



An
Bord
Pleanála

Inspector's Report ABP-301587-18

Development	Demolition of existing garage to the side of the house and construction of a new ensuite bedroom to the side of the house
Location	No 8 Abbey Park, Monkstown, Co. Dublin
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D18B/0093
Applicant(s)	Eithne Casey
Type of Application	Permission
Planning Authority Decision	Grant subject to 6 no Conditions
Type of Appeal	First Party
Appellant(s)	Eithne Casey
Observer(s)	None
Date of Site Inspection	17 th July 2018
Inspector	Mary Crowley

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1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 0.0279 ha is located within Abbey Park, a cul de sac residential development in Monkstown. The appeal comprises No 8 Abbey Park, a semi-detached dwelling with adjoining garage. A set of photographs of the site and its environs taken during the course of the site inspection is attached

2.0 Proposed Development

The application submitted to Dun Laoghaire Rathdown County Council (DLRCC) on the 28th February 2018 was for permission for the demolition of the existing garage to the side of the house (11.3 sqm) and the construction of a new en-suite bedroom (17.4 sqm) to the side of the house with door for universal access.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. DLRCC granted permission subject to 6 no generally standard conditions. Condition No 5, the subject of this appeal states as follows:

The proposed extension shall be occupied by a member of the immediate family of the occupier and the link to the main dwelling shall be maintained. The extension shall not be used as a separate dwelling with its own curtilage, and shall not be let or sold as a flat independent of the main dwelling

Reason: *In the interest of orderly development and residential amenity*

3.2. Planning Authority Reports

- 3.2.1. Planning Reports
- 3.2.2. The **Case Planner** considered the elements of the scheme and recommended that permission be granted subject to 6 no conditions. The notification of decision to grant permission issued by DLRCC reflects this recommendation.

3.2.3. Other Technical Reports

3.2.4. **Transportation Planning** – No objection subject to 2 no conditions requiring that (1) any proposal in the future to subdivide the “new en suite bedroom” area from the existing dwelling shall be subject to a new separate planning applications and (2) prevention of any mud, dirt, debris or building material on the public road.

3.2.5. **Surface Water Drainage** – No objection.

3.3. **Prescribed Bodies**

3.3.1. No reports received.

3.4. **Third Party Observations**

3.4.1. There is no evidence of any observation recorded on the planning file.

4.0 **Planning History**

4.1. There is no evidence of any previous planning appeal on this site.

5.0 **Policy Context**

5.1. **Development Plan**

5.1.1. The operative Development Plan is the **Dun Laoghaire Rathdown County Development Plan 2016-2022**. The site is zoned Objective A where the objective is *to protect and/or improve residential amenity*. Guidance and standards for additional accommodation in existing built up areas is set out in Section 8.2 of the Plan.

5.2. **Natural Heritage Designations**

5.2.1. The site is not located within a designated Natura 2000 site.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The first party appeal has been prepared and submitted by the applicant Eithne Casey against Condition No 5 only. The appeal may be summarised as follows:

- Concern is raised with the requirement that the *extension shall be occupied by a member of the immediate family* as the applicant considers that they should be allowed to rent the room under the “rent-a-room” scheme for long term lettings to anyone of the applicants choosing until such time they require the downstairs room and accessible bathroom for themselves.
- Submitted that the room will never be separated from the main dwelling, the link shall be maintained and will never be used as a separate dwelling.
- The applicant should be allowed to future proof their home without such unfair stipulations in the intervening period.
- The applicant is a single person nearing retirement, living alone with no immediate family in need of this space. Submitted that the applicant should not be prevented from having a person of their choosing share their home.

6.2. Planning Authority Response

6.2.1. No response recorded on the appeal file.

6.3. Observations

6.3.1. No observations recorded on the appeal file.

6.4. Further Responses

6.4.1. No further response recorded on the appeal file

7.0 Assessment

7.1. Further to my examination of the planning file and the grounds of appeal that relate to one condition only i.e. Condition No. 5 of the notification of decision of the

planning authority to grant permission, and having assessed the documentation and submissions on file, I consider it is appropriate that the appeal should be confined to this single condition. Accordingly I am satisfied that the determination by the Board of this application as if it had made to it in the first instance would not be warranted and that it would be appropriate to use the provisions of Section 139 of the 2000 Act in this case.

- 7.2. The application submitted to DLRCC on 28th February 2018 sought permission *the demolition of the existing garage to the side of the house (11.3 sqm) and the construction of a new en-suite bedroom (17.4 sqm) to the side of the house with door for universal access*. I refer to Drawing No GA100 where it is noted that the extension comprises a bedroom, wet room and sitting area with front and rear access. The extension is connected to the main dwelling. No kitchen facility is proposed within the extension. DLRCC in their notification of decision to grant permission attached Condition No 5 which set out the following:

*The proposed extension shall be occupied by a member of the immediate family of the occupier and the link to the main dwelling shall be maintained.
The extension shall not be used as a separate dwelling with its own curtilage, and shall not be let or sold as a flat independent of the main dwelling*

Reason: *In the interest of orderly development and residential amenity*

- 7.3. The first party in their appeal raised specific concern regarding the requirement that the extension shall be occupied by a member of the immediate family as the applicant considers that they should be allowed to rent the room under the “rent-a-room” scheme. The applicant states that the room will never be separated from the main dwelling.
- 7.4. The issue of occupancy is not specifically addressed in the Case Planners report. However I note the report from Transportation Planning who state that any proposal in the future to subdivide the “new en suite bedroom” area from the existing dwelling should be subject to a new separate planning application. This recommendation aligns with the current Development Plan policies as set out in Section 8.2.3.4 *Additional Accommodation in Existing Built-up Areas* where there is specific criteria for the sub-division of a dwellings and / or the provision of family member / granny flat extensions that would require careful consideration. In this case, based on the

plans submitted with the application, there is nothing in my view to suggest that this is a development for the permanent or temporary subdivision of the main dwelling. Overall I agree with the general approach of the Planning Authority as set out in Condition No 5 in terms of restrictions on its use as a separate dwelling however I do not see the planning merit of restricting its occupancy to members of the immediate family only. Accordingly I recommend that Condition No 5 be amended to omit any reference to occupancy.

- 7.5. For completeness in relation to Appropriate Assessment I would set out the following. Having regard to the nature and scale of the proposed development, within an established urban area, and its 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 a European site.

8.0 Conclusion & Recommendation

- 8.1. Having regard to the nature of Condition No 5, the subject of the appeal and based on the reasons and considerations set out below, I am satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and recommend that the said Council be directed under subsection (1) of section 139 of the Planning and Development Act, 2000 to **AMEND** Condition Number 5 for the reason and considerations set out:

9.0 Reason & Considerations

- 9.1. Having regard to the zoning objective for the area as set out in the Dun Laoghaire Rathdown County Development Plan 2016-2022, the established pattern of development in the area and the nature, scale and design of the proposed ground floor extension it is considered that, subject to compliance with the condition set out below the proposed development would not seriously injure the amenities of the area or property in the vicinity and would therefore be generally in accordance with the proper planning and sustainable development of the area.

10.0 Condition No 5

The link between the main dwelling and the proposed extension shall be maintained. The extension shall not be used as a separate dwelling with its own curtilage, and shall not be let or sold as a flat independent of the main dwelling.

Reason: In the interest of orderly development and residential amenity

Mary Crowley

Senior Planning Inspector

18th July 2018