



An
Bord
Pleanála

Inspector's Report

ABP-305417-19

Development	PERMISSION and RETENTION: for extension to and Retention of change of use from workshop to habitable unit
Location	rear of 35, Balfe Road, Walkinstown, Dublin 12
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	3338/19
Applicant(s)	Peter Ryan
Type of Application	Permission and Retention
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Peter Ryan
Observer(s)	None
Date of Site Inspection	12 th December 2019
Inspector	Irené McCormack

1.0 Site Location and Description

- 1.1. The site is located to the rear of no. 35 Balfe Road, Walkinstown approx. 5km southwest of Dublin City Centre. The development is located to the rear of a two-storey mid terrace dwelling which is located on the eastern side of Balfe Road opposite Stanford Green, a large open green amenity space.
- 1.2. The site runs perpendicular to houses facing Balfe Road, the rear of the site backs onto another shared green area and the rear gardens of Balfe Road, Hughes Road North, Hughes Road East and Hughes Road South which are accessed from Balfe Road.

2.0 Proposed Development

- 2.1. The proposed development consists of:
 - Permission for an extension
 - Permission to retain the change of use from workshop to habitable unit with all associated site and drainage works.
- 2.2. The site is occupied by the existing mid-terrace two-storey to the front and the detached single storey residential unit to the rear, to be retained. The building has a stated floor area of 68.32sqm and is a gable fronted structure, 4.080m in height and 11.935m in depth.

3.0 Planning Authority Decision

3.1. Decision

The planning authority refused planning permission for the following reason:

1. Having regard to the layout and location of the unit for retention together with the works proposed, it is considered that the development would result in a substandard form of residential accommodation, would be seriously injurious to the residential amenities, the occupants of the structure and of adjoining properties, would set an undesirable precedent for similar developments and would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's reports notes the zoning provisions and the site coverage at 50% is in accordance with the development plan standards for Z1 areas (45- 60%) as is the plot ratio at 1:2 (0.5-2.0) for Z1 areas. It is stated that whilst there are no anticipated impacts on the residential amenities of adjoining properties in terms of overlooking or overshadowing, it is not considered that the unit for retention nor the extension and works to the unit are appropriate. The lack of natural ventilation and daylight save for skylights, to the main living areas is wholly inappropriate, contrary to Dublin City Development Plan Standards and will provide for a substandard form of accommodation for the occupants. The private amenity space has not been indicated on the plans but is likely to be shared between the existing dwelling and the unit which is not considered appropriate

3.2.2. Other Technical Reports

Drainage Division - Report dated 23rd July 2019 raised no objection subject to conditions

3.3. Prescribed Bodies

None

3.4. Third Party Observations

None

4.0 Planning History

Site

None

Surrounding (recent)

ABP 303035-18/DCC Reg. Ref. 3825/18 – Permission granted in 2019 for the conversion of an industrial building into 2 no. two-bedroom apartments at the rear of no. 9 Hughes Road North.

5.0 Policy Context

5.1. Development Plan

Zoning objective: The site is located within an area zoned Z1 which seeks “To provide for and improve residential amenities.”

Chapter 16: Development Standards: Design, Layout, Mix of Uses and Sustainable Design

Section 16.10.2: Residential Quality Standards, Houses

Section 16.10.9: Corner/Side Garden Sites

Section 16.10.16: Mews Dwellings

Section 16.10.8: Backland Development

Dublin City Council will allow for the provision of comprehensive back land development where the opportunity exists. Backland development is generally defined as development of land that lies to the rear of an existing property or building line. The development of individual back land sites can conflict with the established pattern and character of development in an area. Backland development can cause a significant loss of amenity to existing properties including loss of privacy, overlooking, noise disturbance and loss of mature vegetation or landscape screening.

By blocking access, it can constitute piecemeal development and inhibit the development of a larger backland area. Applications for back land development will be considered on their own merits.

Section 16.2.2.3: Alterations and extensions (general)

- Extensions will be sympathetic to the existing building and adjoining occupiers,
- Alterations and extensions to roof will respect the scale, elevational proportion and architectural form of the building.

Section 16.10.12: Extensions and Alterations to Dwellings

Relates to alterations and extensions to dwellings and states that development will only be granted where it will not have an adverse impact on the scale and character of the area and will not adversely affect amenities enjoyed by occupants of adjacent buildings.

Section 16.10. Backland Development

16.10.14 Ancillary Family Accommodation

The following policies are relevant:

- **Policy QH8:** To promote the sustainable development of vacant or under-utilised infill sites and to favourably consider higher density proposals which respect the design of the surrounding development and the character of the area.
- **Policy QH21:** 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.
- **Policy QH 22:** To ensure that new housing development close to existing houses has regard to the character and scale of the existing houses unless there are strong design reasons for doing otherwise.

5.2. Natural Heritage Designations

None

5.3. EIA Screening

Having regard to the nature and scale of the proposed development, the receiving environment, and to the nature, extent, characteristics and likely duration of potential impacts, I conclude that the proposed development is not likely to have significant effects on the environment and that the submission of an Environmental Impact Statement is not required. The need for environmental impact assessment can, therefore, be excluded at preliminary examination. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- It is set out that planning permission for a single-storey workshop was granted in 2008 under DCC Reg. Ref. 4764/08.

- In 2009 it is set out that the applicants living circumstances changed in 2009 and the only option available to them was to convert the unit to habitable use.
- The refusal reason is cited, and reference is made to similar developments DCC Reg. Ref. 3815/18 / ABP 303035-18 and DCC 3527/15. It is set out that all the same principals apply in this instance.

6.2. **Planning Authority Response**

None

7.0 **Assessment**

7.1.1. The assessment covers the points made in the appeal submissions, and also encapsulates my de novo consideration of the application. The main issues in the assessment of the proposed development are as follows:

- Principle of Development
- Design and Layout and Residential Amenity
- Appropriate Assessment

7.2. **Principle of Development**

7.2.1. The proposal provides for the retention of the change of use from workshop to habitable unit and ancillary works. The structure is located to the rear of an existing mid-terrace two-storey house on a 226.2sqm site. The provision of residential development on lands zoned Z1 in the Dublin City Development Plan 2016-2022 which seeks "To protect, provide and improve residential amenities", is acceptable subject to detailed considerations below.

7.2.2. The development relates to the subdivision of the family plot to provide a residential unit for a family member. Section 12 of the planning application form submitted indicates that the development is a 'granny flat'. Section 16.10.14 *Ancillary Family Accommodation* of the development plan provides for the extension of a single dwelling unit to accommodate an immediate family member for a temporary period (e.g. elderly parent) or where an immediate relative with a disability or illness may need to live in close proximity to their family subject to certain criteria including the proposed accommodation not being a separate detached dwelling unit, and direct access is provided to the rest of the house. The applicant has indicated that

development is required to accommodate his and his families, including two children, housing need. I acknowledge the applicants housing circumstance however; the development is not in accordance with Section 16.10.14 of the development plan.

7.2.3. Furthermore, whilst I note the requirements for in-fill developments and mews dwellings as set out in the development plan to make the most sustainable use of land and existing urban infrastructure, I do not consider the proposed site constitutes an infill site or a mews dwelling. I further note that the laneway serving the dwelling is restricted and site inspection indicated that the rear lane is used for vehicular parking and I note some active commercial garage uses operating from adjoining rear sheds.

7.2.4. The appellants have referenced other planning applications (DCC Reg. Ref. 3815/18 / ABP 303035-18 and DCC 3527/15) in their submission arguing precedent for similar development where planning permission was granted. I have reviewed the planning applications referenced, and I note the site context of both planning applications referenced. Both sites access onto a lane aligned mostly with rear accesses and garages to commercial and residential properties on both sites, located to the rear of a busy commercial street, and, where rear garden depths are significantly more than that of the subject site and therefore have greater capacity to accommodate development.

7.2.5. In conclusion, I consider the proposed independent residential development to the rear of no. 35 Balfe Road contrary to Section 16.10.14 *Ancillary Family Accommodation* of the Dublin City Development Plan 2016-2022 which provides for the extension of a single dwelling unit to accommodate an immediate family member for a temporary period where the development is not a separate detached dwelling unit, therefore, the development, if permitted, would set an undesirable precedent for similar developments and would be contrary to the proper planning and sustainable development of the area.

7.3. **Design, Layout and Residential Amenity**

7.3.1. Balfe Road is a long-established residential estate mainly consisting of dwellings within a uniform suburban layout with defined boundary walls and standard domestic vehicular access with average garden depths of 15m.

- 7.3.2. The separation distance between the rear boundary wall of the main dwelling and the development to be retained is 13m this is reduced to approx. 7.9m from the single storey rear extension of the main dwelling to the development to be retained.
- 7.3.3. Section 16.10.8: Backland Development of the Dublin City Development Plan will allow for the provision of comprehensive back land development where the opportunity exists and where there is not a conflict with the established pattern and character of development in an area or loss of amenity to existing properties including loss of privacy, overlooking, noise disturbance and loss of mature vegetation or landscape screening and where the development will not block access or represent piecemeal development and inhibit the development of a larger backland area. The development plan policy, while highlighting the potential adverse impacts related to the development of individual backland sites does not explicitly prohibit such approaches.
- 7.3.4. The emphasis in the development plan on securing the comprehensive development of backland areas is of limited relevance to this appeal having regard to the nature of the development and the suburban site context to the rear of an established dwelling plot. I consider, having regard to the limited area and access arrangements associated with the site and its relationship to adjoining property, the proposed development represents inappropriate backland development and would result in a substandard residential unit.
- 7.3.5. In terms of private open space, the minimum requirement for private open space provision as set out in Section 16.10.2 of the Dublin City Development Plan 2016-2022 is 10 sq.m of private open space per bed space. The plan states the generally, up to 60-70 sq.m of rear garden area is considered sufficient for houses in the city. The layout provides for a central shared private open space of approx. 49sqm. The quantum of private open space is not in line with the minimum standards. Accordingly, I am not satisfied that the layout provides for adequate private open space to serve each dwelling in accordance with the provisions of the development plan.
- 7.3.6. Therefore, I agree with the planning authority that the development taken in conjunction with the existing dwelling on the site will not provide for quality and the appropriate quantum of private open space, would result in a substandard form of

residential accommodation, in particular, with regard to natural light and ventilation, would be seriously injurious to the residential amenities of the occupants and the residents of no. 35 Balfe Road and would set an undesirable precedent for similar developments. The development should be refused for this reason.

- 7.3.7. Having regard to the limited size of the site and the scale of development proposed, it is considered that the proposed development represents inappropriate backland development, would result in an unsatisfactory standard of residential amenity for future and existing occupants of the house and no. 35 Balfe Road and would result in overdevelopment of the site by reason of inadequate provision of good quality open space. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area

7.4. **Appropriate Assessment**

Having regard to the nature and scale of the proposed development within a serviced urban area and separation distance to the nearest European site, 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 the conservation objectives of any European site.

8.0 **Recommendation**

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

9.0 **Reasons and Considerations**

1. The proposed independent residential development to the rear of no. 35 Balfe Road is contrary to Section 16.10.14 *Ancillary Family Accommodation* of the Dublin City Development Plan 2016-2022 which provides for the extension of a single dwelling unit to accommodate an immediate family member for a temporary period where the development is not a separate detached dwelling unit, therefore, the development, if permitted, would set an undesirable precedent for similar developments and would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the limited size of the site and the scale of development proposed, it is considered that the proposed development represents inappropriate backland development, would result in an unsatisfactory standard of residential amenity for future occupants of the house and no. 35 Balfe Road and would result in overdevelopment of the site by reason of inadequate provision of good quality open space. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area

Irené McCormack

Planning Inspector

16th December 2019