



Development	Change of use of detached single storey structure in rear garden from workshop to residential use.		
Location	Frankfort Lodge, 70 Inchicore Road, Dublin 8		
Planning Authority Ref.	3722/23		
Applicant(s)	Peter Monahan		
Type of Application	Permission	PA Decision	Refuse permission
Type of Appeal	First party	Appellant	Peter Monahan
Observer(s)	None		
Date of Site Inspection	19/10/2023	Inspector	D. Aspell

Context

1. Site Location/ and Description

70 Inchicore Road is a large detached 2-storey, 4-bedroom dwelling with a large garden to the rear. There are two single-storey structures in the rear garden; the larger is a pitched-roof block-built structure most recently used as a workshop and is the subject of this application. The structure measures c.40sqm. There are dwellings to the east of the site, offices to the west, with the Dublin-Kildare railway line adjacent to the north. The rear boundary comprises a stone wall.

2. Description of development

The proposed development comprises the following:

- Change of use of detached single-storey structure in the rear garden from workshop to residential use which will be ancillary to the main dwelling;
- Internal works to the structure to create a double bedroom (c.15sqm), living / kitchen space (c.22sqm), and a w.c./washroom (c.3sqm);
- Removal of existing metal roof and construction of new slate roof and solar panels.

3. Planning History

Subject site:

Ref. Web1034/23: Permission granted by the planning authority in March 2023 for partial demolition of existing 2-storey element to rear of main dwelling and construction of a new 2-storey extension to main dwelling. No appeal.

Ref. 4159/22: Permission refused by the planning authority in July 2022 for partial removal of existing front boundary wall of site to accommodate widening of the existing vehicular entrance to the site from Inchicore Road. No appeal.

Ref. 4158/22: Permission granted by the planning authority in September 2022 for retention of a structure in the rear garden for the purposes of garden furniture storage, gym equipment, and as an outdoor room. No appeal. This application did not relate to the subject structure.

Ref. 4157/22: Permission refused by the planning authority in July 2022 for change of use of the subject structure from workshop to residential, and its conversion to comprise a bedroom, living room with kitchenette, and bathroom, with all accommodation to be ancillary to the main dwelling. No appeal. The main difference between the application and the subject case is the inclusion of changes to the roof proposed as part of the subject case.

Ref. 3535/22: Permission refused by the planning authority in May 2022 for retention of the subject structure described as a garden shed, and the change of use from workshop to residential unit, its increase in height to 2-storeys, and its conversion to a three-bedroom dwelling. No appeal.

4. Planning Policy

The Dublin City Development Plan 2022-2028 was adopted by the PA on 2nd November 2022. I note the following policies and objectives in particular:

- Policy QHSN6
- Section 15.11 House Developments
- Section 15.11.1 Floor areas
- Section 15.13.4 Backland Development
- Appendix 18 Residential Extensions, including Section 7.0 Ancillary Family Accommodation
- Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities’ (2007)

5. Natural Heritage Designations

- None relevant

Development, Decision and Grounds of Appeal

6. PA Decision

The planning authority issued a notification of decision to refuse on 4th July 2023 for 3 no. reasons summarised as follows:

- Reason 1: The development would be a detached dwelling and not a detached habitable room or ancillary family accommodation.
- Reason 2: The development would be contrary to development plan Section 15.13.4 ‘Backland Development’ in that it would be piecemeal development, would not have regard to the surrounding context, would not complement the established pattern and character of development in the area, would appear incongruous, would have a negative visual impact on the area, and would be contrary to the proper planning and sustainable development of the area.
- Reason 3: The development would be contrary to development plan Section 15.11 ‘Housing Developments’ and ‘Quality Housing for Sustainable Communities Best Practice Guidelines’ in that it would provide substandard accommodation and of unacceptably low residential amenity.

7. First-Party Appeal

The first party appeal is summarised as follows:

- The proposal is not for a detached dwelling;

- The proposal is to provide accommodation for the appellant's son when he turns 18 for his own residential space while maintaining a direct connection to the main family dwelling as per Appendix 18 Section 2.0 'Detached Habitable Rooms' of the development plan;
 - After this the accommodation will be used as ancillary accommodation to the main dwelling, providing indoor living space next to the outdoor private terrace of the existing main dwelling;
 - The accommodation will not be used as a separate dwelling from the main house and will solely be used as ancillary accommodation;
 - The unit is an existing structure that is currently an unused workshop;
 - The proposal would not have a negative impact on the area;
 - The front building line is in line with the back of the adjacent development;
 - The replacement roof would improve the visual impact;
 - The solar panels will provide power for the subject structure and main house as the roof of the main house does not provide enough space for solar panels;
- The appellant submits a revised internal layout as part of the appeal.

8. PA Response

- The planning authority requests the Board uphold its decision to refuse.

Environmental screening

9. Environmental Impact Assessment screening

The proposed development is not within a class where EIA applies, and therefore is not subject to requirements for preliminary examination of EIA (Refer to pre-screening Form 1, Appendix 1 of this report.

10. Appropriate Assessment screening

Having regard to the modest nature and scale of development, the location in an urban area, connection to existing services and absence of connectivity to European sites, I conclude that no Appropriate Assessment issues arise as 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.

2.0 Assessment

2.1. Having regard to the foregoing; having examined the application and appeal; having inspected the site; having regard to the refusal reasons; and having regard to relevant policies and objectives, I consider the main issues in the appeal are:

- land use zoning
- quality and residential amenity of the proposed development, and;
- related matters.

Land use zoning

2.2. The site is zoned 'Z1 Sustainable Residential Neighbourhoods'. Urban consolidation including ancillary residential development and backland development may be supported in principle subject to compliance with other requirements of the development plan, including in relation to design, quality and access.

2.3. I note the application is for change of use, change of internal layout, and changes to the roof of the existing structure. A number of applications for the development of the structure including its change of use from workshop have been refused by the planning authority. A number of enforcement cases have also been initiated on the subject site. No record of planning permission for the structure is available. These matters are not assessed further as part of this appeal.

Quality and residential amenity

2.4. The appellant states the accommodation would be for family and ancillary to the main dwelling. I note the internal layout proposed as part of the application and the revised internal layout submitted as part of the appeal. Given the nature of the proposal as physically separate and largely self-contained I consider that either layout would constitute a new residential unit. Given the foregoing I consider that both the original and revised proposals are not consistent with Section 15.11 House Developments or Appendix 18 Residential Extensions of the development plan as ancillary residential accommodation and would represent backland development.

2.5. Development plan Section 15.13.4 indicates that comprehensive backland development will be supported where the opportunity exists. Consideration of access is important in this regard. Section 15.11.1 of the development plan indicates that

proposed dwelling floor areas are required to comply with the Quality Housing for Sustainable Communities Best Practice Guidelines. I consider these requirements are reasonable, and that both the layout submitted as part of the application and the revised layout submitted at appeal would not provide for an appropriate quality of residential development or offer limited compliance with the design standards, particularly in relation to unit size and internal storage. In addition neither layout submitted shows independent access or sufficient dedicated private amenity space. As such I consider the proposal would not be of an appropriate design and quality.

- 2.6. Further in this regard, the existing double doors are c.3m from the railway line and would access the proposed bedroom. No details of boundary treatments or of noise and vibration impacts are provided. I consider that this would provide for a poor level of residential amenity in close proximity to the railway line.
- 2.7. I note the submitted drawings do not accurately show the location of the other adjacent rear garden structure (Ref. 4158/22). That structure appears to be in closer proximity to the subject structure than indicated and would be in very close proximity to the proposed bedroom window and would further injure residential amenity.
- 2.8. Overall I do not consider the proposed development would comprise ancillary residential development compliant with Section 15.11 House Development of the development plan. Similarly consider the proposal would not represent backland development of an appropriate standard and quality of residential accommodation or residential amenity and would not be compliant with Policy QHSN6.

Related matters

- 2.9. The second refusal reason states the proposal would not have regard to the context, would not complement the established pattern and character of development in the area, would appear incongruous, and would have a negative visual impact on the area. I note again it is unclear if the existing structure is authorised or not. I also note the main external works proposed are to the pitch and finish of the roof and installation of solar panels. Considering the nature of these works, and the limited visibility of the site, I do not consider these reasons for refusal are valid.

Flood risk

2.10. In relation to flood risk, I note that the application was not refused on these ground. The submission from the drainage division of the planning authority recommends additional information including a site-specific flood risk assessment. The development plan indicates the site is within flood risk Zone C. I note the subject case is for change of use, work to internal layout and work to the roof, with limited if any ground works proposed as part of the proposed development, however, again I note it is unclear if the existing structure is authorised. No submission has been received from Irish Rail. Given the main external works are to the roof I do not consider a site-specific flood risk assessment is required, however the Board should be aware that this would be a new issue in the consideration of the appeal.

3.0 Recommendation

3.1. I recommend that permission for the proposed development be refused.

4.0 Reasons & Considerations

Having regard to the nature and location of the proposed development, it is considered that the development would not comprise ancillary residential development compliant with Section 15.11 House Development of the development plan, and would not represent comprehensive backland development of an appropriate quality or standard of residential accommodation or residential amenity as per Policy QHSN6 and Section 15.13.4 Backland Development of the Dublin City Development Plan 2022-2028 and would, therefore, be contrary to the proper planning and sustainable development of the area.

-I confirm 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.-

D. Aspell

Inspector

31st October 2023

APPENDIX 1