



An  
Bord  
Pleanála

## Inspector's Report

### ABP-307376-20

#### Development

Single storey extension to front, side and rear of house; internal alterations allowing two bedrooms, lounge, kitchen and new works allowing separate new house for family needs; existing house reinstated; front door with porch to front view; relocating existing foul and waste pipe and all associated site works.

#### Location

53, Monastery Rise, Clondalkin,  
Dublin 22

#### Planning Authority

South Dublin County Council

#### Planning Authority Reg. Ref.

SD20A/0035

#### Applicant(s)

Ray and Ursula Durran

#### Type of Application

Permission

#### Planning Authority Decision

Grant Permission

#### Type of Appeal

Third Party

#### Appellant(s)

Peder Hansen

#### Observer(s)

None

**Date of Site Inspection**

14<sup>th</sup> September 2020

**Inspector**

Phillippa Joyce

## 1.0 Site Location and Description

- 1.1. The appeal site is located in Monastery Rise, a mature residential estate located c.0.5 km to the east of Clondalkin village. The estate is characterised by detached, two storey, gable-fronted dwellings of a uniform design.
- 1.2. The appeal site is a corner site and, as such, is wider than other properties within the estate. The site accommodates a detached two storey dwelling with a single storey side extension, served by car parking to the front, with side access to a rear garden area.
- 1.3. The stated floor area of the existing dwelling is given as 140 sqm. The existing single storey extension is on the northern side of the main dwelling and has a mono-pitch roof profile. It extends c.4m beyond the rear wall of the main dwelling, and is set back from the northern property boundary wall by c.3m. The front door serving the dwelling is positioned in the front elevation of the single storey side extension.
- 1.4. The stated area of the appeal site is given as 0.021 hectares. I note that this area is indicated as corresponding with that contained within the red line boundary (which encompasses the side extension area), while the blue line boundary encompasses the full property.

## 2.0 Proposed Development

- 2.1. The proposed development comprises a number of elements, summarised from the description of development, as follows: firstly, the construction of a single storey extension to the side of the existing house with internal alterations to allow for a separate new house for family needs; secondly, the reinstatement of the existing house with a new front door with a porch; and thirdly, relocation of the foul sewer and associated site works.
- 2.2. The proposed single storey extension involves new floorspace, indicated as being 26.1 sqm, added to the northern side of the existing single storey side extension. The additional floorspace provides for a bedroom, bathroom, kitchen and living area. The proposed development includes internal alterations to close existing accesses between the single storey extension and the main dwelling. The newly extended

area is proposed to be served by the existing front door to the dwelling, thereby establishing a separate dwelling for family needs.

- 2.3. The proposed works entail a changed roof profile from the existing mono-pitch to a gable-ended pitched roof for the side extension. The principal height of the extension is given as c. 4.67m.
- 2.4. The northern side of the proposed side extension is set slightly off the existing northern boundary wall. Otherwise the remainder of the proposed extension is indicated as being within the property and abutting the existing boundary wall. The principal width of the extension to the rear is given as c. 7.5m.
- 2.5. In relation to the main dwelling, the proposed development includes for the replacement of the southern-most window with a new front door and porch, of a similar design to that of the existing front door, thereby reinstating a single use dwelling.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The Planning Authority (PA) issued a grant of permission for the proposed development subject to 9 no. conditions, and the following is a summary of the notable conditions attached:

Condition 2 requires the applicants to submit a scaled site layout plan indicating a rear wall delineating the private open space to be provided for the new and the existing dwellings. The boundary wall is conditioned to be 2m in height, capped and rendered.

Condition 3 requires protective measures for the existing adjacent street trees and a tree bond of €4500 to be lodged with the PA.

Condition 4 requires that water supply and drainage infrastructure to meet Irish Water requirements, and foul and surface water drainage systems to be separate.

Condition 5 restricts the use of the house to single use and that it shall not be subdivided, let, or used for commercial purposes.

Condition 6 requires that the new house be numbered 53A Monastery Rise.

Conditions 7 and 8 relate to measures to minimise dust and noise construction impacts.

## 4.0 Planning Authority Reports

### 4.1. Planning Report

The basis for the PA decision includes:

- The planning officer focuses on the reference in the description of development to a '*separate new house for family needs*'. The planner states that for assessment purposes, the proposed development is interpreted as an '*extension of the existing dwelling to provide enough space to allow for the subdivision of the dwelling to provide a separate semidetached bungalow style dwelling*'. The planner's report does not refer further to 'family needs', nor to any Development Plan policy in relation to family flats.
- The proposed development is assessed as a new dwelling house. The assessment does however refer to both Development Plan policy for extensions and new dwellings. The quantum of private open space is indicated as being in compliance with the relevant standard for new dwellings.

### 4.2. Other Technical Reports

Roads: no objections (no conditions are recommended to be attached).

Water Services: recommends conditions to be attached in respect of a revised invert level for the proposed foundation to that of an adjacent surface water pipe, and to SuDS measures.

Parks & Landscape Services/ Public Realm: recommends conditions to be attached in respect of protecting the existing street trees, a tree bond and agreeing boundary treatments.

### 4.3. Prescribed Bodies

Irish Water: recommends conditions for water and wastewater connection agreements.

#### 4.4. **Third Party Observation**

One third party observation was submitted to the PA in objection to the proposal and the key issues raised are as follows:

- subdivision of the property to create two separate dwellings is inappropriate;
- previous planning history in the estate is supportive of extensions that remain integrated with the main house;
- proposal is out of character with the estate and damaging to the area;
- proposal is excessive, of a higher density, reduces private open space to the property;
- safety concerns in relation to vehicular access and egress; and
- capacity concerns in relation to utility and services access.

#### 5.0 **Planning History**

##### Appeal Site

*PA Ref. SD18A/0403* – invalid application by the applicants for permission for the same proposed development as subject of the current appeal.

*PA Ref. SD14A/0132* – the PA refused permission to the applicants for a detached two storey dwelling at the rear of the existing dwelling for 5 no. reasons including, in summary, breaching a building line, injury to the adjacent properties, overdevelopment of a restricted site, undesirable precedent, and a pedestrian traffic hazard.

#### 6.0 **Policy Context**

##### 6.1. **Development Plan**

The applicable development plan is the South Dublin Development Plan 2016-2022. The appeal site is located on lands that are zoned as Objective RES, Existing Residential, with the stated objective '*To protect and/ or improve residential amenity*'.

Policy, objectives and standards considered to be applicable to the proposed development include:

**Section 2.4.2** defines a family flat as *‘a temporary subdivision or extension of a single dwelling unit to provide semi-independent accommodation for an immediate family member (older parent or other dependent)’*.

**Housing (H) Policy 19 Family Flats** states it is Council policy *‘to support family flat development subject to the protection of residential and visual amenities.’*

**H19 Objective 1** seeks *‘To favourably consider family flat development where the Council is satisfied that there is a valid need for semi-independent accommodation for an immediate family member (such as an older parent or other dependent), subject to the design criteria outlined in Chapter 11 Implementation.’*

**11.3.3 Additional Accommodation (ii) Family Flat** further defines family flats as a form of development considered necessary *‘...to provide semi-independent accommodation for an immediate family member (dependent of the main occupants of a dwelling). A family flat is not considered to represent an independent dwelling unit and as such open space and car parking standards are not independently assessed. Proposals for family flat extensions should meet the following criteria:*

- *The applicant shall be required to demonstrate that there is a genuine need for the family flat,*
- *The overall area of a family flat should not exceed 50% of the floor area of the main dwelling house,*
- *The family flat should be directly accessible from the main dwelling via an internal access door, and*
- *The design criteria for dwelling extensions will be applied.’*

## 6.2. Natural Heritage Designations

The appeal site is not located in or near to any European site.

## 7.0 The Appeal

### 7.1. Grounds of Appeal

The following is a summary of the main issues raised in the third party grounds of appeal:

- Requests that a condition be attached restricting subdivision by way of sale or letting, thus allowing the proposed development to cater for family needs at the property;
- PA has not given any consideration to previous planning history at the appeal site, including references to two refusals of permission that are considered relevant;
- Permission to grant a semi-detached bungalow is inconsistent in a mature estate of detached two storey houses, injurious to the area's visual amenities, and would set an undesirable precedent;
- Concerns over the size of the site to accommodate car parking associated with the proposal, a new entrance would be required with limited options for on-street car parking at this busy pedestrian location; and
- Requests the Board to reconsider the PA's decision to assess the proposal as an application to subdivide the property and permit a new bungalow instead of as an extension to cater for family needs.

### 7.2. Applicant Response

The following is a summary of the main issues raised in the first party response to the appeal:

- Provides information on the immediate family member, the applicants' mother, and their accommodation needs required to be met by the proposed development;
- Highlights the reality of property improvements, expansions and adaptations to meet family needs, and that locations change with new types of developments;



- Reference to a previous refusal of planning permission for a detached dwelling is not of relevance for the assessment of the proposed development;
- Proposed development is an alternative design solution to the previous refusal of permission on an adequately sized site with no negative impacts such as breaking building lines, overshadowing or overlooking.

### 7.3. **Planning Authority Response**

The PA has responded to the appeal confirming its decision to grant permission and stating that the issues raised in the appeal were covered in the planner's report.

### 7.4. **Observations**

None.

## 8.0 **Assessment**

8.1. I consider the main issues in determining this appeal are as follows:

- Procedural Issue
- Zoning and Principle of Development
- Design, Layout and Impact on Visual Amenity
- Impact on Residential Amenity of Surrounding Properties
- Access and Site Servicing
- Appropriate Assessment

### 8.2. **Procedural Issue**

I note that the proposed development includes works to the main dwelling which has not been included within the red line boundary for the appeal site, but instead within the blue line boundary, the latter indicating control of the wider property by the applicants. The application was deemed valid by the PA and duly assessed. I consider that the Board is able to determine the appeal and that, as the full property

has been included in the blue line boundary, in the event of a grant of permission conditions can be attached to same.

### 8.3. Zoning and Principle of Development

- 8.3.1. The appeal site is located on lands that are zoned Objective RES, Existing Residential, in the South Dublin Development Plan. Residential is defined in Schedule 5 of the Plan as the '*use of a building ... for year round human habitation*'. The proposed development comes within the scope of residential development and is therefore permitted in principle.
- 8.3.2. For assessment purposes, it is necessary to definitively establish the nature of the proposed development. On review of the wording used in the description of development in conjunction with the plans and particulars for the application, it would appear that there is scope to interpret the proposed development as an extension to the main dwelling thereby facilitating the subdivision of the single use dwelling into two separate dwelling units irrespective of the user, or as an extension to the main dwelling to facilitate a semi-independent unit to meet the accommodation needs of an immediate family member.
- 8.3.3. The description of development refers to '*new works allowing separate new house for family needs*'. The planning officer interpreted the proposed development as being for a new dwelling irrespective of the user and undertook an assessment of same. The appellant also comments on the subdivision of the property and the creation of a new additional dwelling, but also refers to the added consideration of the new dwelling being sought to meet family needs.
- 8.3.4. In considering the proposal, I note that the description of development specifies the end-user for the accommodation as '*separate new house for family needs*'; that the plans and particulars submitted to the PA did not include for a separate vehicular entrance, nor expressly apply for or provide definitive details for the separation of the rear garden area; that the fee paid to the PA was €34 (which is that required for an extension); that the applicants have provided relevant information in the appeal

response outlining the immediate family member (the applicants' mother) whose housing need it is proposed to meet through the development; and that the Development Plan makes provision for and contains specific policy in relation to family flats.

8.3.5. Having regard to the above considerations, I am of the opinion that the proposed development comprises an extension to the main dwelling to facilitate a semi-independent unit to meet the accommodation needs of an immediate family member. I consider such a form of development to be consistent with the description of a family flat as defined in Sections 2.4.2 and 11.3.3 of the Development Plan and, as such, I recommend that the proposed development is assessed in accordance with the applicable policy, objective and standards for family flats.

8.3.6. In principle, I consider a single storey extension to the main dwelling facilitating a family flat to be an appropriate form of development at this location having regard to the nature of the site and the established pattern of development in the area. This form of development allows for the provision of extended accommodation and the subsequent subdivision of a single use dwelling unit on a temporary basis.

#### **8.4. Design, Layout and Impact on Visual Amenities**

8.4.1. The elevational design and external finishes of the extension are consistent with those of the main dwelling and adjacent properties. The extended floor area does result in a change to the roof profile of the side extension from a mono-pitch to a gable-fronted pitch roof. While of a single storey building height, the proposed roof profile for the extension is similar to and consistent with that of the main dwelling and other two storey dwellings within the estate.

8.4.2. The proposal includes for the replacement of the southern-most window in the front elevation of the main dwelling with a new front door and porch to serve the main dwelling. The proposed door is of a similar design and finish to the existing door and that of adjacent properties, and is considered to be acceptable.

- 8.4.3. With regard to layout within the site, the proposed development comprises a modest increase in building footprint along the northern side of the existing single storey extension. The extension maintains the front building line of main dwelling, and that of the rear building line of the existing single storey extension. The proposal is a modestly and appropriately scaled form of development, being subservient to the main dwelling, and is not considered to be injurious to the amenities of the main dwelling or the wider area.
- 8.4.4. The proposed extension is indicated as being fully contained within the existing boundaries of the appeal site, which are to be maintained. I note that the PA Parks report has recommended the attachment of a condition requiring protection of the adjacent grass verge and details of boundary treatments. However, this is not considered to be necessary due to there being no changes to the site boundaries and all development indicated as being within the site. The recommended tree bond, in respect of the nearby existing street trees, should be attached as a condition in the event of a grant of permission.
- 8.4.5. With regard to the internal layout, the proposed extension provides for a two-bedroom unit with a bathroom, kitchen and living area. The overall area of the family flat unit does not exceed 50% of the main dwelling, and therefore complies with that criterion of Section 11.3.3. The proposed development includes for internal alterations which seek to close off the existing internal accesses between the main dwelling and the existing single storey extension. This aspect of the proposed development does not comply with the criterion of Section 11.3.3 of the Development Plan which requires that internal access between the main dwelling and the family flat is maintained. I recommend the attachment of an appropriate condition in this regard.

## **8.5. Impact on Residential Amenity of Surrounding Properties**

- 8.5.1. Due to the nature, scale, design and layout of the proposed development, I do not consider there to be any negative impacts on the residential amenity of the adjacent properties. As the proposed development is being assessed as a family flat, it is not

considered to be an independent dwelling and therefore there is no permanent intensification of residential use at the site as the extended floor area will be subsumed back into the main dwelling at a future point.

- 8.5.2. The extension is modestly scaled and single storey in building height and therefore, there are no consequent overshadowing, overlooking, or overbearing impacts on adjacent properties. Additionally, all works are indicated as being contained within the existing site boundaries with no changes proposed to same.

#### **8.6. Access and Site Servicing**

- 8.6.1. The proposed development does not include a new vehicular or pedestrian entrance to serve the family flat unit, instead utilising the existing entrance in the western site boundary serving the main dwelling. I note that the PA Roads report does not include any assessment, save to indicate no objection. I consider the proposed arrangements to be satisfactory.
- 8.6.2. In respect of water services infrastructure, the proposed development includes the relocation of the existing foul sewer and insertion of a new foul sewer within the east of the site. I note that neither Irish Water nor the PA Water Services section raise any objections. No evidence has been presented of any significant capacity constraints.

### **9.0 Appropriate Assessment**

Having regard to the nature and scale of the proposed development 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.

### **10.0 Recommendation**

I recommend that permission be granted subject to conditions.

## 11.0 Reasons and Considerations

Having regard to the nature, scale and design of the proposed development, to the general character and pattern of development in the area and to the provisions of the South Dublin Development Plan 2016-2022, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with H19 Objective 1 of the Development Plan, would not seriously injure the visual or residential amenities of property in the vicinity and would not be out of character with the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 12.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application 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 and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <p>(a) An internal access shall be permanently maintained between the main dwelling and the family flat extension.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development</p> <p><b>Reason:</b> In order to comply with the objectives of the current development plan for the area.</p>
3.	<p>The proposed extension shall be used solely for the purpose of a family flat, and shall revert to use as part of the main dwelling on the cessation of such use.</p> <p><b>Reason:</b> In order to comply with the objectives of the current development plan for the area.</p>

4.	<p>On the cessation of the family flat use, the existing dwelling and extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.</p> <p><b>Reason:</b> To restrict the use of the extension in the interest of residential amenity.</p>
5.	<p>The external finishes of the proposed extension, including roof tiles/ slates, shall be the same as those of the existing dwelling in respect of colour and texture.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
6.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees adjacent to the site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees adjacent to the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To secure the protection of the trees in the vicinity to the site.</p>
7.	<p>Surface water drainage arrangements for the proposed development shall comply with the requirements of, and be agreed in writing prior to commencement with, the planning authority.</p> <p><b>Reason:</b> In the interest of public health.</p>
8.	<p>The developer shall enter into water and/ or wastewater connection agreement(s) with Irish Water prior to commencement of development.</p> <p><b>Reason:</b> In the interest of public health.</p>
9.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 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><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>

1	<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><b>Reason:</b> 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>
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Phillippa Joyce  
 Planning Inspector

1<sup>st</sup> October 2020