



An  
Bord  
Pleanála

## Inspector's Report ABP-308880-20

### Development

Minor alterations to existing two storey house to accommodate a) two storey granny flat to side b) widening of existing vehicular access c) associated off street parking d) all associated site works.

### Location

On site to side of 2A Woodbine Avenue, Booterstown, South County Dublin.

### Planning Authority

Dún Laoghaire Rathdown County Council

### Planning Authority Reg. Ref.

D20A/0679

### Applicant(s)

Finian Healy

### Type of Application

Permission

### Planning Authority Decision

Grant subject to conditions

### Type of Appeal

Third Party v. Decision

### Appellant(s)

Michael Murphy

### Observer(s)

Patricia Murphy

**Date of Site Inspection**

10<sup>th</sup> February, 2021

**Inspector**

Robert Speer

## 1.0 Site Location and Description

- 1.1. The proposed development site is located in a well-established residential area predominantly characterised by conventional, two-storey, semi-detached housing, and comprises the property at No. 2A Woodbine Avenue, Booterstown, Dublin, which occupies a position along the southern side of the roadway at the westernmost end of Woodbine Avenue, a short distance from its junction with Glenomena Park. It has a stated site area of 440m<sup>2</sup> (0.044 hectares), is irregularly shaped, and includes an existing end-of-terrace, two-storey dwelling house set forward of the established building line and developed as the result of an earlier subdivision of the original property at No. 2 Woodbine Avenue. The siting of the proposed construction comprises the side garden / yard area of the existing dwelling house (No. 2A Woodbine Avenue). The site is enclosed alongside Woodbine Avenue by a high perimeter wall and is bounded by the side & rear garden area of No. 2 Glenomena Park to the immediate south with a small triangular wedge of green space situated beyond the public footpath to the west.

## 2.0 Proposed Development

- 2.1. The proposed development consists of the construction of a two-storey addition to the gable elevation of an end-of-terrace dwelling house for use as a two-bedroom 'granny flat' (floor area: 73m<sup>2</sup>) with associated alterations to the existing property. The accommodation will include a living area and W.C. on the ground floor with a bathroom and 2 No. bedrooms on the first floor (*N.B.* No kitchen or cooking facilities are shown on the submitted drawings) whilst interconnecting doors are to be provided at both levels between the proposed 'granny flat' and the main house.
- 2.2. Further works include the widening of the existing vehicular access onto Woodbine Avenue by 500mm to a width of 4.0m, the provision of 2 No. off-street car parking spaces, the opening of a new doorway within the front elevation of the existing house, and associated site development works. Water and sewerage services are available from the public mains.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. On 13<sup>th</sup> November, 2020 the Planning Authority issued a notification of a decision to grant permission for the proposed development subject to 8 No. conditions which can be summarised as follows:

Condition No. 1 – Refers to the submitted plans and particulars.

Condition No. 2 – Requires the ‘granny flat’ to be occupied by members of the immediate family of the occupier of the main dwelling house and for the link with that dwelling to be maintained. Furthermore, the ‘granny’ flat is not to be used as a separate dwelling and is not to be let or sold as habitable accommodation independent of the main residence. Upon cessation of the ‘flat’ use, it is to be incorporated into the main dwelling house.

Condition No. 3 – Refers to the surface water drainage arrangements.

Condition No. 4 – Limits the vehicular entrance width to 3.5m and specifies a series of requirements with respect to the construction etc. of the proposed driveway / parking arrangements. It also requires all necessary measures to be taken to avoid conflict between construction traffic / activities and other road users during the works. In addition, mud, dirt, debris and building materials are to be prevented from being carried onto or placed on the public road or adjoining property as a result of the construction works and any damage to the public road arising from the works is to be repaired.

Condition No. 5 - Requires the payment of a development contribution in the amount of €76.56 towards the provision of surface water public infrastructure and facilities benefitting development in the area of the Planning Authority.

Condition No. 6 - Requires the payment of a development contribution in the amount of €1,754.94 towards the provision of roads public

infrastructure and facilities benefitting development in the area of the Planning Authority.

Condition No. 7 - Requires the payment of a development contribution in the amount of €1,138.83 towards the provision of community & parks public infrastructure and facilities benefitting development in the area of the Planning Authority.

Condition No. 8 - Prohibits the carrying out of development until an agreement has been made in writing with the Planning Authority as regards the payment of development contributions.

### **3.2. Planning Authority Reports**

#### *3.2.1. Planning Reports:*

Details the site context, planning history, and the applicable policy considerations, before stating that the principle of the proposed development is acceptable, subject to compliance with the overall policies and objectives for the area and adherence to the proper planning and sustainable development of the area. The report proceeds to note that the development differs in a number of respects from that previously refused on site under PA Ref. No. D19A/0879 and, more notably, that it entails the construction of a 'granny flat'. It subsequently states that the proposal has adequately overcome the reasons for the refusal of PA Ref. No. D19A/0879. It is further considered that the overall design and layout of the development is acceptable and that the proposal will not have an adverse impact on the visual or residential amenities of neighbouring properties nor will it significantly detract from the character or streetscape of the surrounding area. The report thus concludes by recommending a grant of permission, subject to conditions.

#### *3.2.2. Other Technical Reports:*

*Transportation Planning:* Refers to Section 8.2.4.9: '*Vehicular Entrances and Hardstanding Areas*' of the Development Plan (wherein it is stated that, in general, the maximum width of an entrance serving a single residential dwelling should be 3.5m) and notes that the widened entrance as proposed will be 4m in width. It is subsequently recommended that revised proposals should be sought by way of further information to provide for the following:

- A maximum vehicular entrance width of 3.5m in accordance with Section 8.2.4.9: '*Vehicular Entrances and Hardstanding Areas*' of the Development Plan.
- The provision of 2 No. off-street car parking spaces laid out in such a manner as to allow each vehicle to drive directly into and out of their respective parking spaces in forward gear unhindered by other parked vehicles.
- A driveway / parking area incorporating the construction of a sustainable drainage system (SuDS) that also prevents the discharge of surface water runoff onto the public road / footpath.

In the event of a grant of permission, the report also recommends the inclusion of a series of conditions with a view to addressing certain issues (including the aforementioned requirements).

*Drainage Planning, Municipal Services Dept.:* Recommends that further information be sought with respect to the surface water drainage arrangements.

### 3.3. **Prescribed Bodies**

None.

### 3.4. **Third Party Observations**

3.4.1. A total of 3 No. submissions were received from interested third parties and the principle grounds of objection / areas of concern raised therein can be summarised as follows:

- The lack of justification for the proposed 'granny flat'.
- Deficiencies / discrepancies in the submitted plans and particulars, including the description of the proposal in the public notices.
- The overdevelopment of a restricted site.
- The suitability and practicality of the submitted design as a 'granny flat'.
- Detrimental impact on the visual and residential amenities of neighbouring properties.
- The proposal will appear visually incongruous / dominant having regard to the established pattern of development and is not in keeping with the area.

- Concerns that the proposal will be used as a separate residential unit.
- The design does not differ substantially from that previously refused permission under PA Ref. No. D19A/0879.
- Inadequate private open space provision.
- Traffic safety concerns, including deficiencies in parking provision.
- The devaluation of property.
- Overlooking of an adjacent public open space / amenity area.
- The setting of an undesirable precedent for similar development in the area.

## 4.0 Planning History

### 4.1. On Site:

4.1.1. PA Ref. No. D19A/0879. Was refused on 17<sup>th</sup> January, 2020 refusing Finian Healy permission for minor alterations to existing two storey house (No. 2A Woodbine Avenue) to accommodate A) New two storey end of terrace dwelling house, B) Associated off street parking & C) All associated site works on site to side.

- Having regard to the restricted nature of the site due to its corner / junction location narrowing to the west side, the closely adjacent dwelling to the south (rear) boundary (No. 2 Glenomena Park), and the closely adjacent front (north) boundary, the combination of overall size and bulk, including roof form and front bay, its nature as an additional (second) dwelling onto a previous additional house (No. 2a); the proposal would represent overdevelopment of the site, would appear overly prominent on the property (No. 2 Glenomena Park) to the south (rear), and onto the front (north) streetscape, and would not provide an acceptable standard of private open space for future residents of the existing dwelling. It is considered therefore, that the proposed development would not accord with Section 8.2.3.4(v) Corner / Side Garden Sites, of the 2016-2022 County Development Plan, and would seriously injure the residential and visual amenities and depreciate the value of property in the vicinity, and would be contrary to the proper planning and sustainable development of the area.

- Having regard to the location and layout of the site and the proposal, it is considered that the proposed development, by itself or by the precedent which the grant of permission for it would set for other developments on adjacent sites in respect of the limited availability of off-street car parking spaces provided for, would adversely affect the use of the existing road by traffic and would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise.

4.1.2. PA Ref. No. D04A/1428. Was granted on 10<sup>th</sup> March, 2005 permitting F. Healy permission to subdivide existing 2-storey dwelling into two dwellings with internal alterations & small single storey rear extension at No. 2 Woodbine Avenue, Blackrock, Co. Dublin (PA Ref. No. V/424/04: Section 97 Certificate of Exemption).

4.1.3. PA Ref. No. D02B/0065. Was granted on 13<sup>th</sup> May, 2002 permitting F. Healy permission for alterations to previously approved plans for 2-storey front / side extension at No. 2 Woodbine Avenue, Blackrock, Co. Dublin.

4.1.4. PA Ref. No. D01A/0719. Was granted on 21<sup>st</sup> November, 2001 permitting F. Healy permission for alterations and new front / side single and 2 storey extension & new site entrance at No. 2 Woodbine Avenue, Blackrock, Co. Dublin.

4.1.5. PA Ref. No. D99B/1074. Was granted on 2<sup>nd</sup> March, 2000 permitting F. Healy permission for a single storey extended kitchen area to rear and single storey extended reception area to front at No. 2 Woodbine Avenue, Stillorgan, Co. Dublin.

#### 4.2. **On Adjacent Sites:**

4.2.1. PA Ref. No. D05A/1420. Was granted on 26<sup>th</sup> January, 2006 permitting Michael & Patricia Murphy permission for a 2 storey extension to the northwest side of the existing dwelling incorporating a ground floor lounge and a first floor bedroom at No. 2 Glenomena Park, Booterstown, Co. Dublin.

## 5.0 **Policy and Context**

### 5.1. **Dún Laoghaire Rathdown County Development Plan, 2016-2022:**

#### *Land Use Zoning:*

The proposed development site is zoned as 'A' with the stated land use zoning objective '*To protect and-or improve residential amenity*'.



*Other Relevant Sections / Policies:*

*Chapter 2: Sustainable Communities Strategy:*

*Section 2.1: Residential Development*

*Chapter 8: Principles of Development*

*Section 8.2: Development Management:*

*Section 8.2.3.4: Additional Accommodation in Existing Built-up Areas: (iii) 'Family Member/Granny' Flat Extension:*

A 'Family' or 'Granny' flat refers to a temporary subdivision of a single dwelling - often by adding an extension to the dwelling or converting an attached garage - for a subsidiary element, for use by a member of the immediate family (e.g. elderly parent) but not as a fully independent dwelling. These will be assessed against the criteria applied to 'normal' domestic extensions. The Planning Authority will generally consider such sub-division and/or extension favourably subject to ensuring no negative impacts on the integrity of the primary dwelling. Applications for granny / family flats within the rural area will be assessed under the provisions of Section 8.2.3.6(vi).

Proposals should be:

- Interlinked with the primary dwelling and capable of being readily subsumed back into same.
- Such that the Planning Authority is satisfied that there is a valid justification for the proposal in use terms.

Permission will normally be on condition that:

- The flat can be subsumed back into the main dwelling when it is no longer required.
- It shall not be let or sold, other than as an intrinsic part of the overall property.
- Where the owner wishes it to remain subdivided on a permanent basis, an application shall be made for sub-division which will be assessed on the more demanding criteria as would be applied to a separate dwelling house.

## 5.2. Natural Heritage Designations

5.2.1. The following natural heritage designations are located in the general vicinity of the proposed development site:

- The Booterstown Marsh Proposed Natural Heritage Area (Site Code: 001205), approximately 800m east-northeast of the site.
- The South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), approximately 800m east-northeast of the site.
- The South Dublin Bay Special Area of Conservation (Site Code: 000210), approximately 900m northeast of the site.
- The South Dublin Bay Proposed Natural Heritage Area (Site Code: 000210), approximately 900m northeast of the site.

## 5.3. EIA Screening

5.3.1. Having regard to the minor nature and scale of the development proposed, the site location outside of any protected site, the nature of the receiving environment in an existing built-up area, the intervening pattern of development, the limited ecological value of the lands in question, the availability of public services, and the separation distance from the nearest sensitive location, 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

- Having regard to Sections 8.2.3.4 (i), (iii) & (v) of the County Development Plan, no information has been submitted which could be construed, in any way, as providing any form of valid justification for the proposed 'granny flat'. This is of particular concern in light of the planning history of the site (in reference to the previous refusal of a 'standalone' dwelling house on site under PA Ref. No. D19A/0879) and, therefore, the motives of the application

are questionable. Accordingly, the Board must satisfy itself that the proposed development is justifiable and arises out of a proven need for a family member / 'granny' flat.

- No reasoning or rationale has been provided as to why the proposed 'granny flat' is of a two-storey construction and includes for 2 No. bedrooms that can only be accessed via a staircase. The design would appear to be at odds with a typical 'granny flat'.
- No clear evidence has been submitted that the proposed development can / will be subsumed back into the main dwelling or why separate front doors are to be provided to the existing house and the 'granny flat'.
- Notwithstanding the inclusion of Condition No. 2 in the notification of the decision to grant permission, the proposed development could clearly operate as a separate residential unit given the difficulty in enforcing such matters. Due to its design, the proposed development has the potential to result in the creation of a separate dwelling on site.
- The proposal will result in an incongruous form of development through the creation of what will appear as a terrace of 4 No. dwelling houses.
- The proposed development will have a profoundly negative and overbearing impact on the appellant's neighbouring property and private garden area given the limited separation distances involved.
- The practicality and suitability of a two-storey 'granny' flat is questionable given that any such accommodation would typically be expected to be provided over a single storey in order to maximise accessibility and to enable a longer-term flexibility of design.
- No details have been provided of any best practice design measures that have been incorporated into the proposal to ensure meaningful accessibility, usability and safety for future occupants. In this regard, it is notable that 2 No. bedrooms are proposed at first floor level with a small separate W.C. to be provided on the ground floor. This would call into question the legitimate usability of the family / 'granny' flat for the purpose intended.

- Only modest changes have been made to the proposal when compared to the development previously refused under PA Ref. No. D19A/0879 e.g. the removal of the two-storey element to the front and the provision of a hipped roof detail to the western elevation. The overall scale, height, form, proximity and siting of the structure remain broadly unchanged with the result that the development will have a detrimental impact on the visual and residential amenity of the appellant's property by reason of its incongruous and overbearing appearance. Accordingly, the proposal constitutes an overdevelopment of the application site.
- Inadequate information has been provided as regards the allocation of private open space for both the proposed 'granny flat' and the existing dwelling house.
- There are concerns that the open space provision is severely deficient in terms of both quantity and quality.
- Following cessation of the 'granny flat' use, the amalgamated property will dominate the wider streetscape as the construction will be c. 2m wider than the traditional pattern of semi-detached housing along Woodbine Avenue whilst it will also project significantly forward of the established building line.
- The proposed development will appear overly dominant in the streetscape by effectively creating a terrace of 4 No. houses (with No. 2A Woodbine Avenue projecting forward of the building line) thereby giving rise to an incongruous overdevelopment of the site in conflict with the established pattern of development.
- Despite traffic concerns forming part of the basis for the refusal of PA Ref. No. D19A/0879, no specific traffic drawings have been submitted nor has any information been provided as regards a turning analysis or the available sightlines.
- The traffic safety implications of the proposed development have not been adequately considered in the assessment of the application. The proposal has in no way overcome or alleviated the public safety and traffic concerns which gave rise to the refusal of PA Ref. No. D19A/0879. Furthermore, the

conditions attached to the notification of the decision to grant permission fail to fully safeguard public safety.

- The proposed development, by itself, or by the precedent it would set for other development on adjacent sites in respect of the limited availability of off-street car parking spaces provided for, would adversely affect the use of the existing road by traffic and would endanger public safety by reason of traffic hazard or the obstruction of road users.
- Due to the detrimental impact on residential amenity, the proposed development will significantly devalue the appellant's property.

## 6.2. Applicant Response

None.

## 6.3. Planning Authority Response

None.

## 6.4. Observations

### 6.4.1. Patricia Murphy:

- Notwithstanding the revisions to the proposed development, the subject application does not overcome the reasons for the refusal of PA Ref. No. D19A/0879.
- The description of the subject application as comprising '*permission for minor alterations*' is misleading and understates the scale and extent of the works proposed.
- Having regard to the incremental development of Nos. 2 & 2A Woodbine Avenue, concerns arise as regards the intended use of the proposed 'granny flat'.
- No justification has been provided for the proposed 'granny flat', particularly as the applicant retains ownership of Nos. 2 & 2A Woodbine Avenue.

- The proposed development lacks a separate kitchen area and includes for interconnecting doorways with the adjoining dwelling. Therefore, it is queried whether the proposal can be described as a 'granny flat' or whether it amounts to an extension of No. 2A Woodbine Avenue.
- The overall scale of the proposed 'granny flat' cannot be considered to be subsidiary to the existing dwelling house.
- No provision has been made for the re-routing etc. of the overhead wires / utilities which traverse the application site to serve No. 2 Glenomena Park.
- The overall scale, design and proximity of the proposed development will have a detrimental impact on the visual and residential amenity of neighbouring property (with particular reference to No. 2 Glenomena Park) and the wider streetscape by reason of its overbearing / domineering appearance and visual obtrusiveness with an associated devaluation of property.
- The proposal amounts to an overdevelopment of the site.
- There are concerns that the proposed development will deprive the adjacent dwelling house of adequate usable private open space.
- Given the limited availability of off-street car parking, the proposed development, both by itself and by the precedent it would set for further development in the area, would adversely affect the use of the existing road by traffic and would endanger public safety by reason of traffic hazard and the obstruction of road users.

## 6.5. Further Responses

None.

## 7.0 Assessment

7.1. From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues relevant to the appeal are:

- The principle and nature of the proposed development

- Overall design and layout / visual impact
- Impact on residential amenity
- Traffic implications
- Appropriate assessment

These are assessed as follows:

## 7.2. The Principle and Nature of the Proposed Development:

- 7.2.1. The proposed development involves the construction of a two-storey, two-bedroom 'granny flat' to the gable elevation of an existing end-of-terrace dwelling house in an established residential area on lands zoned as '*A: To protect and-or improve residential amenity*'. Therefore, I would refer the Board to Section 8.2.3.4: '*Additional Accommodation in Existing Built-up Areas: (iii) 'Family Member/Granny' Flat Extension*' of the Development Plan which states that any such 'family' or 'granny' flat should form '*a subsidiary element*' to the main residence '*for use by a member of the immediate family (e.g. elderly parent)*' (but not as a fully independent dwelling) that should be interlinked with the primary dwelling and be capable of being readily subsumed back into same. It is of particular relevance to note that it is also a specific requirement of the Plan that the Planning Authority be satisfied that there is a valid justification for any such proposal in use terms.
- 7.2.2. Concerns have been raised in the grounds of appeal as regards the overall design, suitability and practicality of the proposed construction given its intended use and, more specifically, the lack of any justification or rationale within the submitted plans and particulars for the proposal in the first instance.
- 7.2.3. With respect to the actual need for the proposed 'granny flat', having reviewed the available information, it is apparent that the only reference to its use as such is within the development description and a commentary contained in the covering letter which accompanied the application that the proposal was '*for a family / granny flat extension – not a separate dwelling – to facilitate a family need*'. Notwithstanding the assessment by the case planner that the applicant has submitted '*a justification for the proposed granny flat extension and use*', in my opinion, the scarcity of the details provided as regards the rationale for the proposed development cannot reasonably be held to satisfy the requirement to provide 'a valid justification' for such works as

set out in the Development Plan. At a minimum, I would suggest that it would be reasonable, if not expected, that the prospective occupant of the proposed 'granny flat' would be identified and their (familial) relationship with the owner / occupier of the principle residence clarified. No such information has been provided with the subject application and I am not satisfied that a simple reliance on the development description is sufficient to satisfy the test of establishing a 'valid justification'.

Accordingly, concerns arise that any usage of the proposed development (particularly if the interconnecting doorways were not to be provided) would likely be more akin to that of an independent living unit / dwelling as opposed to subsidiary accommodation ancillary to the principle residence and, in this regard, I note the appellant's reference to the relatively recent refusal of permission for a 'standalone' dwelling on site under PA Ref. No. D19A/0879. I am also cognisant that the applicant already retains ownership of Nos. 2 & 2A Woodbine Avenue (with submissions on file suggesting that his son occupies No. 2 Woodbine Avenue) and, therefore, it is unclear where the need for the proposed flat arises.

- 7.2.4. In relation to the specifics of the submitted design, the proposed two-storey accommodation will include a living area and W.C. on the ground floor with a bathroom and 2 No. bedrooms on the first floor. Notably, no kitchen or cooking facilities are shown on the submitted drawings, and whilst this omission may be in error, the absence of any lobby / intervening space between the ground floor W.C. and the living room could be interpreted as suggesting that occupants of the proposed flat will be able avail of the kitchen facilities in the main house (although this would undermine the independence of the new living accommodation as a self-contained unit). Independent front access is proposed to both the existing dwelling and the new flat whilst interconnecting doors are to be provided at both floor levels between the two units. In addition, the submitted drawings do not indicate any subdivision of the private open space / garden area on site or the proposed car parking provision as to be indicative of separate residential units.
- 7.2.5. Whilst the two-storey nature of the construction proposed is perhaps not immediately suggestive of a 'granny' flat that would typically be expected to accommodate more elderly or mobility impaired family members, it is not in itself uncommon and, in my opinion, does not give rise to any immediate concerns. However, I would have reservations as regards the overall scale and level of the accommodation proposed



in the context of the existing dwelling house on site. The proposed 'granny flat' has a notable floor area of 73m<sup>2</sup> when compared to that of the main residence (120m<sup>2</sup>) and will provide for an equivalent number of bedrooms i.e. both the existing house and the 'granny flat' will be two-bedroomed. In this respect, I would suggest that the proposed accommodation will not be overtly subsidiary or ancillary to the principle residence. Indeed, having regard to the design and layout of the proposed construction, it could effectively be built as a separate residential unit with the omission of the interconnecting doorways. The development of a separate residential unit on the site would be subject to specific Development Plan standards including the requirement for separate car parking, access and private amenity space which has not been addressed in the current proposal.

- 7.2.6. Therefore, in light of the foregoing, and having reviewed the available information, on balance, I am not satisfied that a 'valid justification' has been provided for the development of the proposed 'granny flat' as required by Section 8.2.3.4: *'Additional Accommodation in Existing Built-up Areas: (iii) 'Family Member/Granny' Flat Extension'* of the Development Plan or that the overall nature, scale, design and layout of the construction would not lend itself to use as, or effectively constitute, a separate dwelling unit as opposed to ancillary family accommodation contrary to the provisions of the current Development Plan for the area.

### 7.3. Overall Design and Layout / Visual Impact:

- 7.3.1. In terms of the overall design and layout of the proposed development, having regard to the surrounding pattern of development, in my opinion, the outward appearance of the subject proposal, with specific reference to its two-storey construction, elevational treatment, continuation of eaves and ridge levels, and adherence to the building line established by No. 2 Woodbine Avenue, represents an appropriate design response which is in keeping with the general character of the immediate site surrounds and the wider area.
- 7.3.2. Furthermore, whilst I would acknowledge that the proposed construction will serve to extend the existing terrace of 3 No. houses composed of Nos. 2, 2A & 4 Woodbine Avenue, having regard to the site location at the westernmost end of the housing along the southern side of the roadway, the positioning alongside an area of open space at the junction of Woodbine Avenue with Glenomena Park, the stepped

building line already established on site, and as the overall proportions of the new construction, when taken in conjunction with No. 2A Woodbine Avenue, will be broadly comparable to the pairs of semi-detached housing which characterise Woodbine Avenue, I am satisfied that the proposal will not appear unduly visually obtrusive or incongruous within the wider streetscape.

- 7.3.3. In relation to the specific concerns raised as regards the adequacy of the private open space provision, it is my opinion that any 'granny' flat use will generally function as ancillary accommodation to the main residence and, therefore, there is no need to provide dedicated private open space to serve same.

#### **7.4. Impact on Residential Amenity:**

- 7.4.1. Having reviewed the available information, and in light of the site context, including its location within a built-up urban area, in my opinion, the overall scale, design, positioning and orientation of the proposed development will not give rise to any significant detrimental impact on the residential amenity of neighbouring property by reason of overlooking or overshadowing. In this respect, it should be noted that no fenestration is to be provided at first floor level within the rear elevation of the 'granny flat' thereby avoiding any direct overlooking of the appellant's dwelling house at No. 2 Glenomena Park (the rooflight serving the landing area will be positioned at such a height over floor level as not to give rise to any overlooking) and that all of the first floor windows will face towards the public road / open space. In addition, the siting of the construction to the north of the appellant's property will ensure that there is no undue overshadowing of same consequent on the proposed development.
- 7.4.2. Furthermore, having regard to the overall scale, height, massing, and positioning of the proposed construction relative to the appellant's dwelling house, whilst I would accept that the proposal will be clearly visible from within the garden area of No. 2 Glenomena Park, I am not of the opinion that it would constitute such an unacceptably visually dominant or overbearing form of development as to seriously detract from the residential amenity of that property or to warrant a refusal of permission.

#### **7.5. Traffic Implications:**

- 7.5.1. On the basis that the proposed 'granny' flat will serve as ancillary accommodation to the main dwelling house, it is unlikely to give rise to any significant additional traffic

impact whilst it can also avail of the existing entrance arrangement with no requirement to provide for independent vehicular access or separate car parking. In this respect, I would further suggest that as the proposed development will effectively form part of a single residential unit when taken in conjunction with the existing dwelling house, the proposal to widen the existing vehicular access onto Woodbine Avenue by 500mm to an overall width of 4.0m would seem to be contrary to Section 8.2.4.9: '*Vehicular Entrances and Hardstanding Areas*' of the Development Plan wherein it is stated that, in general, the maximum width of an entrance serving a single residential dwelling should be 3.5m.

## **7.6. Appropriate Assessment:**

- 7.6.1. Having regard to the minor nature and scale of the development under consideration, the site location within an existing built-up area outside of any protected site, the nature of the receiving environment, the availability of public services, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

## **8.0 Recommendation**

- 8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be overturned in this instance and that permission be refused for the reasons and considerations set out below:

## **9.0 Reasons and Considerations**

1. Having regard to the nature of the proposed use as a 'granny flat', to the lack of any detailed information regarding the intended occupant of the development or their relationship to the applicant, and to the design, scale and layout of the proposed development, the Board is not satisfied that the proposed development would not constitute a separate independent dwelling unit. The proposed development would be contrary to the provisions of the current Development Plan for the area in relation to ancillary family accommodation as set out Section 8.2.3.4: '*Additional Accommodation in*

Existing Built-up Areas: (iii) 'Family Member/Granny' Flat Extension', would set an undesirable precedent for other similar forms of development and would, therefore, be contrary to the proper planning and sustainable development of the area.

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Robert Speer  
Planning Inspector

27<sup>th</sup> February, 2021