

Report to the Planning and Urban Form Strategic Policy Committee – November 2020

Ancillary Family Accommodation Item No. 7 on the Agenda

In advance of the debate on the next City Development Plan that the SPC would prepare a report on how in the interests of sustainable use of urban land people could use their attic space for accommodation purposes and provide ancillary accommodation/granny flats in their gardens that under existing regulations are severely curtailed"

Ancillary Family Accommodation

The current Dublin City Development Plan 2016-2022 sets out guidance regarding ancillary family accommodation in section 16.10.14 of the plan. Such accommodation is defined in the plan as an extension of a single dwelling unit to accommodate an immediate family member for a temporary period or where an immediate relative with a disability or illness may need to live in close proximity to their family. The clear intent of such accommodation is that it is normally intended to meet the needs of a vulnerable family member, or in certain instances, an immediate family member on a temporary basis.

Specific guidance is set out regarding such developments, including that the Planning Authority must be satisfied that:

- A valid case is made, including details of the relationship between the occupants of the main dwelling house and the proposed occupants of the ancillary accommodation.
- The proposed accommodation is not a separate detached unit and direct access is provided to the rest of the house.
- The accommodation being integral with the original family house shall remain as such when no longer occupied by a member of the family.

It is intended that the review of the current plan will commence in December this year. All existing development management policies will be considered and reviewed as part of this process.

Dublin City Council remain committed to ensuring that urban land is developed in a sustainable and efficient manner. Every year, the Planning Authority grants planning permission for a significant number of attached and detached houses in side/corner gardens, as well as dwellings located to the rear of the main dwelling on sites where safe independent external access and provision of private amenity space can be provided. This is particularly the case in the older residential suburbs of the city where there are appropriate opportunities for densification of the existing housing stock.

There have also been numerous applications granted for ancillary family accommodation, typically to the side of a house. In the assessment of these applications, the objective is to ensure that an acceptable level of residential amenity is provided for the proposed residential dwelling, and that the existing residential amenities of the principal dwelling on the site and adjoining dwellings are protected.

There will be a number of important factors to consider when the review of this existing policy takes place as part of the Development Plan review.

There has been growing pressure in recent years to facilitate the development of ancillary family accommodation in free standing dwellings or structures. Such proposals are often on landlocked sites, located to the rear or side of a house with no independent means of access. Such proposals can have negative impacts including the provision of dwellings with poor residential amenities and which detract from the amenities of adjoining residential properties.

This is particularly the case where such a proposal is located on a site that forms part of a narrow rear garden of variable length of terraced or semi-detached dwellings. Due to the narrow plot width and limited dimensions of the site, together with the close proximity of adjoining dwellings, it is difficult to comply with the most basic standards for dwellings including minimum room sizes and overall floor areas for a 1 or 2 bedroom unit. The quality of such ancillary accommodation is potentially further compromised by inadequate levels of daylight /sunlight due to close proximity to site boundaries and lack of sufficient private amenity space. A relaxation of these standards is very likely to result in the provision of small substandard dwellings.

Another critical issue to consider in many cases, is the lack of a safe and independent means of access from the public road to the dwelling, with access provided through the main house or via a narrow laneway at the side. This could have safety implications for future residents in the event of fire, as well as impacts on residential amenities of the main dwelling on site. Other issues such as the adequate provision of bin storage and car parking are also problematic and may have a negative impact on the adjoining residential street.

Such ancillary accommodation, if provided in a free standing independent structure can also have a very significant and detrimental impact on the residential amenities of adjoining residential properties. The Planning Enforcement team receive a significant number of

complaints annually relating to the erection of structures in rear gardens. A significant number of these complaints relate directly to the unauthorised use of these structures for habitable purposes. These complaints are usually from neighbours of adjoining properties who have experienced a loss of residential amenity as a result of the physical impact of these structures and their use as dwellings. In summary, the most common concerns raised by neighbours relate to the excessive scale and height of the structures in relation to the size of the gardens, increases in overshadowing and overlooking, and the intensification of use which inevitably results in a loss of privacy and higher levels of nuisance.

Finally and perhaps one of the most difficult aspects of such an accommodation typology is the difficulty in regulating its use when it is no longer required for a family member. Where such ancillary accommodation is not attached to the main dwelling unit and cannot be subsumed back into the original fabric of the main house when no longer occupied/required by a member of family, it could potentially be sold/leased or rented to a third party. It would be very difficult to regulate the sale/lease or rental of such an independent dwelling/structure or enforce against situations where it is occupied by a non-family member. This may result in a proliferation of substandard residential dwellings/structures that are not providing a function as ancillary family accommodation and that provide inadequate levels of amenity and privacy to future occupants.

These will all be important factors to consider when reviewing the wording of the existing policy and considering the implications of any relaxation on the existing standards. It is clear that a balance must be achieved between the sustainable use of urban land and the provision of appropriate and safe accommodation that meets the needs of vulnerable family members whilst protecting the amenity of existing and adjacent residents.

Attic Space

The current Development Plan does not provide specific guidance regarding attic conversions. It should be noted that the conversion of uninhabitable roof space into habitable accommodation requires full adherence with statutory building regulations. Part A (Structure), Part B (Fire), Part F (Ventilation), Part K (stairs) and Part L (Energy) are of particular relevance to attic conversions. In many instances, it is not possible to convert attic space to habitable accommodation due to inadequate floor to ceiling height. It is a requirement that this be no less than 2.4 metres for half the area of the room measured on a plane 1.5 metres above the floor level. Adequate access that complies with fire regulations can also be problematic. Building regulations are a separate statutory code, and cannot be relaxed or amended through guidance set out in a Development Plan.

It is acknowledged that attic conversions can be facilitated by the installation of a dormer. Appendix 17.11 of the Development Plan sets out guidance regarding roof extensions including that dormer extensions are subordinate to the main roof i.e. that they are in proportion to the roof and do not visually dominate. A relaxation of this standard could result in the proliferation of oversized dormer windows which could have consequent negative impacts to adjoining dwellings in terms of visual impact and overlooking.

In instances where houses have adequate height to provide habitable accommodation this is generally provided by an appropriately scaled dormer which respects the main roof profile. It is noted that in some instances, applicants seek to raise the ridge height of the roof in order to achieve greater internal height. Difficulties with this unilateral approach is that it can result in a highly incongruous structure out of keeping with its neighbouring properties and lead to

a fractured and inconsistent streetscape. This matter would need to be considered when reviewing the existing policy regarding roof extensions.

Habitable accommodation in attic spaces can also in some instances be served by skylight windows. In some instances, particularly in conservation areas, there are concerns regarding the visual impact of such windows particularly when they are located on the front roof plane of the house or where they are the sole means of providing daylight and ventilation to the habitable accommodation. It is envisaged that further guidance on this matter may be considered in the review of the plan.

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