



An
Bord
Pleanála

Inspector's Report

ABP-315412-22

Development

The change of use/conversion of existing two storey garage adjacent and connected to existing house into a separate dwelling of 138sqm, together with all site works & new utility connections.

Location

14, Ballybride, Rathmichael, Shankill, Co. Dublin

Planning Authority

Dun Laoghaire Rathdown County Council

Planning Authority Reg. Ref.

D22A/0742

Applicant(s)

John O'Connor

Type of Application

Permission

Planning Authority Decision

Refuse

Type of Appeal

First Party

Appellant(s)

John O'Connor

Observer(s)

None

Date of Site Inspection

28 July 2023

Inspector

Gillian Kane

1.0 Site Location and Description

- 1.1. The subject site is located in a mature residential cul-de-sac in Rathmichael, a suburb of South Dublin. The site forms part of the garden and dwelling of no. 14 Ballybride. Currently on the large, gated site, is a three-storey dwelling with attached two-storey garage. The area in front of the structure is hard landscaped and in use for parking.

2.0 Proposed Development

- 2.1. On the 5th October 2022, planning permission was sought for the change of use and conversion of an existing two-storey garage of 138sq.m. The cover letter submitted with the application states that the proposed dwelling will be used by the applicants daughter and her husband.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 28th November 2022, the Planning Authority issued a notification of their intention to REFUSE permission for the following reason:
 - 1 Under the Dún Laoghaire-Rathdown County Development Plan 2022-2028, the site is subject to zoning objective A1, which seeks 'To provide for new residential communities and Sustainable Neighbourhood Infrastructure in accordance with approved local area plans'. The site is located within the proposed Rathmichael Local Area Plan boundary, for which a Local Area Plan will be prepared. Section 2.6.1.3 Local Area Plan Plan-Making Programme of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 notes that within the A1 zoned lands at Rathmichael there are a number of existing properties and 'minor modifications and extensions to these properties can be considered in advance of the relevant Local Area Plans.' The proposed development which comprises of change of use/conversion of existing two storey garage adjacent and connected to existing house into a separate dwelling of 138sqm, and having regard to its nature, would not constitute 'minor modification and extensions to existing property'. As such, the proposed development would be contrary to the provisions of Section 2.6.1.3, would set an undesirable precedent for other similar developments and would

be contrary to the A1 zoning objective of the area, which seeks 'to provide for new residential communities and Sustainable Neighbourhood Infrastructure in accordance with approved local area plans'. Therefore, the proposed development would be contrary to the proper planning and sustainable development of the area.

3.2. **Planning Authority Reports**

- 3.2.1. **Transport Planning:** Further information required on new parking area
- 3.2.2. **Planning Report:** Subject site is within boundary for Rathmichael LAP, which will be prepared in future. Proposed development would not comply with minimum standards in Quality Housing for Sustainable Communities. Proposed development does not constitute a minor modification as provided for in section 2.6.1.3 of the development plan.

3.3. **Prescribed Bodies**

- 3.3.1. Irish Water: No objection.

3.4. **Third Party Observations**

- 3.4.1. None on file.

4.0 **Planning History**

- 4.1.1. Planning Authority reg. ref. **D10B/0420**: Planning permission granted for the retention of a single storey extension (79sq.m.) to the side of an existing three storey dwelling.

5.0 **Policy Context**

5.1. **Dun Laoghaire Rathdown Development Plan**

- 5.1.1. Under the Dún Laoghaire-Rathdown County Development Plan 2022-2028, the site is subject to zoning objective A1, which seeks 'To provide for new residential communities and Sustainable Neighbourhood Infrastructure in accordance with approved local area plans'.
- 5.1.2. LAP Plan-Making Programme: **Section 2.6.3.1**: "It is noted that within the A1 zoned lands at both Old Connaught and Rathmichael there are a number of existing

properties. Minor modifications and extensions to these properties can be considered in advance of the relevant Local Area Plans”.

- 5.1.3. **Policy Objective PHP19:** Existing Housing Stock - Adaptation It is a Policy Objective to: Conserve and improve existing housing stock through supporting improvements and adaption of homes consistent with NPO 34 of the NPF. Density existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods.
- 5.1.4. **Section 12.3.7.2** refers to the subdivision of dwellings and states: In accordance with Policy Objective PHP19: Existing Housing Stock - Density and Adaptation, the sub-division of existing dwellings into two or more dwelling units will be encouraged in circumstances where it would contribute to maintaining a viable community in an area, will allow for the opportunity of downsizing, is in a location well served with amenities, and where the existing dwelling is of an appropriate size

5.2. **Natural Heritage Designations**

- 5.2.1. The subject site is 1.7km from the Loughlinstown Woods pNHA (001211) and 3.6km from the Rockabill to Dalkey Island SAC (003000)

5.3. **EIA Screening**

- 5.3.1. Having regard to the nature and scale of the proposed development comprising the construction of a new dwelling, on an existing serviced site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment 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**

- 6.1.1. An agent for the applicant has submitted a first party appeal against the decision of the Planning Authority to refuse permission. The grounds of the appeal can be summarised as follows:
- Ireland is experiencing a housing shortage. The Applicants daughter seeks to create a home for her new family.

- The Planning Authority's reasons for refusal are harsh and unreasonable.
- In the absence of a new LAP for Rathmichael, limiting works to minor modifications and extensions is unfair. It prevents the creation of a new home and effectively sterilises the area.
- The 'holding pattern' of no new development is a denial of natural justice, given the policy will most likely change when the LAP is adopted.
- The proposed development is very sustainable, utilising an existing building, existing services with little to no additional load on services.
- The proposed development involves nothing visible in any physical way, no increase in floor area, no new entrance, little to no change to building facades.
- The Board is requested to not let this development be victim of a bureaucratic delay. The applicant's need is immediate.
- How detrimental would it be if new dwellings were created in this most sustainable way?
- The Board is requested to grant permission.

6.2. **Planning Authority Response**

- 6.2.1. The Board is referred to the previous Planner Report. The grounds of the appeal do not raise any new matter which in the opinion of the Planning Authority would justify a change of attitude to the proposed development.

7.0 **Assessment**

- 7.1.1. I have examined the file and the planning history, considered all policies and guidance, the submissions of all parties and inspected the site. I have assessed the proposed development and I am satisfied that the issues raised adequately identify the key potential impacts and I will address each in turn as follows:

- Principle of the proposed development
- Residential Amenity
- Traffic
- Appropriate Assessment

7.2. Principle of the Proposed Development

- 7.2.1. Providing an additional residential unit on a large, zoned and serviced site, in close proximity to a suburban village is acceptable in principle, in keeping with the pattern of development in the area and in accordance with the development plan. The proposed development is in accordance with section 12.3.7.2 and Policy Objective PHP19 which seeks to provide for the adaptation of existing housing stock through supporting improvements and adaption of homes consistent with NPO 34 of the NPF.
- 7.2.2. Regarding section 2.6.3.1 of the 2022 development plan, which refers to an LAP Plan-Making Programme, and states “It is noted that within the A1 zoned lands at both Old Connaught and Rathmichael there are a number of existing properties. Minor modifications and extensions to these properties can be considered in advance of the relevant Local Area Plans”, I consider it unreasonable to interpret that section to mean that only minor development will be considered until the point that the Planning Authority find time to create an LAP for the area. Such a restriction would be unduly onerous and restrictive. The proposed development can be assessed against the zoning objective for the area and the development management criteria for the proposed development.

7.3. Residential Amenity

- 7.3.1. The Planning Authority state that the dwelling does not accord with the minimum standards of the Quality Housing for Sustainable Communities. The proposed two storey dwelling has an overall floor area of 131sq.m. The single shortfall of the proposed dwelling is that the second bedroom at 10sq.m. is less than the 11.4sq.m. required by the Design Manual for Quality Housing (Updated Jan 2022). I do not consider this significant. Nor does it merit a refusal of permission given the substantive reasons for granting – namely the provision of an additional residential property on a large site in a zoned and serviced suburban area.

7.4. Traffic

- 7.4.1. I note the report of the Transport Planning Division wherein further information is requested in relation to car parking provision. On the date of my site visit 4 no. large cars were comfortably parked on the overall site, with considerable room left for

manoeuvre. Should the Board require, further information can be requested regarding the dimensions of the subdivision of the parking area.

7.5. **Appropriate Assessment**

- 7.5.1. Having regard to the nature and scale of the proposed development proposed in a fully serviced built-up urban area, no appropriate assessment issues arise, and it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects, on a European site.

8.0 **Recommendation**

- 8.1. I recommend permission be GRANTED for the following reasons and considerations and subject to the following conditions:

9.0 **Reasons and Considerations**

- 9.1. Having regard to the zoning objective of the area, the design, layout and scale of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed dormer window, would not seriously injure the visual amenities of the area or residential amenity of property in the vicinity. The proposed development for which permission is sought would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 **Conditions**

1.	<p>The development shall be carried out and completed 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>Reason: In the interest of clarity.</p>
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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.

Gillian Kane
Senior Planning Inspector

30 July 2023