



An  
Bord  
Pleanála

## Inspector's Report ABP315182-22

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<b>Development</b>	Erect a two storey granny flat to the side
<b>Location</b>	48 Dargle Wood, Knocklyon, Dublin 16
<b>Planning Authority</b>	South Dublin County Council
<b>Planning Authority Reg. Ref.</b>	SD22B/0328
<b>Applicant(s)</b>	Bernadette Lea
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission with conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Mary Kennedy
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	18 <sup>th</sup> May 2023
<b>Inspector</b>	Andrew Hersey

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## 1.0 Site Location and Description

- 1.1. The proposed development is located on a cul-de-sac in a suburban housing estate in Knocklyon, Dublin. The site comprises of a 2 storey semi-detached dwelling with front and extensive rear gardens. There is an area of public open space located to the south of the rear garden of the said dwelling and there is a public road to the east of the rear garden. No 47 Dargle Wood an adjacent semi-detached dwelling is located to the west and south west of the proposed development site.

## 2.0 Proposed Development

- 2.1. The proposed development comprises of a two storey extension on the southern elevation of the existing dwelling on site and which is for the purposes of a family flat. The proposed additional floorspace is stated as being 97.44sq.m..

## 3.0 Planning Authority Decision

### 3.1. Decision

Grant Permission with conditions on the 27<sup>th</sup> October 2022

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The report of the Planning Officer (dated 27<sup>th</sup> October 2022) reflects the decision of the Planning Authority. The following is noted from the report;

- That the proposed development complies with policy with respect of Family Flat extensions as set out in the South Dublin County Development Plan 2022-2028
- That amendments were made on receipt of additional information. These amendments comprise of alterations to the ground floorplan with respect to the omission of a door on the west (roadside) elevation. This was required for the purposes of compliance with South Dublin County Council Development Plan policy.

- That first floor windows will not impact upon the residential amenities of adjacent properties
- Condition No. 3 stipulates the use of the said extension i.e. that it will be for residential use only directly associated with the use of the existing house on the site for such purposes and the family flat shall not be subdivided or separated from the main house. In particular it will not be sold, leased or let independently from the main house.
- Development Contributions of €10,181.50 applies.

### 3.2.2. Other Technical Reports

- None received

### 3.3. Submissions/Observations

There is one submission on the planning file as follows:

- Mary Kennedy of No 47 Dargle Wood, Knocklyon Dublin 16 whom objects to the proposed development on the basis that her private open space will be overlooked. The proposal therefore contravenes the South Dublin County Development Plan 2022-2028.

## 4.0 Planning History

### This Site

None on site

## 5.0 Policy and Context

### 5.1. Development Plan

#### 5.1.1. South Dublin County Development Plan 2022-2028

- The site is zoned as RES in the above plan the objective of which is ‘*To protect and improve residential amenity*’

- Section 6.8.2 Policy H15 Family Flats seeks to ‘ *Support family flat development subject to the protection of residential and visual amenities.*
- H15 Objective 1 ‘*To favourably consider a family flat development where the Council is satisfied that there is a valid need for semi-independent accommodation for an immediate family member or members subject to the criteria outlined in Chapter 12: Implementation and Monitoring.*
- Section 6.8.2 Policy H14 Residential Extensions seeks to ‘*Support the extension of existing dwellings subject to the protection of residential and visual amenities.*’
- H14 Objective 1 ‘*To favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 12: Implementation and Monitoring and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines)*’

## 5.2. **Natural Heritage Designations**

The site is not located within or adjacent to any Natural Heritage Designations nor is there any hydrological link to the same

## 5.3. **EIA Screening**

Having regard to the nature and scale of the proposed development it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for EIA can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 **The Appeal**

One third party appeal has been received by Mary Kennedy of No 47 Dargle Wood, Knocklyon Dublin being the property to the west of the site subject of this appeal.

## 6.1. Grounds of Appeal

- That the appellant does not object in principle to the proposed development
- Overlooking to appellants rear garden from the proposed first floor French doors on the southern gable of the proposed extension. The appeal states that this is the overriding issue.
- That this door should be removed
- That a single storey extension would be more appropriate in this context.
- That there will be a loss of sunlight as a consequence of the proposed development.
- That the proposed development does not comply with development plan policy with respect of Family Flats and in particular it has not been acknowledged that the property has been previously extended.

## 6.2. Applicant Response

6.3. The applicant's response is as follows.

6.3.1. A response from the applicant has been received on the 19<sup>th</sup> December 2022. In summary the response provides for revised drawings to alleviate the appellants concerns. The proposed changes are as follows:

- The large window on first floor gable (south) elevation has been removed and replaced with a smaller casement window
- First floor windows on the front (west) elevation to be enlarged to match those on the existing house and to be permanently obscured

## 6.4. Planning Authority Response

A response from the planning authority has been received on 28<sup>th</sup> December 2022 stating that the planning authority confirms its decision.

## 6.5. Observations

No observations have been received

## 6.6. Further Responses

No further responses have been received

## 7.0 Assessment

### 7.1. Introduction

7.1.1. I have examined the application details and all other documentation on file and I have inspected the site and have had regard to relevant local development plan policies and guidance.

7.1.2. I am satisfied the substantive issues arising from the grounds of this third party Appeal relate to the following matters-

- Principle of Development
- Visual Amenities
- Residential Amenities

### 7.2. Principle of Development

7.2.1. The proposed development is located on lands zoned as RES in the South Dublin County Development Plan 2022-2028 the objective of which is *'To protect and improve residential amenity'*

7.2.2. Policy H15 Family Flats seeks to *'Support family flat development subject to the protection of residential and visual amenities'*

7.2.3. Policy H15 Objective 1 seeks to *'To favourably consider a family flat development where the Council is satisfied that there is a valid need for semi-independent accommodation for an immediate family member or members subject to the criteria outlined in Chapter 12: Implementation and Monitoring.'*

7.2.4. Section 12.6.8 of the South Dublin County Development Plan 2022-2028 sets out standard with respect of Family Flats. The section states that *'A family flat is to provide semi-independent accommodation for an immediate family member (dependent of the main occupants of an existing dwelling). A family flat is not considered to represent an independent dwelling unit and as such open space and car parking standards are not*

*independently assessed. Proposals for family flat extensions should meet the following criteria:*

- The applicant shall be required to demonstrate that there is a genuine need for the family flat;*
- The overall area of a family flat should not generally exceed 50% of the floor area of the existing dwelling house;*
- The main entrance to the existing house shall be retained and the family flat shall be directly accessible from the front door of the main dwelling via an internal access door, and the design criteria for dwelling extensions will be applied;*
- Any external doors permitted (to provide access to private / shared open space or for escape from fire) shall be limited to the side or rear of the house;*
- Conditions may be attached to any grant of permission that the family flat cannot be sold, conveyed or leased separately from the main residence, and that when the need for the family flat no longer exists the dwelling must be returned to a single dwelling unit.*

7.2.5. I note from the information submitted with the application that the proposed family flat is for the applicants parents.

7.2.6. The floorspace of the existing house is circa 212 sq.m. and the proposed family flat extension is 97sq.m. The proposed floorspaces is therefore less than 50% of the floorspace of the existing house. I note that the house was extended previously and that this extended floorspace has been taken into account in the calculation.

7.2.7. Access to the family flat is via an internal door. There is an access to the rear garden which is shared private open space. There was a proposal for a separate front door on the proposed extension but this was removed by way of drawings submitted at additional information stage.

7.2.8. A planning condition has been imposed stipulating the use of the proposed family flat extension



7.2.9. On the basis of the above I consider that the principle of a family flat extension on lands zoned RES in the South Dublin County Development Plan 2022-2028 is acceptable.

### **7.3. Visual Amenities**

7.3.1. Section 6.8.2 Policy H14 Residential Extensions seeks to '*Support the extension of existing dwellings subject to the protection of residential and visual amenities*'.

7.3.2. I note that the applicant has submitted revised drawings for the roadside elevation which show for amendments to the first floor windows so as to match those of the existing house in terms of size. I further note that these are to be obscure windows and that they serve a WC and a stairwell.

7.3.3. The proposed extension is a simple two storey A- gabled extension on the southern side of the existing house. The scale form and material finishes proposed are appropriate in this context and do not detract from the existing house and equally will not have a negative visual impact upon neighbouring properties nor the streetscape in general.

### **7.4. Residential Amenities**

7.4.1. This is the fundamental issue raised by the third party in the appeal who is concerned with regard to overlooking.

7.4.2. With respect of overlooking the appellant has concerns regarding a proposed first floor window on the southern elevation of the proposed family flat which will result in overlooking of her rear garden

7.4.3. It would be extremely difficult to obtain views from the proposed window into the appellants garden due to the presence of a mature party boundary which comprise of coniferous hedging which is planted on the appellants side of the fence. I also note a the presence of a mature sycamore tree. Views from the said window to the appellants rear garden will be obscured by this planting. I note that there will be no overlooking into opposing windows in the appellants property. Overlooking if any will be to the appellants rear garden. I am of the opinion that it is an accepted norm in suburban housing estates that there will be views of adjacent rear gardens from first floor rear windows on adjacent properties.

- 7.4.4. I note that the applicants have reduced the size of this window to that of a simple casement window in drawings submitted to the Board upon response to the appeal. This I would expect will alleviate the appellants concerns. With respect of the same I am satisfied on this basis that overlooking to the appellants rear garden is not direct and will not be significant and therefore will not significantly impact upon the appellants residential amenities.
- 7.4.5. With respect of potential overshadowing, I note that the said extension is located to the north of the appellants property. In this respect, any potential shadowing effect will be from the morning eastern sun and that will be cast for the most part over the applicants front garden and potentially onto the gable of the appellants property. I do not consider this significant and will not impact negatively on the appellants property.
- 7.4.6. I conclude that impacts on to the residential amenities of the adjacent properties will be negligible.

## 8.0 Recommendation

- 8.1. I recommend that permission is granted subject to the following conditions;

## 9.0 Reasons and Considerations

- 9.1. Having regard to the information submitted with the application and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would comply with the zoning objective for the site and the policies with respect of family flats as set out in the South Dublin County Development Plan 2022 – 2028, would not seriously injure the visual or residential amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 4th day of October 2022 and by the further plans and particulars received by An Bord Pleanála on the 19th day
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	<p>of December, 2022, 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 external finishes of the proposed extension (including roof tiles) shall be the same as those on the existing dwelling in respect of colour and texture</p> <p><b>Reason:</b> In the interests of visual amenity</p>
3.	<p>(a)The proposed family flat extension shall be used solely for that purpose and shall revert to use as part of the main dwelling on the cessation of such use.</p> <p>(b) The proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.</p> <p><b>Reason:</b> To protect the amenities of property in the vicinity [In order to comply with the objectives of the current development plan for the area.</p>
4.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health</p>
5.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Monday to Fridays, between 0800 and 1400 hours on Saturday and not at all on Sundays and Public Holidays.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p>

	<p><b>Reason:</b> To safeguard the residential amenities of adjoining property in the vicinity</p>
6.	<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 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>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way

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Andrew Hersey  
 Planning Inspector

9th June 2023