



An
Bord
Pleanála

Inspector's Report ABP-318911-24

Development	Permission to demolish existing flat roof and form new pitched roof over existing garage, to convert garage to granny flat and extend to rear and associated internal works.
Location	191 Barton Road East, Dundrum, Dublin 14.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D23A/0698
Applicant(s)	Daire Quinlan & Ljiljana Adamovic
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First Party
Appellant(s)	Daire Quinlan & Ljiljana Adamovic

Date of Site Inspection

02nd March 2024

Inspector

Colin McBride

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.0347 hectares, is located a short distance to the west of Dundrum Town centre and to the south of Barton Road East. The site is occupied by 191 Barton Road East, which is a two-storey semi-detached dwelling with a single-storey garage to the side. Adjoining properties include no. 189 to the west which is attached to the dwelling on the appeal site. To the east is no. 193 and to the south the site backs onto the rear of no. 186 Meadow Grove which is a similar two-storey semi-detached dwelling.

2.0 Proposed Development

- 2.1 Permission is sought to demolish an existing flat roof and form a new pitched roof over the existing garage, conversion of the garage to granny flat and extension to the rear. The proposal entails conversion of the garage to a granny flat with a new separate door on the front elevation, a new pitched roof replacing a flat roof and a small extension to the rear of 6sqm. The granny flat consists of a room with an ensuite bathroom and an access door to a new lobby area to the rear that also links into the existing kitchen of the dwelling on site.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 8 conditions. Of note is the following condition.

Condition no. 4: The proposed door on the front elevation to serve the proposed converted garage shall be omitted and the proposed façade or fenestration amended accordingly.

Reason: In the interests of visual amenity and harmony.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning Report (10/01/24): the proposal was considered to be acceptable in the context of the visual and residential amenities of the area, consistent with Development Plan policy in relation to extensions and family member/granny flat requirements. The provision of the new separate front door would be unduly out-of-character with existing elevation and impact on visual amenities, character and streetscape and should be omitted by way of condition. A grant of permission was recommended based on the conditions outlined above.

3.3. Other Technical Reports

Drainage Planning (19/13/23): No objection subject to condition.

Transportation Planning (04/01/24): No objection subject to conditions.

3.4. Prescribed Bodies

None.

3.5. Third Party Observations

None.

4.0 Planning History

No planning history.

Adjoining site

D15A/0423: Permission granted for a granny flat extension to the side/front of 179 Barton Road East.

D00A/0098: Permission granted for a granny flat at no. 29 Barton Road East.

5.0 Policy Context

5.1. Development Plan

The relevant Development Plan is the Dun Laoghaire Rathdown County development plan 2022-2028.

The appeal site is zoned Objective A with a stated objective to 'to provide residential development and improve residential amenity while protecting the existing residential amenities'.

12.3.7.1 Extensions to Dwellings

(iii) Extensions to the Side:

Ground floor side extensions will be evaluated against proximity to boundaries, size, and visual harmony with existing (especially front elevation) and impacts on adjoining residential amenity.

First floor side extensions built over existing structures and matching existing dwelling design and height will generally be acceptable. However, in certain cases a set-back of an extension's front façade and its roof profile and ridge may be sought to protect amenities, integrate into the streetscape, and avoid a 'terracing' effect. External finishes shall normally be in harmony with existing.

Any planning application submitted in relation to extensions, basements or new first/upper floor level within the envelope of the existing building, shall clearly indicate on all drawings the extent of demolition/wall removal required to facilitate the proposed development and a structural report, prepared by a competent and suitably qualified engineer, may be required to determine the integrity of walls/structures to be retained and outline potential impacts on adjoining properties. This requirement should be ascertained at pre-planning stage.

Side gable, protruding parapet walls at eaves/gutter level of hip-roofs are not encouraged.

The proposed construction of new building structures directly onto the boundary with the public realm (including footpaths/open space/roads etc), is not acceptable and it will be required that the development is set within the existing boundary on site and shall not form the boundary wall. The provision of windows (particularly at first floor level) within the side elevation of extensions adjacent to public open space will be encouraged in order to promote passive surveillance, and to break up the bulk/extent of the side gable as viewed from the public realm.

12.3.7.3 'Family Member/Granny' Flat Extension

A 'family' or 'granny' flat refers to 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 - for 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 Planning Authority will generally consider such sub-division and/or extension favourably subject to ensuring no negative impacts on the integrity of the primary dwelling. Applications for granny / family flats within the rural area will be assessed under the provisions of Section 12.3.10.6.

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 Planning Authority 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 sub-division which will be assessed on the more demanding criteria as would be applied to a separate dwelling house.

5.2 Natural Heritage Designations

None within the zone of influence of the project.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 A first party appeal has been lodged by Daire Quinlan & Ljiljana Adamovic, 191 Barton Road East, Dundrum, Dublin 14. The grounds of appeal are follows...

- The appeal is against the application of condition no. 4 requires omission of the front door to the granny flat. The appellant outlines their requirements for additional living space to cater for family needs.
- The appellants note that they wish to convert the garage to an additional living area but maintain the option to store bikes in the same space. Without the front door it would necessitate storage of bike to the rear and use of shared side passage with a neighbour storing bins in the space. The lack of the front door impacts practicality of storing and accessing bikes.
- The design of development including the front has regard to the design of existing dwelling in terms of materials and type of door used. It is noted there is another house on the street with a converted garage with a door on the front faced as sought in this case.
- While the granny flat may appear independent from the front due to the separate door, it is not going to have a kitchen and is linked internally to the existing dwelling.

6.2. Planning Authority Response

6.2.1 Response by Dun Laoghaire Rathdown County Council.

- The PA consider that the grounds of appeal do not raise any new matter that would merit a change in attitude to the proposed development.

7.0 Assessment

7.1 At the outset, I wish to point out that following consideration of the documentation on the appeal file and the site location and context, I am satisfied consideration of the proposal on a de novo basis, (that is as if the application had been made to the Board in the first instance), is unwarranted and that it is appropriate to determine the appeal in accordance with the provisions of Section 139 of the Planning and Development Act, 2000 as amended. Having examined the associated documentation, the following are the relevant issues in this appeal.

Condition no. 4

7.2 Condition no. 4:

7.2.1 Condition no. 4 states...

Condition no. 4: The proposed door on the front elevation to serve the proposed converted garage shall be omitted and the proposed façade or fenestration amended accordingly.

Reason: In the interests of visual amenity and harmony.

7.2.2 The proposal is for conversion of an existing garage to a granny flat with a change of the flat roof to a pitched roof and provision of a small extension to the rear. The granny flat will have an external door on the front elevation and consists of one room

with an ensuite. The granny flat links into a new lobby area to rear and there is an internal door into the existing dwelling. The Planning Authority considered that the proposed development was in compliance with Development Plan policies in regards to extensions and family flat/granny flats. In granting permission a number of conditions were included requiring that the development is not used as a dwelling independent of the main dwelling house. Condition no. 4 requires omission of the external door on the front elevation and with such based on impact on visual amenity, character and streetscape.

7.2.3 I would consider that the design of the front elevation of the development is very much in keeping with the design of the existing dwelling with the use of similar materials and external finishes and the use of a door identical to the existing front door serving the main dwelling. The overall scale and nature of the proposal is modest in terms of visual impact and I would be of view that it would not be detrimental to the overall visual amenities of the area or streetscape character. As noted above the Planning Authority considered that the design meets the requirements of Development Plan policies for both extensions and family flat/granny flats and the PA have included a number of conditions that restrict use of the development to ancillary use of the main dwelling. I would also note that I observed a number of dwellings on the same street with separate doors into the garage portion of dwelling and such is not out of character at this location. I would of the view that condition no. 4 is an onerous condition and it is reasonable for a granny flat despite being linked internally to have an independent external door as proposed. I would recommend that condition no. 4 be omitted.

8.0 Appropriate Assessment

8.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

9.1 I recommend that condition no. 4 be OMITTED as follows...

10.0 Decision

I would recommend the following Draft Order

DESCISION

Having regard to the nature of the appeal regarding application of a condition, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to OMIT Condition No 4.

REASON AND CONSIDERATIONS

(a) The overall design and scale of the proposed conversion to granny flat with rear extension, alteration to roof profile and provision of alterations to the front elevation has sufficient regard to the provisions of Section 12.3.7.1 in relation to extensions to dwellings and Section 12.3.7.3 in relation to 'Family Member/Granny' Flat extensions as well as the visual and residential amenities of the area. The proposal would be satisfactory in the context of the visual amenities of the area and in accordance with 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.

Colin McBride
Senior Planning Inspector

04th March 2024