



An
Bord
Pleanála

Inspector's Report ABP 304360-19

Development	Detached family flat to the rear of dwelling.
Location	19 Sallynoggin Park, Sallynoggin, Co. Dublin.
Planning Authority	Dun Laoghaire-Rathdown County Council.
Planning Authority Reg. Ref.	D19A/0114.
Applicant	Maria Griffin.
Type of Application	Retention Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party.
Appellant	Maria Griffin.
Observer	None.
Date of Site Inspection	18 th July 2019.
Inspector	Dáire McDevitt.

1.0 Site Location and Description

- 1.1 The application site is located on the northern side of Sallynoggin Park, an established residential area accessed via O'Rourke Park in the mature suburb of Sallynoggin, Co. Dublin. The surrounding area is characterised by two storey semi-detached and terraced dwellings.
- 1.2 The relevant house, No. 19 Sallynoggin Park, is a semi-detached house with a dash finish, paired with No.20, which bounds the site to the west. The site is bounded to the rear by the rear garden of no. 29 Brickfield Drive and a patch of grass and the end of Brickfield Drive cul-de-sac.
- 1.3 Access to the structure is via a side access to the rear garden of No. 19, this has steps in places with handrails along a path that runs between No. 19 and No. 18, bounded by low walls and is used as a shared access by the two houses.

2.0 Proposed Development

- 2.1 Permission for retention of a detached family flat in the form of a timber cabin style structure with a gfa of c. 56.4sq.m in the rear garden of No. 19 Sallynoggin Park, a 2 storey semi-detached with a gfa of c. 99sq.m on a site with a stated area of 0.0475 hectares.

3.0 Planning Authority Decision

3.1 Decision

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

- 1. It is considered that the development to be retained, for the following reasons, would be contrary to the provisions set out in Section 8.2.3.4 (iii) of the 2016-2022 Dun Laoghaire Rathdown County Development Plan set out hereunder in respect of 'family' or 'granny' flat extensions/conversions:*

- a) *The 'family flat', to be retained, is that of a detached timber structure and is not interlinked with the primary dwelling and is not capable of being subsumed back into the main dwelling when it is no longer required.*
- b) *The 'family flat', to be retained, measures approximately 56.4sq.m in gross floor area, and given its detached nature, would not constitute a subsidiary-element of the primary dwelling (which measures approximately 99sq.m in gross floor area), and would constitute overdevelopment of the site.*

The development to be retained would, therefore, be seriously injurious to the residential amenities of the area and of property in the vicinity, would depreciate the value of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

2. *The 'family flat', to be retained, by reason of its length, scale and proximity to directly adjoining site boundaries would appear visually obtrusive and overbearing when viewed from the rear of the adjoining site, No. 18 Sallynoggin Park, in particular. The development to be retained would, therefore, be seriously injurious to the visual and residential amenities of the adjoining properties in the area and, if permitted, would set an undesirable precedent for similar development in the vicinity. The development to be retained would, therefore, 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 and scale, overdevelopment of the site and non compliance with section 8.2.3.4 (iii) relating to granny/family flat accommodation as the family flat to be retained is a detached structure.

Appropriate Assessment screening concluded that a Stage 2 appropriate assessment was not required. The planners report refers to an Appropriate Assessment Screening Report on file. There is no report attached to the file.

3.2.2 Other Technical Reports

Transportation Planning. No objection subject to conditions.

3.3 Third Party Observations

None.

4.0 Planning History

Planning Authority Reference No. D15B/0232 refers to a grant of permission in 2015 for a single storey granny flat extension to the rear of the existing house. This was not implemented.

ENF 35218 refers to a current planning enforcement case in respect of the construction of a shed like structure in the rear garden of No. 19 Sallynoggin Park.

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.

5.3 EIA Screening

Having regard to the nature and scale the development which consists of the retention of a detached timber structure in use as a family flat in the rear garden of 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.

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:

6.1.1 General

- The detached structure comprising 2 bedrooms, bathroom, kitchen, living area is occupied by the applicant, Maria Griffin.
- The applicant moved in to the structure as for health reason she requires accommodation on the level. The main house is occupied by the applicant's son and his family.
- Permission was granted in 2015 for a single storey extension to the main house to accommodate a granny flat for the applicant. This was not constructed due to cost and the applicant was advised that the structure which is the subject of this appeal did not require planning permission.
- The applicant has set out that the development complies with the current County Development Plan as follows:

- Reference to policy RES9 of the current County Development Plan in relation to independent/assisted living.
- Reference to policy RES7 of the current County Development Plan in relation to housing mix.
- Reference to policy RES4 of the current County Development Plan in relation to densification of existing built-up areas.
- The Development management objectives contained in section 8.2 (ii) encourage the subdivision of existing dwellings.
- 8.2 (ii) refers to family/granny flat sets out that it should be subsidiary to the main house.
- 8.2 (iv) regarding the development of corner/side garden sites.
- 8.2.(vi) regarding backland development.

6.1.2 Reason No. 1

- The detached structure has a gfa of c.56.4sq.m and the extension that was granted permission under D15B/0232 was c.58sq.m. This was considered acceptable and subsidiary to the main c.99sq.m dwelling at the time. To say that the current proposal is not subsidiary is contradictory.
- Disputes the contention by the planning authority that the structure could be used as a separate residential unit. The applicant has no objection to a condition restricting its use.
- The structure to be retained in conjunction with the main house does not constitute overdevelopment of the site. Reference to Honey Park high density development that backs onto the application site.
- Ample private amenity space is retained. A rear garden of c. 160sq.m is shared by the 2 bed granny flat and the main house.

6.1.3 Reason No. 2

- The size of the structure to be retained is less than the minimum floor area advised for 2 bed units in the national guidelines, yet the planning authority consider the scale of the structure to be excessive.

- The structure to be retained has a height of c.3.4m, is painted green and is inoffensive.
- The timber fence does not run the full boundary as the neighbours wishes to retain an open ambience.
- No concerns have been raised by neighbours. On the contrary, letters of support from neighbours (No. 18 & No.20) included with the appeal.

The applicant is willing, if required by the Board, to provide a corridor between the structure and the main house to form a link between the two structures.

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 also needs to be addressed. The issues can be dealt with under the following headings:

- Design and Residential Amenity.
- Appropriate Assessment.

7.1 Design and Residential Amenity

7.1.1 Retention permission is sought for a detached timber structure that resembles a timber cabin (gfa of c. 56.4sq.m) comprising of 2 bedrooms and living accommodation in the rear garden of No. 19 Sallynoggin Park. It is set back c.1.8m from the eastern boundary with No. 18 and set back between c.6m from the boundary with No.20 to the west. It is set back c.5.7m from the rear of No.19. The highest point of the roof rises to c.3.4m. A rear garden of c.

160sq.m is retained to serve the main house and the family flat to be retained. Paths have been laid out to access the structure.

- 7.1.2 Section 8.2.3.4 (iii) of the County Development Plan refers to granny/family flats. Such proposals should be considered in relation to a range of criteria including having regard to scale, design set out in section 8.2.3.4 (i) which refers to domestic extensions. The requirement for the granny/family flat to be internally linked with the main house and its ability to be subsumed back into the main house once no longer required as a family/granny flat would be an overriding consideration. The applicant has referred to a number of policies set out in the Development Plan which are argued apply in this instance. The public notices refer to a 'detached single storey family flat' therefore the relevant policy is set out in Section 8.2.3.4 (iii) and I propose to assess the application accordingly.
- 7.1.3 The Planning Authority's reasons for refusal was on the premise that the family flat to be retained is a detached structure and as such cannot be subsumed back into the main house once no longer required, in addition the scale and size of the family flat was not considered subsidiary to the main house and would constitute over development of the site. Furthermore, the planning authority considered the development to be retained by virtue of its length, scale and proximity to boundaries would be visually obtrusive and detract from the visual and residential amenities of adjoining properties, in particular No. 18 Sallynoggin Park. I note that a letter of support for the development is included with the appeal from the owner of No. 18.
- 7.1.4 The principle of a granny/family flat extension onsite was considered acceptable under PA ref. No.D15B/0232. This was in the form of a single storey extension interlinked with the main house, No. 19. The current proposal before the Board is for a detached structure. Section 8.2.3.4 (iii) sets out that a primary consideration when assessing a family/granny flat accommodation is that it is a subsidiary element of the main house and interlinked to facilitate its reintegration back into the main dwelling once no longer required as a granny/family flat. While I may sympathise with the applicant's circumstances, the development to be retained is a detached structure therefore does not comply with section 8.2.3.4 (iii). I note that the applicant in the grounds of appeal has set out that she is willing to provide a corridor to link the timber

structure with the main house. This would require the provision of a minimum 5.7 m long corridor which is not acceptable and would be visually incongruous.

7.1.5 The structure to be retained is 10.7m long and 5.8m wide. It occupies a substantial portion of the rear garden which has a maximum length of 26.5m long and maximum width of c. 16.3m. There are paths laid out and a second path runs along the side of the timber structure to a small portacabin located to the rear. This portacabin is not the subject of the application before the Board. I consider the timber structure to be retained by virtue of its footprint, location and scale is overly dominant in terms of scale and is out of context with the existing built environment, The scale, design and foot print of the timber structure result in a structure that is not subservient to the main dwelling on site and is out of scale for its context.

7.1.6 Having regard to the character and pattern of development in the area, I consider the overall length, scale and siting of the structure to be retained does not have adequate regard to the existing pattern of development in the area and the residential amenities of existing dwellings, and, as such, would appear intrusive and would have an overbearing impact when viewed from adjoining properties. And detract from the residential amenities of nearby properties, No. 19 and 18 Sallynoggin Park, in particular.

7.1.7 The Planning Authority's reason for refusal included reference to the overdevelopment of the site. In this instance, c.160sq.m of private rear amenity space is to be retained. This complies with the requirements for quantum of private amenity space as set out in the current County Development Plan.

7.1.8 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.

7.2 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.

8.0 Recommendation

I recommend that permission should be refused for the reasons and consideration set out hereunder.

9.0 Reasons and Considerations

1. It is considered that the development to be retained, a detached family flat, would be contrary to Section 8.2.3.4 (iii) of the 2016-2022 Dun Laoghaire Rathdown County Development Plan as it is not interlinked with the primary dwelling and is not capable of being subsumed back into the main dwelling when it is no longer required. The development to be retained would be contrary to the proper planning and sustainable development of the area.
2. The 'family flat', to be retained, by reason of its length, scale and proximity to adjoining site boundaries would appear visually obtrusive and overbearing when viewed from the rear of the adjoining site, No. 18 Sallynoggin Park , in particular. The development to be retained would, therefore, be seriously injurious to the visual and residential amenities of the adjoining properties in the area and, if permitted, would set an undesirable precedent for similar development in the vicinity. The development to be retained would, therefore, be contrary to the proper planning and sustainable development of the area.

Dáire McDevitt
Planning Inspector

24th July 2019