



An
Bord
Pleanála

Inspector's Report ABP315610-23

Development	Retention of a single-storey stand-alone unit (floor area 28.8 square meters) for use for habitable purposes, and associated site works
Location	8 Goatstown Close, Goatstown, Dublin 14
Planning Authority	Dún Laoghaire-Rathdown County Council
Planning Authority Reg. Ref.	D22A/0831
Applicant(s)	Conor Hughes
Type of Application	Retention permission
Planning Authority Decision	Refusal for single reason
Type of Appeal	First Party
Appellant(s)	Conor Hughes
Observer(s)	None
Date of Site Inspection	6 May 2023
Inspector	Diarmuid Ó Gráda

1.0 Site Location and Description

- 1.1. This property forms part of a mature suburban area close to University College Dublin. It is typified by low-density housing estates that date from the middle of the twentieth century, i.e. two-storey semi-detached and detached houses on generous plots, with front/rear gardens. The Council's garden allotments are situated directly to the east.
- 1.2. The appeal relates to a site located at the eastern end of Goatstown, Dublin 14, close to Clonskeagh. It is relatively secluded and is reached from Goatstown Road via Hollywood Drive, where there are two-storey semi-detached houses that are about 70 years old.
- 1.3. The appeal site forms an end-of-terrace property built a few decades ago. It is a two-storey house with a pitched roof. The street frontage is marked by a cast iron railing set on a low plinth, backed with evergreen hedging. This house has an unusually wide side garden that is extensively bordered with mature planting. The subject structure has been built within that side garden. It is approached separately through a side gate/wall 2 meters high approx.
- 1.4. The parent house is about 20 years old and it comprises the end house in a curving terrace of similar dwellings. This part of the estate has a splayed layout, resulting in an enlarged rear garden. That configuration also allows a roughly half-round public open space to the front of these houses.
- 1.5. The terraced houses have short front gardens (2.5 meters), with gardens of 9 meters approx. at the rear. Again, this site is exceptional, with a 7 meters (mean) front garden and there is a wide (8.5 meters) side garden.
- 1.6. The plot extends to 135 square meters approx., leaving a rear garden of 70 square meters for the parent house. The new structure is set back over 20 meters from the carriageway.
- 1.7. The plot is mostly enclosed by mature planting that reduces the impact on third parties and there is a lateral separation of 3 meters from the parent house. Otherwise, the new dwelling closely adjoins the site perimeter, i.e. within 1 meter (mean) on the south-west and under 1 meter on the north-west.

2.0 Proposed Development

This application concerns a structure, 2.7 meters high, already built within the curtilage of the semi-detached house. It is described as a stand-alone unit for use for habitable purposes. It has been built within that side garden and comprises a detached rectangular single-storey building of 29 square meters approx. with a very shallow lean-to roof. It is described as a shed-type structure, largely recessed behind the parent house. Internally, it is laid out as a dwelling viz. with one bedroom, an L-shaped living room/kitchen and a bathroom/toilet. All four sides contain a window.

The layout plan shows an existing connection to the foul sewer of the parent house. It also shows a proposed surface water drain.

The type of construction, and the materials used, are very unclear on the lodged drawings. No specifications are included.

The drawing entitled Typical Section gives two internal dimensions, with no reference to the materials used. My site inspection revealed the structure is timber-built with a lean-to roof, externally finished with timber boards applied horizontally.

There is no provision for off-street parking on-site and reference is made to plentiful public transport nearby.

3.0 Planning Authority Decision

3.1. Dún Laoghaire-Rathdown County Council decided to refuse retention permission for one reason, briefly, contravention of the County Development Plan relating to Section 12.3.7.3 which governs the use of domestic extensions for a family member, because the habitable use is entirely separate from the main dwelling. The proposal would consequently set an undesirable precedent in the area.

3.2. Planning Authority Reports

3.2.1. Council Planner's Report

Residential development is permitted in principle under the Development Plan but the application did not confirm the nature of the habitation i.e. whether it was used by a family member or occupied by a tenant. A site layout plan had not been lodged.

The building did not have a negative visual impact. Neither did it cause overshadowing, overbearing or overlooking.

Dealing with the issue of a granny flat (Section 12.3.7.3 of the Development Plan), it was noted the dwelling was not physically linked to the parent house. Neither could it be subsumed into the main dwelling upon cessation of any occupation as a granny flat. Ultimately, no valid justification had been presented for use of the structure as a granny flat.

In the context of Section 12.3.7.4 of the Development Plan (regarding detached habitable rooms) the building has its own address i.e. no.8A Goatstown Close, as well as an Eircode.

The building operated as a dwelling separate from the parent house. On that account it should not be deemed a detached habitable room under the Development Plan.

3.2.2. Other Technical Reports

The Council's Drainage Division raised no objection subject to provision of a SUDS system appropriate to the scale of the dwelling. It also stated that any new parking area should have a permeable surface for disposal of surface water.

4.0 Planning History

Permission was granted on appeal (ref. no. 301184-18) for a two-storey flat-roofed extension to the rear of no.9 Goatstown Close i.e. ref. no.D17B/0598, i.e. next door to the application site. Permission was refused in 2021 (ref. no. D21B/0544) for retention of development at no.9, i.e. (a) an obscure glazed bedroom window to the side, to be used as fire escape, (b) a rear first floor obscure bathroom window and

(c) a rear first floor extension. The refusal reason was that the proposal would significantly detract from adjoining residential amenity by way of overlooking.

There is currently an appeal decision pending in regard to another proposal at no.9 Goatstown Close viz. proposed retention of extra height above eaves on rear extension and retention of a front garden timber shed (appeal ref. no. 314758-22).

According to the report of the Council planner the current application was lodged after the commencement of enforcement proceedings (ref. ENF 28722).

5.0 Policy and Context

5.1. Development Plan

5.2. In the County Development Plan 2022 these properties are included within the A zone where the stated objective of the Council is to provide residential development and improve residential amenity while protecting the existing residential amenities.

Under Section 12.3.7.7 new infill development shall respect the height/massing of existing residential units. It shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping and fencing or railings. This shall particularly apply to those areas that exemplify Victorian era or early to mid-20th century suburban *Garden City* planned settings and estates that do not otherwise benefit from ACA status or similar.

Section 12.3.7 which deals with Additional Accommodation in Existing Built-up Areas. Section 12.3.7.1 provides guidance in relation to extensions with respect to porches, front extensions, side extensions, rear extensions, roof alterations, attic conversions and dormer extensions. A minimum driveway of 6 meters should be maintained.

Section 12.3.7.3 deals with family member/granny flat extensions. These comprise a temporary subdivision of a single dwelling - often by adding an extension to the

dwelling or converting an attached garage which is linked to the main dwelling - as a subsidiary element for use by a member of the immediate family e.g. elderly parent, but not as a fully independent dwelling. These will be assessed against the criteria applied to 'normal' domestic extensions. The Council will generally consider such subdivision and/or extension favorably subject to ensuring no negative impacts on the integrity of the primary dwelling.

Proposals should be interlinked with the primary dwelling and capable of being readily subsumed back into same. Any such extension to the main dwelling shall be subsidiary in scale relative to the main dwelling, such that the Council is satisfied that there is a valid justification for the proposal in use terms.

Permission will normally be on condition that the flat can be subsumed back into the main dwelling when it is no longer required. It shall not be let or sold, other than as an intrinsic part of the overall property. Where the owner wishes it to remain subdivided on a permanent basis, an application shall be made for subdivision which will be assessed on the more demanding criteria as would be applied to a separate dwelling house.

Section 12.3.7.4 deals with detached habitable rooms. The Council acknowledges these can provide useful ancillary accommodation such as a playroom, gym, or study/home office for the main residence. Any such structure should be modest in floor area and scale, relative to the main house and the remaining rear garden area. The applicant will be required to demonstrate that neither the design nor the use of the proposed structure will detract from the residential amenity of adjoining property or the main house. Any such structure shall not comprise residential accommodation for a family member/granny flat, nor shall the structure be leased or sold independently from the main dwelling.

5.3. **Natural Heritage Designations**

Not applicable

5.4. **EIA Screening**

6.0 Having regard to the nature and scale of the development proposed, the site location outside of any protected site, the nature of the receiving environment in an existing built-up area, the intervening pattern of development, the limited ecological value of the lands in question, the availability of public services, 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.

7.0 **The Appeal**

7.1. **Grounds of Appeal**

The grounds of appeal are:

- The Council has not provided any evidence that the proposal would set a precedent in the area.
- The Council has no vision regarding the status of the dwelling during the ongoing housing crisis.
- Refusal of permission would exacerbate that crisis and it would extend homelessness.

7.2. **Planning Authority Response**

The grounds of appeal have not raised any new issue which would justify a different decision from the Council.

7.3. **Observations**

None

7.4. **Further Responses**

None

8.0 **Assessment**

- 8.1. The subject structure is a low-rise detached timber-clad building with an almost flat roof. On account of the corner layout of this and the next house, it is barely visible from the public street. People passing by can get a glimpse of it. Its rusty brown colour and timber texture marks it out for passersby, making it different to the houses on either side. The space it occupies is relatively secluded due to the low height and recessed position of the structure within a garden that is well divided by planting.
- 8.2. The Council planner stated there was no site layout plan submitted. However, a drawing entitled General And Drainage Layout Plan was lodged. That was at a scale of 1:500 and did show some details. However, the Council assessment is reasonable as there is a dearth of relevant details regarding the means of construction and the materials used. My site inspection revealed the building is fully detached but it relies on some services from the parent house. There are, for example, overhead cable connections. I did not gain access to the interior.
- 8.3. The layout is less than optimal because the front elevation faces the parent house, rather than establishing its own character or definition. As a result of the sub-optimal layout/orientation, the rear elevation is pushed up against the dividing boundary/rear garden of no.37 Hollywood Drive. At the gable end (north elevation) the separation is even tighter. As a result, there is effectively no circulation around half of the exterior and that must be deemed unsatisfactory.

- 8.4. It is stated in the Council planner's report that this property is in the A zone where the objective is '*To protect and or improve residential amenity*'. However, the official wording is '*To provide residential development and/or protect and improve residential amenity*'. It is notable that the extended objective was introduced in the current development plan (2022) and the shorter form of the objective, without the part '*to provide residential amenity*' had operated for several decades prior to that.
- 8.5. In essence this is a low-impact development. The most telling point is that the application is seriously short of information regarding the design and raw materials. In my opinion the Board, if it allowed the proposal, would be granting permission for something that has not been properly defined or explained. In the absence of information on raw materials, there is no basis for an opinion on its life expectancy. It was open to the applicant to apply for a temporary permission, e.g. retention for two or three years.

9.0 Recommendation

- 9.1. It is recommended that permission be refused.

10.0 Reasons and Considerations

- 11.0 It is considered that the proposed development for retention, with the habitable use of the subject structure which is entirely separate to the main dwelling, would be contrary to the requirements of the Dún Laoghaire Rathdown County Development Plan 2022-2028, particularly Sections 12.3.7.3 and 12.3.7.4, by virtue of the limited area and access arrangements associated with the site and its relationship to adjoining property. The development for retention would result in a substandard residential unit that would set an undesirable precedent for similar types of development elsewhere in the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Diarmuid Ó Gráda

Diarmuid Ó Gráda
Planning Inspector

9 May 2023