



An
Bord
Pleanála

Inspector's Report ABP-319817-24

Development

Permission to demolish rear porch and construct corridor to rear of house. Retention of single storey structure in rear garden which will be linked to the existing house with the proposed corridor and all associated site works.

Location

29 Raheen Park, Dublin 24

Planning Authority

South Dublin County Council

Planning Authority Reg. Ref.

SD24B/0100

Applicant

Meimei Xie

Type of Application

Permission & Retention

Planning Authority Decision

Refuse Permission & Retention

Type of Appeal

First Party

Appellant

Meimei Xie

Observer(s)

None.

Date of Site Inspection

20th August 2024

Inspector

Matthew O'Connor

1.0 Site Location and Description

1.1. The application site has a stated area of 0.0228ha and comprises a two-storey semi-detached dwelling in the centre of a residential row in of Raheen Park, Tallaght. There is a detached single storey structure in the rear garden area which appears to be in habitable use. At the time of inspection, there was a timber-framed pergola type structure to the rear of the dwelling and evidence of additional blockwork to the side (south) of the detached structure however, works appear to be ceased. The area is primarily residential in character and the dwellings are predominantly two-storey semi-detached and terraced units with front garden areas containing on-curtilage carparking and garden to the rear.

2.0 Proposed Development

2.1. The subject development comprises:

- Demolition of porch (9.3sq.m) at rear of dwelling.
- Construction of an 'L' shaped corridor extending from rear of dwelling.
- Retention of a single storey structure (19sq.m) situated in the rear garden area containing an en-suite bedroom and lobby/store.

3.0 Planning Authority Decision

3.1. The Planning Authority refused permission and retention for the following stated reason:

- 1. The existing single storey detached structure to the rear of the garden appears to be currently operating as a family flat or self-contained accommodation and is not connected to the existing house. The proposed development is not referred to as a family flat in the description of development and the applicant has not demonstrated that there is a genuine need for the family flat. Having regard to the above, the proposed development and development for retention do not satisfy all of the criteria of the policy on family flats (as set out in Section 12.6.8 of the South Dublin County Development Plan 2022 - 2028) and would be contrary to the proper planning and sustainable development of the area.*

4.0 Planning Authority Report(s)

4.1 Planning Report

- Planner's Report dated 02/05/2024 forms the basis for the decision to refuse permission.
- The report provides a description of the site, associated planning history, identifies the land use zoning designation and associated policy context from the South Dublin County Council Development Plan 2022-2028.
- Outlines subject proposal and design changes from previous application refused under Reg. Ref. SD23B/0501.
- Correspondence with the application notes the intended use of the structure is a 'family flat' but that this was not mentioned in the development description.
- The applicant failed to demonstrate a genuine need for a family flat and that the proposal did not accord with Development Plan policy for a use.
- The proposed corridor extension would have 2 no. doors to the rear area of the property and that the extension would connect to the kitchen which already has direct access to garden space.
- The proposed corridor would extend over 50% from the length of the existing dwelling; would segment the private amenity which is at variance to the garden standards in the Development Plan; and, would not be consistent with Sustainable and Compact Settlement Guidelines for Planning Authorities (2024) for garden space.
- No issues raised with respect to service connections, AA or EIA.

4.2 Other Technical Reports

- Water Services – No report received at time of writing.

4.3 Prescribed Bodies

- Irish Water - No report received at time of writing.

4.4 Third Party Observations

- None.

5.0 Planning History

5.1 The following valid planning history is associated with the subject site:

SD23B/0501 - Permission and Retention **REFUSED** for a development consisting of permission to demolish the rear porch, construct a glazed link to the rear of the house and construct a new extension for a proposed bedroom and ensuite. Retention to retain the existing single-storey structure in the rear garden and use it as a bedroom and ensuite, which will be linked to the existing house with the proposed glazed link.

The two refusal reasons are briefly summarised as follows:

1. The existing detached structure appears to be operating as a family flat and is not connected to the existing residential development. The proposed family flat would not satisfy all of the criteria of the policy on family flats as set out in the Development Plan and would contravene the zoning objective for the area.
2. The height, materials and siting of the proposed extension would have an overbearing impact on that attached property and would contravene the 'RES' zoning objective of the Development Plan.

5.2 The appeal file indicates that the subject site currently has an active Planning Enforcement file – Ref. S9207.

6.0 Policy Context

6.1 Development Plan

6.1.1 The South Dublin County Development Plan 2022-2028 is the relevant Development Plan for the subject site.

6.1.2 The site is zoned 'RES' - Existing Residential with an objective '*To protect and/or improve residential amenity*'. Residential use is listed as a 'permitted in principle' development type in this zoning designation.

6.1.3 The following Development Plan chapters and associated policies/objectives are considered to be most relevant in respect of the subject development:

Section 6.8.2 relates to 'Residential Extensions' and the following policy and objectives are applicable:

Policy H14 seeks to ‘support the extension of existing dwellings subject to the protection of residential and visual amenities’.

H14 Objective 1: To favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 12: Implementation and Monitoring and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines).

H14 Objective 2: To review and update the South Dublin County Council House Extension Design Guide, 2010 during the lifetime of this Development Plan, to include a review of design options for mid terrace type extensions with a view to facilitating these extensions in Local Authority housing where appropriate.

Section 6.8.3 relates to ‘Family Flats’ and the following policy and objective are applicable:

Policy H15 seeks to ‘support family flat development subject to the protection of residential and visual amenities’.

H15 Objective 1 ‘To favourably consider a family flat development where the Council is satisfied that there is a valid need for semi-independent accommodation for an immediate family member or members subject to the criteria outlined in Chapter 12: Implementation and Monitoring.

Section 12.6.8: ‘Residential Consolidation’ of Chapter 12: Implementation and Monitoring of the South Dublin County Council Development Plan 2022-2028 states that 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;
- 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.

6.2 Other Relevant Guidance

South Dublin County Council House Extension Design Guide (2010)

The document provides design guidance and advice for domestic extensions and is required to be read in conjunction with the Development Plan. Section 4: 'Elements of Good Extension Design' are outlined under a number of headings:

- *Respect the appearance and character of the house and local area;*
- *Provide comfortable internal space and useful outside space;*
- *Do not overlook, overshadow or have an overbearing effect on properties next door;*
- *Consider the type of extension that is appropriate and how to integrate it; and,*
- *Incorporate energy efficient measures where possible.*

In terms of rear extensions, the following guidance is applicable:

- Match or complement the style, materials and details of the main house unless there are good architectural reasons for doing otherwise.
- Match the shape and slope of the roof of the existing house, although flat roofed single storey extensions may be acceptable if not prominent from a nearby public road or area.
- Make sure enough rear garden is retained.

6.3 Natural Heritage Designations

6.3.1 The appeal site is not located on or within proximity to any designated Natura 2000 sites, with the nearest designated site being the Glenasmole Valley Special Area of Conservation (Site Code: 001209) which is located approximately 3.2km to the south of the site. The Lugmore Glen pNHA (Code: 001212) is located approximately 2.10km to the southwest of the site and the Dodder Valley pNHA (Code: 000991) is located approximately 2.27km to the southeast of the site.

6.4 EIA Screening

6.4.1 Having regard to the nature and scale of the development, which is essentially for the retention of a habitable structure and extension of same to the main dwelling on a residential property in an established built-up urban area, it is not considered that it falls within the classes listed in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended), and as such preliminary examination or an Environmental Impact Assessment is not required. See Appendix 1.

7.0 The Appeal

7.1 Grounds of Appeal

7.1.1 The first party appeal has been prepared and submitted on behalf of the applicant. The grounds of appeal can be summarised as follows:

- The previous refusal reason(s) under Reg. Ref. SD23B/0501 have been addressed by way of revisions to the design.
- A letter demonstrating the genuine need for the family flat has been provided
- The development complies with the Development Plan criteria for Family Flats.
- The development can be converted back into a lounge/tv room should the family flat be no longer required in the future.
- The provision of private open garden space (47.6sq.m) exceeds the 40sq.m required for a 3-bedroom house as set out in the Sustainable and Compact Settlement Guidelines for Planning Authorities (2024).

7.2 Planning Authority Response

- 7.2.1 A response from the Planning Authority has been received on file and states that *‘the Planning Authority confirms its decision. The issues raised in the appeal have been covered in the ‘Executive Order’.*

7.3 Observations

- 7.3.1 There are no observations.

8.0 Assessment

- 8.1 Having examined the application details and all other documentation on file, the reports of the Planning Authority, having conducted an inspection of the site, and having reviewed relevant local policies and guidance, I consider that the main issues in this first party appeal can be addressed under the following relevant headings:

- Principle of Family Flat Development
- Compliance with Development Plan Policy on ‘Family Flat’ and ‘Extensions’.
- Impact on Visual and Residential Amenities.
- Private Amenity Space Provision.
- Appropriate Assessment (Screening).

- 8.2 In light of the above grounds, I am satisfied that no other substantive issues arise in this particular instance.

8.3 Principle of Family Flat Development

- 8.3.1 The subject site is zoned ‘RES’ - Existing Residential in the South Dublin County Development Plan 2022 - 2028 with an objective *‘to protect and/or improve residential amenity’*. ‘Residential’ development is ‘permitted in principle’ within this zoning objective. Sections 6.8.2 and 6.8.3 of the Development Plan relate to ‘Residential Extensions’ and ‘Family Flats’ respectively and contain supporting policies/objectives while Section 12.6.8 of the Development Plan relates to ‘Residential Consolidation’ and contains the assessment criteria for both extensions and family flat development. Therefore, I consider that the extension/alterations to a dwelling and the provision of

family flat accommodation is acceptable in principle – subject to compliance with the parameters set out in the South Dublin County Development Plan 2022-2028.

8.4 Compliance with Development Plan Policy on ‘Family Flat’ and ‘Extensions’

8.4.1 From the outset, I refer to the statutory development description of the proposal and acknowledge the Planning Authority highlights no mention of the intended use of the development as a ‘family flat’. In the interests of clarity, I consider that the development has been reasonably described in respect of the works - despite no implicit reference of the family flat use. I am satisfied based on the contents of the application and appeal that the proposed development does relate to a ‘family flat’ and should be assessed against the criteria for same.

8.4.2 The criteria for family flat proposals is contained in Section 12.6.8: ‘Residential Consolidation’ of Chapter 12: Implementation and Monitoring of the South Dublin County Council Development Plan 2022-2028 (see section 6.1.3 of this report) and I shall assess the proposal under the following abridged headings:

Genuine Need

8.4.3 Correspondence with the appeal file indicates the family flat is for the applicant’s cousin. The South Dublin County Development Plan 2022-2028 indicates that family flats are semi-independent accommodation for an immediate family member (dependent of the main occupants of an existing dwelling). The Development Plan does not implicitly define who an immediate family member represents, but I would be of the view that it would extend to a parent, grandparent, son/daughter or sibling. I do not consider that a cousin constitutes an immediate family member.

8.4.4 Moreover, the extent upon which the occupant is dependent on the appellant has not been detailed in the letter. It is claimed that the occupant cannot afford rent due to price and availability and resides in the single storey unit due to being out of work/ having a day off from work. No evidential basis has been provided to substantiate the dependency on the appellant. As with the definition of an immediate family member, I note that the Development Plan does not expand on what constitutes being dependant on the main occupants. However, based on the submitted information with this appeal, I do not consider the dependency reasons provided to be sufficient. It is my opinion that the applicant has not demonstrated a genuine need for a family flat as per Section

12.6.8 of the South Dublin County Development Plan 2022-2028. Permission should be refused.

Overall Floor Area

8.4.5 From a review of the subject development, I note that the indicated floorspace of the family flat structure to be retained and the proposed connecting corridor extension is considerably less than 50% of the floorspace of the existing dwelling. Therefore, the subject development complies with the provisions of Section 12.6.8 of the Development Plan.

Entrance & Accessibility

8.4.6 The Development Plan requires the main entrance serving the dwelling to be retained and that the family flat be directly accessible from the front door of the main dwelling via an internal access door. The appellant contends that the main entrance to the dwelling would be maintained and that the connection of the 'family flat' unit to the dwelling via an 'L' shaped corridor complies with Development Plan criteria. While I acknowledge the appellant's contention, I consider it imperative to have regard to the entire development of the site and overall planning unit. Therefore, the subject family flat development must also be assessed against the design criteria for dwelling extensions.

8.4.7 The primary design criteria for residential extensions is outlined in South Dublin County Council House Extension Design Guide (2010). The Guidance Document seeks to respect the appearance and character of the house and local area; complement the style, materials and details of the main house; match the shape and slope of the roof of the existing house, although flat roofed single storey extensions may be acceptable if not prominent from a nearby public road or area and ensure sufficient rear garden space is retained.

8.4.8 I have significant concern with the narrow and elongated (approximately 5 metres long and 1 metre wide) design of the proposed link corridor. I consider the proposed link corridor between the kitchen of the dwelling and the habitable unit would represent little more than a mere connection between two separate habitable elements on the appeal site. The design approach does not reasonably constitute a purposeful connection which would form an integral part of the dwelling. The proposed link

corridor would result in an ad-hoc, fragmented feature that would not read as a single residential unit and would be out-of-keeping with the main dwelling despite being confined to the rear of the property.

8.4.9 I also contend the connecting corridor would not enable the family flat element to fully revert to being part of the original house when no longer occupied giving its general layout and configuration away from the dwelling. The proposed connecting corridor would subdivide the rear garden area which would be out of character. Therefore, it is my view that the proposed corridor is inconsistent with the design criteria for residential extensions as outlined in South Dublin County Council House Extension Design Guide (2010) and as such would be at odds with Section 12.6.8 of the South Dublin Development Plan 2022-2028. Permission should therefore be refused.

Limitation of external doors

8.4.10 The Development Plan requires any external doors permitted to a family flat for provision of access to private / shared open space or as a form of fire escape be limited to the side or rear of the main house. There will be an access door to the family flat via the proposed connecting corridor from the garden area for fire safety and an access door to the planting garden area also from the proposed connecting corridor. These accesses are in addition to the direct connecting access from the kitchen of the dwelling. The appellant claims that these access points do not conflict with the requirements of the Development Plan as there is no limit of access points and that these doors are situated to the rear of the dwelling.

8.4.11 While the proposed accesses to the family flat would appear to accord with this requirement of the Development Plan; from a design perspective, I have concern with the location of the access in the connecting corridor as a means of fire escape. Such openings should be from the habitable space rather than the linking corridor. I also contend that the family flat occupant would be required to use the new connecting corridor to access to the private open space. As outlined above, I do not consider that the design of the proposed connecting corridor is acceptable as the provision of access is reliant on the corridor. Furthermore, I note that access to the rear of the property would be maintained via the existing side passage which would allow the occupant of the family flat a direct avenue of separate access to the unit without the

need to enter the main dwelling. This would enable the family flat to be occupied independently which would be at odds to the criteria for family flat development.

Conditions on Use

8.4.12 In terms of conditions limiting the use of the family flat, the appellant claims that the family flat is not being rented out but offered to the occupant rent-free for an indefinite period. The appellant indicates that the subject structure can be altered in the future to a TV or Lounge room should the family flat use cease. I acknowledge that the use of the family flat, if permitted, could be conditioned thus restricting the development into the future. Such measures are generally included from a planning control perspective and are reasonable in the interests of orderly planning and the protection of residential amenities. I have outlined my concerns regarding the design and that I am not satisfied that the subject development would be capable of fully reverting to form an integral part of the original house.

8.5 Impact on Residential and Visual Amenities

8.5.1 I note the Planning Authority made no specific determination as to whether or not the subject development would negatively impact on the visual or residential amenities of the area. However, the development appears to have been assessed in this context so I will have regard to it also.

8.5.2 Based on my inspection, the habitable unit located in the rear garden area is barely visible from the public realm within Raheen Park. The unit is mono-pitched with an indicated height ranging between 2.55 metres and 3 metres. The connecting corridor is indicated as flat-roofed with a maximum indicated height of 2.850 metres. The rear garden area of the appeal site is enclosed by block walls approximately 1.5 metres in height and therefore, it is possible to view the rear areas of all residences. There are neighbouring properties to the north and south with the habitable unit adjacent to the rear party boundaries of 2 no. residential properties to the east.

8.5.3 I acknowledge that the development has been revised from the previous refusal (Reg. Ref. SD23B/0501) with the new connecting corridor being re-sited some 1.2 metres from the southern (side) boundary. The material finishes of the proposed connecting corridor have also been revised to render and windows to be more consistent with the main dwelling. I am satisfied that there will be no undue overlooking into opposing

windows of neighbouring residences given the established built arrangement of Raheen Park and that proposed works would not cause overshadowing impacts on the surrounding properties on account of the single storey height of the subject development.

8.5.4 Notwithstanding the above, the proposed connecting corridor and the existing unit would be out of character with the pattern of development in the area from a design and siting perspective. It is my view that the proposed development is inconsistent with the required criteria for connecting and integrating family flat structures to main dwellings and would impact on the residential amenity on the occupants of the appeal site and those of the neighbouring properties. Permission should be refused.

8.6 Private Amenity Space Provision

8.6.1 The rear garden area will be reduced by the construction of the single storey structure and proposed connecting corridor. The development would also subdivide the garden into two separate amenity spaces (a 26.3sq.m rear garden and a 21.3sq.m planting garden). The Planning Authority consider that the remaining rear amenity space would be at a variance to with Section 12.6.7 of the South Dublin County Development Plan 2022-2028 regarding Residential Standards which requires the provision of 60sq.m for a 3-bed house. The appellant considers the private amenity space as sufficient and in accordance with the minimum private open space standards for houses as set out in SPPR 2 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) which is 40sq.m for a 3-bed house.

8.6.2 In considering residential extensions and family flats, it is my opinion that new development should not substantially reduce rear garden space to such an extent that it would impact on the amenity of the occupants. As such, I would generally be less concerned about reductions in rear garden spaces resulting from domestic extensions (including family flats) if the remaining private amenity area was of an appropriate size which offered an attractive and useable space to occupants.

8.6.3 I consider that the connecting corridor would effectively bisect the rear garden area space into two separate segments thereby resulting in the permanent subdivision of the garden/private amenity space serving the property. The subdivision of the rear amenity space would result in poor useability to the occupants and would also be

problematic from an access and maintenance perspective owing to the 'planting garden' being exclusively accessed from the connecting corridor.

8.6.4 I do not accept the appellants quantifying of the garden space as a total of 47.6sq.m when the private amenity space is to be permanently divided into two completely separate segments with different access points. Furthermore, I am not satisfied that the quantity and quality of private open space that would functionally remain to serve the property would be sufficient from a residential amenity perspective on account of the subdivision. I recommend that permission be refused.

8.7 Appropriate Assessment (Screening)

8.7.1 Having regard to the scale and nature of the works to be retained and carried out, and, the existing services network serving the established urban area, it is concluded that no Appropriate Assessment issues arise as the subject development would not 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 permission and retention for the subject development be REFUSED on the following reasons and considerations.

10.0 Reasons and Considerations

10.1 It is considered that the subject development, by reason of the layout and siting of the proposed connecting link corridor would result in a poor design that differs significantly from the appearance of the dwelling and would not enable the existing habitable structure for which retention is sought to be read as a single planning unit. The development would have a negative impact on the residential amenity of neighbouring properties and would be injurious to the amenity of residents of the subject property. Furthermore, it is considered that the applicant has failed to demonstrate a genuine need for the family flat and the subject development would also permanently subdivide the private amenity area which would seriously injure the residential amenity of existing residents by reason of loss of open space. Therefore, the subject development

does not accord with all of the requirements of Section 12.6.8 (Residential Consolidation) of the South Dublin County Development Plan 2022-2028 with respect to 'Extensions and Family 'Flats' and would 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.

Matthew O Connor
Planning Inspector

2nd September 2024

Appendix 1 - Form 1

EIA Pre-Screening [EIAR not submitted]

An Bord Pleanála Case Reference	ABP-319817-24		
Proposed Development Summary	Permission to demolish rear porch and construct corridor to rear of house. Retention of single storey structure in rear garden which will be linked to the existing house with the proposed corridor and all associated site works.		
Development Address	29 Raheen Park, Dublin 24		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No	X	N/A	No EIAR or Preliminary Examination required
Yes			Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No		Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: _____