



An  
Bord  
Pleanála

## Inspector's Report

### ABP-311301-21

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<b>Development</b>	Extension to family flat, internal alterations and associated site works.
<b>Location</b>	Rahona, (Glanmore), Kill Lane, Dublin 18, D18W6Y8
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D21B/0312
<b>Applicant(s)</b>	Zoe McLean
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Zoe McLean
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	29 <sup>th</sup> November 2021
<b>Inspector</b>	Emer Doyle

## 1.0 Site Location and Description

1.1. The subject site is located on Kill Lane in a mature residential area. The prevailing character in the area is low density, suburban, two storey semi-detached dwellings. The subject site has an area of 0.069 hectares. The existing dwelling on site has been subdivided for many years and comprises of the main dwelling 'Glanmore' and a family flat 'Rahona'. There are separate front doors to both properties and each property is named on the pillars and on the dwellings themselves. The site is bounded by two storey semi-detached dwellings.

## 2.0 Proposed Development

2.1. Permission is sought for the following:

- Construction of a single storey flat roofed extension comprising of a stated internal area of 8.7m<sup>2</sup>.
- Internal modification to existing layout to include the provision of two bedrooms in lieu of one existing bedroom.
- All associated works.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission refused for one reason as follows:

Section 8.2.3.4 (iii) of the Dun Laoghaire Rathdown County Development Plan, 2016-2022 states that a 'Family' or 'Granny' flat refers to a temporary subdivision of single dwelling for a subsidiary element, for use by a member of the immediate family, but not as a fully independent dwelling. The proposed development, by reason of the nature of the extension and internal re-configuration of the existing 'Family' flat would not represent a temporary subdivision of a single dwelling. The proposed development would not therefore comply with Section 8.2.3.4 (iii) 'Family Member/ Granny' Flat Extension of the Dun Laoghaire Rathdown County

Development Plan 2016-2022, 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 planner's report noted the information provided by the applicant in terms of the proposed use of the family flat. However, it was considered that the provision of an extension and internal reconfiguration suggested that the proposed development was not a temporary subdivision within the meaning of a 'Family Member/ Granny' Flat Extension and as such it was considered that it did not comply with the Development Plan.

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

- None.

### **3.3. Prescribed Bodies**

#### **3.3.1. No reports.**

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

#### **3.4.1. None submitted.**

## **4.0 Planning History**

### **PA Ref. 7311**

Certificate of exemption granted for the application of external insulation to 'Glanmore', Kill Lane, Dublin 18.

### **PA Reg. Ref. D97A/0945**

Permission granted for a granny flat at the rear of the existing house, for a new conservatory, a widened entrance and minor changes to front elevation of house.

## 5.0 Policy Context

### 5.1. Development Plan

#### 5.1.1. Dun Laoghaire Rathdown County Development Plan 2016-2022

- The site is located within an area zoned under Land Use Objective 'A' To protect or improve residential amenity.
- Section 8.2.3.4(iii) refers to 'family member/granny flat' extensions. These will generally be assessed against the criteria applied to 'normal' domestic extensions (section 8.2.3.4 (i)). In addition proposals should be interlinked with the primary dwelling and capable of being subsumed back into same and there is a valid justification for the proposal in terms of use.

### 5.2. Natural Heritage Designations

#### 5.2.1. None of relevance in the immediate vicinity of the site.

### 5.3. EIA Screening

#### 5.3.1. Having regard to the nature and scale of the proposed development and the nature of the receiving environment 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

The grounds of appeal can be summarised as follows:

- The family flat is still providing residence for a member of the immediate family in accordance with PA D97A/0945.

- In 1999, the 'Family' flat was built to accommodate the client's grandmother until her death, the flat was then subsumed back into the main house and used as a den by the McLean siblings and as a guest bedroom for approximately 4 years. The applicant subsequently moved into the guest bedroom with her now husband and has been there for the last 6 years.
- She lives there with her husband and two children- aged 4 and 9 months. The proposal is for an extension and reconfiguration of the structure which will allow for an additional bedroom to accommodate the two young children in separate sleeping arrangements.
- This would provide temporary accommodation whilst allowing the applicant to save for a purpose built house.
- The proposal is a temporary solution to meet the applicant's immediate needs within this difficult housing market.
- Once the applicant secures her own home, the flat will be subsumed back into the main dwelling.

## 6.2. Planning Authority Response

- The Board is referred to the previous Planner's report as it is considered that the grounds of appeal do not raise any new matters which would justify a change of attitude towards the proposed development.

## 6.3. Observations

- None.

## 7.0 Assessment

- 7.1. The main issues in this appeal are those raised in the grounds of appeal. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development
- Appropriate Assessment

## 7.2. Principle of Development

- 7.2.1. The Planning Authority refused permission as it was considered that the proposed internal reconfiguration of the existing family flat would not represent a temporary subdivision of a single dwelling and, therefore, failed to comply with the provisions of Section 8.2.3.4 (iii) of the County Development Plan relating to family member/granny flat extensions.
- 7.2.2. Permission was granted for a granny flat at this location under PA Reg. Ref. D97A/0945. Condition 2 required that 'the proposed granny flat shall be occupied by a member of the immediate family of the occupier of the main dwelling. Should the use of the flat as a residence for a member of the immediate family cease, this permission will expire and the structure will be incorporated into the main dwelling house.'
- 7.2.3. The appeal makes the case that the original purpose of the granny flat was for the granny of the current applicant. After her granny passed away, the flat was subsumed back into the main dwelling. Approximately 6 years ago, she moved into the granny flat with her now husband and they have two small children. She cannot find affordable rental accommodation for her family in the area and it her intention to save for a purpose built house in the longer term. It is stated that this is a temporary solution to meet her immediate housing needs and once she secures her own home, the flat will be subsumed back into the main dwelling.
- 7.2.4. I am of the view that the principle of development is acceptable at this location and the dwelling is still being used for a family member in accordance with Condition 2 of PA Reg. Ref. D97A/0945. The use remains temporary in my view and the extension proposed of 8.7m<sup>2</sup> is minimal in size and would not detract from the visual or residential amenities of the area. The house remains linked to the main dwelling with a shared corridor between both properties and the applicant has stated that once she secures her own home, the flat will be subsumed back into the main dwelling in

accordance with the policy for Family Member/ Granny Flats in the Development Plan.

- 7.2.5. I am satisfied that the applicant has demonstrated a valid justification for an extension to the existing property at this location to provide an additional bedroom for her children. The family circumstances have changed since the original grant of permission, however, I am satisfied that the use of the flat remains temporary, has been adequately justified in use terms, is interlinked with the main house and can be subsumed back into the main dwelling when it is no longer required in accordance with the policy set out in Section 8.2.3.4 (iii) of the Development Plan.
- 7.2.6. As such, I am of the view that the proposed extension to the existing family flat can be accommodated on the site and would not constitute over development of the site. Its use and occupation can be dealt with by condition if the Board is of a mind to grant permission.

### **7.3. Appropriate Assessment**

- 7.3.1. Having regard to the nature and scale of the proposed development and the location of the site in an established, serviced, suitably zoned urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on a European site.

## **8.0 Recommendation**

- 8.1. I recommend that permission be granted for the proposed development for the reasons and considerations set out below:

## **9.0 Reasons and Considerations**

- 10.0 Having regard to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022, the location of the site in an established residential area and its zoning for residential purposes, existing and permitted development on the site, and to the nature, form, scale and design of the proposed development, it is

considered that, the proposed extension to the existing family flat would not constitute over development of the site, and would not seriously injure the residential or visual amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 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 dwelling and family flat shall be jointly occupied as a single residential unit and the family flat 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 family flat in the interest of residential amenity.</p>
3.	<p>Details and samples of the material, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
4.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health.</p>



5.	<p>Site development and building works shall be carried out only between 0800 hours and 1900 hours Mondays to Fridays inclusive, between 0800 hours and 1400 hours on Saturdays and not at all on Sundays and Public Holidays. Deviation from these times shall 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>
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Emer Doyle  
Planning Inspector

2<sup>nd</sup> December 2021