



An
Bord
Pleanála

Inspector's Report ABP-300612-18

Development	Single storey extension for use as ancillary family accommodation
Location	26A, Watermill Park, Raheny, Dublin 5
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	4074/17
Applicant(s)	Gary and Melanie Leech
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Gary and Melanie Leech
Observer(s)	Sorcha Murray
Date of Site Inspection	12 th April 2018
Inspector	Una O'Neill

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1.0 Site Location and Description

- 1.1. The subject site is located at the junction of Watermill Park and Saint Anne's Avenue in a well-established residential area, northwest of St. Anne's Park, in the Dublin suburb of Raheny, northeast of Dublin City Centre.
- 1.2. The subject site comprises a two-storey semi-detached dwelling on a corner plot, on what was previously the side garden of 26 Watermill Park. The dwelling is north-east facing with access from Watermill Park. The side and rear garden is bounded by St Anne's Avenue, and a vehicular entrance exists from the side, which provides access and a wayleave to an existing esb substation which is located directly to the rear of the existing dwelling, between the dwelling and rear garden. A two-storey extension has been constructed in the past to the side of this dwelling, giving a floor area of 159sqm for the existing dwelling.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - Single storey extension to the rear of semi-detached dwelling, to be utilised as ancillary family accommodation.
 - New pedestrian entrance from St. Anne's Avenue.

The floor area of the existing dwelling is stated to be 159sqm and the floor area of the proposed works is stated to be 51 sqm, giving a total floor area for the proposed dwelling of 210sqm.

Planning Authority Decision

- 2.2. **Decision**
- 2.3. REFUSED for two reasons, which are summarised hereunder:

R1: The position, depth and height of the proposed structure is overscaled and obtrusive and would cause overbearing and overshadowing of the rear of

no. 26 and have an undue impact on residential amenity. The proposal would set an undesirable precedent.

R2: Proposal in its scale and overall floor area, separate public entrance and ability to be used as a fully separate residential unit is not consistent with Section 16.10.14 of Dublin City Development Plan (ancillary family accommodation) as it is not integral to the original house.

2.4. Planning Authority Reports

2.4.1. Planning Reports

The Planning Officer's report generally reflects the decision of the Planning Authority.

2.4.2. Other Technical Reports

Drainage Division: No objection subject to condition.

2.5. Prescribed Bodies

None.

2.6. Third Party Observations

One objection was received from no. 26 Watermill Park, which adjoins the dwelling subject of this appeal. The issues raised are addressed within the grounds of appeal.

3.0 Planning History

PL29N.233545 (reg ref 2297/09) Permission **REFUSED** at 26A Watermill Park for a bungalow in the rear garden for reason related to overdevelopment of a restricted site and diminished level of residential amenity.

4985/07 Permission **GRANTED** at 26A Watermill Park for development including single and two storey storey extension to front and side of dwelling, relocation of ESB substation and provision of 2 new pedestrian entrances from St Anne's Avenue to accommodate owner access and ESB access to sub-station to the rear of house.

PL29N.216624 (reg ref 4823/05) Permission **REFUSED** at 26A Watermill Park for development including construction of a detached single storey building of 55sqm for use as a Montessori, with pedestrian access off St Anne's Avenue; a two storey domestic extension to the side of existing house; relocation of existing ESB substation.

PL29N.207557 (reg ref 2194/04), Permission **REFUSED** at 26A Watermill Park, for a two-bedroom detached house in rear garden of 26A Watermill Park and relocation of ESB substation.

0426/01 26 Permission **GRANTED** at 26 Watermill Park for increase in floor area to previously approved two storey dwelling house (Reg. Ref. 0154/00).

0154/00 Permission **GRANTED** at 26 Watermill Park for a single two storey dwelling house located to side of existing end of terrace house.

4.0 Policy Context

4.1. Dublin City Development Plan 2016-2022

- Zoning Objective Z1, to protect, provide and improve residential amenities.
- Section 16.10.14, Ancillary Family Accommodation.
- Appendix 17, Guidelines for Residential Extensions.

4.2. Natural Heritage Designations

The site is not located within or adjoining a Natura 2000 site.

5.0 The Appeal

5.1. Grounds of Appeal

The applicant has appealed the decision of the planning authority to refuse permission. The grounds of appeal are summarised as follows:

- The proposal complies with section 16.10.14 of the development plan.
Ancillary family accommodation is required for the applicant's son who has

down syndrome and the proposed accommodation is to enable independent living in the future and proposal will not be used as a separate dwelling.

- The scale of the extension will not impact the amenities of the existing dwelling on site and of the adjacent dwelling.
- A sunlight study has been submitted which indicates a limited reduction in access to daylight and sunlight. A mono-pitched roof is proposed to reduce any overshadowing from the evening sun from the west.
- The existing ESB substation and associated wayleave dictates the position of the family accommodation. The height and depth of the extension is within the exempt development regulations.
- Should the Board consider a smaller development more appropriate, an alternative design is submitted under Appendix C, whereby the pedestrian entrance is omitted, the length of the extension is reduced from 15m to 10m and the floor area from 51sqm to 43 sqm.

5.2. **Planning Authority Response**

None.

5.3. **Observations**

One observation has been received from the resident of 26 Watermill Park, the adjoining semi-detached dwelling to the east of the appeal site. The observation is summarised as follows:

- The applicant's son is of a very young age and therefore ancillary family accommodation is not required at present.
- The site has been subject to repeated applications attempting to gain permission for a detached structure.
- The proposal would adversely affect light and overshadow no. 26.
- The location of the ESB substation are a site impact and cost issue.
- The applicant claims comparison with exempt development provisions. This is not an exempt development and the comparison is of no relevance.

- The shadow study submitted under Appendix D shows there will be significant overshadowing.
- The position, depth and height of the structure along the entire boundary with no. 26 is overscaled and obtrusive and would cause overbearing and overshadowing to the rear of no. 26, having an undue detrimental impact on residential amenity.
- Proposal would set a precedent for similar overscaled, unsympathetic development.

5.4. Further Responses

None.

6.0 Assessment

- 6.1. The proposed development is for a single storey extension to the rear of an existing two storey, four bed, semi-detached dwelling. The extension is identified for use as ancillary family accommodation. The floor area of the existing dwelling is relatively large at 159sqm and the floor area of the proposed works is stated to be 51 sqm, giving a proposed total floor area of 210sqm. The single storey extension is 15m long by 5m wide. The extension is proposed along the entire side boundary with the neighbouring property. The extension has a mono-pitched roof profile, which is 2.5m high at the boundary and slopes up/away from the boundary to a height of 3.5m. The extension is to comprise a hallway adjoining the original dwelling, utility room, open plan kitchen/sitting room area, WC, entrance hallway, and a bedroom.
- 6.2. The applicant has submitted an alternative design for the proposed extension, which is set out in Appendix C of the grounds of appeal. The amended extension has a layout which could be described as a studio apartment, with a stated floor area of 43sqm. The pedestrian access from St Anne's Avenue has been omitted. The amended design is 10m long along the boundary with the neighbouring property and 6m wide. The roof design is as originally proposed, a mono-pitch, rising from 2.5m to 3.5m high. The layout comprises a hallway adjoining the original dwelling, a storage room, an open plan kitchen/sitting room/bedroom, and separate WC.

6.3. I will assess both the original proposed design and the alternative design proposed in Appendix C of the grounds of appeal. The primary issues for assessment include:

- Integration & Ancillary Family Accommodation Policy
- Residential Amenity

Integration & Ancillary Family Accommodation Policy

6.4. Section 16.10.14 of the Dublin City Development Plan defines ancillary family accommodation as an extension of a single dwelling unit to accommodate an immediate family member for a temporary period (e.g. elderly parent) or where an immediate relative with a disability or illness may need to live in close proximity to their family. It states that Dublin City Council will, in principle, favourably consider applications for sub-division to provide family ancillary accommodation where

- A valid case is made, including details of the relationship between the occupant(s) of the main dwelling house and the proposed occupant(s) of the ancillary family accommodation; and
- The proposed accommodation is not a separate detached dwelling unit, and direct access is provided to the rest of the house.
- The accommodation being integral with the original family house shall remain as such when no longer occupied by a member of the family.

6.5. The description of development is for ancillary family accommodation. The applicant states that the proposed accommodation will be used for the applicant's son. It would appear from the submitted documentation and as raised in the observation submitted, that the applicant's son is at present quite young, although the age of the applicant's son is not stated. I am not satisfied that there is valid case/genuine need at present/in the immediate future for ancillary family accommodation.

6.6. Drawing 1700_P03 indicates two separate accesses to the proposed extension, one via an entrance hallway to the extension, and a second from the rear hallway linking the dwelling to the extension. A new pedestrian access is also proposed from the side boundary wall of the property from St Anne's Avenue. Given the layout indicated, with a separate entrance hallway and separate pedestrian access from St. Anne's Avenue, the proposed extension is not, in my view, designed so as to be integral with the original family dwelling when not being used as ancillary family

accommodation and the link between the original dwelling and layout of the extension is not designed so as to function effectively as one residential unit. The access to the rear garden from the original dwelling is also disjointed and overall the positioning of the ESB substation separates further the extension from the family dwelling would hinder its successful use as one unit when not utilised as ancillary family accommodation.

- 6.7. The amended design has omitted the entrance hallway and access from the side elevation of the extension. Double doors are provided instead from the rear elevation which provides access directly into the combined kitchen/bedroom area. A separate side access, as previously proposed, is provided for from the rear of the dwelling via a hallway which links the original dwelling and the extension. The revised layout presented reads more as an extension than a detached unit given the omission of the entrance hall and separate entrance from St. Anne's Avenue, however, the presence of the ESB substation does create a separation between the two units which cannot be easily overcome and which remains to hinder access to the garden area from the main dwelling.
- 6.8. From an examination of the documentation submitted and considering the layout proposed and link to the original family dwelling, I am not satisfied that the proposed extension complies with section 16.10.14 of Dublin City Development Plan 2016-2022 in relation to ancillary family accommodation.

Residential Amenity

- 6.9. The extension as originally proposed, given its location and depth along the boundary with the adjoining dwelling would in my view be overbearing, would result in a loss of outlook and would result in overshadowing of the neighbouring property.
- 6.10. The amended design presented, given its depth of 10m, would still in my view be visually overbearing, result in a loss of outlook and overshadowing of the neighbouring property. The presence of the ESB substation within the rear garden appears to result in the need for this excessively deep extension which in my view would negatively impact on the residential amenity of the neighbouring property, and would also create an extension which is separated from and not integral in its layout with the original family dwelling.

Appropriate Assessment

6.11. Having regard to the minor nature of the development, its location in a serviced urban area, and the separation distance to any 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 a European site.

7.0 Recommendation

7.1. Having regard to the Z1 zoning objective, section 16.10.14 of Dublin City Development Plan 2016-2022, and to the scale and nature of the development proposed, I am of the view that the proposed development would be overbearing, result in undue levels of overshadowing and would not be in accordance with the provisions of the development plan for ancillary family accommodation. The proposed development would accordingly injure the residential amenities of the area and would not be consistent with the proper planning and sustainable development of the area. It is recommended that permission be refused.

8.0 Reasons and Considerations

1. Having regard to the established character and pattern of development in the area, it is considered that the proposed development by reason of its overall design, layout and depth at the southeast boundary, would seriously injure the residential amenities of the area by reason of its overbearing effect on the adjoining dwelling and by reasons of undue levels of overshadowing of that property. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the submissions on file in relation to the current need for ancillary family accommodation and having regard to the layout proposed, it is considered that the proposed development would be contrary to the provisions of section 16.10.14 of the Dublin City Development Plan 2016-2022 in relation to ancillary family accommodation and would accordingly be contrary to the proper planning and sustainable development of the area.

Una O'Neill
Senior Planning Inspector

23rd April 2018