I do not consider the principle of development of this independent unit is justified.

Impact on Residential Amenity

7.6. The subject site is a relatively small plot, typical in size of other sites along the Walkinstown Park and surrounding environs. The plans submitted indicate the

existing bedroom extension is c. 23m² in size and it is proposed to reduce the extension to c. 15m² (inclusive of ensuite) so 20m² of rear open space may be provided.

7.7. Open Space: In addition to other rear extensions, the proposed development occupies the majority of the rear garden space and there is currently a 10m² yard as private open space provision for the current dwelling. The proposal includes the reduction in the size of the extension to allow 25m² of rear garden space. The adjoining sites in the vicinity have rear gardens typically 90m² in size and the development plan requires site coverage for lands within the Z1 zoning is 40-60%. 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 any additional living accommodation, I consider the proposed development has a negative impact on the existing and proposed residential amenity and would set an undesirable precedent for other similar garden sizes in the vicinity.

7.8. Character of the area: The dwellings fronting onto Walkinstown Park 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. In addition to previous authorised and unauthorised extensions on the site, the proposal for retention will occupy the entire site area and remove the private amenity space, which I consider represents a cramped form of development on a restricted plot. I consider any grant of permission for this development will leave to an undesirable precedent for similar rear extensions to properties within the surrounding area.

7.9. Therefore, having regard to the size of the site and the design and location of the rear extension, 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 detrimental impact on the character of the area.

Design Standards

7.10. 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 area subject to the appeal is connected to an extension at the rear of the main dwelling.

- 7.11. 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*. The minimum size standard for a studio-type apartment is 37m², which includes living area, kitchen, bathroom and bedroom. The current room is c. 23m² in size and includes a double bedroom, single bedroom and en-suite, and it is proposed to reduce the extension to c. 15m² (inclusive of en-suite), 7.1m² and 11.4m² is required as a minimum for a single and double bedroom respectively, therefore the proposed development does not meet the minimum size requirements of the development plan or the national guidelines.
- 7.12. As stated above, I do not consider the existing room, in itself, complies with the criteria for ancillary family accommodation and therefore must be assessed for compliance with the standards for extensions to dwellings. Section 16.10.12 provides guidance for the design of extensions where they shall respect the character and scale and be subordinate to the existing dwelling. I note the location of the proposed development is c.12m from the original rear building line of the main dwelling and those surrounding dwellings and I consider based on the disjointed nature and location of the room, the overall design represents piecemeal development and has an adverse impact on the scale and character of the dwelling.
- 7.13. Therefore, having regard to the design and location of the proposed development, I consider the proposed development would provide a substandard residential development.

Appropriate Assessment.

- 7.14. 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 planning history on the site, 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 16.10.12 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 ancillary accommodation, by reasoning of the lack of open space and substandard accommodation, would result in overdevelopment of the site and have a negative impact on the residential amenity of the existing dwelling and would set an undesirable precedent for similar developments in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Karen Hamilton
Planning Inspector

05th of April 2018