



An  
Bord  
Pleanála

## Inspector's Report

### ABP-309092-21

<b>Development</b>	Construction of a granny flat extension to the side and rear and conversion of porch area to additional hallway space.
<b>Location</b>	9, Castletimon Gardens, Kilmore West, Dublin 5
<b>Planning Authority</b>	Dublin City Council North
<b>Planning Authority Reg. Ref.</b>	WEB1725/20
<b>Applicants</b>	Jean Monaghan
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission subject to conditions
<b>Type of Appeal</b>	First Party v. Condition
<b>Appellant</b>	Jean Monaghan
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	15 <sup>th</sup> April 2021
<b>Inspector</b>	Máire Daly

## 1.0 Site Location and Description

- 1.1. The subject site has a stated area of 298sqm and is comprised of a two storey, end of terrace dwelling house located on the eastern side of Castletimon Gardens in Kilmore, approximately 300m southeast of the M50 motorway and the Santry Exit Junction No.2. Castletimon Gardens is located on the periphery of a large agglomeration of housing estates in the north Dublin city Kilmore area and the subject site is located directly opposite an area of open undeveloped green space which borders the M50 to the west.
- 1.2. The dwelling house has an existing rear two-storey hipped roof extension and a paved and stepped rear garden, bound by painted brick walls on either side, both circa 2m in height and high wooden fencing to the rear, which separates the current site and no. 25 Ballyshannon Avenue to the east. The subject site has a larger garden than those to the immediate south by virtue of its end of terrace location and the proposed development is to be located along the northern side of the existing dwelling where the current side access laneway from front to rear garden is located. A tall access gate and brick wall circa. 1.7m high is located midway down this side access to the northern side of the dwelling house on site.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the following:
  - Construction of a single storey attached granny flat extension of 29sqm in area with a 3.25m high ridged roof design, to the northern side and rear of the existing dwelling house.
  - Conversion of the existing front door porch area of 1 sqm to additional hall space and installation of new front door which is to be flush with front façade of dwelling house.
- 2.2. The Board should note that there appears to be a discrepancy in the floor areas presented in the application form, in that reference to a floor area to be 'retained' is also stated. For the purposes of this appeal the development being considered relates to the proposed granny flat extension and proposed porch conversion to the

front of the dwelling house only. The two storey extension to the rear of the existing dwelling house does not appear to have the benefit of planning permission.

### 3.0 Planning Authority Decision

#### 3.1. Decision

3.1.1. The Planning Authority decided to grant permission subject to 8 conditions, most of which are of a standard nature, but also included the following Condition no.3:

*The ancillary family accommodation/ granny flat hereby approved shall adhere to the following:*

*a. The proposed front door to the development hereby approved (granny flat) shall be omitted and replaced by on window of maximum dimensions of 1 metres (wide) x 1.8 metres (tall),*

*b. The ancillary family accommodation shall revert back to being part of the family home when the accommodation is no longer needed for its purpose of providing accommodation for a member of the family*

*c. The ancillary family accommodation shall not be divided or subdivided from the existing house by means of sales, lease or otherwise,*

*d. The development hereby approved shall be confined to the subject site only*

**Reason:** *In the interests of the protection of residential amenity.*

#### 3.2. Planning Authority Reports

##### 3.2.1. Planning Reports

The report of the planning officer (December 2020) reflects the decision of the Planning Authority. The Planning Officer notes the following in their report:

- The proposed development meets the minimum width and floor areas as set out in Quality Housing for Sustainable Communities DoEHLG Guidelines 2007.
- The proposed structure by virtue of its single storey nature and location in the rear garden should have no adverse impact on the scale and character of the

existing house or on the privacy or access to daylight/sunlight for neighbouring properties.

- Sufficient private open space would still be provided in line with the standards for private open space listed in the Dublin City Development Plan 2016-2022.
- Details of the relationship between the occupants of the main dwelling (applicant's daughter and grandchildren) and the proposed occupant of the ancillary family accommodation have been presented and appear to be valid.
- The proposed development is largely consistent with the requirements listed under Section 16.10.14 (Ancillary Family Accommodation) of the development plan. However, the independent entrance to the front of the proposed 'granny flat' would raise concerns that at some point this accommodation may be used independently of the principal structure on site. In this regard Condition no.3 part (a) was attached.
- The maintenance of the proposed parapet party boundary wall was also raised as an issue. The area planner therefore stated that development shall be confined to the subject site only and no guttering rain-ware shall over sail the property boundary. A condition has been attached to address same.
- The work to the porch was considered acceptable.

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

- DCC Drainage Division – Report dated 04/11/2020 – No objection to proposed development subject to conditions.

### **3.3. Prescribed Bodies**

- Irish Water – no response received.

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

3.4.1. None.

## **4.0 Planning History**

4.1. No relevant planning history on subject site or nearby sites.

## 5.0 Policy Context

### 5.1. National Guidance

5.1.1. Quality Housing for Sustainable Communities- Best Practice Guidelines for Delivering Homes Sustaining Communities (DoEHLG, 2007).

- Section 5.3: Internal Layout and space provision.

### 5.2. Development Plan

5.2.1. The operative development plan is the **Dublin City Development Plan 2016-2022**. The site is zoned as Z1 Residential where it is an objective “*To protect, provide and improve the residential amenities*”. The following Sections are relevant:

- **Section 16.10.1:** Residential Quality Standards – Apartments
- **Section 16.10.2:** Residential Quality Standards – Houses
- **Section 16.10.14:** Ancillary Family Accommodation.

Extension to a family dwelling to accommodate a family member must comply with the following:

- *A valid case is made with regards the relationship with the applicant;*
- *It is directly connected to the main dwelling;*
- *The independent unit can be integrated into the dwelling once the family member no longer needs it.*

- **Section 16.10.12:** Extensions and Alterations to Dwellings.
- **Section 16.10.13:** Subdivision of dwellings.
- **Section 16.2.2.3** Alteration and Extensions.

More generally section 16.2.2.3 states that extensions to houses should respect the context of the existing building and surrounding area and the amenities of neighbours.

- **Section 16.2.2.4 Boundary Walls and Railings**

### 5.3. Natural Heritage Designations

5.3.1. None relevant.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. A first-party appeal has been lodged against Condition no.3 part (a), which was attached to the Planning Authority's notification of a decision to grant planning permission. The following grounds of appeal are raised:

- The removal of the doorway severely restricts the enjoyment of the property for all users. The door not only serves as independent access to the granny flat for the applicant but also allows the applicant's daughter and grandchildren to have access to the rear garden and is vital for the easy removal of bins, toys and to allow free movement between the front and rear gardens.
- The existing 1.8m high wall and gate to the side of the property are to remain unaltered. The retention of this wall and gate means that the 'granny flat' to the rear will be barely visible from the front of the street and its impact will be minimal.
- The need for this granny flat has been demonstrated in the initial application and its intention and use by the applicant's mother was also outlined.
- The applicant has also highlighted other examples of 'granny flats' (P.A. Ref WEB1081/13 and WEB1245/19) which incorporated independent access (front door) which were previously granted by the planning authority and therefore raises concerns in relation to inconsistencies.

### 6.2. Planning Authority Response

- None received.

### 6.3. Observations

- None.

## 7.0 Assessment

- 7.1. This is a first-party appeal only against Conditions no. 3 part (a) only attached to the planning authority's decision to grant permission. Condition no. 3 part (a) requires the applicant to omit the front door of the granny flat and replace same with a window of maximum dimensions 1 metre (wide) X 1.8 metres (tall).
- 7.2. Having regard to the nature and scale of the proposed development and the nature of Condition no.3 (a) it is considered that the determination by the Board of the application, as if it had been made to it in the first instance is not needed, and that a de novo assessment would not be warranted. Therefore, the Board should determine the matters raised in the appeal only, in accordance with Section 139 of the Planning and Development Act 2000, as amended.
- 7.3. **Condition No.3 part (a)**
- 7.3.1. The area planner expressed concerns in relation to the additional pedestrian entrance to the front elevation of the proposed granny flat, stating that this entrance may lead to the use of the ancillary family accommodation as an additional autonomous dwelling on site and therefore would be contrary to Section 16.10.14 of the Dublin City Development Plan 2016-2022.
- 7.3.2. The applicant has stated that this entrance doorway is necessary and not only serves as an independent access to the granny flat for the applicant but also allows her daughter and grandchildren to have ease of access to the rear garden, as well as easy removal of bins and children's toys etc.
- 7.3.3. The proposed ground floor plans submitted with the application (Drawing No. PL02) show the front entrance door to the granny flat leading into a link corridor which in turn provides access through an opening in the external side (northern) elevation wall of the main dwelling house and into the main house's kitchen/dining area. The link corridor then continues east to the remainder of the ancillary accommodation. A side access door is located on the southern elevation of the proposed granny flat (adjacent to the rear wall of the main dwelling house) which fronts onto the patio area/garden to the rear of the house. This door provides a separate access onto the link corridor, which in turn provides access to the front of the granny flat and front garden area of the main house.

7.3.4. Section 16.10.14 of the Development Plan is clear in its requirements in relation to Ancillary Accommodation. The applicant in my opinion has provided a valid case for the need for the granny flat, detailing the relationship between the occupants of the main dwelling and her proposed use of the flat. The proposed accommodation is not a separate detached dwelling and is in fact attached to the main dwelling house and directly linked via an internal opening. In this regard the granny flat can therefore be integrated back into the main dwelling when no longer required. Section 16.10.14 at no point refers to consideration of separate access or the need for justification of same.

7.3.5. On site visit I noted the existing side wall and access gate which currently provides access to the rear of the dwelling house. The applicant states that this wall and access gate are to remain unaltered and therefore only minimum visibility of the granny flat from the estate road would be possible. The aforementioned wall and gate are not shown on either the submitted site layout (Drawing No. PL05) or the ground floor plans (Drawing No. PL02). While I note this omission on the drawings, I do not believe the visibility of the front access door is an issue but in fact the main issue for consideration under this appeal is whether the door is justified or not. In my opinion I would consider the access an integral part of ensuring some form of independence for the applicant and also believe its location is clearly justified given the presented layout of the ground floor plans. The proposed link corridor provides a practical connection from the rear garden to the front of the main dwelling house, while the internal opening to be provided between this link corridor and the main dwelling's kitchen/dining room ensures the accommodation complies with Section 16.10.14. In my opinion the design, scale and location of the ancillary accommodation, which is set back from the front wall of the dwelling house by approx. 8m presents no issues. Therefore, taking all matters into consideration, I would recommend the removal of part (a) of the condition.

#### 7.4. **Appropriate Assessment**

7.4.1. Having regard to the nature and scale of the proposed development within a serviced urban area and separation distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.



## 8.0 Recommendation

8.1. Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to **AMEND** condition number 3 as follows:

3. *The ancillary family accommodation/ granny flat hereby approved shall adhere to the following:*
  - a. *The ancillary family accommodation shall revert back to being part of the family home when the accommodation is no longer needed for its purpose of providing accommodation for a member of the family*
  - b. *The ancillary family accommodation shall not be divided or subdivided from the existing house by means of sales, lease or otherwise,*
  - c. *The development hereby approved shall be confined to the subject site only*

**Reason:** *In the interests of the protection of residential amenity.*

## 9.0 Reasons and Considerations

Having regard to the residential land use zoning for the site, the location of the proposed granny flat and the justification presented for the separate entrance door, as well as the proposed development's overall compliance with Section 16.10.14 of the Dublin City Development Plan 2016-2022, I consider the planning authority's Condition 3 part (a) requiring the omission of the front door to the granny flat, therefore, not warranted.

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Máire Daly  
Planning Inspector

16<sup>th</sup> April 2021