



An  
Bord  
Pleanála

## Inspector's Report

### ABP-308289-20

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<b>Development</b>	Internal separation of house and granny flat to provide for 2 houses.
<b>Location</b>	58A & 58B, Cappaghmore, Clondalkin, Dublin 22
<b>Planning Authority</b>	South Dublin County Council
<b>Planning Authority Reg. Ref.</b>	SD20A/0164
<b>Applicant(s)</b>	George Buffini
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	George Buffini
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	12 <sup>th</sup> November 2020
<b>Inspector</b>	Stephen Ward

## 1.0 Site Location and Description

- 1.1. The site is located in the north-western corner of the Cappaghmore Estate, approximately 1.5 km to the northwest of Clondalkin village centre. The land further north and west of the site is undeveloped.
- 1.2. The site contains a two-storey semi-detached dwelling (No. 58A) which incorporates an associated two-storey 'granny flat' (No. 58 B) at its northern side. The main dwelling is of a standard 3-bedroom design. It contains an internal link at ground floor level to the adjoining 'granny flat', which contains a kitchen/dining room and a living room at ground floor level. A staircase from the living room of the granny flat provides access to two bedrooms at first floor level.
- 1.3. To the front of the house a low fence provides some degree of separation between the properties, although vehicular access is still via a shared entrance. To the rear of the property lies two enclosed spaces, linked by a gate. A small triangular space forms a yard to the rear of 58B, while the remainder of the area forms a larger yard for 58A.
- 1.4. The surrounding area is characterised by similar two-storey residential properties containing a range of detached, semi-detached and terraced house types.

## 2.0 Proposed Development

- 2.1. It is proposed to subdivide the main house and granny flat to create two separate houses. The gross floor area of the existing building is stated to be 173 sq.m. The drawings and documentation on the appeal file do not clarify the proposed floor areas of the subdivided dwellings. However, my measurements of the drawings indicate that 58A would have a floor area of c. 108.5 sq.m., while 58B would have an area of c. 64.5 sq.m.
- 2.2. The drawings on the appeal file show the existing arrangements only. I understand from the accompanying documentation that it is simply proposed to block-up the existing internal link between 58A and 58B.

## 3.0 Planning Authority Decision

### 3.1. Decision

By order dated 31<sup>st</sup> August 2020, South Dublin County Council (SDCC) issued notification of the decision to refuse permission. The reason for refusal was based on the substandard quantum and quality of private open space to be provided for the two-bedroom dwelling. It was stated that it would seriously injure the residential amenity of its occupants and would 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 report can be summarised as follows:

- Residential development is permitted in principle under the zoning objective, subject to assessment of the relevant provisions of the Development Plan.
- The estimated floor area of the proposed two-bedroom dwelling (58B) falls short of applicable standards but is considered acceptable in this instance.
- Development Plan standards require the provision of 55 sq.m. private open space behind the front building line of the house. The proposed space (estimated at 15 sq.m.) is unacceptable.
- A refusal of permission was recommended in accordance with the terms of the Notification of Decision outlined in section 3.1 above.

#### 3.2.2. Other Technical Reports

- Roads Department: No objections.
- Water Services: No objections subject to standard conditions.

### 3.3. Prescribed Bodies

- Irish Water: No objections subject to standard conditions.

### 3.4. Third Party Observations

None

## 4.0 Planning History

4.1 The appeal documentation outlines that the following applies to the subject site:

- R.A. Ref. 91A/0072: Permission granted for 2 no. semi-detached dwellings (including No. 58A).
- P.A. Ref. SD02B/0338: Permission granted for two-storey granny flat extension (i.e. No. 58B). Condition no. 6 outlines that *'when the structure is no longer required for use as a family flat by the applicant, that its use reverts to use as part of the existing dwelling unit.'*

## 5.0 Policy Context

### 5.1 Development Plan

5.1.1 The operative plan for the area is the South Dublin County Council Development Plan 2016-2022. The site is within an area zoned 'RES', where the land use zoning objective is *"to protect and/or improve residential amenity"*.

5.1.2 Section 2.3.1 of the plan deals with 'Residential Design and Layout' and includes Housing Policy H11, which aims to promote a high quality of design and layout in new residential development.

5.1.3 Housing Policy H13 aims to ensure access to high quality private open space. Objective 3 of this policy states that private amenity space for houses should be in accordance with the quantitative standards set out in Chapter 11 and the qualitative standards set out in 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' and the accompanying 'Urban Design Manual'.

5.1.4 Policy H14 deals with internal standards and refers to national guidance.

5.1.5 Policy H15 addresses privacy and security, including 'objective 3' which seeks to ensure that *'private open spaces are enclosed within perimeter blocks behind the building line and that they are subdivided by suitably robust boundary treatments of a sufficient height and composition to provide adequate privacy and security'*.

- 5.1.6 Policy H17 supports 'Residential Consolidation' (Infill, Backland, Subdivision & Corner Sites) at appropriate locations, subject to the consideration of standards identified in Chapter 11.
- 5.1.7 Chapter 11 of the Plan sets out more detailed guidance for the assessment of residential proposals. Section 11.3.1 (iv) deals with ' Dwelling Standards' and states that *'All houses must be required to accord with or exceed the minimum standards set out in Table 11.20. Open space should be located behind the front building line of the house and be designed to provide for adequate private amenity'*.
- 5.1.8 Section 11.3.2 (iv) addresses ' Dwelling Sub-Division', which *'should accord with the relevant guidelines and standards contained in this Development Plan relating to apartments'*. In appropriate circumstances, reduced internal space, open space and car parking standards may be considered.

## **5.2 National policy and guidance**

- 5.2.1 The 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (DoEHLG, 2009) sets out the key planning principles to guide the assessment of planning applications for development in urban areas.
- 5.2.2 The guidance document 'Quality Housing for Sustainable Communities' (DoEHLG, 2007), identifies principles and criteria that are important in the design of housing and highlights specific design features, requirements and standards.

## **5.3 Natural Heritage Designations**

There are no designated Natura 2000 sites in proximity to the site. The Grand Canal Proposed Natural Heritage Area is located approximately 120 metres to the south.

## **6.0 The Appeal**

### **6.1 Grounds of Appeal**

The applicant has appealed the decision of SDCC to refuse permission. The grounds of appeal can be summarised as follows:

- The appeal sets out the rationale for the proposed development, which largely relates to financial circumstances and housing needs.
- It contends that section 11.3.2 of the Development Plan applies the guidelines and standards relating to apartments to proposals for dwelling sub-division. It is therefore argued that the proposal would meet the required standards and guidance for internal space and private open space provision.

## 6.2 Planning Authority Response

The submission from SDCC refers to its decision and the planner's report.

## 6.3 Observations

None

## 7.0 Assessment

7.1 Having examined the application details and all other documentation on file, including all the submissions received in relation to the appeal, and having inspected the site and considered the relevant local and national policies and guidance, I consider that the main issues in this appeal are as follows:

- The principle of the development
- Residential amenity

### 7.2 Principle of the development

7.2.1 The site is within an area zoned 'RES', where the land use zoning objective is "*to protect and/or improve residential amenity*", and where residential development is considered a permissible use.

7.2.2 Furthermore, I consider that the policies of the Development Plan clearly support proposals for residential consolidation in established residential areas, subject to assessment under the appropriate standards outlined in the Plan.

7.2.3 Having regard to the above, I am satisfied that, from a zoning and policy perspective, the proposal for the provision of a new dwelling in an established residential neighbourhood is acceptable in principle.

### **7.3 Residential amenity**

7.3.1 With regard to internal and external space standards, there are no apparent changes to the existing 3-bed dwelling. It will therefore be largely unaffected by the proposed development, apart from its change from a semi-detached to a mid-terrace property.

7.3.2 The issue of residential amenity was key in the decision of SDCC to refuse permission. In this regard I consider that the Development Plan does contain some conflicting guidance. Several elements of the Plan (i.e. policies H11, H13, H14 and H15; section 11.3.1 (iv); and Table 11.20) are consistent in setting out the standards that apply to houses, which are generally consistent with national housing guidance.

7.3.3 However, section 11.3.2 (iv) of the Plan states that proposals for 'dwelling sub-division' should accord with standards relating to apartments which, as argued by the appellant, would mean a reduced requirement for internal and external areas.

7.3.4 I consider that the site context should be the key factor in determining the appropriate standards to apply. Having regard to the established pattern and character of the area, I do not consider it appropriate to apply standards for apartments in this case. While it may, for example, be appropriate to apply such standards to a proposal to sub-divide a larger multi-storey dwelling at a town-centre location, I do not consider it appropriate in a suburban estate with a consistent character and pattern of development.

7.3.5 On that basis, the Development Plan states that a floor area of 80 sq.m. is generally required for the proposed new 2-bed dwelling. For 2-bed 2-storey houses, the national guidance document 'Quality Housing for Sustainable Communities' includes target areas of 70 sq.m. (for 3-persons) and 80 sq.m. (for 4-persons). While the potential capacity of the proposed dwelling is unclear, the proposed floor area of c. 64.5 sq.m. falls short of all these standards.

7.3.6 The proposed internal layout of the dwelling has not been clarified, and it is therefore difficult to assess compliance with standards for individual room areas and widths etc. With reference to the 'existing' floor plans submitted and 'Quality Housing for Sustainable Communities' standards, I would note that:

- Storage area is provided only in the form of an under-stairs area of c. 1.5 sq.m., which does not meet the requirement for 3 sq.m.
- The living room width is marginally below the 3.6m standard
- The first-floor bedroom space is difficult to assess as there is no clear distinction between bedroom 1, the landing space and the bathroom.

7.3.7 Regarding external private open space, and while the proposed site layout has not been clarified, the appellant indicates that it is proposed to retain the existing yard space (c. 15 sq.m.) to the rear of the proposed dwelling. In terms of quantity, this area is grossly short of the 55 sq.m. Development Plan standard. Furthermore, its triangular shape compromises the amenity value that any such area would offer.

7.3.8 While the appellant refers to the front 'garden', I do not consider that this space offers acceptable privacy and amenity. It is openly visible and accessible from the public realm, and largely serves as a driveway / parking area. On inspection of the site I noted that the area is also used for bin storage, which raises concern about the potential undesirable consequences of the creation of a mid-terrace unit (i.e. No. 58A) and the absence of appropriate access to refuse storage for both properties.

7.3.9 In conclusion I consider that the proposed development would result in a substandard and unacceptable level of residential amenity for the prospective occupants of the proposed dwelling. This relates to both the substandard internal floor area of the proposed dwelling, as well as the substandard quality of the proposed external private open space. I do not consider that 'exceptional circumstances' exist to warrant the acceptance of reduced standards in this case.

## **7.4 Other issues**

7.4.1 Having regard to the limited extent of works associated with the proposed development, which would appear to be internal works only, I do not consider that the proposed development would have any significant impact on the visual amenity of the area.

7.4.2 The existing vehicular arrangements consist of a shared entrance and separate parking for both units. It is not considered that the subdivision of the existing property would result in significant intensification of traffic movements. I also note that this issue was assessed by the SDCC Roads Department, which had no objection to the proposed subdivision. Having regard to the above, I do not consider that the



proposed development would adversely impact on the safety and free flow of traffic at this location.

7.4.3 The application contains limited detail on the extent of the proposed works.

However, I consider that any impact on surface water drainage would be limited. I note that the matter was examined by the SDCC Water Services section, which had no objection subject to standard conditions. I also note that Irish Water has no objection subject to conditions. In the event that the Board is minded to grant permission, I would suggest that these matters can be satisfactorily dealt with by means of condition.

7.4.4 I note the personal and financial circumstances put forward in the appeal as the rationale for the proposed subdivision. I do not consider that this issue is a material consideration for the appeal. I consider that the ultimate retention of the property as a larger single unit, as envisioned by condition no. 6 of the previous permission, would be consistent with the thrust of Development Plan policy which seeks encourage a suitable mix of house types and sizes.

## **7.5 Appropriate Assessment**

Having regard to the nature and scale of the proposed development, comprising the subdivision of a dwelling within a built-up and serviced urban area, and the absence of Natura 2000 sites in proximity to the site, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect, individually or in combination with other plans or projects, on a European site.

## **8.0 Recommendation**

Having regard to the above, it is recommended that permission be refused based on the following reasons and considerations.

## **9.0 Reasons and Considerations**

Having regard to the restricted size and nature of the subject site, and having regard to the substandard proposals for the provision of internal living space and private open space to serve the proposed new dwelling, both in terms of quantity and

quality, it is considered that the proposed development would be seriously injurious to the residential amenity of the prospective occupants of the proposed dwelling. The development would constitute overdevelopment of a restricted site and, by itself and by the precedent it would set for further such development, would be contrary to the proper planning and sustainable development of the area.

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Stephen Ward  
Senior Planning Inspector

16<sup>th</sup> November 2020