



An
Bord
Pleanála

Inspector's Report ABP312496-22

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| Development | (1) Construct a new wall to allow conversion of existing car port to bedroom (2) Rear flat roofed extension |
| Location | 10 Hansted Way, Adamstown, Lucan, County Dublin. |
| Planning Authority | South Dublin County Council |
| Planning Authority Reg. Ref. | SD21B/0430 |
| Applicant(s) | Tracy Palmer |
| Type of Application | Permission |
| Planning Authority Decision | Split Decision. Grant extension, refuse car port |
| Type of Appeal | First Party v Refusal |
| Appellant(s) | Tracy Palmer |
| Observer(s) | Gemma MacMAhon |
| Date of Site Inspection | 25 th February 2022. |
| Inspector | Hugh Mannion |

1.0 Site Location and Description

- 1.1. The application site has a stated area of 178m² and comprises a terraced house with a rear garden and access onto a shared access/courtyard at 10 Hansted Way, Adamstown, County Dublin. The area is accessed off the Adamstown Road /R120 which in turn has a junction with the N4 to the north. The immediate area of the site is a mix of 2 and 3 storey houses and addressing the closest green space (Hansted Crescent) are two storey houses and three storey duplex units.

2.0 Proposed Development

- 2.1. The proposed development comprises two elements: a rear single storey extension and conversion of the front car part to a bedroom and closing-up of the front wall at 10 Hansted Way, Adamstown, County Dublin.

3.0 Planning Authority Decision

3.1. Decision

Split decision – **grant** the rear extension and **refuse** the conversion of the car part.

Refusal reason:

The applicant has not demonstrated that there is sufficient car parking to serve the needs of the house and the proposed development would, therefore, endanger public safety by reason of traffic hazard and obstruction of road users.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- 3.2.2. The initial planners report recommended requesting further information in relation to the provision of car parking to serve the proposed development.

- 3.2.3. Subsequent to the provision of the additional information the planner report recommended refusal.

3.2.4. **Other Technical Reports**

Roads Section refused permission because a 3-bed house would require 2 parking spaces and in the absence of any parking would give rise to vehicles parked in public spaces where traffic movements would endanger public safety.

Irish Water reported no objection.

4.0 **Planning History**

4.1. The permission for the overall development of 292 housing units, a crèche and other facilities with access off the Adamstown Road/R120 was granted by the planning authority and ABP under S01A/0664.

5.0 **Policy and Context**

5.1. **Development Plan**

5.2. The South Dublin County Development Plan 2016-2022 is the relevant development plan for the area.

5.3. The site is zoned RES -To protect and/or improve residential amenity.

5.4. Table 11.20 requires the provision of 60m² of private open space for 3 bed houses.

5.5. Table 11.24 requires a *maximum* provision of 2 car parking spaces per 3+ bed house.

5.6. **Natural Heritage Designations**

Not relevant.

5.7. **EIA Screening**

Having regard to the nature and scale of the proposed development it is possible to discount the requirement for submission of an EIAR at a preliminary stage.

6.0 The Appeal

6.1. Grounds of Appeal

- The planning authority have granted similar developments in the area previously.
- In 2019 the planning authority granted retention permission for car port conversion less than 200m away from the appellant's house.
- The planning authority itself has created a precedent for 'in-curtilage' car parking spaces.

6.2. Planning Authority Response

- The planning authority commented that no new issues are raised in the appeal.

6.3. Observations

- There is an existing return to the rear of both 10 and 12 Hansted Way with a shed pitched roof, guttering and downpipe. The proposed development will damage this arrangement.
- The proposed new extension will overshadow the observer's rear garden.
- The proposed rooflight will allow observation of the proposed new living area from the observer's up-stairs rooms.
- The loss of the car port will leave only one car space for a 3 bedroom ed house which accesses onto a shared courtyard. This arrangement will give rise to congestion/traffic hazard.
- The construction phase will give rise to noise and disturbance.

6.4. **Further Responses**

6.5. The Board circulated the observer's submission for comment by the other parties. The planning authority commented that the issues raised had been dealt with in the planner's report on file. The applicant commented as follows.

- The issue of the shared rear roof was not raised by the planning authority's reports and the proposed development will not impact on the observer's property.
- The planning authority has permitted other amendments to car parking spaces in the area and it would be unfair if this application was unsuccessful.
- The car part conversion is required to give the family more space.

7.0 **Assessment**

7.1. **The Rear Extension.**

7.2. The planning authority granted permission for the proposed rear extension, and no element of this decision was raised in the appeal. The development plan requires 60m² of private open space for 3 bed houses. After construction of the rear extension 49m² of private open space would remain for the house which is below the Development Plan standard but is sufficient to meet the domestic/recreational needs of the house.

7.3. The observer makes the point that there is a shared return to the rear of numbers 10 and 12 Hansted Way with a shared pitched roof and shared rainwater goods.

7.4. The applicant was afforded an opportunity to comment of the observers submission but did not address the issue of the removal of an element of the shared pitched roof, exposing an inner party wall or the finish of the edge of the remaining pitched roof of 12 Hansted Way, although, the proposed elevations (see drawing number PP06) may indicate that part of the roof of the return on 12 Hansted Way remains oversailing the application site. It is up to the application to demonstrate that these issues can be resolved. Notwithstanding the provisions of section 34(13) of the Planning and Development Act, 2000, as amended I consider that in this

circumstance that there is a reasonable fear that the applicant lacks sufficient legal interest to carry out the proposed development.

- 7.5. I do not consider that other issues raised in the observation (overlooking/loss of light or construction phase disturbance) give rise to reasons for refusal.
- 7.6. **Car Port Conversion.**
- 7.7. The subject house was built as one of a terrace of four houses all of which have private rear gardens and share a pedestrian/vehicular access over a courtyard. Thereby each house has a carport and there is shared parking in the courtyard. The planning authority raised the issue of sufficient parking to serve the amended house and, *inter alia*, the applicant submitted a car parking layout for the courtyard illustrating 4 shared spaces for units 6,8,10 and 12 and a further 4 spaces for units 5,7,11,13,17 and 19.
- 7.8. The County Development Plan does not require more than 2 spaces for an additional bedroom (the proposed conversion would provide bedroom number 4 in the house). However, it is not clear that the applicant has control over the courtyard or is in a position to determine the carparking layout therein. I note the report from the planning authority's Transport Department, and I agree that the loss of the car port and an additional bedroom would give rise to a level of parking demand and vehicular movement within a confined area which would give rise to traffic congestion and traffic hazard.
- 7.9. The appeal references two nearby applications as precedent for the current proposed development. Application SD06B/0558 was made when the area was under construction and the house (33 Hansted Drive) had direct access onto a distributor road (Hansted Drive) and there is at least one car parking space allocated to, and numbered for, that house. The application under SDZ19A/0002 relates to a 3 Hansted Drive where the house also has access directly onto the distributor road. I do not consider that these cases are a template for the present case as they have access onto a distributor street whereas the subject house is accessed over a shared courtyard.
- 7.10. Having regard to the foregoing I reconned refusal of the car port conversion.

7.11. **Appropriate Assessment**

7.12. Having regard to the absence of emissions from the proposed development no appropriate assessment issues arise.

8.0 **Recommendation**

8.1. I recommend a that permission be refused for the entire application for the reasons and considerations set out below.

9.0 **Reasons and Considerations**

1. Having regard to the shared roof structure of the return to the rear of numbers 10 and 12 Hansted Way the Board is not satisfied that the applicant has sufficient legal interest to carry out the demolition of the existing return and construction of the proposed extension. In this circumstance the Board is precluded from making a grant of planning permission.
2. The Board is not satisfied on the basis of the submissions in relation to this application and appeal that the proposed development would not give rise to haphazard car parking and traffic turning movements in a restricted, shared courtyard which would endanger public safety by reason of traffic hazard.

Hugh Mannion
Senior Planning Inspector

3rd April 2022.