



An
Bord
Pleanála

Inspector's Report

ABP-311719-21

Development	Retention permission of a 1 bedroom self-contained living annex to the side of existing property.
Location	22 Edgewood Lawns, Blanchardstown, Dublin 15.
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	FW21B/0127
Applicant(s)	Louise Devlin
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Louise Devlin
Date of Site Inspection	12 th March 2022
Inspector	Colin McBride

1.0 Site Location and Description

1.1. The appeal site, which has a stated area of 0.037 hectares, is located within the housing development of Edgewood Lawns to the north east of Blanchardstown shopping centre. The appeal site is occupied by no. 22, which is a two-storey semi-detached dwelling on a corner site. The existing dwelling has a larger than average site with a significant level of space to the side. To the side of the dwelling is a single-storey wooden structure, which is in use as a residential unit. There is a newly constructed 1.8m high wall along the front and side of site. To the east of the site is no. 21, which is the other dwelling that makes up the pair of semi-detached dwelling and to the north is the front garden of no. 23.

2.0 Proposed Development

2.1. Permission is sought for retention of a one bedroom self-contained living annex to the side of an existing property. The structure for retention has a floor area of 63.3sqm and a ridge height of 3.35m. The structure in question is a wooden structure with a shallow pitched roof and is located to the side of an existing two-storey semi-detached dwelling.

3.0 Planning Authority Decision

3.1. Decision

Permission refused based on one reason...

1. The stand-alone cabin building as constructed on site does not integrate with the existing dwelling in terms of location, layout, depth and design, is incongruent with the existing dwelling and would be overbearing to adjoining properties. The proposed development would adversely affect the amenities and depreciate the value of adjoining properties, would be contrary to Objectives DMS24, DMS29, DMS39 and DMS87 of the Fingal Development Plan 2017-2023 and policy in relation to extensions to dwellings, and contrary to the RS land use zoning objective of the Fingal Development Plan 2017-2023 which seeks to protect residential amenity,

would create an undesirable precedent, and is therefore contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning report (23/09/21): The proposal was considered inappropriate in terms of its integration with existing development/pattern of development and contrary to a number of Development Plan policies, the zoning objective to the site and set an undesirable precedent. Refusal was recommended based on the reasons outlined above.

3.2.2. Other Technical Reports

Irish Water (31/08/21): Further information including amended drainage proposals.

Transportation Planning (03/09/21): Further information including parking provision and details regarding foundations of the new boundary wall.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

Several submission were received. The issues raised can be summarised as follows...

- Out of character at this location, built without permission, negative visual impact of wall constructed, inaccurate plans, privacy issues, devaluation of property.
- There were also a number of submissions indicating support for the application.

4.0 Planning History

No planning history.

5.0 Policy Context

5.1. Development Plan

The relevant Development Plan is the Fingal County Development Plan 2017-2023. The site is zoned 'RS' with a stated objective 'to provide for residential development and protect and improve residential amenity' with a vision to 'ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity'.

Objective DMS24 Require that new residential units comply with or exceed the minimum standards as set out in Tables 12.1, 12.2 and 12.3.

Objective DMS29 Ensure a separation distance of at least 2.3 metres is provided between the side walls of detached, semi-detached and end of terrace units.

Objective DMS39 New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.

Objective DMS87 Ensure a minimum open space provision for dwelling houses (exclusive of car parking area) as follows:

- 3 bedroom houses or less to have a minimum of 60 sq m of private open space located behind the front building line of the house.
- Houses with 4 or more bedrooms to have a minimum of 75 sq m of private open space located behind the front building line of the house.

Narrow strips of open space to the side of houses shall not be included in the private open space calculations.

Family Flats Family flats (often known as granny flats) are a way of providing additional accommodation with a level of independence for an undefined temporary period of time. Family flats allow for semi-independent accommodation for an immediate family member (dependent on the main occupants of the dwelling). Applications for family flats will be considered favourably subject to criteria set out in Objective DMS 43 below.

Objective DMS43

Ensure family flats:

- Are for a member of the family with a demonstrated need.
- Are linked directly to the existing dwelling via an internal access door and do not have a separate front door.
- When no longer required for the identified family member, are incorporated as part of the main unit on site.
- Do not exceed 60 sq m in floor area.
- Comply with the design criteria for extensions, as above

5.2 **Natural Heritage Designations**

None within the zone of influence of the project.

5.3 **EIA Screening**

The proposed development is of a class but substantially under the threshold of 500 units to trigger the requirement for submission of an EIAR and carrying out of EIA. Having regard to the nature of the development, which is a new dwelling and associated site works, the absence of features of ecological importance within the site, I conclude that the necessity for submission of an EIAR and carrying out of EIA can be set aside at a preliminary stage.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 A first party appeal has been lodged by Hughes Planning & Development Consultants on behalf of Louise Devlin, 22 Edgewood Lawns, Blanchardstown, Dublin 15. The grounds of appeal are as follows...

- The appeal outlines the background to the case and reasoning for the proposed development initially. Applicant is a nurse in an ICU ward and needs accommodation to isolate from her elderly mother who lives at no. 22. The appellant is requiring a temporary permission and a condition requiring removal of such 3 no. years following the Corvid 19 pandemic.
- The scale and design of proposal is subordinate in relation to existing development and the existing dwelling on site and would not have an adverse visual impact.
- The proposal is compliant with the minimum standards alluded to under Objective DMS24 of the Development Plan. A small internal alteration will meet the internal dimension requirements.
- In relation to separation distance under DMS29 it is noted that the 2.3m standard is met for the most part as the distance reduces moving back. It is considered that the separation is sufficient in the context of the temporary nature of the proposal and its subordinate scale relative to the existing dwelling.
- In relation to Objective DMS39 it is noted that the massing and scale of the development is modest relative to existing two-storey dwellings in the area.
- In relation to Objective DMS87 it is noted that that sufficient amenity space is available for both the existing and proposed unit.
- The appellant argues that temporary emergency accommodation is compliant with the zoning objective. The structure is modest in scale with no impact on the amenities of any adjoining properties with no overlooking and sufficient separation from such.

- The proposal would allow for residential development of sufficient quality and in keeping with policy objectives of the Project Ireland 2040 document.

6.2. Planning Authority Response

6.2.1 The PA reiterate their view that the proposal is contrary to the proper planning and sustainable development of the area and the reason for refusal still applies.

7.0 Assessment

7.1. Having inspected the site and associated documents, the main issues can be assessed under the following headings.

Principle of the proposed development

Design, scale, pattern of development

7.2. Principle of the proposed development:

7.2.1 The proposal is for retention of a single-storey structure within the curtilage of an existing two-storey semi-detached dwelling. The structure in question is an independent dwelling unit featuring living/kitchen/dining area, a bedroom, bathroom and home office (or potential second bedroom). The unit is located to the side of the existing dwelling on site and in an area zoned 'RS' with a stated objective 'to provide for residential development and protect and improve residential amenity' with a vision to 'ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity'.

7.2.2 The appeal submission includes details of the background and justification for the proposal with such mentioned above under the grounds of appeal. On this matter I would note that appellant's justification and argument for the structure is not a justification for permitting the development and is not a planning consideration. The

proposed development will be assessed on its merits in terms of the proper planning and sustainable development of the area.

7.3 Design, scale, pattern of development/quality:

7.3.1 The proposal is an independent dwelling unit separate to the existing dwelling on site and is located to the side of the existing two-storey semi-detached dwelling. The existing dwelling is a corner site so has a larger than average site with a significant level of space to the side. The proposal is for an independent dwelling unit within the curtilage of the existing dwelling in the form of temporary wooden type structure and is not a fully realised subdivision of the curtilage of the existing dwelling. The proposal was refused on the basis that the proposal does not integrate with the existing dwelling in terms of location, layout, depth and design, is incongruent with the existing dwelling and would be overbearing to adjoining properties. The proposed development would adversely affect the amenities and depreciate the value of adjoining properties and be contrary to Objectives DMS24, DMS29, DMS39 and DMS87 of the Fingal Development Plan 2017-2023 and policy in relation to extensions to dwellings. The proposal was also deemed to be contrary to the RS land use zoning objective of the Fingal Development Plan 2017-2023 which seeks to protect residential amenity and would create an undesirable precedent.

7.3.2 Despite the fact that the structure is modest in height and scale relative to the existing dwelling on site and other dwellings in the vicinity, the proposal is out of character at this location and contrary the pattern of development. The structure may not be highly visible due to the existing wall and its modest height, which based on the information on file was constructed at time of the construction of the development for retention. Notwithstanding such the proposed structure is not in keeping with the pattern of development in the area and allowing for the placement of temporary structures within the curtilage of existing dwelling in this haphazard manner would be detrimental to the amenities of existing residential properties and contrary to the zoning objective (RS) which has a stated objective 'to provide for residential development and protect and improve residential amenity'.

7.3.3 The proposal was refused on the basis that it did not comply with a number of Development Management standards under the Development Plan in particular separation distances between dwellings, room dimensions and open space provision. I would note that the dwelling does not meet the separation distance required under DMS29 and room dimensions under DMS24. I would be of the view that the proposal is not of sufficient quality in terms of provision of an independent unit and does not feature a dedicated open space area or its own off-street car parking. The applicant/appellant has noted that it is intended as a temporary measure and is requesting that it be permitted for a temporary period of time. Notwithstanding such the proposal does not constitute a good quality of development and would set a dangerous precedent for temporary structures located within the curtilage of dwellings in a haphazard manner across the city if permitted even on a temporary basis. There may be scope on site for a more fully realised subdivision of the existing site given its location on a corner site and its larger than average garden, however the proposal in this case constitutes haphazard development of a poor standard that would be contrary to the zoning objective of the site, be insufficient in quality in terms of the amenity of future occupants and set an undesirable precedent for similar development. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

8.0 **Appropriate Assessment**

Having regard to the nature and scale of the proposed development and its proximity 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.

9.0 **Recommendation**

9.1. I recommend refusal based on the following reason.

10.0 Reasons and Considerations

1. The proposed development entails the provision of an independent residential unit within the curtilage of an existing dwelling in a haphazard manner that is totally out of character with the existing pattern and scale of development, is of low quality and fails to provides for a fully realised independent unit with sufficient independent amenities including private open space and off-street car parking. The proposed development would constitute poor quality development that would set a wholly inappropriate precedent for future development within the curtilage of existing dwellings in the area and wider city area, and would be contrary to the RS zoning objective of the site, which seeks 'to provide for residential development and protect and improve residential amenity'. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Colin McBride
Senior Planning Inspector

14th March 2022