



An
Bord
Pleanála

Inspector's Report 307173-20

Development	Demolish existing domestic storage shed/garage and construct single-storey family member accommodation
Location	252 Glasnevin Avenue, Glasnevin, Dublin 11
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	2280/20
Applicant(s)	Eamonn Bennett
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party v. Decision
Appellant(s)	Eamonn Bennett
Observer(s)	None
Date of Site Inspection	17 th August 2020
Inspector	Louise Treacy

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 465 m² and is located at No. 252 Glasnevin Avenue, Glasnevin, Dublin 11. The existing property is a 2-storey, end-of-terrace dwelling which has been extended to the side at 1st floor level. Off-street car parking is available to the front. Side and rear access to the site is available via a laneway which extends along the side (eastern) and rear (northern) boundaries. This laneway extends in an east-west direction to the rear of the residential properties between Nos. 246 – 262 Glasnevin Avenue.
- 1.2. The rear garden area is characterised by a small parcel of open space. A single-storey garage structure extends along the length of the rear site boundary and a single-storey shed structure is located adjacent to the side/eastern site boundary.

2.0 Proposed Development

- 2.1. The proposed development consists of the demolition of the existing domestic storage shed/garage to the rear garden and the construction of a single-storey ancillary family member accommodation, incorporating kitchen/dining/living area, bedroom and bathroom adjoining to the existing dwelling, and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Notification of the Decision to Refuse Permission issued on 1st May 2020 for 1 no. reason as follows:

“Having regard to the scale, layout and functional relationship of the proposed development with the existing dwelling on the site and the planning history of the site, it is considered that the proposed development is contrary to the established pattern of development in the area and the provisions of Section 16.10.14 ‘Ancillary Family Accommodation’ of the Dublin City Development Plan which requires “the accommodation [be] integral with the original family house [and] shall remain as such when no longer occupied by a member of the family”. The proposed development

would seriously injure the amenities of properties in the vicinity and would be contrary to the proper planning and sustainable development of the area”.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. Basis of Planning Authority’s decision.

3.2.3. Dublin City Council’s Planning Officer considered that the proposed development had not been designed to be integral with the original family dwelling when not in use as ancillary family accommodation.

3.2.4. The Planning Officer noted that the existing dwelling has already been extended at 1st floor level under Planning Authority Reg. Ref. 1702/02, and that the existing and proposed development would result in a total of 8-9 bedspaces served by a single garden of 49 m². It was considered that this would result in the overdevelopment of the site.

3.2.5. It was further considered that this application had not addressed the previous refusal of permission for ancillary family accommodation on the site.

3.2.6. Other Technical Reports

3.2.7. **Engineering Department Drainage Division:** No objection subject to conditions.

3.3. Prescribed Bodies

3.4. **Irish Water:** None received.

3.5. Third Party Observations

3.5.1. Two submissions were made on the application by: (1) Cllr. Keith Connolly, Fianna Fail Community Hub, Unit 6 Drogheda Mall, Finglas Village, Dublin 11, who notes his support for the proposed development; and, (2) Alan & Breda O’Hara, No. 250 Glasnevin Avenue, Dublin 11, who raise the following points of objection:

(1) obstruction of rear laneway during the construction process and by vehicles associated with occupants of the proposed dwelling; (2) no car parking provision; (3) the proposed dwelling will not be used for its intended purpose; (4) failure to comply with the conditions attached to a previous granny flat permission on the site; and, (5) overdevelopment.

4.0 Planning History

- 4.1. **Planning Authority Reg. Ref. 3394/19:** Planning permission refused on 23rd August 2019 to demolish existing domestic storage shed/garage to rear garden and to construct a new single-storey ancillary family member accommodation incorporating kitchen/dining/living area, bedroom and bathroom adjoined to existing dwelling and all associated site works.
- 4.2. Planning permission was refused for 1 no. reason on the basis that the development would be contrary to the established pattern of development in the area and the provisions of Section 16.10.14 (Ancillary Family Accommodation) of the development plan.
- 4.3. The development proposed under this application is identical to that which is proposed under the current appeal case.
- 4.4. **Planning Authority Reg. Ref. 1702/02:** Planning permission granted on 2nd October 2002 for 1st floor extension of the house comprising bedroom, TV room, kitchenette and WC/shower room above the existing single-storey section and external fire escape staircase from the kitchenette.
- 4.5. Condition no. 2 of this permission restricted the permitted accommodation from being used as a separate dwelling unit to the existing house.
- 4.6. This permission was noted to have been implemented during the site inspection.

5.0 Policy and Context

5.1. Dublin City Development Plan 2016-2022

5.2. Land Use Zoning

- 5.2.1. The site is subject to land use zoning "Z1" (Sustainable Residential Neighbourhoods) which has the objective "to protect, provide and improve residential amenities".
- 5.2.2. Residential land uses are permissible under this zoning objective.

5.3. Ancillary Family Accommodation

- 5.3.1. The development standards for ancillary family accommodation are set out in section 16.10.14 of the development plan. It is stated that such accommodation refers to an

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. Generally, the purpose of ancillary family accommodation is to provide an amenable living area offering privacy, manoeuvrability and accessibility directly connected to the main dwelling. Usually, there is no exterior difference in appearance between an extension and ancillary family accommodation.

5.3.2. Dublin City Council will, in principle, favourably consider applications for such sub-division provided the planning authority is satisfied that:

- A valid case is made, including details of the relationship between the occupant(s) of the main dwelling house and the proposed occupant(s) of the ancillary family accommodation;
- The proposed accommodation is not a separate detached dwelling unit, and direct access is provided to the rest of the house;
- The accommodation being integral with the original family house shall remain as such when no longer occupied by a member of the family.

5.4. Extensions and Alterations to Dwellings

5.4.1. The policy in relation to extensions and alterations to dwellings is set out in section 16.10.12 and appendix 17 of the development plan. In general, applications for planning permission to extend dwellings will only be granted where the planning authority is satisfied that the proposal will:

- Not have an adverse impact on the scale and character of the dwelling;
- Not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, access to daylight and sunlight.

5.5. Natural Heritage Designations

5.5.1. None.

5.6. EIA Screening

- 5.6.1. Having regard to the nature and scale of the proposed development, comprising an ancillary family dwelling in an established residential area, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment 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 by the applicant (hereafter referred to as “the appellant”), the grounds of which can be summarised as follows:
- The existing 4-bedroom dwelling is too big for the appellant’s needs, while the appellant’s daughter has had to move from the area to live in an affordable house;
 - The proposed ancillary accommodation will enable the appellant’s daughter and family to move back into the main house and provide support for the appellant, whilst living independently;
 - The overall difference between the scale and footprint of the existing rear sheds and domestic garage and the proposed development is negligible;
 - The new accommodation would have no impact on the amenities of properties in the vicinity;
 - Many similar developments have been granted permission in the area, including at Nos. 39 and 41 Willow Park Road, Dublin 11 (planning authority reg. refs. 4947/03 and 2574/15 refer) and Nos. 82 and 84 Sycamore Road, Dublin 11 (planning authority reg. refs. 1894/03 and 4666/03 refer).

6.2. Planning Authority Response

- 6.2.1. None received.

6.3. Observations

6.3.1. None.

7.0 Assessment

7.1. I am satisfied that the main issues for consideration in this case include:

- Compliance with Development Plan Policy;
- Planning Precedent;
- Appropriate Assessment.

7.2. Each of these issues is addressed in turn below.

7.3. Compliance with development plan policy

7.3.1. In refusing planning permission in this instance, Dublin City Council considered that the proposal would be contrary to the established pattern of development in the area and the development plan provisions for ancillary family accommodation, having regard to the scale, layout and functional relationship of the proposed development with the existing dwelling and the planning history of the site.

7.3.2. The development plan states that, in principle, the Planning Authority will favourably consider applications for ancillary family accommodation provided a number of criteria are complied with, including: (1) a valid case is made, including details of the relationship between the occupant(s) of the main dwelling house and the proposed occupant(s) of the ancillary family accommodation; (2) the proposed accommodation is not a separate detached dwelling unit, and direct access is provided to the rest of the house; and, (3) the accommodation being integral with the original family house shall remain as such when no longer occupied by a member of the family.

7.3.3. In this instance, the appellant has confirmed he will live in the proposed ancillary accommodation, while his daughter and her family will move into the main house. This arrangement will provide family support for the appellant, whilst allowing him to remain living independently. On the basis of the foregoing, I am satisfied that the proposed development complies with criterion no. 1 above.

7.3.4. In considering the proposal's compliance with criteria nos. 2 and 3 above, in my opinion, the proposed ancillary accommodation is essentially a detached dwelling

unit, notwithstanding the link corridor/lobby which connects it to the existing dwelling. In this regard I note that the proposed development can be accessed independently via a pedestrian gate in the side/eastern boundary wall. In the event the accommodation is no longer required by the appellant, I consider that the development would not form an integral part of the original family house and could essentially function as a separate 1-bedroom dwelling. Such an arrangement would represent the overdevelopment of the site in my opinion.

7.3.5. In considering this matter I also note that planning permission has already been permitted on the site for a 1st floor extension to the main dwelling, including a bedroom, TV room, kitchenette and WC/shower room (planning reg. ref. 1702/02 refers). This development, which forms an integral part of the main dwelling, was noted to have been implemented during my external inspection of the site.

7.3.6. On the basis of the foregoing, I consider that the proposed development does not comply with development plan policy in relation to ancillary family accommodation, and in my opinion, planning permission should be refused on that basis.

7.4. Planning precedent

7.4.1. While the appellant has identified 4 no. precedent cases in support of the proposed development, I note that each application is assessed on its own merits. Notwithstanding the foregoing, I note that Planning Authority Reg. Refs. 1804/03, 4666/03 and 4947/03 were subject to the policies and development standards pertaining under the 1999 Dublin City Development Plan. I further note that the more recent development as permitted under Planning Authority Reg. Ref. 2574/15, relates to a 2-storey detached dwelling to the side of No. 41 Willow Park Road, Dublin 11. Thus, in my opinion, the cases which have been identified by the appellant are not appropriate precedents in the context of the current appeal case.

7.5. Appropriate Assessment

7.5.1. Having regard to the nature and scale of the proposed development, the residential land use zoning of the site, and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect, either 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 in this instance.

9.0 Reasons and Considerations

9.1. It is considered that the proposed development, by reason of its configuration as a detached dwelling unit to the rear of the existing residential property, would be contrary to the provisions of Section 16.10.4 of the Dublin City Development Plan 2016-2022 regarding “Ancillary Family Accommodation”, and as such, would constitute an inappropriate form of development, which would represent the overdevelopment of the site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Louise Treacy
Planning Inspector

26th August 2020