

ANTHONY O'BEIRNE & ASSOCIATES
ARCHITECTS & PLANNING CONSULTANTS

UNIT 7 JAMESTOWN INDUSTRIAL CENTRE
INCHICORE DUBLIN 8 D08 T6CT
Email; tobarch@gmail.com

THE SECRETARY
AN BORD PLEANALA
64 MARLBOROUGH ST.
DUBLIN 1

5th. AUGUST 2022

PLANNING AUTHORITY; SOUTH DUBLIN COUNTY COUNCIL
PLANNING REF. NO; SD22B/0230
LOCATION; 116 PALMERSTOWN AVENUE, DUBLIN 20
DECISION DATE; 18th. JULY 2022
APPLICANT; CIARAN SWEENEY
PROPOSAL; RETENTION OF THE EXTENSION OF THE
EXISTING SINGLE-STOREY REAR
GARAGE/OUT BUILDING TO PROVIDE
SINGLE STOREY RESIDENTIAL
ACCOMODATION ACCESSIBLE FROM
THE EXISTING REAR GARDEN OF THE
MAIN HOUSE AND THROUGH THE
EXISTING ACCESS OFF THE REAR
LANEWAY. THE RESIDENTIAL ACCOMO
-DATION IS ANCILLARY TO THE MAIN
HOUSE AND USED EXCLUSIVELY BY THE
OCCUPANTS OF THE MAIN HOUSE FOR
PRIVATE/RESIDENTIAL USE.

**1 st. PARTY APPEAL BY APPLICANT AGAINST PLANNING DECISION
BY SOUTH DUBLIN COUNTY COUNCIL TO REFUSE PERMISSION FOR
THE ABOVE**

Dear Sirs,

On behalf of the Applicant, Ciaran Sweeney, I submit an Appeal to An Bord
Pleanala against the above decision by South Dublin County Council
Planning Dept. to refuse a RETENTION PERMISSION for a modest

| | |
|-------------------------|----------------------|
| AN BORD PLEANÁLA | |
| Ref: <u>056162-22</u> | |
| 12 AUG 2022 | |
| Fee: € <u>660</u> | Type: <u>Carrel.</u> |
| Time: _____ | By: _____ |

development the Applicant has undertaken at his family home, namely the extension/conversion of an existing single storey garage/out-building to the rear of his property to provide much needed additional residential space to supplement his existing house. It has been made very clear in this application that this area was never intended to be a "stand-alone" independent unit but is entirely ancillary to and supported by the main house.

It may be viewed that the private garden offers a degree of separation to this area and indeed the term "semi-independent" (used throughout the SDCC Development Plan) seems a reasonable description - the reality is that this area is used in every-day conjunction with the house offering the Applicant's mother-in-law and his own young family choice, privacy and flexibility, all within the single residential use of the site.

The sole reason that the Planning Authority have refused permission for the development is that the Development does not comply with Housing Policy No. 19 of their Development Plan and also in connection with layout details which they claim does not comply with Section 11.3.3 (ii) of SDCC Development Plan.

They also reach to the rather baffling conclusion that this single storey area is excessive in scale and massing and therefore results in an overbearing relationship on the residential amenities of the neighbouring properties.

In the course of this Appeal I intend to show that such an assessment for this modest, well-considered, restrained development is extremely hard to justify.

Regarding the above 2 specific issues from the SDCC Development Plan I will be proposing that these have been interpreted by the Planning Dept. in a very narrow way - and that looking at these sections in more detail (and the stated intention behind them) this refusal seems extremely hard to fathom.

Indeed I feel a balanced assessment of this development has been compromised because of the difficulty in categorising it. It is not really a "family flat" (as defined in the Development Plan). Not is it a "house" in the well understood definition, Neither is it an "extension" as such and I believe it has been assessment based on criteria designed for the above prototypes. But just because something doesn't fit tidily into a tidy box doesn't mean it should not be evaluated on its own merits with an open mind, provided it is a well-considered development, of a high standard of residential amenity, which this most certainly is.

Please note that where SDCC Dev. Plan is referred to, this is the current South Dublin County Council Development Plan 2016-2022.

I hereby include my GROUND OF APPEAL as follows;

1. SDCC DEV PLAN; HOUSING POLICY NO. 19; FAMILY FLATS

In principal, it is the underlying written policy of SDCC Planning dept. to support such development. Policy No. 19 clearly states;

"It is the policy of the council to support family flat development subject to the protection of residential and visual amenities."

The stated objective being to;

" To favourably consider family flat development where the council is satisfied that there is a valid need for semi-independent accommodation for an immediate family member (such as older parent or other dependent), subject to the design criteria outlined in Chapter 11 implementation."

I do accept that the planning application could have provided more detail on the particular circumstance of the valid need of this development. I take this opportunity to clarify the situation as follows;

The applicant's mother in law, a widow that retired a number of years ago from St. James's Hospital, has become unable to live independently. Therefore the applicant and his wife intend to make this space available permanently to this lady in order to afford her the respect and dignity of living semi-independently, albeit under the care of the applicant and his family. This plan is both enthusiastically and financially preferable to the applicant's family as the financial burdens associated with the alternatives are ones they simply cannot undertake in the cost of living crisis we now find ourselves in.

This proposal means that the applicants family can maintain their own home whilst still affording his mother-in-law a degree of independence and privacy, under their care, whilst nurturing her relationship with her daughter and grand-children. Furthermore, this arrangement allows the applicants family to maintain their current home without having to seek further costly extensions.

2. SDCC DEV PLAN; SECTION 11.3.3 9 (ii)

The Planning Dept have stated that the development does not comply with the above section of the SDCC Dev. Plan.

Before addressing the detail of this section, I wish to look at some of the wider standards quoted, for instance in the previous section (Section 11.3.1 (iv) Dwelling Standards.

Here, it is interesting to note that guideline standards for the minimum space standards for Houses are stated. Even allowing for the fact that the development in question is not a "house" (as in "stand alone" house) but rather a residential area ancillary to a main, supporting house, the minimum area standard quoted is 50sq m. The unit in question here is 43 sq. metres - hardly a huge shortfall (when compared to a "stand alone" independent house).

Similarly the area of private outdoor space recommended is 48 sq. m. The family garden here is 64 sq. metres, comfortably above this, whilst accepting that it is shared with the main house.

Admittedly these standards are for a one-bedroomed house (but an independent one). Nevertheless I'm just trying to illustrate that even allowing for this, the facility provided - modest as it is - is far from defeciant in floor area terms.

Section 11.3.2. (ii). States " *dwellings should generally be designed and sited to match the building line and respond to the roof profile of adjoining dwellings*"

Drawing No. 202204/05 (Rear Elevation) shows the rear elevation of the single storey building in the context of other single-storey buildings on the lane. The above guidelines re building line and roof profile have been followed exactly in line with this advice.

Section 11. 3.2 (iii) Backland Development states " *Development that is in close proximity to adjoining residential properties should be limited to a single storey, to reduce overshadowing and overlooking.*"

This is the case here, despite the Planning Depts. contention that the development somehow "results in an overbearing relationship with the adjoining properties" something that even on a casual inspection/walk down the rear laneway, one can see is not the case.

Regarding the specifics of **Section 11. 3. 3. (ii) Family Flat**. This is the section that the refusal specifically points to as problematic.

Firstly, this is not a "family flat", as defined in this section.

For instance it is not feasible for there to be a internal connecting door. It is true that this is a "semi-independent" unit and is also true that it shares much

of the same residential site amenity of the site. But just because something does not neatly fit into an exact defined description is not a reason to refuse it. I have heard such developments being described as a family “annexe”, a summer-house, granny-flat or garden-house. Whatever you want to call it, the fact is it has been constructed as a comfortable, well proportioned area of high residential amenity, ancillary to the main house.

3. DEHLG (2007) GUIDELINES; QUALITY HOUSING FOR SUSTAINABLE COMMUNITIES

Although not expressly referred to in the refusal Section 11. 3.3.1 (iv), in general Section 11.3 makes frequent reference to the planning guidelines contained in the Dept. of Environment, Heritage & Local Government; Quality Housing for Sustainable Communities (2007).

Again, accepting that this development is not a stand-alone house but supporting an existing house, nevertheless a quick checklist of the more salient points of the above guidelines makes a useful study

This is not intended to be an exhaustive checklist but a checklist of the more relevant points.

| DEHLG 2007 BEST PRACTICE GUIDE; QUALITY HOUSING FOR SUSTAINABLE COMMUNITIES | | | |
|--|----------------|----------|------------------------|
| TABLE 5.1: Space provision and room sizes for typical dwellings taken for 2 person house – one storey (figures in sq. metres) | | | |
| | Recommendation | Provided | Substantial Compliance |
| Gross Floor Area | 44 | 43 | ✓ |
| Aggregate living area | 23 | 18 | Marginally less |
| Aggregate bedroom Area | 11 | 15 | ✓ |
| Storage | 2 | 9.6 | ✓ |

I acknowledge that this is not exactly a "like-for-like" comparison (for example the storage area included in above (bikes, tools etc.) would also cater for the applicant's main house.

But in other internal design aspects substantial compliance with the guidelines is present such as the kitchen layout facilities and details Section 5.7.1 (Kitchen Facilities and Equipment) re. min. Length of worktop etc. and compliance with Table 5.2 (Minimum kitchen storage standards) is achieved.

| Table 5.2 | Required Kitchen storage Volume | Provided | Compliance |
|-----------|---------------------------------|----------|------------|
| | 1.7 | 2.0 | ✓ |

4. EXCESSIVE SCALE/MASSING

In the refusal the Planning Dept. seem to have jumped to the conclusion that in terms of scale & massing, this single-storey out-building results in an overbearing relationship on the residential amenities of neighbouring sites.

This bears no reality to any reasonable observation on site.

The original single storey garage/outbuilding had a pitched roof and this same roof profile was retained and continued, with its "footprint" extended within the applicants property (in his garden) by 3.4 metres, still leaving a rear garden of more than 63 sq. metres.

The floor level of the unit is 400mm *lower* than the garden level. The highest point of the ridge is 950 mm *lower* than the ridge on the existing single storey return of the main house.

This is in effect a single-storey outbuilding at the end of a garden with windows facing the main house.

In terms of its height, footprint and massing I would strongly refute that there is any form of overbearing development and it has a negligible impact on neighbouring properties. At no stage in the last decade has any of the neighbours made representations to either the council or the applicant himself in connection with this extremely modest development in the rear garden and the suggestion that this is somehow causing serious injury to the residential amenities of property in the vicinity is nothing short of laughable.

5. OVERBEARING IMPACT ON NEIGHBOURS/SDCC DESIGN GUIDE

It is interesting to ask the question what does SDCC Planning Dept. itself define *overbearing impact* on neighbouring property as, in its own advice?

The most precise definition of this can be found in the **South Dublin Co Council Planning Dept. – House Extension Design Guide** itself (Section 4 - page 12). This offers its own highly detailed definition at what constitutes *overbearing impact* on neighbouring properties.

The examples shown are almost exclusively shown to be restricted to development to the rear of houses comprising two-storey design. Certainly a development of this nature, being of single storey, constructed with a sunken floor level below garden level, does not bear any resemblance to the examples of overbearing impact shown in this guide.

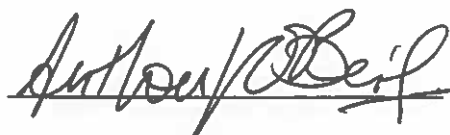
SUMMARY

We do accept that the said development is a little different and there may have been a difficulty in finding an exact fit in accessing it. Nevertheless the facility has been built to a high standard of thermal insulation and construction. As a residential amenity it is pleasantly proportioned with high ceilings and good natural ventilation.

There is no evidence that it has even the slightest “overbearing” impact on neighbours and it is hard to see how it has any wider detrimental effect on this residential neighbourhood. It is simply making use of the potential of this large site, fully within the established single-family, residential use.

I urge the board to overturn this planning refusal, given that the Applicant as a responsible citizen only wanted to do the right thing and regularise the planning status of this development, even though no enforcement proceedings have ever been instigated against it by anyone, since it was completed over 8 years ago.

Yours Sincerely,



ANTHONY O'BEIRNE
B.Arch Dip. P. Mgt. MRIAI

Appeal to An Bord Pleanala/Palm/01
PL. Reg. SD22B/0230