



An
Bord
Pleanála

Inspector's Report

ABP-311311-21

Development	Construction of a detached granny flat at rear of house.
Location	1B, Clonshaugh Crescent, Clonshaugh, D17 DT82
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	2977/21
Applicant(s)	Colette Doohan
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Colette Doohan
Observer(s)	None
Date of Site Inspection	30 th November 2021
Inspector	Ian Campbell

1.0 Site Location and Description

- 1.1 The appeal site is located at 1B, Clonshaugh Crescent, Dublin 17 DT82. Clonshaugh Crescent is an established residential area, situated north of Clonshaugh Avenue and east of Clonshaugh Road. The area is characterised by rows of two storey terraced and semi-detached dwellings. The side/rear gardens of a number of properties in the vicinity of the appeal site have been developed and accommodate infill dwellings, including 1 Clonshaugh Crescent. The house on the appeal site and the property to the immediate south were permitted under the same permission (PA Ref. 1811/00).
- 1.2 The appeal site accommodates an end of terrace, two storey dwelling. A gated entrance is located along the side/eastern boundary of the subject site. There is a single storey 'lean to' annex positioned to the side/east of the dwelling. This structure has not been depicted on the submitted plans/elevations. The front of the existing house on the appeal site is orientated north. An area of private amenity space is located to the rear/south of the dwelling. Based on the particulars submitted the area of this private amenity space is c. 80 sqm.

2.0 Proposed Development

- 2.1 The proposed development comprises the construction of a single storey, detached structure (stated floor area 33 sqm) which is proposed for use as a 'granny flat'. The proposed structure is located in the rear garden of the existing dwelling. A separation of c. 5 metres is provided between the proposed structure and the the existing dwelling. The proposal has a mono-pitch roof with a maximum ridge height of 3.1 metres. Finishes to the proposed structure comprise smooth plaster for the external walls and tiles to the roof to match the existing dwelling on the appeal site.

3.0 Planning Authority Decision

3.1 Decision

The Planning Authority issued a Notification of Decision to refuse permission on the 10th August 2021 for a single reason that be summarised as follows;

The proposed development does not comply with Section 16.10.14 of the Dublin City Development Plan 2016-2022, which sets out the requirements for ancillary family accommodation. Specifically, the proposed granny flat is detached from the existing house and could not be integrated into the existing house when it ceases to be used for its indicated purpose. Furthermore, the applicant has not made a valid case for the proposal, and the relationship between the occupants of the proposed granny flat and the main dwelling is unclear.

3.2 Planning Authority Reports

3.2.1 Planning Reports

The report of the Planning Officer includes the following comments;

- Noted that the proposed structure is detached from the main dwelling and cannot be re-integrated into the existing dwelling when its purpose as ancillary accommodation has ceased;
- Noted that the applicant has not indicated who the proposed structure is to serve and the relationship between the intended occupant(s) of the proposed structure and the occupants of the main dwelling is unclear;
- Concluded that the proposal does not comply with Section 16.10.14 of the Dublin City Development Plan 2016-2022 and that the proposed structure would have the capacity to operate as an independent dwelling unit.

The report of the Planning Officer recommends a refusal of permission consistent with the Notification of Decision which issued.

3.2.2 Other Technical Reports

Drainage Division - no objection.

3.3 Prescribed Bodies

None received.

3.4 Third Party Observations

None received.

4.0 Planning History

The following planning history is referenced in the report of the Planning Officer:

4.1 Appeal Site:

PA Ref. 2684/02 – permission granted for modifications to PA Ref. 1811/00, specifically the addition of a first floor to the previously permitted dwelling at 1A Clonshaugh Crescent.

PA Ref. 1811/00 - permission granted for 2 no. infill dwellings at 1 Clonshaugh Crescent.

PA Ref. 0804/00 – permission refused for 4 no. dwellings at 1 Clonshaugh Crescent. Refusal reasons concerned overdevelopment of site, overlooking issues, inadequacy of privacy amenity space and precedent.

5.0 Policy Context

5.1 Development Plan

5.2.1 The relevant development plan is the Dublin City Development Plan 2016-2022, under which the subject site is zoned 'Z1'- 'Sustainable Residential Neighbourhoods' with a stated objective 'to protect and/or improve residential amenities'. Residential/dwelling is a permitted use under this 'Z1' zoning.

5.2.2 Chapter 16 of the Dublin City Development Plan 2016-2022 sets out policies in relation to development standards. Section 16.10 relates to standards for residential accommodation with Section 16.10.14 providing policy in respect of 'Ancillary Family Accommodation' which is applicable to the proposed development. Section 16.10.14 describes ancillary family accommodation as being *'an extension of a single dwelling unit to accommodate an immediate family member for a temporary period or where an immediate relative with a disability or illness may need to live in close proximity to their family'*. Section 16.10.14 provides that, generally, such accommodation should be directly connected to the main dwelling with no exterior difference in appearance between an extension and ancillary family accommodation and that, in principle, proposals of this nature will be favorably considered subject to compliance with the following criteria;

- *'A valid case is made, including details of the relationship between the occupant(s) of the main dwelling house and the proposed occupant(s) of the ancillary family accommodation;*
- *The proposed accommodation is not a separate detached dwelling unit, and direct access is provided to the rest of the house; and,*
- *The accommodation being integral with the original family house shall remain as such when no longer occupied by a member of the family'*.

Section 16.6 provides policy in relation to site coverage, with an indicative site coverage of 45% - 60% for Z1 zoned lands.

5.3 Natural Heritage Designations

5.3.1 The appeal site is not located within or close to any European site.

5.4 EIA Screening

5.4.1 Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity of the site and the absence of any connectivity to any 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

The grounds of appeal can be summarised as follows:

- The proposed development is to serve the appellant's daughter, whom it is stated suffers from a health condition, the nature of which requires her to have separate living accommodation;
- The existing living accommodation within the existing dwelling is not sufficient to cater for the requirements of the appellant and her family, including her daughter as there are currently 6 adults and 1 child living in the house.

6.2 Planning Authority Response

None received.

6.3 Observations

None received.

7.0 Assessment

7.1 I consider the main issues in the assessment of this appeal are as follows:

- Principle of Development and Compliance with Policy on ‘Ancillary Family Accommodation’.
- Compliance with Residential Standards.
- Impact on Visual and Residential Amenity.
- Appropriate Assessment.

7.2 Principle of Development and Compliance with Policy on ‘Ancillary Family Accommodation’

7.2.1 The subject site is zoned ‘Z1’- ‘Sustainable Residential Neighbourhoods’ under the Dublin City Development Plan 2016-2022, and ‘Residential’ use as proposed is a permissible use under the ‘Z1’ zoning. I therefore consider that a ‘granny flat’/ancillary family accommodation accords with the ‘Z1’ zoning and that the form of development proposed is acceptable in principle.

7.2.2 Paragraph 16.10.14 of the Dublin City Development Plan 2016-2022 states that proposals for ‘ancillary family accommodation’ will be favorably considered subject to compliance with a number of criteria. These criteria include that a *‘valid case for such a proposal is made, including identifying whom the proposal is to serve and the relationship between the occupant(s) of the main dwelling house and the proposed occupant(s) of the ancillary family accommodation; that the proposed accommodation is not a separate detached dwelling unit, and that direct access is provided to the rest of the house; and that the accommodation being integral with the original family house shall remain as such when no longer occupied by a member of the family’.*

7.2.3 As set out at paragraph 3.1 above, the Planning Authority refused permission for the proposed development on the basis that the proposal did not meet the requirements of Section 16.10.14 of the Dublin City Development Plan 2016-2022, including that the person for whom the structure is to serve and relationship between this person and the occupants of the main dwelling had

had not been specified. I note that the appellant has specified in the appeal submission that the proposal is to serve her daughter and has provided a rationale for the proposal. I consider that the reason cited for requiring the proposed family flat is acceptable. Notwithstanding this however it remains that the proposed structure is physically separate from the main dwelling, with no direct access provided between the proposed structure and the main dwelling and no potential for the proposed accommodation to be integrated into the main house when no longer occupied by a member of the family. For these reasons I consider that the proposal does not accord with the requirements set out under Section 16.10.14 of the Dublin City Development Plan 2016-2022 and that permission should be refused on this basis.

7.3 Compliance with Residential Standards

- 7.3.1 Given the detached nature of the proposed development separate from the existing house, the availability of independent access, and the statement of the first party in the grounds of appeal regarding the intended use of the proposed accommodation, it is my opinion that the proposed development effectively constitutes an independent residential unit and should be assessed as such.
- 7.3.2 Section 16.10 of the Development Plan sets out quantitative standards for residential accommodation. I note that the proposal would fall below the minimum overall requirement for a studio in terms of floor area (i.e. 40 sqm), and would also below the minimum aggregate floor area for living/dining/kitchen areas (i.e. 30 sqm) for this unit typology as set out in the Development Plan. Similarly, if considered as a 1-bedroom dwelling, the proposal would be below the minimum floor area requirements set out at Table 5.1 of the 'Quality Housing for Sustainable Communities- Best Practice Guidelines for Delivering Homes Sustaining Communities and Sustainable Urban Housing' (2007). (i.e. 44 sqm).
- 7.3.3 Regarding private amenity space, the Development Plan requires a minimum standard of 10 sqm of private open space per bedspace, with a double bedroom representing two bedspaces. The Development Plan provides that private amenity space should be located to the rear or side of a house and that

generally up to 60-70 sqm of rear garden area is considered sufficient for houses in the city. The proposed development would not be served by any private amenity space, and being located within the rear garden of the existing dwelling, would in my opinion detract from the amenity of the rear garden serving the host dwelling.

- 7.3.4 Having regard to nature and layout of the proposal, and specifically its limited floor area and absence of private amenity space, I consider that the proposal would result in an unsatisfactory standard of residential accommodation for the future occupants of the ancillary accommodation, would be contrary to the Dublin City Development Plan 2016-2022, and contrary to proper planning and sustainable development.

7.4 Impact on Visual and Residential Amenity

- 7.4.1 I note that the proposed structure is modest in scale and, save for a small section of its roof, would not be overtly visible when viewed from the adjoining area or properties. Accordingly, I do not consider that the proposed development would give rise to any significant negative impacts on the visual amenity or character of the area.
- 7.4.2 In relation to the impact on residential amenity, noting the single storey nature of the proposed structure and its relationship to the boundaries of the site and adjacent properties, I do not consider that the proposal would result in any significant impact of the residential amenity of neighbouring third-party property. No overlooking of adjoining property is anticipated arising from the proposed development.
- 7.4.3 In relation to the impact on the existing property on the site, I note that the proposed structure would directly face the rear elevation of the existing dwelling at a separation distance of 5 metres, with no clear separation between the existing and proposed development. Therefore I consider that the proposed development would have a significant negative impact on the residential amenity of the existing dwelling due to the proximity of the proposed development to the existing dwelling and the reduction in private amenity space serving the existing dwelling on the site.

7.5 Appropriate Assessment

7.5.1 Having regard to the nature of the proposed development, the serviced nature of the site, the developed nature of the landscape between the site and European sites and the lack of hydrological connectivity between the site and European sites and separation to these sites, it is concluded that no Appropriate Assessment issues arise and the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on any European site.

8.0 Recommendation

8.1 Having regard to the above it is recommended that planning permission be refused for the proposed development based on the following reasons and considerations.

9.0 Reasons and Considerations

1. Section 16.10.14 of the Dublin City Development Plan 2016-2022 provides that proposals for ancillary family accommodation will be favorably considered when specific criteria are met, including that the proposed accommodation is not a separate detached dwelling unit, that direct access is provided to the rest of the house and that the accommodation being integral with the original family house shall remain as such when no longer occupied by a member of the family. The layout of the proposed development physically separate from main dwelling, with no direct access provided between the proposed structure and the main dwelling, and effectively constituting an independent residential unit, does not comply with these requirements or with the standards for residential accommodation set out at Section 16.10.1 and Section 16.10.2 of the Dublin City Development Plan 2016-2022 or Table 5.1 of the 'Quality Housing for Sustainable Communities- Best Practice Guidelines for Delivering Homes Sustaining Communities and Sustainable Urban Housing' (2007). The proposed development would therefore be contrary to Section 16.10.14 of the Dublin City Development Plan 2016-2022, would result in a substandard level of residential amenity for the future occupants of the

development on the site, would seriously injure the residential amenity of the existing dwelling, and would be contrary to the proper planning and sustainable development of the area.

Ian Campbell
Planning Inspector
22nd December 2021