



An
Bord
Pleanála

Inspector's Report ABP-321410-24

Development	<i>Retention of existing family flat extension and rear gateway access</i>		
Location	<i>24 Belfry Gardens, Citywest, Co. Dublin D24 H9W8</i>		
Planning Authority Ref.	<i>SD24B/0413W.</i>		
Applicant(s)	<i>Angad Singh</i>		
Type of Application	<i>Permission</i>	PA Decision	<i>Split for Retention</i>
Type of Appeal	<i>First Party</i>	Appellant	<i>Angad Singh</i>
Observer(s)	<i>None</i>		
Date of Site Inspection	<i>13/03/2025</i>	Inspector	<i>Ian Doyle</i>

1. Site Location/ and Description. Site is located to the rear of no. 24 Belfry Gardens, Citywest, at the junction of Belfry Gardens and Belfry Way. The existing two storey semi-detached dwelling on site has been extended to the rear prior to the subject proposal for retention (exempt development). The general area is characterised by suburban type residential development of similar scale and form.

2. Proposed development. The proposed development consists of retention of an existing family flat extension of 19.8sq.m (net) floor area including kitchenette/living accommodation, bedroom and WC. The structure proposed for retention is a former garden shed which has been attached to an existing rear

extension. The rear gateway proposed for retention facilitates independent access to the to the unit.

3. PA's Decision - Split Decision

Granted rear gateway access to public footpath.

Refused retention of existing family flat extension for the following reasons:

1. Contrary to Section 12.6.8 (Family Flats) of the South Dublin County Development Plan 2022-2028

The existing family flat in its current form fails to satisfy all necessary design criteria set out in Section 12.6.8 of the South Dublin County Development Plan 2022-2028 with regards to the design of family flats. Specifically, the submitted plans confirm that the family flat is not directly accessible from the front door of the main dwelling house via an internal access door and, if permitted, would set an undesirable precedent for similar substandard development elsewhere in the area. The existing development is therefore contrary to Section 12.6.8 of the South Dublin County Development Plan and the proper planning and sustainable development of the area.

2. Contravenes SPPR 2 of the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024)

The existing family flat results in a rear garden space of less than 50 sq.m, which directly contravenes the requirements for 4+ bed houses as per SPPR 2 of the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024).

3. Impact on Neighbouring Dwelling and non-compliance with Section 4 of the South Dublin County Council House Extension Design Guide (2010).

The proposed development by reason of form, layout and setback from adjoining property boundaries would represent overdevelopment of the subject site and would result in a substandard level of residential amenity for occupants of the adjoining property at No.20/22 Belfry Gardens in a manner that would materially

contravene the provisions of Section 12.6.8 (Extensions), the Zoning objective of the site which seeks to protect and/or improve residential amenity, and Section 4 of the South Dublin County Council House Extension Design Guide (2010) which states that extensions should be designed to avoid an overbearing impact on adjoining properties. The retention of the existing family flat, if permitted, would set an undesirable precedent for similar substandard development elsewhere and would be contrary to proper planning and sustainable development of the area.

4. Planning History. S02A/0044 Governing permission for 745 dwellings.

5.1. National/Regional/Local Planning Policy

- The South Dublin County Development Plan 2022-2028. is the statutory development plan in the area where the proposed development for retention is located.
- Site is subject to zoning objective 'RES' -*To protect and/or improve residential amenity*', under the South Dublin County Development Plan 2022-2028.
- Section 6.8.2 Residential Extensions
- Policy H14: Residential Extensions 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).
- The South Dublin County Council House Extension Design Guide, 2010 are superseded by a document of the same name published in 2025.
- Policy QDP7: High Quality Design – Development General Promote and facilitate development which incorporates exemplary standards of high-quality, sustainable, and inclusive urban design, urban form, and architecture.

- *Policy QDP11: Materials, Colours and Textures Promote high-quality building finishes that are appropriate to context, durable and adhere to the principles of sustainability and energy efficiency.*
- *Policy H11: Privacy and Security Promote a high standard of privacy and security for existing and proposed dwellings through the design and layout of housing. Policy H14: Residential Extensions Support the extension of existing dwellings 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.*
- *Policy GI1: Overarching*
GI1 Objective 4: To require development to incorporate GI as an integral part of the design and layout concept for all development in the County including but not restricted to residential, commercial, and mixed use through the explicit identification of GI as part of a landscape plan, identifying environmental assets and including proposals which protect, manage, and enhance GI resources providing links to local and countywide GI networks.
- *Section 6.7.4 Internal Residential Accommodation*
Dwellings should be of sufficient size and sufficiently adaptable to enable people to live comfortably through different stages of their lives and changing household needs.

Chapter 12 Implementation & Monitoring

- *Section 12.4.2 Development Management and Green Infrastructure All development proposals shall be accompanied by a Green Infrastructure Plan, which will normally be submitted as part of the suite of Landscape Plans that are required for a development.*
- *Section 12.6.8 Residential Consolidation*

Extensions The design of residential extensions should have regard to the permitted pattern of development in the immediate area alongside the South Dublin County Council House Extension Design Guide (2010) or any superseding standards.

- *Family Flats (Section 12.6.8)*

A family flat is to provide semi-independent accommodation for an immediate family member (dependent of the main occupants of an existing dwellings). A family flat is not considered to represent an independent dwelling 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 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.*
- *The design of residential extensions should accord with the South Dublin County Council House Extension Guide (2010) or any superseding standards.*
- *Elements of Good Extension Design:*
 - *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’.*
- *Overbearing impact:*
 - *Locate extensions, particularly if higher than one storey, away from neighbouring property boundaries.*
 - *Use light coloured materials on elevations adjacent to neighbouring properties.*

House Extension Design Guide 2025

- Section 3.1.7 Built Form Principle (BFP) 1 – All Extensions and Alternations to Houses
- Respects the appearance and character of the house and subject streetscape/local area.
- Provide comfortable internal space and useful outside space.
- Consideration of external finishes, such as use of light-coloured materials on elevations adjacent to neighbouring properties.
- Consideration of remaining private amenity space.
- Section 2.3.4 Size Guidelines requires a minimum of 11sq.m for a 2 person on bed house or apartment.

5.2 Natural Heritage Designations

- South Dublin Bay and River Tolka Estuary SPA

6. The Appeal

6.1 First Party Appeal. *Grounds:*

- The applicant has submitted revised proposals to address reason for refusal no. 1 with specific reference to the requirements of Section 12.6.8 of the South Dublin County Development Plan.
- The applicant has submitted minor amendments to the site layout plan to provide 46.8sq.m of private open space to the rear of the property. While the minimum requirement is 50sq.m the applicant notes that a further 59sq.m of semi-private open space is provided to the front of the property in lieu of the shortfall of 3.2sq.m.
- In response to reason for refusal no. 3 the applicant notes that the structure containing the family flat has been on site for 12 years prior as a storage unit, is single storey with a low pitched roofline and does not constitute an untypical overbearing impact. The structure does not result in overshadowing or reduce the privacy of adjoining properties.
- The family flat extension is finished in a composite timber cladding and neutral roof sheeting typical of garden storage units.

6.2 P.A. Response

- The planning authority confirms its decision. The issues raised in the appeal have been covered in the Chief Executive Order.

7. EIA Screening

The proposed development is not a class for the purpose of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for screening determination refer to form one in appendix one of report.

8. AA Screening

I have considered the proposed development for retention in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located approximately 12km west of the South Dublin Bay and River Tolka Estuary SPA. The proposed development comprises retention of a family flat extension to the rear of an existing dwelling within an established housing area.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site.

The reason for this conclusion is as follows:

- Nature of works e.g. small scale and nature of the development
- Location-distance from nearest European site and lack of connections

I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

1.2. Assessment

- 1.2.1. I have examined the application details and all other documentation on file and I have inspected the site and have had regard to relevant local development plan policies and guidance.

1.2.2. I am satisfied the substantive issues arising from the grounds of this first party appeal relate to the following matters-

- Principle of Development/Compliance with Policy
- Private Open Space
- Impact on adjacent property at No. 20/22 Belfry Gardens

1.2.3. In addition to the above the following considerations are also relevant.

- Additional Considerations
 - Compliance with South Dublin House Extension Design Guide (2025)
 - Suitability of Accommodation
 - Retention of Rear Gateway Access

1.3. Principle of Development/Compliance with Policy

1.3.1. The site is subject to zoning objective 'RES' -*To protect and/or improve residential amenity*', under the South Dublin County Development Plan 2022-2028 (hereunder referred to as the plan). The development proposed for retention does not contravene the zoning objective for the site.

1.3.2. The proposal consists of the retention of a family flat extension and as such is subject to the provisions of section 12.6.8 of the Plan which identifies criteria required in order to constitute a family flat extension.

1.3.3. What follows is an assessment of the proposed development for retention against the "family flat extension" criteria outlined under section 12.6.8 of the plan.

1.3.4. ***The applicant shall be required to demonstrate that there is a genuine need for the family flat***

1.3.5. A letter from the applicants parents accompanies the planning application which states that they are aged 70 and 74 and have an urgent requirement for "*physical and emotional support*" and "*have no other property*".

- 1.3.6. A letter is also included from the applicant which confirms same and further states “*I have modified the rear extension of my house into a family flat to enable my aged parents to live close to me for providing them the necessary support in their advancing years*”.
- 1.3.7. The submitted letters from the applicant and her parents were sufficient for the Planning Authority to determine that a genuine need has been demonstrated. I have no reason to disagree with this assessment. The applicant has demonstrated a need for a family flat.
- 1.3.8. ***The overall area of a family flat should not generally exceed 50% of the floor area of the existing dwelling house;***
- 1.3.9. The proposed family flat has an internal floor area of 19.2sq.m which is significantly less than the floor area of the existing dwelling. The appeal states that the existing dwelling has a floor area of 117sq.m and as such the proposed family flat for retention represents 22% of the floor area of the overall dwelling. The family flat therefore, does not exceed 50% of the existing dwelling on site.
- 1.3.10. ***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;***
- 1.3.11. The applicant has submitted revised proposals to move the internal access door between the family flat proposed for retention and the main dwelling from the bathroom area of the flat to the kitchen area of the flat. In my opinion this is a policy compliant workable solution. The family flat is connected to the main dwelling via internal access door.
- 1.3.12. ***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;***
- 1.3.13. The external access door is located to the side of the dwelling and as such is in compliance with the above requirement.

1.3.14. ***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.***

1.3.15. The applicant has stated that the family flat proposed for retention will return to use as ancillary to the main dwelling when no longer required and will not be sold, conveyed or leased separately from the main residence. If the Board are of the opinion that permission should be granted in this instance an appropriate condition can be attached in this regard.

1.4. Private Open Space

1.4.1. The existing dwelling and family flat unit proposed for retention will result in 4 bedrooms. The applicant has submitted proposals to provide 46.8sq.m of private open space and states that there is a further 59.7 sq.m of semi-private open space to the front and side of the existing dwelling.

1.4.2. Table 12.20 "*Minimum Standards for Housing*" of the plan requires a minimum provision of 70sq.m of private open space for a dwelling with 4 or more bedrooms.

1.4.3. SPPR 2 of the Sustainable and Compact Settlement Guidelines states that "*it is a specific planning policy requirement of these Guidelines that proposals for new houses meet the following minimum private open space standards: (1 bed house 20 sq.m, 2 bed house 30 sq.m, 3 bed house 40 sq.m, 4 bed + house 50 sq.m.)*"

"A further reduction below the minimum standard may be considered acceptable where an equivalent amount of high quality semi-private open space is provided in lieu of the private open space, subject to at least 50 percent of the area being provided as private open space. The planning authority should be satisfied that the compensatory semi-private open space will provide a high standard of amenity for all users and that it is well integrated and accessible to the housing units it serves".

1.4.4. On the issue of private open space provision I note that the Planning Authority referenced SPPR 2 of the Guidelines in their second reason for refusal. I note that SPPR 2 refers to "*proposals for new houses*". The proposed development consists of

an extension to an existing dwelling and as such the extent to which SPPR 2 is applicable is questionable.

- 1.4.5. The provision of 46.8sq.m of private open space to the rear of the dwelling and a further 59.7 sq.m of semi-private open space to the front and side of the existing dwelling is considered to be broadly in accordance with the requirements of SPPR2.
- 1.4.6. However, the extent of private open space (46.8sq.m) falls significantly short of Development Plan requirements (70sq.m) and a refusal of permission is warranted on this basis.

1.5. Impact on adjacent property at No. 20/22 Belfry Gardens

- 1.5.1. The third reason for refusal refers to Section 4 of the South Dublin County Council House Extension Design Guide (2010) which states that extensions should be designed to avoid an overbearing impact on adjoining properties.
- 1.5.2. The planners report notes that: *“the submitted site layout plan confirms that, if permitted, the adjoining property at No.20/22 Belfry Gardens would have development of between 3.3m to 3.6m in height (setback between 0mm to 350mm) running along almost the entire length of its rear garden boundary on its eastern side”*.
- 1.5.3. The applicant has stated that the family flat was a former garden storage unit which has been on site for 12 years, recently extended to join the main dwelling and converted to habitable use. The subject structure is typical of that of a standard garden storage room and is single storey in nature with a low pitched roof.
- 1.5.4. The occurrence of a 3.6m in height extension to the rear of the property and a 3.3m garden shed along the length of the eastern boundary of property No.20/22 Belfry Gardens does not in my opinion, constitute an overbearing development.

1.6. Additional Considerations

- 1.6.1. ***Compliance with South Dublin House Extension Design Guide 2025***
- 1.6.2. The South Dublin House Extension Design Guide 2025 notes under Section 3.1.7 Built Form Principle (BFP) 1 – All Extensions and Alternations to Houses should:

- *Respects the appearance and character of the house and subject streetscape/local area.*
- *Provide comfortable internal space and useful outside space.*
- *Consider external finishes, such as use of light-coloured materials on elevations adjacent to neighbouring properties.*
- *Consider of remaining private amenity space.*

1.6.3. The design of the proposed family unit for retention consists of a former garden shed which has been attached to the side of an existing extension to the main dwelling on site. It has the general appearance of a temporary structure and fails to integrate with the existing dwelling on site in terms of appearance, form and finishing materials.

1.6.4. The proposed family unit for retention has an internal floor area of 19.2sq.m to house two people and includes provision of a bedroom, WC and kitchenette. In my opinion this does not constitute “*comfortable internal space*”.

1.6.5. It is my opinion that the proposed development is contrary to the provision of Section 3.1.7 Built Form Principle (BFP) 1 – All Extensions and Alternations to Houses of the South Dublin House Extension Design Guide and should be refused accordingly. The proposed development for retention fails to respect the appearance and character of the existing dwelling on site and fails to integrate with the existing dwelling on site in terms of its design, form and opposing finishing materials.

1.6.6. ***Suitability of Accommodation***

1.6.7. Section 12.6.7 of the County Plan deals specifically with Residential Standards and states that “*Designers should have regard to the standards set out in this Chapter, and details regarding room sizes, dimensions and overall floor areas when designing residential accommodation standards set out in the:*

- *Quality Housing for Sustainable Communities Guidelines, DEHLG (2007);*
- *The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), the companion Urban Design Manual – A Best Practice Guide, DEHLG (2009);*

- *Sustainable Urban Housing: Design Standards for New Apartments (2020)*”.

- 1.6.8. As stated above the proposed family unit for retention has an internal floor area of 19.2sq.m to house two people and includes provision of a bedroom, WC and kitchenette. The “Sustainable Urban Housing: Design Standards for New Apartments – Guidelines - Specific Planning Policy Requirement 3” identifies minimum floor area requirements for apartments as follows:
- Studio apartment (1 person) 37 sq.m
 - 1-bedroom apartment (2 persons) 45 sq.m
 - 2-bedroom apartment (4 persons) 73 sq.m
 - 3-bedroom apartment (5 persons) 90 sq.m
- 1.6.9. The floor area of the proposed family flat for retention falls significantly short of the minimum standards for a one person studio apartment.
- 1.6.10. Design standards for a double bedroom as stated in the *Quality Housing for Sustainable Communities Guidelines* requires a minimum width of 2.8m with a minimum floor area of 11.4sqm. The proposed bedroom for retention is 2.3m wide with a floor area of 8.1sq.m.
- 1.6.11. Section 2.3.4 of the House Extension Design Guide 2025 outlines minimum space requirements for room sizes and states a minimum site requirement of 11sq.m for a 2 person house/apartment.
- 1.6.12. Development plan policy states that “*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*”. While there is an assumption that family flats are reliant on the connection and amenities associated with main dwellings, achieving minimum standards in terms of living accommodation and room sizes should not be compromised.
- 1.6.13. The proposed development for retention fails to meet minimum standards in terms of living accommodation and room sizes, as such constitutes substandard accommodation and should be refused accordingly.

1.6.14. Retention of Rear Gateway Entrance

The proposed rear gateway access for retention provides access to the rear of the property from a public footpath and opens onto an area of on-street parking. The nearest dwelling (no.2 Belfry Way) is set back sufficiently to ensure minimal impact in terms of residential amenity.

1.7. Recommendation

- 1.7.1. Having considered the contents of the application, the provisions of the Development Plan, grounds of appeal and my assessment of the planning issues, I recommend a split decision in this case, (a) granting planning permission for retention of the rear gateway entrance b) refusing permission for the retention of the family flat extension.

Reasons & Considerations (a)

Having regard to the provisions of the development plan, the scale, design and location of the proposal for retention, it is considered that, subject to the conditions set out below, the rear gateway entrance would not impact negatively on the amenities of the area and would therefore, be in accordance with the proper planning and sustainable development of the area.

1. The rear gateway access from the garden to the public footpath shall be retained in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

Reasons & Considerations (b)

Having regard to the scale, design, finishing materials and location of the proposed family flat for retention and in consideration of Section 2.3.4 and Section 3.17 of the House Extension Design Guide 2025, it is considered that the proposed family flat

for retention would result in substandard living accommodation and should be refused for the following reasons:

1. *The proposed family flat for retention, is contrary to the provision of Section 2.3.4 of the South Dublin House Extension Design Guide (2025) by reason of its design, scale, and finishing materials. The proposed development for retention fails to integrate with the existing dwelling on site, is out of character with the existing residential properties in the vicinity and would set a precedent for further inappropriate development in the vicinity of the site. The proposed development would, therefore, seriously injure the visual amenities of the area and be contrary to the proper planning and sustainable development of the area.*
2. *The proposed family flat for retention is contrary to Section 12.6.7 of the South Dublin County Development Plan 2022-2028 and Section 3.17 of the House Extension Design Guide 2025 as it fails to achieve minimum residential development standards with regards to space provision and room sizes for dwellings. The proposed family flat for retention would result in substandard accommodation and would be contrary to the proper planning and sustainable development of the area.*
3. *The proposed family flat for retention is contrary to Table 12.20 “Minimum Standards for Housing” of the South Dublin County Development Plan 2022-2028 as it fails to provide a minimum of 70sq.m of private open space for a dwelling with 4 or more bedrooms. The proposed family flat for retention would result in substandard private open space provision 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.

Ian Doyle

Planning Inspector

Date 08/04/2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-321410-24		
Proposed Development Summary	<i>Retention of existing family flat extension and rear gateway access</i>		
Development Address	<i>24 Belfry Gardens, Citywest, Co. Dublin D24 H9W8</i>		
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	Tick if relevant. 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)?			
Yes	Tick/or leave blank	Not a Class	Proceed to Q3.
No	x		Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	Tick/or leave blank	State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
No	Tick/or leave blank		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	Tick/or leave blank	State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.	Preliminary examination required (Form 2)
5. Has Schedule 7A information been submitted?			
No	Tick/or leave blank	Screening determination remains as above (Q1 to Q4)	

Yes	Tick/or leave blank	Screening Determination required
------------	---------------------	---

Inspector: _____ Date: 08/05/2025