



An  
Bord  
Pleanála

## Inspector's Report ABP-313103-22

### Development

Two- storey, two- bedroom 86 m<sup>2</sup> annexe for family and guest use to rear of site with existing access to shared rear garden and associated works

### Location

10 Ashfield Road, Dublin 6 D06 EF65

### Planning Authority

Dublin City Council

### Planning Authority Reg. Ref.

WEB5242/21

### Applicant(s)

Paul McGarry and Olga Bogdan

### Type of Application

Permission

### Planning Authority Decision

Refuse

### Type of Appeal

First Party

### Appellant(s)

Paul McGarry And Olga Bogdan

### Observer(s)

Gerald Murphy and Linda Wall

Leo Hassett and Helen Cahill

Maria and Brian McHugh

Ray Faughnan

Shane and Caroline Brennan

Emer Flynn

**Date of Site Inspection**

06/09/2022

**Inspector**

Lorraine Dockery

## 1.0 Site Location and Description

- 1.1. The site, which has a stated area of 340m<sup>2</sup>, is located to the rear of 10 Ashfield Road, Ranelagh, Dublin 6 with frontage onto Mornington Road, which has vehicular access. The site forms part of the existing rear garden area of No. 10 Ashfield Road.
- 1.2. This is a mature residential area, characterised by two-storey, terraced and semi-detached dwellings. There is existing residential development with frontage onto Mornington Road to the north of the site.

## 2.0 Proposed Development

- 2.1. Permission is sought for a two-storey, two-bedroom annexe for family and guest use to rear of site with existing access to shared rear garden and associated works. The proposed annexe has a stated floor area of 86 m<sup>2</sup>.

## 3.0 Planning Authority Decision

### 3.1. Decision

The planning authority REFUSED permission for the following reasons:

1. Having regard to its siting on the back of the footpath, forward of the building line of adjacent dwellings and to its design and form, it is considered that the proposed dwelling would appear incongruous within the streetscape and harmful to the character of the surrounding conservation area. The proposed development would, therefore, by itself and by the precedent it would set for similar development, seriously injure the amenities of the local area, be contrary to the City Development Plan 2016-2022 and to the proper planning and sustainable development of the area.
2. The proposed development for a standalone two storey annex unit for family and guest uses, fails to accord with Section 16.10.14 of the Development Plan as the proposal is not an extension of a single dwelling unit to accommodate an immediate family member for a temporary period. The proposed development would, therefore, by itself and by the precedent it would set for similar development, seriously injure the amenities of the local area, be contrary to the

City Development Plan 2016-2022 and to the proper planning and sustainable development of the area.

3. Having regard to the removal of the parking area serving the existing dwelling, to the non-provision of parking to serve the proposed dwelling and to the existing parking situation in Mornington Road and Ashfield Road, which is at capacity, it has not been demonstrated that the proposed development would be acceptable with regard to parking provision, be contrary to the City Development Plan 2016-2022 and to the proper planning and sustainable development of the area

## 3.2. **Planning Authority Reports**

### 3.2.1. Planning Reports

The main points of the planner's report include:

- The proposed development would result in unacceptable impacts on the character of the conservation area and on the amenity of neighbouring occupiers and would not provide adequate private amenity space for future occupiers.
- Consequently, the proposed development would be contrary to the development standards of the Dublin City Development Plan 2016-2022.
- Recommends refusal of permission

### 3.2.2. Other Technical Reports

Drainage Division- no objections, subject to conditions

## 4.0 **Planning History**

The most recent history pertaining to this site is as follows:

WEB1182/21 (ABP-310283-21)

Permission REFUSED for two storey, two-bedroom 96m<sup>2</sup> mews house and associated works to rear of site with existing access for family use with pedestrian access to side of new dwelling to shared rear garden. Decision UPHeld by An Bord Pleanála on appeal. The reason for refusal was:

Having regard to the scale of the proposed development relative to the site, the quality and quantum of the private amenity space to serve each dwelling, and the limited separation distance between the dwellings, it is considered that the proposed development would fail to provide an adequate level of residential amenity for existing and future occupiers, contrary to the Dublin City Development Plan 2016-2022 and accordingly would, therefore, not be compatible with the proper planning and sustainable development of the area.

231/15 (PL29S.244834):

Permission GRANTED for retention of the widening by approximately 2 metres of the existing access located at the rear boundary of 10 Ashfield Road and which continues to facilitate access from the private open space to the rear of 10 Ashfield Road.

## **5.0 Policy and Context**

### **5.1. Development Plan**

The Dublin City Development Plan 2016-2022 is the operative City Development Plan.

The site is in an area zoned 'Objective Z2' which seeks 'to protect and/or improve the amenities of residential conservation areas'. According to section 14.8.2 the overall quality of the area in design and layout is such that it requires special care with regard to structures in the area, protected and unprotected.

Policy CHC 4 and section 11.1.5.4 provides for protection of special interest and character of conservation areas.

Section 16.10.16 sets out policies for mews lane and for infill development

Section 16.10.14 sets out policies for ancillary family accommodation

Standards for residential accommodation is set out in section 16.10.

## 5.2. **Natural Heritage Designations**

The appeal site is not located in or immediately adjacent to a designated European Site, a Natural Heritage Area (NHA) or a proposed NHA. There are no watercourses at or near the site.

## 5.3. **EIA Screening**

Having regard to the nature and scale of the development proposed, the site location within an established built-up urban area which is served by public infrastructure and outside of any protected site or heritage designation, the nature of the receiving environment and the existing pattern of residential development in the vicinity, and the separation distance from the nearest 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 main points of the appeal are:

- Reason No. 1

Structure to rear of No. 8 Ashfield Road has same building line as that proposed

Considers scale of proposal is such that it would not set a precedent

- Reason No. 2

Annexe is incidental and subservient to main dwelling

Annexe not obliged to be attached to main dwelling- form similar to mews house

Not for independent use or sale and may be conditioned as such- for use by family

21.7m separation distance between that existing and proposed on site

- Reason No. 3

Issue of parking was not upheld in previous appeal

No on-street parking is removed as a result of this proposal

Walking distance of public transport and cycle network

City Development Plan promotes other forms of transport over car

No. 10 Ashfield Road is not a Protected Structure

Proposed materials and fenestration aim to respectfully address existing forms of Mornington Road

## 6.2. **Planning Authority Response**

A response was received which recommended the attaching of a section 48 development contribution, in the event of planning permission being granted for the proposal.

## 6.3. **Observations**

A number of observations were received and the issues may be broadly summarised below:

- Principle of residential unit fronting onto Mornington Road/historical context
- Planning history along Mornington Road/ no mews development No.s 43 and 44 Mornington Road are not mews \*(not converted from stables)
- Self-contained residential unit with no material connection to main dwelling/concerns regarding future use
- Quality of residential amenity for future and existing occupiers/quality and quantity of private open space to serve each dwelling/impacts on light/excessive site coverage, plot ratio and density
- Impacts on character of streetscape/building line concerns
- Parking concerns
- Drainage concerns
- Setting of precedent/contrary to national guidance

#### 6.4. Further Responses

None

#### 7.0 Assessment

- 7.1. I have read all the documentation attached to this file including inter alia, the appeal, the report of the Planning Authority, observations received, in addition to having visited the site. I refer the Board to the most recent appeal on this site, ABP-310283-21, in which permission was refused. In summary the reason for refusal related to the scale of the proposed development relative to site, quality and quantum of private amenity space to serve each dwelling and limited separation distances. It was considered that the proposal would fail to provide for an adequate level of residential amenity for existing and future occupiers, was contrary to the operative City Development Plan and would not be compatible with the proper planning and sustainable development of the area.
- 7.2. The primary differences between this current appeal and that previously refused on site is that the description of development has altered from 'mews house...for family use' to 'annexe for family and guest use'. It is stated in the documentation that the proposed annexe would be used by the applicants elderly parents and visiting family. They are happy to accept a condition ensuring that it is not for independent use or resale. A reduction in floor area of the proposed unit by 10m<sup>2</sup> is also proposed from that previously refused on site.
- 7.3. The primary issues, as I consider them, are (i) principle of proposed development (ii) impact on the visual and residential amenity of the area (iii) quality of proposed residential amenity for existing and future occupants and (iv) parking matters. In the interests of clarity, I am assessing that appeal as ancillary family accommodation, an annexe, given the wording of the public notices and application form, and not an independent dwelling unit.
- 7.4. I consider the principle of a residential annexe to provide ancillary family accommodation on this site to be acceptable given the zoning objective for the area and Development Plan policy in this regard. I also note national guidance in relation to the densification of urban area and the re-use of underutilised sites within the



urban envelope. The proposal is considered to be generally in compliance with section 16.10.14 of the operative City Development Plan in relation to the provision of ancillary family accommodation, although I do acknowledge that the link with the main dwelling on site is somewhat tenuous. However, given the site characteristics, it is considered to be a suitable solution in this instance.

- 7.5. In terms of impacts on visual amenity, I consider that an acceptable design response has been put forward to deal with this restricted site. I do not have issue with the proposed front building line and note a staggered building line currently exists along this side of Mornington Road. The proposal, if permitted, would not detract from the character of this Architectural Conservation Area and in reality, there is a mixed character along this side of Mornington Road. I note the footprint now proposed is similar to that previously permitted on the adjoining plot, No. 43. I am generally satisfied in this regard.
- 7.6. In terms of impacts on residential amenity, I note the design solution out forward. The proposed sunroom to rear has been omitted from the proposal, thus increasing the separation distance at ground floor level and increasing the available quantity of private open space. A separation distance of just less than 22 metres is proposed at first floor level. A loggia is proposed to link the main dwelling with the proposed unit. As stated above, this creates a link, although somewhat tenuous, with the main dwelling on site in accordance with the requirements of the Development Plan in relation to ancillary family accommodation. As it is open to one side, it does not impinge on the quantum of private open space being proposed. In addition, a boundary/divider is now proposed between the two areas of private open space, thus increasing their amenity value. I consider that the concerns of the planning authority in relation to the quality and quantity of private open space provision are not so great as to warrant a refusal of permission.
- 7.7. The proposed annexe would not unduly overbear, overlook or overshadow adjoining properties, and would not seriously injure the amenities of property in the vicinity of the site. I consider the standard of residential amenity to be acceptable to both existing and future occupiers. A condition providing for the removal of exempt development entitlements is recommended if permission is granted to allow for further planning review in the event of future additional development being considered.

- 7.8. The proposal will result in the loss of off-street parking spaces for the existing dwelling. No parking is proposed. I am satisfied in relation to this matter given national guidance in this regard, the urban location of the site and its proximity to public transport, to available on-street parking provision within the wider area, together with the limited scale of the proposed development.
- 7.9. I have no information before me to believe that the proposal would be prejudicial to public health. Connection to mains drainage is proposed, the planning authority have not raised concerns in this regard and this matter could be dealt with by standard condition.
- 7.10. Having regard to the limited extent, height and design solution put forward, I am satisfied that the proposed development is in accordance with the zoning objective of the City Development Plan, is in keeping with the pattern of development in the area and is in accordance with the proper planning and sustainable development of the area.

## **8.0 Appropriate Assessment Screening**

- 8.1 Having regard to the nature and scale of the proposed development, the location of the site within an adequately serviced urban area, the physical separation distances to designated European Sites, and the absence of an ecological and/ or a hydrological connection, the potential of likely significant effects on European Sites arising from the proposed development, alone or in combination effects, can be reasonably excluded.

## **9.0 Recommendation**

- 9.1. I recommend permission be GRANTED subject to conditions.

## **10.0 Reasons and Considerations**

Having regard to the pattern of development in the area and its residential zoning under the Dublin City Development Plan 2016-2022, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the character of the area or the amenities of property in the vicinity and would

be acceptable in terms of traffic safety and convenience. 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 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 proposed annexe shall be used solely for ancillary family accommodation and shall not be sold or let as an independent living unit.</p> <p><b>Reason:</b> To protect the amenities of property in the vicinity.</p>
3.	<p>The first floor north facing window for the proposed store/study room shall be fitted with obscure glazing and shall be top opening only.</p> <p><b>Reason:</b> In the interest of the residential amenities of adjoining properties.</p>
4.	<p>Details of the materials, colours and textures of all the external finishes to the proposed annexe and dividing wall in garden area 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>
5.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0900 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional</p>

	<p>circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the amenities of property in the vicinity.</p>
6.	<p>Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the site curtilage in the absence of a prior grant of planning permission. Reason: To allow for further planning review having regard to the limited site size and residential amenity</p>
7.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.</p> <p><b>Reason:</b> In the interests of visual and residential amenity.</p>
8.	<p>Water supply and drainage arrangements including the attenuation and 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 and surface water management.</p>
9.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads during the course of the works.</p> <p><b>Reason:</b> To protect the amenities of the area</p>
10.	<p>No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.</p> <p><b>Reason:</b> To protect the residential amenities of property in the vicinity and the visual amenities of the area.</p>
11.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by</p>

<p>or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission</p>
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Lorraine Dockery  
Senior Planning Inspector

12<sup>th</sup> September 2022