



An
Bord
Pleanála

Inspector's Report ABP-305184-19

Development

Retention of granny flat to northern side of house. Subsequent to this, permission for the demolition of granny flat and to construct new two-storey granny flat extension to existing house. Also, single storey extension to rear of house.

Location

20 Beech Drive, Dundrum

Planning Authority

Dun Laoghaire-Rathdown County Council

Planning Authority Reg. Ref.

D19A/0174

Applicant(s)

Jeff Bayle

Type of Application

Retention and Permission.

Planning Authority Decision

Grant permission with conditions.

Type of Appeal

Third Party

Appellant(s)

Patrick & Claire Ryan

Date of Site Inspection

21st November 2019

Inspector

Paul O'Brien

1.0 Site Location and Description

- 1.1. No. 20 Beech Drive comprises a two-storey, semi-detached house located on the eastern side of a residential street, located to the south west of Dundrum, Co. Dublin. The area is characterised by similar two-storey, semi-detached houses separated by the adjacent pair of houses by attached garages. It is noted that a number of these garages have been converted for residential use. The houses on Beech Drive have driveways providing for off-street, car parking.
- 1.2. The garage of the subject unit has been converted with a large window provided to the front in lieu of the garage door. The pair of semi-detached houses to the north have had a large canopy constructed to the front, which is an unusual feature on this street. Infill housing has been provided at the end of the street.

2.0 Proposed Development

- 2.1. The development consists of:
 - Retention of a granny flat attached to the side of no. 20 Beech Drive. This is in the form of the conversion of the attached domestic garage and has a given floor area of 16.4 sq m.
 - Subsequent to the retention of the granny flat, permission is sought for the demolition of the granny flat and for the construction of a new two-storey granny flat extension to the existing house. The proposed granny flat to have a stated floor area of 64.8 sq m.
 - Permission is also sought for a new single-storey extension to the rear of the house with a stated floor area of 6.4 sq m.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission subject to conditions, following the receipt of further information. The conditions are generally standard. Condition no. 2 states:

Prior to commencement of development revised elevation drawings showing the provision of a hipped roof to the two-storey front extension shall be submitted for the written approval of the Planning Authority. The eaves height of this element shall match that of the roof and the north -facing roof slope shall be continuous with the north facing slope of the main roof.

Condition no.3 limits the use of the family flat to an immediate member of the family only with an internal link to the main house provided and if the use of the family flat ceases, it shall be incorporated into the main house.

3.2. **Planning Authority Reports**

The Planning report reflects the decision to grant permission subject to conditions. It is reported that many houses in the area have converted their garage for residential use. The replacement of this family flat with a larger two-storey structure would not negatively impact on the visual amenity or character of the area. The provision of a gable roof was considered unacceptable and further information requested a revision in the roof design to a hipped roof, matching the existing roof profile. Details of the family flat use and removal of a front door were also requested and were adequately addressed. The flat roof of the front extension/ family flat was considered to be unacceptable and was to be revised by way of condition.

3.3. **Planning Reports**

Transportation Planning: No objection subject to recommended conditions.

Drainage Planning – Municipal Services Department: No objection subject to recommended conditions.

3.4. **Objection**

A single letter of objection was received from the occupants of no.18 Beech Drive, the property adjacent to the north of the subject site. The objector has engaged the services of Dolan and Associates Ltd to prepare this letter of objection and the issues are similar to those raised in the appeal, including:

- The site notice is not legible and fails to comply with the Planning and Development Regulations 2001 as amended.
- Issue over the ownership of the site and Land Registry details have been submitted in support.
- The indicated floor area is inaccurate, and the family flat would exceed the maximum permitted under the County Development Plan.
- Concern that the development will be used as an independent unit.
- Do not oppose the retention of the existing family flat.
- The proposed two-storey family flat does not comply with relevant Building Regulations.
- Room sizes including storage provision do not comply with the 'Quality Housing for Sustainable Communities' (DoEHLG, 2007).
- No additional parking has been provided.
- Overshadowing and loss of daylight of the objector's property is likely.
- Inadequate separation distances will result in overbearing.
- No structural details have been provided.
- The proposed development will result in a 'terracing effect' on the streetscape and the building line will be broken by the projecting extension to the front of the house.
- The proposed roof design is contrary to that of the established form of hipped roofs in the area. Window design is similarly out of character as are the protruding parapet walls at eaves/ gutter level of hip roofs.
- The proposed development would set a precedent for the subdivision of units.

4.0 Planning History

There are no recent, relevant, valid applications on the subject site.

5.0 Policy and Context

5.1. Development Plan

5.1.1. Under the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022, Beech Drive including the subject site is zoned A 'To protect and/ or improve residential amenity'.

5.1.2. Section 8.2.3.4 *Additional Accommodation in Existing Built-up Areas* of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022, includes a section on 'Family Flat/ Granny' Flat Extension within an urban context. This section describes family flats and states that *'Proposals should be:*

- *Interlinked with the primary dwelling and capable of being readily subsumed back into same.*
- *Such that the Planning Authority is satisfied that there is a valid justification for the proposal in use terms.*

Permission will normally be on condition that:

- *The flat can be subsumed back into the main dwelling when it is no longer required.*
- *It shall not be let or sold, other than as an intrinsic part of the overall property.*
- *Where the owner wishes it to remain subdivided on a permanent basis, an application shall be made for sub-division which will be assessed on the more demanding criteria as would be applied to a separate dwelling house'.*

The Development Plan also provides guidance on extensions and side extensions and states:

'Side extensions will be evaluated against proximity to boundaries, size and visual harmony with existing (especially front elevation), and impacts on residential amenity. First floor side extensions built over existing structures and matching existing dwelling design and height will generally be acceptable, though in certain

cases a set-back of an extension's front facade and its roof profile and ridge may be sought to protect amenities, integrate into the streetscape and avoid a 'terracing' effect. External finishes shall normally be in harmony with existing.

Any planning application submitted in relation to extensions shall clearly indicate on all drawings the extent of demolition/wall removal required to facilitate the proposed development and a structural report may be required to determine the integrity of walls/structures to be retained and outline potential impacts on adjoining properties. This requirement should be ascertained at pre-planning stage. A structural report must be submitted in all instances where a basement or new first/upper floor level is proposed within the envelope of an existing dwelling.

Side gable, protruding parapet walls at eaves/gutter level of hip-roofs are not encouraged'.

5.2. Natural Heritage Designations

None.

6.0 The Appeal

6.1. Grounds of Appeal

The decision of the Planning Authority has been appealed by the occupants of no. 18 Beech Drive, Dundrum, the house located immediately to the north of the subject property. Dolan and Associates Limited have been engaged to prepare the appeal and the following issues have been raised:

- The site notice is not legible due to the size of the text and fails to comply with the Planning and Development Regulations 2001, as amended. This issue was pointed out to the Planning Authority and was ignored.
- Issue over the ownership of the site and Land Registry details have been submitted in support. The response to the further information request determined

that the applicant was not the owner of this site and the applicant changed during the course of the application.

- Room sizes including storage provision do not comply with the 'Quality Housing for Sustainable Communities' (DoEHLG, 2007).
- Overshadowing and loss of daylight of the objector's property is likely.
- Inadequate separation distances will result in overbearing.
- Devaluation of property through the loss of residential amenity.
- The proposed development will result in a 'terracing effect' on the streetscape and the building line will be broken by the projecting extension to the front of the house. Reference South Dublin County Councils' 'House Extension Design Guide'.
- No details in respect of Appropriate Assessment Screening have been provided.
- No pre-site testing was carried out to determine the site suitability for infiltration to subsoil.

6.2. Applicant Response

The applicant has engaged the services of ARC Architectural Consultants Limited to prepare the application and to submit a response to the appeal. The following points are noted:

- The Planning Authority deemed the public notices to be consistent with Article 19 of the Planning and Development Regulations 2001 as amended.
- The issue of ownership was a genuine mistake; the applicant's mother is the landowner and has submitted a letter of consent with the Further Information response.
- The proposed development does not prevent a similar development on the neighbouring site.
- The development will not impact on any Natura 2000 sites. Screening details have been provided.
- Soakaway is considered appropriate for surface water disposal.

- The development is not for a new house or apartment. The nature of this unit is set out in this response.
- The South Dublin County Council details are not relevant.
- The design is in keeping with the character of the area.

6.3. **Planning Authority Response**

The Planning Authority have included the following comments:

- The site notice as erected on site was visible and legible from the public road.
- The applicant did not change during the course of the application.
- Pre-site testing for soakpits is not mandatory.
- Condition 3 of the decision to grant permission prevents the subdivision of the unit.
- The proposal is for a family flat and not a house, therefore the 'Quality Housing for Sustainable Communities' guidelines do not apply.
- Reference to other Local Authority documentation is not relevant within the Dun Laoghaire-Rathdown County Council area.
- Details of the construction process is not a matter for the Planning Authority. The provision of a structural report is not necessary for this development.
- The Planning Authority considered that the decision to grant permission was appropriate and the content of the Planning Reports should be taken into consideration in the assessment of this appeal.

7.0 **Assessment**

7.1. The main issues that arise for consideration in relation to this appeal can be addressed under the following heading:

- Nature of the Development
- Design and Impact on the Character of the Area
- Impact on Residential Amenity

- Infrastructure and Drainage
- Other Issues
- Appropriate Assessment Screening

7.2. Nature of the Development

- 7.2.1. The development consists of the retention of an existing family flat and subsequent to permission for its retention, the demolition of this family flat and for the construction of a new two-storey family flat attached to the side of the house. A small single-storey extension is to be provided to the rear of the house. The family flat would provide for two bedrooms at first floor level, the smaller of these would only accommodate a single bed.
- 7.2.2. The plans submitted in response to the further information request demonstrate that the proposed development complies with the requirements for family flats in the Dun Laoghaire-Rathdown County Development Plan. The family flat is internally connected to the existing house and it is possible for it to become part of the host house at an unspecified time in the future. It is appropriate that the use of this unit be conditioned for use only as a family flat and not be sold, rented or leased independently of the main house.

7.3. Design and Impact on the Character of the Area

- 7.3.1. The applicant was requested by the Planning Authority, by way of a further information request, to revise the design of the family flat. The submitted plans demonstrate revisions including the provision of a hipped roof to the side of the house instead of a gable ended roof and thereby ensuring that this distinctive feature of houses in the area is retained.
- 7.3.2. The projecting extension at 1.5 m to the front of the house is considered to be acceptable. The external treatment of this extension is to be in the form of a smooth render finish and the use of windows of a different dimension to that of the host unit will distinguish it from the existing house, whilst not dominating the streetscape. I note that there have been a significant number of alterations made to houses on Beech Drive including side and front extensions resulting a variety of front

elevational treatments. The flat roof of this front extension is considered to be visually acceptable and ensures that the extension is subordinate to the main body of the house.

- 7.3.3. The design of the projecting extension including its flat roof and the provision of a hip rather than gable roof to the extension to the house will ensure that the issue of visual terracing does not occur. A full gable ended roof would be more likely to give rise to such an issue in the future if the adjoining property were similarly extended.

7.4. Impact on Residential Amenity

- 7.4.1. The appellants have referenced a number of concerns regarding the proposed development in terms of negative impact on residential amenity. I do not foresee that the proposed extensions will have a significant impact in terms of loss of daylight/ increased overshadowing. The rear garden of no.18 is east facing and late evening summer sun would only be available to the rear of the garden which will not be impacted upon by this development. Similarly, the extension will not be unduly overbearing. The extension to the rear, projects by 3.8 m beyond the existing rear elevation of the house, which in the context of a garden of circa 18.5 m length, is not excessive. The extension to the front/ west elevation will not result in any significant loss of light to the neighbouring property as no. 18 is already provided with a canopy to the front that would reduce the availability of day and sunlight.
- 7.4.2. I note the comments by the appellants regarding the provision of separation distances, however if the applicant was to provide these as described, much of what they propose in terms of the family flat floor area would not be achievable. The proposed development has been well considered in terms of its design, making maximum use of the available site whilst ensuring compliance with the requirements of the Dun Laoghaire-Rathdown County Development Plan in relation to family flats.
- 7.4.3. I do not foresee how the proposed development would result in a devaluation of property through loss of residential amenity as the extensions are relatively small having regard to the context of the site/ neighbouring properties.
- 7.4.4. The appellant has referred to the 'Quality Housing for Sustainable Communities' (DoEHLG, 2007) and that the proposed development would not comply with minimum room sizes etc. The proposed bedrooms comply with minimum room sizes

for a double and single bedroom. I would not be overly concerned about the other room sizes as this is a family flat and not a separate dwelling. At some future unspecified time, the unit will be integrated into the main body of the house and only the floor areas of the bedrooms will be relevant as the existing house will provide the primary living/ kitchen area. This is not a separate dwelling and compliance with minimum habitable floor areas do not therefore apply.

7.5. Infrastructure and Drainage

- 7.5.1. The appellants have raised concerns regarding surface water drainage. I agree with the Planning Authority that this can be addressed by way of condition and it should be possible to provide a suitable soakaway on site.
- 7.5.2. Additional car parking is not required for a family flat and it is noted that off-street and on-street parking is available in the area.

7.6. Other Issues

- 7.6.1. A number of procedural issues have been raised including the acceptability of the site notice and who is the applicant. The Planning Authority have accepted the application as valid and the site notice was correctly in place and found to be correct by the Planning Authority Case Officer. I note that the appellants objected to the application when submitted and I therefore consider that the public notices were suitable to serve their purpose.
- 7.6.2. The applicant clarified the ownership of the site at further information stage and again I consider the submitted details/ letter of consent to be acceptable. Compliance with structural/ building standards do not fall within the remit of the Planning and Development Act 2000 and are addressed under other legislation.

7.7. Appropriate Assessment Screening

- 7.7.1. The issue of Appropriate Assessment Screening was raised in the appeal. The applicant in response to the appeal has provided some details noting that wastewater will be disposed to the public foul drainage system and that there are no

watercourses on the application site which is not on or adjoining any Natura 2000 sites. There are therefore no direct pathways between the site and any Natura 2000 sites.

- 7.7.2. Having regard to the nature and scale 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 give rise to a significant effect individually or in combination with other plans or projects on an European site.

8.0 Recommendation

- 8.1. I recommend that permission be granted subject to the following conditions and reasons.

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the Dun Laoghaire-Rathdown County Development Plan 2016 - 2022 and the zoning for residential purposes, to the location of the site in an established residential area and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area. The proposed development would, therefore, 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 on the 13 th of March 2019 and as amended by the further plans and particulars submitted on the 28 th of June 2019, 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
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	<p>and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed family flat extension shall be used solely for that purpose and shall revert to use as part of the main dwelling on the cessation of such use.</p> <p>Reason: In order to comply with the objectives of the current development plan for the area.</p>
3.	<p>The external finishes of the proposed extensions shall harmonise with those of the existing dwelling in respect of colour and texture. Samples of the proposed materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
4.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.</p> <p>Reason: To ensure adequate servicing of the development, and to prevent pollution.</p>
5.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between the hours of 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the amenities of property in the vicinity.</p>
6.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p>

	Reason: To protect the amenities of the area.
7.	<p>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, as amended. The contribution shall be paid prior to 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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.</p>

Paul O'Brien
 Planning Inspector

21st November 2019