



An  
Bord  
Pleanála

## Inspector's Report ABP 302417-18

---

<b>Development</b>	Single storey granny flat extension to the rear and works to the existing house.
<b>Location</b>	24 Rochestown Park, Sallynoggin, Co. Dublin.
<b>Planning Authority</b>	Dun Laoghaire-Rathdown County Council.
<b>Planning Authority Reg. Ref.</b>	D18B/0254.
<b>Applicant</b>	Gabrielle, James and Sharon Perry.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse.
<b>Type of Appeal</b>	First Party.
<b>Appellant</b>	Gabrielle, James and Sharon Perry.
<b>Observer</b>	None.
<b>Date of Site Inspection</b>	19 <sup>th</sup> November 2018.
<b>Inspector</b>	Dáire McDevitt.

## **1.0 Site Location and Description**

- 1.1 The application site is located on the northern side of Rochestown Park, to the south of Pearse Villas, an established residential area accessed off Rochestown Avenue in the mature suburb of Sallynoggin, Co. Dublin. The surrounding area is characterised by two storey semi-detached and dormer dwellings along Rochestown Park with single storey dwellings along the opposite side of Rochestown Park.
- 1.2 The relevant house, No. 24 Rochestown Park, is a semi-detached house with a dash finish, paired with No.23, which bounds the site to the northeast. No. 24 has been extended previously with a two storey side (granny flat) and a single storey conservatory to the rear. The site is bounded to the rear by the rear gardens of the houses along Pearse Villas. The house is paired with No.23 which has been extended in the past with No.25. which is undergoing extensive refurbishment at present, bounding the site to the southwest.

## **2.0 Proposed Development**

- 2.1 The existing two-storey house has a gfa of c.178.6 sq.m. The proposed development consists of a single storey granny flat extension to the rear, with a stated area of c 50.8 sq.m, which would project c.11.6m beyond the principle rear building line. An existing conservatory projects c.1.5m beyond this building line. No. 23 has rear extensions that extend beyond the rear building line by 2.5m. The proposed extension would project c.9.1m beyond the rear building line of No. 23 to the northeast. A predominantly flat sedam roof is proposed with a height ranging from c. 4.2m to c.2.95m. The proposal would result in a c. 98.2sq.m rear garden area on a site with an overall area of c.391 sq.m.

## **3.0 Planning Authority Decision**

### **3.1 Decision**

Refuse permission for the following **2** reasons:

1. *Having regard to its design and layout, with a limited separation distance to the eastern site boundary, it is considered that the proposed development of a long extension to the rear of the existing house, would be overbearing on adjoining residential amenities and would represent overdevelopment of the site. The proposed development would therefore fail to comply with the zoning objective 'A'- To protect and/or improve residential amenity' as set out within Dun Laoghaire Rathdown County Development Plan, 2016-2022 and would set an undesirable precedent for future development in the area. It is considered that the proposed development would seriously injure the amenities, or depreciate the value, of property in the vicinity and is therefore considered to be contrary to the proper planning and sustainable development of the area.*
2. *The proposed development, that includes alterations resulting in the removal of an internal link between the main dwelling and a family flat permitted under Re. Ref. D99A/0375, would materially contravene condition No. 2 of Reg. Ref. D99A/0375 that states: 'The proposed 'granny flat' shall not be used as a separate dwelling with its own curtilage, and shall not be let as a flat independent of the main dwelling. Reason: In the interests of the proper planning and development of the area'. The proposed development is therefore considered to be contrary to the proper planning and sustainable development of the area.*

## **3.2 Planning Authority Reports**

### **3.2.1 Planning Report**

This formed the basis of the Planning Authority's decision. The main issues considered related to design, overdevelopment of the site and non compliance with Reg. Ref. D99A/0375 and are reflected in the reasons for refusal.

Appropriate Assessment Screening Report concluded that a Stage 2 appropriate assessment was not required.

### **3.2.2 Other Technical Reports**

**Drainage Section.** No objection subject to conditions.

## **3.3 Third Party Observations**

None.

## 4.0 Planning History

The application site:

**Planning Authority Reference No. D99A/0375** refers to a grant of permission for two storey granny flat to the side of the existing house.

**No. 23 Rochestown Park:**

**Planning Authority Reference No. D12A/0359** refers to amendment to a previously approved grant of permission under D07A/0057 for a first floor extension, canopy to front façade and vehicular access gates.

**No. 25 Rochestown Park:**

**Planning Authority Reference No. D18B/0008** refers to a grant of permission for alterations to house, including attic conversion and single storey extension to the rear.

## 5.0 Policy Context

### 5.1 Dun Laoghaire-Rathdown County Development Plan 2016-2022.

**Land Use Zoning Objective 'A'** *To protect and/or improve residential amenity.*

**Section 8.2.3.4 (i)** refers to extensions to dwellings. Such proposals shall be considered in relation to a range of criteria including having regard to length, height, proximity to boundaries and quantum of usable rear private open space remaining. The design, dimensions and bulk of any roof proposal relative to the overall size of the dwelling and gardens will be the overriding considerations.

**Section 8.2.3.4(iii)** refers to 'family member/granny flat' extensions. These will generally be assessed against the criteria applied to 'normal' domestic extensions (section 8.2.3.4 (i)). In addition proposals should be interlinked with the primary dwelling and capable of being subsumed back into same and there is a valid justification for the proposal in terms of use.

**Section 8.2.8.4 (i)** sets out the private open space requirements for private houses.

## **5.2 Natural Heritage Designations**

None of relevance.

## **6.0 The Appeal**

### **6.1 Grounds of Appeal**

The first party appeal seeks to address the reasons for refusal of permission and is summarised as follows:

- James and Gabrielle Perry occupy the existing two storey granny flat and their daughter, Sharon and her family occupy the main house. Mr and Mrs Perry have an immediate medical need for a level access bedroom, sitting room and bathroom. Letters from the hospital have been submitted.
- Glen Perry, Mr and Mrs Perry's son, will occupy the existing granny flat. The applicants have no objection to retaining the link between the house and the existing granny flat and are willing to accept a condition requiring this.
- The extension would not injure the amenities or depreciate the value of property in the vicinity. Notwithstanding, they have no objection to modifying the layout to mitigate potential impact on No. 23 and are willing to accept a condition in this regard.
- A sketch of a ground floor plan has been included, showing the width of the extension reduced by c.1.2m. In addition, the applicants have outlined that by dropping the floor level of the extension it would be possible to reduce the overall height of the proposal.

### **6.2 Planning Authority Response**

It is considered that the grounds of appeal do not raise any new matters which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

### **6.3 Observations**

None.

## **7.0 Assessment**

The main issues in this appeal are those raised in the grounds of appeal. The issue of appropriate assessment screening and environmental impact assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Design and Residential Amenity.
- Appropriate Assessment.
- Environmental Impact Assessment.

### **7.1 Design and Residential Amenity**

7.1.1 Section 8.2.3.4 (i) of the County Development Plan refers to extensions to dwellings.

Such proposals should be considered in relation to a range of criteria including having regard to length, height, proximity to boundaries and quantum of usable rear private open space remaining. The design, dimensions and bulk of any roof proposal relative to the overall size of the dwelling and gardens would be an overriding consideration.

7.1.2 The Planning Authority's first reason for refusal was on the premise that the extension would be visually obtrusive and overbearing due its limited set back from the boundaries and would constitute over development of the site.

7.1.3 Permission is sought for a single storey granny flat extension to the rear of No. 24 Rochestown Park set back c.0.9m from the northeastern boundary with No. 23 and set back between c.3 to 4m from the boundary with No.25 to the southwest. The extension would project c.11.6m beyond the main rear building line of No. 24. The highest point of the roof rises to c.4.2m with the flat roof sections ranging in height from c.3 to c 3.5m.

7.1.4 The applicants have submitted a sketch of a ground floor plan with the appeal that would reduce the width of the extension by c.1.2m. In addition, the applicants have outlined that by dropping the floor level of the extension it would be

possible to reduce the height of the proposal. The appeal does not include plans and particulars, however should the Board consider granting permission a condition should be attached requiring the submission of revised plans to the appropriate scale to reflect these changes.

7.1.5 At the time of inspection I observed that a recently constructed extension to the rear of No. 25 resembles the proposed extension in design and form. I consider that subject to the modifications proposed with the appeal relating to the width of the extension, that the design, scale and height of the granny flat extension would be acceptable. And while the extension is higher than the boundary, I note that it is modest in size and the design of the roof mitigates the impact. I am satisfied that the height and scale of the extension, which replaces, in part, an existing conservatory, would not have an overbearing impact or result in an obtrusive form of development.

7.1.6 Having regard to the character and pattern of development in the area, I consider that the development is acceptable in the context of the amenities of adjoining properties. The overall design, scale, height and bulk of the proposed extension has adequate regard to the existing pattern of development in the area and the residential amenities of existing dwellings, and, as such, would not appear intrusive and would not result in an overbearing impact or unacceptable overshadowing. The proposed development would not detract from the residential amenities of nearby properties.

7.1.7 The Planning Authority's reason for refusal included reference to the overdevelopment of the site. In this instance, c.98.2sq.m of private rear amenity space is to be retained. The development on site will consist of one residential unit with two separate spaces used by family members, neither of which form independent separate residential units. I do not consider this overdevelopment of the site.

7.1.8 Regarding the Planning Authority's second reason for refusal and the requirement to retain an internal link between the existing two storey granny flat to the side of the main house. The current proposal would result in a two-storey house with an existing two storey family flat and a separate single storey granny flat to the

rear. Both family flats should be linked to and be able to be reintegrated into the main house when no longer required as required under section 8.2.3.4 (iii) of the County Development Plan. In particular, the existing two-storey granny flat should remain internally linked with the main house to avoid the potential of a separate residence on site. The applicant has set out in the grounds of appeal that they have no objection to retaining the existing internal link between the existing granny flat and the main house. This matter can be dealt with by condition of the Board considers granting permission.

7.1.9 In relation to the matter of precedent, it should be noted that each planning application is assessed on its own merits, having regard to the relevant planning considerations and site context.

7.1.10 I, therefore, consider that the appeal should be upheld and permission should be granted subject to conditions.

## **7.2 Appropriate Assessment**

7.2.1 Having regard to the nature of the proposed development and the location of the site in a fully serviced built up suburban area, 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.

## **7.3 Environmental Impact Assessment**

7.3.1 Having regard to the nature and scale the development which consists of a new granny flat extension to an existing house in a built up suburban location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.



## 8.0 Recommendation

I recommend that permission should be granted, subject to conditions as set out below.

## 9.0 Reasons and Considerations

Having regard to the nature, extent and design of the development proposed, to the general character and pattern of development in the area and to the provisions of the Dun Laoghaire Rathdown County Development Plan 2016-2022 it is considered, subject to compliance with the conditions set out below the proposed development would not seriously injure the amenities of the existing house or of properties in the vicinity and the development would be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details in writing with the Planning Authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Prior to the commencement of development the developer shall submit for the written agreement of the Planning Authority amended plans and particulars which shows the following:

- a) The existing family flat interlinked and integrated with the main house.
- b) The rear extension (granny flat) to be reduced in depth by c.1.2m.

**Reason:** In the interest of clarity.

3. Samples of the proposed external finishes and materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

4. The dwelling, existing family flat and the granny flat which is the subject of this applications shall be jointly occupied as a single residential unit and the family/granny flats shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

**Reason:** To restrict the use of the development and in the interest of residential amenity

5. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

6. Site development and building works shall be carried out only between 0800 hours and 1900 hours from Mondays to Fridays inclusive, between 0800 hours and 1400 hours on Saturdays and not at all on Sundays, Bank or Public Holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

7. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided

by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

---

Dáire McDevitt  
Planning Inspector

20<sup>th</sup> November 2018