



An  
Bord  
Pleanála

## Inspector's Report ABP315959-23

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<b>Development</b>	Demolish previously permitted garage/store, erect single storey family annex with garage largely in the footprint of the demolished structure.
<b>Location</b>	1 Weston Way, Lucan, County Dublin.
<b>Planning Authority</b>	South Dublin County Council.
<b>Planning Authority Reg. Ref.</b>	SD22A/0449
<b>Applicant(s)</b>	
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	Applicant V Refusal
<b>Appellant(s)</b>	Sean & Sharon Duddy.
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	9 <sup>th</sup> June 2023.
<b>Inspector</b>	Hugh Mannion

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## 1.0 Site Location and Description

- 1.1. The application site is a corner site with a stated area of 0.065ha and accommodates a detached two storey house at 1 Weston Way, Lucan, County Dublin. The house has front garden parking. Between the front and rear garden a side gate gives access to a rear garden and the existing shed proposed for demolition is in the rear of the rear garden. Residential is the predominant land use in the area.

## 2.0 Proposed Development

- 2.1. Demolition of permitted garage/shed to the rear and erect a new family annex unit with garage largely over the same footprint as the original garage/shed. The new annex will contain a bedroom, living/kitchen area, WC, storage, fitted with a monopitch roof with parapet wall, and use existing pedestrian and vehicular access points at 1 Weston Way, Lucan, County Dublin.

## 3.0 Planning Authority Decision

- 3.1. Decision
- 3.2. Permission refused for one reason.

The proposed development would comprise an independently accessible self-contained residential unit that would not be accessible through the main house and would therefore not comply with the Development Plan standards for a family flat set out in section 12.6.8 on the South Dublin County Development Plan 2022 – 2028.

### 3.2.1. Planning Reports

The planner's report recommend refusal as set out in the Chief Executive's order.

### 3.2.2. Other Technical Reports

**Irish Water** reported that in the event of a grant of permission the applicant would be required to enter water/wastewater agreements with Irish Water.

**Water Services** reported no objection subject to the application of sustainable urban drainage systems within the application site.

**Roads Department** reported no objection.

#### 4.0 **Planning History**

SD20B/0282 Permission granted for the existing shed in the rear garden.

#### 5.0 **Policy and Context**

##### 5.1. **Development Plan**

5.2. The site is zoned RES - 'To protect and / or improve residential amenity' in the South Dublin County Development Plan 2022-2028.

5.3. **Section 12.6.8** - Family Flats 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; à 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.

5.4. **Corner / Side Garden Sites Development** on corner and / or side garden sites should be innovative in design appropriate to its context and should meet the following criteria:

- In line with the provisions of Section 6.8 Residential Consolidation in Urban Areas the site should be of sufficient size to accommodate an additional dwelling(s) and an appropriate set back should be maintained from adjacent dwellings ensuring no adverse impacts occur on the residential amenity of adjoining dwellings;
- Corner development should provide a dual frontage in order to avoid blank facades and maximise passive surveillance of the public domain;
- The dwelling(s) should generally be designed and sited to match the front building line and respond to the roof profile of adjoining dwellings where possible.
- Proposals for buildings which project forward or behind the prevailing front building line, should incorporate transitional elements into the design to promote a sense of integration with adjoining buildings;
- The architectural language of the development (including boundary treatments) should generally respond to the character of adjacent dwellings and create a sense of harmony. Contemporary and innovative proposals that respond to the local context are encouraged, particularly on larger sites which can accommodate multiple dwellings;
- A relaxation in the quantum of private open space may be considered on a case-by-case basis whereby a reduction of up to a maximum of 10% is allowed, where a development proposal meets all other relevant standards and can demonstrate how the proposed open space provision is of a high standard, for example, an advantageous orientation, shape and functionality;
- Any provision of open space to the side of dwellings will only be considered as part of the overall private open space provision where it is useable, good

quality space. Narrow strips of open space to side of dwellings shall not be considered as private amenity space.

#### **5.5. Natural Heritage Designations**

Not relevant.

#### **5.6. EIA Screening**

5.7. The proposed development is not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and therefore, the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

### **6.0 The Appeal**

#### **6.1. Grounds of Appeal**

- The application is for a standalone single storey dwelling - not for a family flat.
- The application does not seek to meet the standards set out in the County Development Plan in relation to family flats.
- The application site is unusual in that it is a corner site with a side/rear garden. The dwelling is proposed within the footprint of an existing garage.
- The application should be considered under the criteria set out in the Development Plan for houses on Corner / Side Garden Sites. The one-bed dwelling will achieve room size, private amenity space and other standards. It will not set a precedent as other gardens in the area do not have this space.
- The dwelling will accommodate the applicant's family in the future.

- The development is consistent with the residential zoning objective for the area. The proposal should be considered under the criteria for backland/corner site development.
- The appropriate criteria are those set out in Section 6.8 of the Development Plan.
- A relaxation of the open space standards may be considered in certain circumstances. The new dwelling and existing house would have 253m<sup>2</sup> between them.

## 6.2. Planning Authority Response

- None

## 6.3. Observations

- None

## 6.4. Further Responses

- None

## 7.0 Assessment

7.1. I have examined the application and appeal and conducted a site visit and I conclude that main planning issues are as set out below.

### 7.2. Family Flats.

7.3. The planning authority considered this application comprises an application for a family flat within the meaning of Section 12.6.8. of the County Development Plan. The appeal makes the point that the application was not submitted as an application for a family flat although it is intended that the building serve the needs of the applicant's family in the future. Nonetheless it is necessary to address this point as it is the reason for refusal set out by the planning authority.

7.4. There are five criteria set out in the Development Plan which family flats must meet to be granted planning permission. The application must demonstrate a genuine

need for the proposed dwelling, the new floor area should not exceed 50% of the floor area of the existing house, external doors must be on the side or rear of the house and conditions may be attached limiting the sale or lease of the unit separately from the main house on site. The main criterion is that the new unit must be accessible from the main house. This criterion is designed to ensure that the unit is used to meet the accommodation needs of a dependent family member and that if that dependency ceases that the accommodation may re-integrated with the original dwellinghouse on site.

7.5. The proposed unit is not accessible through the main house on site and therefore it does not meet the most significant Development Plan criterion for consideration as a family flat and I conclude that the planning authority's decision on this point is reasonable.

7.6. **Corner / Side Garden Sites Development**

7.7. The applicant states that the application should be considered by reference to Development Plan policy in relation to corner/side garden sites. The development plan envisages that development on corner/side garden site occurs when an independent residential unit is being proposed. The development plan states that dual frontage is required, that new houses must respect the established building line and where possible should reflect the roof profile of existing houses. In the present case the living unit is set back into the rear garden in the track of an existing shed and, therefore, does not achieve a dual frontage. It does not respect the building line or the roof profile of the house on site or houses in the area. There are no measures proposed to aid integration into the pattern of development in the area.

7.8. Table 3.20 sets minimum private open space standards and requires 48m<sup>2</sup> for a one bed house. The plan recognises that there can be some flexibility on this standard where all other quality measures are met. The application proposes a shared area of 128m<sup>2</sup> of rear garden between the new unit and the proposed unit.

7.9. In summary the development plan pre-supposes two generic types of development. Either a new standalone house generally replicating the pattern of housing already on-site or in the adjoining area or alternatively a family flat type of living unit dependent on shared access and shared amenity space and with a connection to the main house on site. This application does not fall into either category and would



comprise a poor quality unit which would not meet the quality criteria set out in the County Development Plan.

#### 7.10. **Appropriate Assessment Screening**

7.11. Having regard to the nature and scale of the proposed development, to the absence of emissions therefrom, the nature of receiving environment as a built up urban area and the distance from any European site it is possible to screen out the requirement for the submission of an NIS and carrying out of an AA at an initial stage.

### 8.0 **Recommendation**

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

#### **Reasons and Considerations.**

The application site is in an area zoned 'existing residential' with the objective to protect and / or improve residential amenity in the South Dublin County Development Plan 2022 - 2028. The proposed development would comprise a substandard dwelling unit which would meet neither the development plan standards for 'family flat' developments nor the standards for independent corner site residential units. The proposed development would therefore seriously injure the residential amenity of the existing house on site and the residential amenity of future occupants of the proposed dwelling unit. The proposed development would, therefore, materially contravene a zoning objective set out in the current County Development Plan and be contrary to the proper planning and sustainable development of the area.

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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Hugh Mannion  
Senior Planning Inspector

11<sup>th</sup> June 2023