

Comhairle Chontae Atha Cliath Theas

PR/0914/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22B/0230 **Application Date:** 23-May-2022
Submission Type: New Application **Registration Date:** 23-May-2022

Correspondence Name and Address: Anthony O' Beirne Unit 7, Jamestown Industrial Centre, Inchicore, Dublin 8

Proposed Development: Retention of the extension of the existing single storey rear garage/out building to provide single storey residential accommodation accessible from the existing rear garden of the main house and through the existing access off the rear laneway. The residential accommodation is ancillary to the main house and used exclusively by the occupants of the main house for private family/residential use.

Location: 116, Palmerstown Avenue, Dublin 20

Applicant Name: Ciaran Sweeney

Application Type: Retention

(EW)

Description of Site and Surroundings:

Site Area: as stated on the application 0.027 Hectares.

Site Description:

The site is located on the southern side of Palmerstown Avenue in Palmerstown and contains a mid-terrace two-storey house. The streetscape of Palmerstown Avenue is characterised by terraced houses of similar form and appearance. The dwellings to either side of the subject property have two storey rear extensions constructed. The streetscape is characterised by a uniform building line and rear shed backland development.

Proposal:

- Retention** of the extension of the existing single storey rear garage/out building to provide single storey residential accommodation
- accessible from the existing rear garden of the main house and through the existing access off the rear laneway.
 - The residential accommodation is ancillary to the main house and used exclusively by the occupants of the main house for private family/residential use.

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Zoning:

The subject site is subject to zoning objective RES - 'To protect and/or improve Residential Amenity'.

Consultations:

Surface Water Drainage – No report received, subject to conditions.

Irish Water – No report received, subject to conditions.

Roads - No objections subject to conditions.

SEA Sensitivity Screening - No overlap indicated.

Submissions/Observations /Representations

No for subject site.

Relevant Planning History

SD13B/0254 – **Granted Permission** for extension of the existing rear extension and the construction of a first-floor rear extension to the existing dwelling inclusive of all necessary building and site works.

Adjacent Sites

SD19A/0133 - 88, Palmerstown Avenue, Dublin 20. **Refused Permission** for the construction of a single storey two-bedroom dwelling of 80sq.m to the rear of the garden with all associated site works.

Relevant Enforcement History

None traced to subject property.

Pre-Planning Consultation

None recorded for the subject site.

Relevant Policy in South Dublin County Council Development Plan 2016-2022

Section 2.4.0: Residential Consolidation – Infill, Backland, Subdivision & Corner Sites

Policy H17 Residential Consolidation

Policy H17 Objective 3:

To favourably consider proposals for the development of corner or wide garden sites within the curtilage of existing houses in established residential areas, subject to appropriate safeguards and standards identified in Chapter 11 Implementation.

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Section 11.2.7 Building Height

Section 11.3.1 Residential

Section 11.3.1 (iv) Dwelling Standards

Table 11.20: Minimum Space Standards for Houses

Section 11.3.1 (v) Privacy

Section 11.4.2 Car Parking Standards

Table 11.24 Maximum Parking Rates (Residential Development)

Section 11.4.4 Car Parking Design and Layout

Section 11.7.2 Energy Performance in New Buildings

Section 11.8.2 Appropriate Assessment

Policy H19 of the County Development Plan supports the provision of family flats where the Planning Authority is satisfied that there is a valid need for semi-independent accommodation for an immediate family member (such as an older parent or other dependent), subject to the design criteria in section 11.3.3 (ii) of the County Development Plan.

Relevant Government Guidelines

Project Ireland 2040 National Planning Framework, Government of Ireland, 2018.

Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government (2008).

Quality Housing for Sustainable Communities-Best Practice Guidelines, Department of the Environment, Heritage and Local Government, (2007).

Urban Design Manual; A Best Practice Guide, A Companion Document to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, Department of the Environment, Heritage and Local Government, (2008).

Design Manual for Urban Roads and Streets Department of the Environment, Community and Local Government and Department of Transport, Tourism and Sport (2013).

Regional Planning Guidelines for the Greater Dublin Area 2010-2022, Dublin Regional Authority & Mid-East Regional Authority, (2010).

Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities, Department of the Environment, Heritage and Local Government, (2009).

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The Planning System and Flood Risk Management - Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government & OPW, (2009).

Assessment

1. Zoning and Council Policy
1. Description of Development
2. Residential & Visual Amenity
3. Services & Drainage
4. Screening for Appropriate Assessment

Zoning and Council Policy

The site of the retained development is within zoning objective RES - 'To protect and/or improve Residential Amenity' under the current South Dublin County Council Development Plan 2016-2022.

The applicant has stated within their description of development that the proposal includes an 'extension of the existing single storey rear garage/out building to provide single storey residential accommodation'. Planning Authority also notes that the 'residential accommodation is ancillary to the main house and used exclusively by the occupants of the main house for private family/residential use has been applied for within the statutory notices and will be assessed primarily as a family flat as intended.

That being said, the Planning Authority notes that the subject development could also function as a self-sufficient dwelling unit, however considering the information contained on the public notices and the submitted application form, it has not been assessed as such.

Policy on Family Flats

Policy H19 of the County Development Plan supports the provision of family flats where the Planning Authority is satisfied that there is a valid need for semi-independent accommodation for an immediate family member (such as an older parent or other dependent), subject to the design criteria in section 11.3.3 (ii) of the County Development Plan. Section 11.3.3 (ii) of the County Development Plan outlines four criteria to consider in the assessment of applications for family flats. The criteria are addressed below, along with an assessment of the proposed development.

(1) The applicant shall be required to demonstrate that there is a genuine need for the family accommodation.

The applicant has not submitted any evidence to demonstrate that there is a genuine need for the family flat and therefore has not demonstrated compliance in this regard.

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(2) The overall area of a family flat should not exceed 50% of the floor area of the main dwelling house.

The gross floor area of the proposed development (family flat 67.2sq.m) and is more than half of the gross floor area of the main dwelling (120sq.m) this **does not qualify** with the required criteria.

(3) The family flat should be directly accessible from the main dwelling via an internal access door; and

The proposed development would be independently accessed by its own front door from the northern boundary wall in the rear garden of the existing property and would not have linked access to the main house. This **does not qualify** with the required criteria.

(4) The design criteria for dwelling extensions will be applied.

Having regard to Policy H19 of the County Development Plan and the design criteria set out in section 11.3.3 (ii) of the County Development Plan, it is considered that the retention of the existing ancillary accommodation does not comply with the requirements of the development plan and is therefore considered to be unacceptable.

Residential & Visual Amenity

It is noted that the pattern of development in rear gardens along Palmerstown Avenue consists of garages/sheds which adjoin the lane running to the rear of the dwellings. The dwelling to the west has a garage with depth of approx. 5.8.m and the dwelling to the east has garage with depth of approx. 5m. Notwithstanding this, the development subject of this application for retention is substantially greater in depth than the adjoining structures. Accordingly, it is considered that by virtue of its scale at 67.2sq.m and overall depth of 10.5m along both the eastern and western neighbouring boundaries that the development has a negative impact on the residential amenity of dwellings to the east and west. It is therefore considered that permission for retention should be refused.

Services & Drainage

Irish Water and surface water drainage have not submitted reports.

Screening for Appropriate Assessment

The subject site is not located within nor within close proximity to a European site. The proposed retained development is located within an established residential area and comprises of a rear garage development.

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Having regard to:

- the small scale and domestic nature of the development,
- the location of the development in a serviced urban area, and
- the consequent absence of a pathway to the European site,

it is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

Environmental Impact Assessment

Having regard to the modest nature of the development, and the distance of the site from nearby sensitive receptors, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

Development Contributions

Retention of Shed: 49.5sq.m

Assessable area: 49.5 sq.m

SEA Monitoring

Building Use Type Proposed: Residential extension.

Floor Area: 49.5sq.m (Retention of Outhouse Residential Accommodation).

Land Type: Brownfield/Urban Consolidation

Site Area: 0.027 Hectares.

Conclusion

The Planning Authority considers that the rear structure for retention is insufficient with criteria in section 11.3.3 (ii) of the County Development Plan. Section 11.3.3 (ii) of the County Development Plan outlines four criteria to consider in the assessment of applications for family flats, the 'Family Accommodation' for retention would contravene all four and the zoning objective 'RES' for the area which seeks 'to protect/and or improve residential amenity' in the South Dublin County Council Development Plan 2016 - 2022 and would be contrary to the proper planning and sustainable development of the area and should therefore be refused.

Recommendation

I recommend that a decision to Refuse Permission for Retention be made under the Planning & Development Act, 2000 (as amended) for the reasons set out in the Schedule hereto:-

SCHEDULE

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REASON(S)

1. Having regard to the design and internal layout of the subject residential unit, it is considered that the development would not comply with the Housing Policy 19 Family Flats and Section 11.3.3 (ii) of the South Dublin County Council Development Plan 2016-2022. In addition, it is considered that the extension of the shed, as carried out, is excessive in scale and massing and therefore results in an overbearing relationship on the residential amenities of the neighbouring properties. The subject development would, therefore, seriously injure the amenities of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

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REG. REF. SD22B/0230

LOCATION: 116, Palmerstown Avenue, Dublin 20

Colm Harte

**Colm Harte,
Senior Executive Planner**

ORDER: A decision pursuant to Section 34(1) of the Planning & Development Act 2000 (as amended) to Refuse Permission for Retention for the above proposal for the reasons set out above is hereby made.

Date:

18/7/22



Eoin Burke, Senior Planner