



An
Bord
Pleanála

Inspector's Report ABP-304505-19

Development	Change of use of granny flat to a three-bedroom detached house with additional first-floor and rear garden
Location	149 Mount Prospect Avenue, Clontarf, Dublin 3
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	WEB1116/19
Applicant(s)	Margaret & Sean O'Connell
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First-Party
Appellant(s)	Margaret & Sean O'Connell
Observer(s)	None
Date of Site Inspection	2 nd August 2019
Inspector	Colm McLoughlin

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1.0 Site Location and Description

- 1.1. The appeal site is located on Mount Prospect Avenue, which is accessible from Vernon Avenue (R808) and the Clontarf Road (R807), and is approximately 5.5km northeast of Dublin city centre.
- 1.2. It contains a single-storey flat-roof detached building, which is stated to be vacant at present, and was permitted for use as ancillary family accommodation for the adjacent two-storey end-of-terrace house to the south, no.149 Mount Prospect Avenue. The building on site is set forward of the established building line formed by the terrace of housing to the south and is primarily finished in a white-painted render and with white upvc door and windows. To the front of the site there is a hardstanding area for off-street parking and along both sides of the building there are narrow passageways. The site backs onto a semi-private amenity area serving housing within the Park Lawn estate.
- 1.3. The surrounding area is characterised by two-storey terraced houses along the east side of Mount Prospect Avenue and pairs of two-storey semi-detached houses along the west side of Mount Prospect Avenue and also within Park Lawn estate. A residential property, known as 'The Lodge', including turret and baronial-type battlement features, abuts the northern boundary of the appeal site. Ground levels in the immediate vicinity drop gradually in a southerly direction towards the coast.

2.0 Proposed Development

- 2.1.1. The proposed development comprises the following:
 - demolition and removal of a single-storey shed structure in the rear garden area of no.149;
 - sub-division of the site and change of use of the single-storey 'granny flat' building from ancillary family accommodation to use as a house;
 - construction of a first-floor extension and alterations to the internal layout to provide for three bedrooms;
 - alterations to the front elevation of the granny flat, provision of separate rear amenity areas, replacement 1.9m-high boundary to the south side and front

boundaries, installation of sliding gates to the vehicular entrance and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority decided to refuse permission for the following reason only:

- Reason No 1: the proposed development would be contrary to the previous grant of permission for the site issued under Dublin City Council (DCC) Reg. Ref. 1532/07, would provide poor quality accommodation and access to the rear private open space, would adversely impact upon the visual amenity of the area and would set an undesirable precedent for similar developments.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer (April 2019) reflects the decision of the Planning Authority. The Planning Officer noted the following:

- there are serious concerns regarding the layout of the unit, which is considered substandard in terms of accommodation and the access to the private amenity space;
- the first-floor extension, set forward of the established building line to the south, would appear incongruous along the streetscape;
- the proposals are contrary to condition nos. 2 and 5 of the parent permission (under DCC Reg. Ref. 1532/07) to construct and use the subject building as ancillary family accommodation.

3.2.2. Other Technical Reports

- Engineering Department (Drainage Division) - no objection, subject to conditions;
- Roads & Transport Planning Division – no response.

3.3. **Prescribed Bodies**

- Irish Water – no response.

3.4. **Third-Party Observations**

3.4.1. None received.

4.0 **Planning History**

4.1. **Appeal Site**

4.1.1. The following recent planning applications relate to the appeal site:

- DCC Ref. 1532/07 – permission granted by the Planning Authority to Sean O’Connell in May 2007 for the construction of a single-storey building to the front and side of the house on site, to be used as ancillary family accommodation. Conditions of the permission increased the building setback from the front, requested replacement of the pitch roof with a flat roof and required a white render finish to the building;
- DCC Ref. 3664/06 – permission refused by the Planning Authority in August 2006 for the construction of a single-storey building to the front and side of the house on site, to be used as ancillary family accommodation, as it would be out of keeping with the general character and established pattern of development in the surrounding area and would be visually obtrusive due to the extent that it would breach the building line;
- DCC Ref. 4629/03 – outline permission refused by the Planning Authority in November 2003 for the construction of a part single and two-storey building to the front and side of the house on site, as its size and location forward of the established building line would be visually obtrusive and would be out of keeping with the established pattern of development in the area.

4.2. **Surrounding Sites**

4.2.1. There have been numerous applications and appeals for residential infill and domestic extensions in the surrounding area, including the following:

- No.48 Mount Prospect Avenue – ABP Ref. PL29N.248398 (DCC Ref. 4157/16) – permission granted by An Bord Pleanála (August 2017) for a four-bedroom part single and two-storey contemporary-style detached house with vehicular entrance along Mount Prospect Park, 450m to the west of the appeal site;
- The Lodge, Mount Prospect Avenue – ABP Ref. PL29N.126125 (DCC Ref. 1119/01) – permission granted by An Bord Pleanála (March 2002) for a free-standing flat-roof garage in the front curtilage of The Lodge, which was a Protected Structure at the time.

5.0 Policy & Context

5.1. Development Plan

- 5.1.1. The appeal site has a zoning objective 'Z1 - Sustainable Residential Neighbourhoods' within the Dublin City Development Plan 2016-2022, with a stated objective 'to protect, provide and improve residential amenities'.
- 5.1.2. Relevant planning policies for the proposed development are set out under Section 5 (Quality Housing) and Section 16 (Development Standards) within Volume 1 of the Development Plan. Amongst other National Guidelines, policy QH1 of the Plan seeks to build upon and enhance standards outlined in 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007). Policy QH21 of the Plan is also relevant, and this seeks 'to ensure that new houses provide for the needs of family accommodation with a satisfactory level of residential amenity, in accordance with the standards for residential accommodation'.
- 5.1.3. Design principles for infill development are set out in Section 16.2.2.2 of the Development Plan. Design standards for houses are set out in Section 16.10.2 of the Plan, and matters to be considered in assessing proposals for corner/side garden sites and infill housing are specifically outlined under Sections 16.10.9 and 16.10.10 of the Plan. Section 16.10.9, inter alia, requires corner/side garden housing to be compatible with the design and scale of adjoining dwellings, to be attentive to the building line and to adhere to minimum open space standards. Up to 60-70sq.m of rear garden area is generally considered sufficient for houses in the

city and a minimum of 10sq.m amenity space per bed space is required. In this part of the city (zone 3), a maximum of 1.5 car parking spaces per house is required based on standards within Section 16.38 of the Plan.

5.2. Environmental Impact Assessment - Preliminary Examination

- 5.2.1. Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any 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.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A first-party appeal has been lodged against the Planning Authority's decision to refuse to grant permission. The following grounds of appeal are raised:
- the subject 'granny flat' building was built in 2007, but is now vacant and has functioned as a single-storey detached house, independent of the original host house, no.149;
 - the Planning Authority accept that the change of use from ancillary accommodation to residential use is provided for under Development Plan provisions, but they consider the proposals not to be acceptable as they would contradict conditions of the previous permission (DCC Ref. 1532/07);
 - policy within the Development Plan supporting quality housing provision would be facilitated by the subject proposals and relevant Development Plan standards would be met within the proposed development;
 - a very high standard of family accommodation would be provided by the proposals and the layout for the proposed house accords with the requirements for circulation, accessibility, lighting and room sizes outlined in the national guidelines, 'Quality Housing for Sustainable Communities';

- precedent for the development is provided for by the recent permission granted by the Board for a contemporary style detached house adjacent to No.2 Mount Prospect Park (ABP Ref. PL29N.248398 / DCC Ref. 4157/16);
- proposals would not impact on the amenities of neighbouring properties and the contemporary design, scale and height of the extension elements would be appropriate for this location;
- the building is already provided with an existing vehicular access and off-street parking and the proposed development would allow for the building to be used as a well-designed flexible residential unit for the appellants' daughter and her family;
- proposals would facilitate increased housing in an urban area with excellent public transport links, as supported by Government policy.

6.2. Planning Authority Response

6.2.1. The Planning Authority did not respond specifically to the grounds of appeal.

6.3. Observations

6.3.1. None received.

7.0 Assessment

7.1. Introduction

7.1.1. I consider the substantive issues arising from the grounds of appeal and in the assessment of the application and appeal, relate to the following:

- Change of use;
- Residential Amenities;
- Impact on Visual Amenities.

7.2. Change of Use

- 7.2.1. The appeal site is situated on lands zoned 'Z1 - Sustainable Residential Neighbourhoods' in the Dublin City Development Plan 2016-2022, which sets out that the principle of developing a house on an infill / side garden site on lands zoned 'Z1' is acceptable, subject to planning and environmental considerations addressed below. The Planning Authority refused planning permission for the proposed development, partly because they considered that it would be contrary to the previous grant of permission under DCC Ref. 1532/07. The Planning Officer's report assessing the proposed development outlined that the proposals would be contrary specifically to condition nos. 2 and 5 of DCC Ref. 1532/07, which allowed for the construction and use of the single-storey building on the appeal site for ancillary family accommodation.
- 7.2.2. Condition no.2 of the parent permission required the building to be set back from the front boundary by a further 1.5m, as well as requiring the original pitch roof to be replaced with a flat roof and the building to be finished with a white render. The proposed development would not involve extending the building closer to the front boundary, nor would it introduce a pitch roof above ground-floor level and it would continue to reuse and renovate the existing render finish to the building. While I recognise that the proposed development would incorporate a first-floor extension with a buff brick finish, I do not believe that this could be reasonably considered to result in the proposed development materially contravening condition no.2 attached to the previous permission (DCC Ref. 1532/07).
- 7.2.3. Condition no.5 of the parent permission required the ancillary family accommodation building to be incidental to the enjoyment of the host house on site, not to be separated from the site by lease or sale and once the accommodation is no longer required for residential purposes, it should revert back to being part of the original family house. The imposition of this condition has clearly led to the applicants seeking planning permission to change the use of the building. I note that the original permission for the building (DCC Ref. 1532/07) provided a vestibule or lobby area between the host house and the 'granny flat' building, with access available to the rear garden area of the host house from the 'granny flat' building. These features and the interconnectivity between the host house and the 'granny flat' are

not illustrated on the existing ground floor plan drawing no. (E101) submitted with the subject application. The applicants have stated that, while the building is presently vacant, it has been functioning separate to the host house. The Planning Authority's reason for attaching condition no.5 to the previous permission was stated as being 'in the interest of proper planning and development of the area'. For the subject proposals to achieve favourable consideration, I believe that amongst other issues, the applicants must overcome the stated reason for attaching condition no.5. Consequently, given the nature of the development, matters relating to the impact of the development on the residential and visual amenities of the area are central to the consideration of this appeal and these matters are assessed separately under sections 7.3 and 7.4 below.

7.3. Residential Amenity

- 7.3.1. The Planning Authority's decision to refuse permission for the proposed development was partially based on the poor quality accommodation, including the access to the private open space to the rear of the house. In appealing the decision, the grounds of appeal assert that the proposed development would provide a suitable level of family accommodation and amenities for future occupants, in line with development standards contained in the Development Plan and the 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007).
- 7.3.2. The target gross floor area for a three-bedroom two-storey four-person house, as set out within the Departmental 'Quality Housing Guidelines' and referenced in the Development Plan, is 83sq.m. The proposed house would provide a gross floor area substantially in excess of this at 136sq.m. The minimum living room area, aggregate living area, aggregate bedroom area and storage area are each achieved in the proposals. Proposals would fall marginally short of the Development Plan '20%' standard regarding the extent of glazing relative to the floor area of the ground-floor living rooms in the proposed house. The house is primarily single aspect with the main habitable rooms and bedrooms receiving light off the west. Alternative, but limited, natural lighting would be provided via the existing window and doorway on the south façade, the existing four rooflights to the rear kitchen, the proposed three rooflights to the flat roof over the ground floor and the three proposed rear windows

in the first-floor extension. Despite the shortfall with respect to glazing and natural lighting, I am satisfied that this would not be significant and could be mitigated to an extent via condition, if necessary, including the omission of the elongated narrow kitchen area along the rear passageway and the provision for additional rooflights or windows. Consequently, I am satisfied that the internal space for the proposed house would provide an appropriate level of amenity for future occupants and that this aspect of the proposed development would not warrant refusal of permission.

7.3.3. Based on Development Plan standards requiring 10sq.m of private amenity space per bed space in new houses outside the inner city, the minimum amount of private open space required for the proposed three-bedroom four bed space house would be 40sq.m. The Development Plan states that 60-70sq.m of rear garden area is usually sufficient for new houses in the city. A similar quantum of rear garden space would be required for the existing house. It is stated by the applicant that 45sq.m of garden space would be provided for the proposed house and 65sq.m would be provided for the host house meeting Development Plan standards. The access to the rear garden space would be through a narrow passageway or via the kitchen, and while the layout and the location of the rear garden to serve the new house differentiate from the standard, I am satisfied that this element of the development would not warrant refusal of planning permission. Details of the boundary walls to the rear garden areas would be required in the event of a grant of permission, and in order to provide privacy for future occupants the two proposed gates in the shared boundary between the existing house and proposed house should be omitted. Given the minimal size of the rear garden area, restrictions on exempted development rights for the new house would also be warranted.

7.3.4. In conclusion, subject to conditions addressing natural lighting, boundary treatments and exempted development rights, I am satisfied that the proposed development would provide for a suitable level of amenity for future residents of the proposed house and the proposed development would comply with the residential development standards of the Development Plan and the 'Quality Housing Guidelines'.

7.4. Impact on Visual Amenities

- 7.4.1. It is noted that the appeal site and surrounding area is not provided with any conservation status. Section 16.10.9 of the Development Plan lists a range of criteria to be assessed in relation to housing proposals on corner/side garden sites, including the character of the area, compatibility with adjoining dwellings and building lines. In August 2006 the Planning Authority initially refused planning permission (DCC Ref. 3664/06) for a single-storey building to the front and side of the house on site, as it would not be in keeping with the character of the area and as it would significantly breach the established building line. In May 2007, the Planning Authority subsequently granted planning permission (DCC Ref. 1532/07) for a single-storey building to the front and side of the house on site, although compared to the previously refused building, the permitted building was set back approximately 1m further from the front boundary and condition no.2 of the permission required an additional 1.5m setback and the omission of the pitch roof to be replaced by a flat roof with parapets.
- 7.4.2. The existing infill building on site sits approximately 6.4m forward of the building line to the south, which is established by rows of terraced houses along the east side of Mount Prospect Avenue. There are examples of infill developments in the area, including No.136a Mount Prospect Avenue directly opposite the site. The grounds of appeal also refer to permission granted by An Bord Pleanála (ABP Ref. PL29N.248398) in August 2017 for a part single and two-storey contemporary-style detached house on Mount Prospect Park, 450m to the west of the appeal site. Adjacent to the north of the site is 'The Lodge', a unique residential property with turret and baronial-type battlement features. This adjacent house sits forward of the building line to the south and is situated behind a 2m-high front boundary wall, as well as trees and other vegetation.
- 7.4.3. In order to achieve a suitable level of residential amenity for future occupants, the proposed building would be extended, with an additional floor provided at first-floor level. This additional floor would be set forward of the established building line to the south by approximately 5.5m. Mount Prospect Avenue serves as a primary street through the surrounding residential area. Trees along the street and within the front gardens of The Lodge would offer some seasonal screening of views towards the

additional floor to the proposed house. The existing building substantially breaks the building line, however, its impact is softened by the fact that it is single-storey and features a flat roof.

7.4.4. While I recognise the context provided by 'The Lodge' property and seasonal screening provided to an extent primarily by street trees, the layout and building lines along Mount Prospect Avenue are design features that provide a visual amenity that is worth protecting. I am satisfied that the provision of an additional floor to the proposed house, would significantly interfere with the building line to the south along Mount Prospect Avenue, particularly given the proximity of the proposed first-floor within 1m of the host house. Having regard to this projection and the prominent position of the building along the approach from the south and its proximity to No.149, I consider that the additional floor would constitute an incongruous feature that would be out of character with the surrounding pattern of development in the area.

7.4.5. In conclusion, the proposed development would detract from the character of Mount Prospect Avenue, as well as the visual amenities of the area, and would not comply with the provisions of Section 16.10.9 of the Development Plan which requires residential development on side garden sites to be attentive to the established building lines of the area. The proposed development should be refused for this reason.

8.0 Appropriate Assessment

8.1. Having regard to the minor nature of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

9.1. I recommend that planning permission for the proposed development should be refused for the reasons and considerations, as set out below.

10.0 Reasons and Considerations

1. Having regard to the established character and pattern of development in the vicinity, the provisions of the Dublin City Development Plan 2016-2022 and the prominent position of the proposed house in the side garden, with an additional first-floor substantially breaking the building line of immediately adjacent housing to the south, it is considered that the proposed development would be visually obtrusive within the streetscape, would detract from the visual amenities of the area and would be contrary to the provisions set out under Section 16.10.9 of the Dublin City Development Plan 2016-2022, which require developments on side garden sites to have regard to the character of the area, including building lines. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Colm McLoughlin
Planning Inspector

9th August 2019