



An  
Bord  
Pleanála

## Inspector's Report ABP 302532 -18

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<b>Development</b>	Single storey one-bedroom family apartment to the rear of house.
<b>Location</b>	9 Dunsoghly Avenue, Finglas West, Dublin 11
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	FW18A/0090
<b>Applicant(s)</b>	Francis Harris & Mary Hanway
<b>Type of Application</b>	Appeal
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	First v Refusal
<b>Appellant(s)</b>	Francis Harris & Mary Hanway
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	19 <sup>th</sup> October 2018
<b>Inspector</b>	Karla Mc Bride

## 1.0 Site Location and Description

- 1.1. The appeal site is located in Finglas West on the N side of Dublin. The surrounding area is residential in character and it comprises 2-storey houses with front and rear gardens. The site occupies the rear garden of an existing end of terrace house. Photographs and maps in Appendix 1 describe the site and environs in more detail.

## 2.0 Proposed Development

Permission is being sought to erect a detached, single storey, 1 x bedroom family apartment in the rear garden with all associated site works.

## 3.0 Planning Authority Decision

### 3.1. Decision

The planning authority decided to refuse permission for 3 reasons related to:

- Non-compliance with family flat criteria under Objective DMS43.
- Contrary to pattern of development, undesirable back land development, overdevelopment of a restricted site, injury to residential amenity, inadequate private open space, contrary to zoning objective and undesirable precedent.
- Failure to provide vehicular parking.

### 3.2. Planning Reports

**Planning report:** Planning officer recommended a refusal of planning permission.

**Transportation:** AI requested in relation to car parking (but not sought).

**Water Services:** No objection subject to conditions.

**Irish Water:** No objection subject to conditions.

**Submissions:** None received.

**Planning history:** None

## 4.0 Policy Context

### 4.1. Fingal Development Plan 2017 to 2023

#### **Zoning:**

The proposed development is located within an area covered by the “RS” zoning objective in the current Development Plan which seeks to “provide for residential development and protect and improve residential amenity”

#### **Family flats:**

Objective DMS43 seeks to ensure that family flats:

- Are for a member of the family with a demonstrated need.
- Are linked directly to the existing dwelling via an internal access door and do not have a separate front door.
- When no longer required for the identified family member, are incorporated as part of the main unit on site.
- Do not exceed 60sq.m in floor area.
- Comply with the design criteria for extensions.

#### **Development standards:**

Separation distances: 22m required between opposing first floor rear windows.  
Rear garden depth: 11m normally required  
Private amenity space: 60sq.m required per house  
Car parking: 2 spaces per house & 1 space per 1-bed apartment

### 4.2. Natural Heritage Designations

No European sites in the vicinity of the site.

## 5.0 The Appeal

### 5.1. Grounds of First Party Appeal

- The house is currently occupied by 3 generations of the same family, 4 adults & 2 children, and 2 of the adults (Appellants) would move into the family flat.
- The house would be occupied by the Appellant's son (the younger family) to whom the house would be willed, and who cannot afford a mortgage.
- The design has been amended to incorporate a link connection between the existing house and the proposed extension.
- **Reason no.1:** The c.37sq.m, single storey unit complies with DMS43 criteria, it is the same scale & height as a garden shed and occupies the same position, it is similar to several developments in the area including a playroom permitted under F06B/0778 (80sq.m. & 5m high).
- **Reason no.2:** The unit would be in keeping with the pattern of development in the area, the design & external finishes would match the existing house, it would barely be visible from the street, a small garden area would be retained and there are ample open spaces in the vicinity.
- **Reason no.3:** There is no car parking requirement as this is not a new dwelling and there are 2 car bays to the front.

### 5.2. Planning Authority Response

- Despite the amendments, the unit would remain a separate independent dwelling unit with its own front door and side access.
- The link would also further exacerbate the overdevelopment of the site and further reduce the private amenity space to well below minimum standards.
- The structure permitted under F06B/0779 was conditioned not to be used as habitable room, and this case would set an undesirable precedent.

### 5.3. Observations

- None received.

## 6.0 Assessment

The issues arising in this case relate to:

- Principle of development.
- Residential amenity
- Access and car parking
- Other issues

### 6.1. Principle of development:

The proposed family flat would be located within an area covered by the RE zoning objective in the Development Plan which seeks to “provide for residential development and protect and improve residential amenity” and the proposed development would be compatible with this objective.

### 6.2. Residential amenity

The proposed c.32sq.m family flat would be located in the rear section of the c.66sq.m. rear garden of an existing 2-storey end of terrace house.

The originally proposed detached single storey structure would be c.32sq.m. and 5.8m wide, 7m deep and 4m high, with a pitched roof and a door and two windows in the front N facing elevation. It would be set back c.4m from the rear elevation of the existing 2-storey house and the rear garden area would be reduced to c.25sq.m.

Under the amended proposal, the structure would be connected to the existing house by way of a flat roofed link structure located along the W site boundary and it would be c.4m long, 1.6m to 2.5m wide and 2.9m high. The link would have a patio door and window, and the originally proposed structure would retain the door and one of the two windows. The rear garden area would be further reduced to c.17sq.m.

Objective DMS43 of the Development Plan sets out several criteria for family flats including the requirement that the unit is linked directly to the existing dwelling via an internal access door so that the unit can be incorporated into the main house when no longer required, and that the unit does not have its own front door. The Development Plan also requires a 60sq.m. rear garden which is normally required to be 11m long.

The originally proposed development would be detached with its own front door, it would not be possible to incorporate the structure into the main house at any stage in the future, and the rear garden area and length would be reduced to well below minimum Development Plan standards. Although the amended proposal would provide for a physical connection with the existing house, it would still have its own front door and the rear garden area would be further deduced to c.17sq.m. which would be unacceptable in terms of residential amenity.

Both the original and amended proposals would fail to comply with DMS43, they would result in an overdevelopment of a rear garden site and give rise to a substandard form of development which would in turn have an adverse impact on the residential amenities of the existing house.

Notwithstanding the above, I am satisfied that the proposed development would comply with the other relevant DMS43 criteria in that the unit would be occupied by a family member, it would be less than 60sq.m, the design is acceptable in terms of visual amenity and the internal layout would provide for an acceptable level of residential amenity.

The previous case cited by the Appellant under Reg. Ref. F06B/0779 in relation to the construction of a c.70sq.m. playroom in the rear garden of a nearby house at no. 29 is noted. However, it is not considered to be relevant as no.29 occupies a much larger site than the appeal site (346sq.m. v 176sq.m.), the development description was different and Condition no.3 required that the structure should not be used for commercial purposes or as a habitable room.

### 6.3. Access and car parking

The concerns raised by the Council's Transportation Division in relation to the level of on-street car parking in the surrounding area is noted. However, there are two off street car parking spaces provided in the front garden and the same number of people (4 adults and 2 children) would continue to occupy the development. Therefore, no additional off-street car parking spaces are required.

### 6.4. Other issues

**Appropriate Assessment:** Having regard to the nature and scale of the proposed development and its location within a long established built up urban area which is connected to existing public services, and the separation distance to the nearest sensitive location and lack of a direct aquatic connection, there is no real likelihood of significant effects on any European sites arising from the proposed development and the need for Appropriate Assessment screening is not required.

**Environmental Impact Assessment:** Having regard to the nature and scale of the proposed development and its location within a long established built up urban area and the separation distance to the nearest sensitive 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.

**Environmental services:** The arrangements are considered acceptable subject to compliance with the requirements of Irish Water and the planning authority.

## 7.0 Recommendation

Arising from my assessment of this appeal case I recommend that planning permission should be refused for the proposed development for the reasons and considerations set down below.

## 8.0 Reasons and Considerations

1. Having regard to the provisions of the Fingal County Development Plan 2017 to 2023, and in particular Objective DMS43 which sets out criteria for a family flat, and to the nature, scale and location of the proposed development, it is considered that the proposed development would result in an overdevelopment of a rear garden site and it would give rise to a substandard form of development which would have an adverse impact on the residential amenities of the existing house. The proposed development would set an undesirable precedent for similar future developments in the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

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Karla Mc Bride

Planning Inspector

22<sup>th</sup> October 2018