



An
Bord
Pleanála

Inspector's Report ABP-305273-19.

Development

Conversion of garage to playroom, removal of garage door to front, installation of window, door and block with render finish.

Location

No. 1 Rathmore Avenue, Tyrellstown, Dublin 15.

Planning Authority

Fingal County Council.

Planning Authority Reg. Ref.

FW19B/0084.

Applicant

Oliver John Searls.

Type of Application

Planning Permission.

Planning Authority Decision

Refused.

Type of Appeal

First Party.

Appellant

Oliver John Searls.

Observer(s)

None.

Date of Site Inspection

4th day of November, 2019.

Inspector

Patricia-Marie Young.

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1.0 Site Location and Description

- 1.1. The appeal site, No. 1 Rathmore Avenue, with a stated area of 0.0096ha fronts on to the eastern side of Rathmore Avenue c37m to the south west of its intersection with Boulevard Mount Eustace and c42m to the north east of its junction with Rathmore Grove, in a residential development known as 'Rathore Village', in Tyrellstown, Dublin 15, which is located c14.2km to the north west of Dublin's city centre.
- 1.2. The site accommodates a 2-storey dwelling house that at ground floor level has an arched vehicle access with a garage bounding the northern side of this access and bounding the southern side the ground floor level of accommodation associated with this dwelling unit.
- 1.3. Directly opposite there is a matching in design and built form dwelling with the surrounding area characterised with a variety of residential building types including terraces, apartment blocks, semi-detached dwelling units and detached dwelling units. These are mainly 2 and 3-storeys in height.

2.0 Proposed Development

- 2.1. Planning permission is sought for the conversion of a garage to a playroom, removal of garage door to front, installation of window, door and block with render finish. According to the planning application the stated gross floor area of building is 97m².

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority decided to **refused** planning permission for the following stated reasons:

"The proposed development would endanger public safety by reason of a traffic hazard or obstruction of roadusers or otherwise, by its failure to provide car parking in accordance with the Fingal Development Plan 2017-2023 standards and is thereby contrary to the proper planning and sustainable development of the area. This would also set an undesirable precedent for other similar development in the area."

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

The Planning Officers Report is the basis of the Planning Authority's decision.

3.2.2. **Other Technical Reports**

Transportation: Refusal.

Water Services: No objection subject to conditions.

3.3. **Prescribed Bodies**

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

3.4. **Third Party Observations**

3.4.1. None.

4.0 **Planning History**

4.1. **Relevant Planning History:**

4.1.1. None.

5.0 **Policy and Context**

5.1. **Development Plan**

5.1.1. The policies and provisions of the Fingal Development Plan, 2017-2023, apply. The site lies within an area zoned 'RS' which has an aim to: "*provide for residential development and protect and improve residential amenity*".

5.1.2. Of relevance Table 12.8 of the Development Plan requires 1 to 2 car parking spaces for dwelling units in this locality.

5.2. **Natural Heritage Designations**

5.2.1. None relevant.

5.3. EIA Screening

5.3.1. Having regard to the nature, scale and scope of the proposed development within the mature and built-up residential setting of the Dublin city suburb of Tyrellstown, the nature of the receiving environment, the serviced nature of the site and its surroundings, I consider that 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. The grounds of appeal can be summarised

- There will be no change to the area of the subject dwelling so it is therefore considered that the proposed development, if permitted, would result in no adverse residential impact on properties in its vicinity.
- The car parking requirement is between 1 to 2 car parking spaces.
- The subject dwelling benefits from one car parking space in the car garage and another externally located alongside the southern elevation of the dwelling.
- The subject dwelling has two bedrooms and the conversion of the garage would not change the bedroom numbers. As such it is considered that 1 car parking space provision is an adequate provision for a dwelling of this size. There are also ample visitor car parking spaces in the vicinity.
- This locality benefits from excellent bus routes and there are schools as well as other conveniences within walking distance.

6.2. Planning Authority Response

- Requests that their decision be upheld.

7.0 Assessment

7.1.1. Having inspected the site and reviewed the file documents, I consider that the issues raised by this appeal can be assessed under the following broad headings:

- Principle of the Proposed Development;
- Standard of Residential Development;
- Visual Amenity Impact; &
- Other Matters Arising.

7.1.2. The matter of 'Appropriate Assessment' also requires assessment.

7.2. Principle of development

7.2.1. The subject site is located on residentially zoned lands in a medium density part of the suburban fringes of north west Dublin. The application site is zoned 'RS' (Residential) under the Fingal Development Plan, 2017 to 2023, with the objective to provide for residential development and to protect and improve residential amenity. The applicable zoning matrix designates residential land use as being permitted in principle within this zone. The zoning objective seeks to ensure that any new development in existing areas would have minimal impact on and would also enhance existing residential amenity.

7.3. Residential Amenity

7.3.1. I acknowledge that the proposed development would result in improved residential amenity for occupants of the subject dwelling were it to be used for the purposes suggested in the public notices, i.e. as a playroom.

7.3.2. Notwithstanding, I am of the view that it would result in a residential space that as put forward in the documentation provided would not benefit from any internal connection to the physical and functional living space of this dwelling unit. Thus, giving rise to the concern that it could potentially be used for purposes other than that provided, with particular concern it being used as a separate habitable living space despite its restricted size, internal amenities and the like.

7.3.3. The drawings submitted indicate that the playroom would consist of a modest L-shaped space (c.11.26m²) with a separate WC (C1.97m²) with a separate access

from the public domain of Rathmore Avenue provided in the blocked up space that is currently occupied by a garage door with light and ventilation being provided by way of a separate new window opening on both the western and eastern ground floor elevation. No submitted reason has been provided by the applicant as to why the internal configuration of this dwelling unit would require a separately functioning ancillary living space with separate sole access from the street level or to why no internal reconfiguration is proposed to provide connection between the ground floor level and the upper floor.

- 7.3.4. In my view it is also concerning that the appellant has given an address for contact that is not No. 1 Rathmore Avenue. They have provided their address as a property that is located in the Dublin suburb of Drimnagh, Dublin 12. This would suggest that whilst the appellant appears to be the landowner it is more than probable that the appellant is not the occupant of the subject dwelling house.
- 7.3.5. I also concur with the Planning Authority's concerns in relation to the loss of an existing car parking space to accommodate a separate residential space that fails to internally connect and by way of any private external domain connection to the main residence it is proposed to be part of and a dwelling unit that was permitted with this garage parking space and what appears to be as suggested in the submitted documentation a dedicated provision of one car parking space off set from the main access road serving the site. Yet, it is unclear having regard to the limited details provided in relation to the portfolio of this property and with this application that the gross floor area of the site includes this off-street car parking space or that it has been dedicated to No. 1 Rathmore Avenue for the sole enjoyment and use of occupants of this property.
- 7.3.6. As such whilst there would appear to be a quantum of visitor parking spaces in the vicinity of the subject dwelling, I am not convinced beyond reasonable doubt, based on the evidence provided with this application that in reality the subject property includes the adjoining off street car parking space bounding the southern elevation of this property. As such I am not satisfied that the proposed development, if permitted, would be consistent with Table 12.8 of the Fingal Development Plan, 2017-2023. Based on this concern I consider the reasons given by the Planning Authority for refusal are of valid planning merit.

7.3.7. Moreover, I would further raise it as an additional concern that the efficiency of the internal roads in the vicinity of the appeal site and within the residential scheme it forms part of are in part compromised by *ad hoc* car parking obstructing the carriageway. As such I am not convinced that car parking is not an issue for residents and visitors to this locality particularly outside standard business hours which I note to the Board was the time of my site inspection.

7.3.8. While I generally concur with the Planning Authority's reasons for refusal in relation to the proposed development sought under this application should the Board be minded to grant permission I recommend that it should only do so with the provision of an internal link from the ground floor level of the proposed converted garage to a playroom to the upstairs level, even in the form of spiral staircase and that the proposed new separate doorway serving the proposed playroom be omitted with one centrally located window provided in the blocked up area that currently contains the garage door by way of further information or an appropriately worded condition. I consider that this would ensure that the proposed conversion of the garage to a playroom remains a physically connected and functioning part of the subject dwelling only. In addition, should the Board be minded to grant permission for the proposed development it may also wish to include a condition restricting its use also as part of the main and/or ancillary functional area associated with the subject dwelling.

7.4. **Visual Amenity Impact**

7.4.1. I consider that the visual amenity impact of the proposed development would be minimal and localised as it would disrupt the harmony that currently exists with the matching dwelling type on the opposite side of the access road.

7.5. **Appropriate Assessment**

7.5.1. Having regard to the nature and scale of the proposed development and to the nature of the receiving environment, namely an urban and fully serviced location, 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

8.1. I recommend that planning permission be **refused** for the reasons and considerations set out below.

9.0 Reasons and Considerations

1. Based on the information submitted with this application the Board is not satisfied that the proposed development, if permitted, would result in an insufficient car parking provision for the proposed development and a standard of car parking provision that is compliant with Table 12.8 of the Fingal Development Plan, 2017 to 2023, would be inadequate to cater for the parking demand of this residential unit, thereby leading to conditions which would be prejudicial to public safety by reason of traffic hazard on the public roads in the vicinity and which would tend to create serious traffic congestion.
2. Having regard to the lack of internal physical and functional connectivity between the proposed playroom area associated with the proposed development the living spaces of this residential unit and the detached relationship of the proposed playroom area with its need for separate access from the public domain, it is potential despite its deficiencies in internal amenities and restrictive internal dimensions to be used independently of the main dwelling, it is consider that the proposed development represents inappropriate and substandard residential development for an existing dwelling unit in this type of site context. To permit the proposed development would be contrary to the land use zoning provisions of the site and its setting which seeks to in part to improve residential amenity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Patricia-Marie Young
Planning Inspector

17th day of November, 2019.

