



Report on amending City Development Plan policy on Ancillary Family Accommodation

Background

At the November Planning and Property Development SPC the following revised motion from Cllr John Lyons was discussed:

'Motion as revised (including proposed amendment / deletions)

'To amend Section 16.10.14 of the Dublin City Development Plan, namely the Ancillary Family Accommodation section which deals with providing a member of the immediate family with temporary accommodation,

*To remove the following provision "**That the proposed accommodation is not a separate detached dwelling unit, and direct access is provided to the rest of the house**"*

and replace with

'The proposed accommodation can be either an attached dwelling unit with direct access provided, or a free standing structure to the rear or side of the main family dwelling.'

The Planning and Property Development SPC agreed that a report be brought to the City Council Meeting on the matter.

Report

In accordance with one of the core strategies of the Dublin City Development Plan to “create sustainable neighbourhoods and communities”, the Planning Authority is committed to making the most efficient use of land in older residential suburbs while adding to the city’s housing stock. In principle, there is no objection to the provision of **an attached dwelling unit** to the side of a family dwelling or to the rear of a family dwelling where safe independent and external access can be provided and subject to meeting minimum standards.

In this respect, 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 site. Permissions are also 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 site and adjoining dwellings are protected.

However, there is now growing demand to facilitate the development of free standing independent structures, sometimes referred to as “log cabins”, on landlocked sites i.e. to the rear of the main family dwelling, which do not comply with current development plan policy

and fail to meet development plan standards. There are genuine concerns that a major relaxation or variation of the policy / standards to facilitate the construction of free standing structures in rear gardens will result in the provision of dwellings with poor residential amenities and detract from the amenities of adjoining residential properties.

The greatest pressure for the development of “log cabins” is in the residential outer suburbs of the city, in particular in older housing estates. Typically, the site 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. A relaxation of these standards will result in the provision of small substandard dwellings. The quality of these small free standing units is further compromised by inadequate levels of daylight /sunlight due to close proximity to site boundaries and lack of sufficient private amenity space.

Furthermore, and a crucial matter in many cases, is the lack of a safe and independent means of access from the public road to the dwelling, with access through the main house. 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. More minor 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.

These free standing dwellings can also have a very significant and detrimental impact on the residential amenities of adjoining residential properties. These impacts are highlighted in the 175 complaints which have been received by Planning Enforcement in the past 3-4 years which directly relate to the erection of structures in rear gardens. A significant number of these complaints related 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.

Conclusion

In summary, having regard to the serious shortfall in the supply of affordable housing, the Planning Authority will continue to take a flexible approach in assessing applications for the provision of ancillary family accommodation. It will also give more favourable consideration to proposals for free standing structures to the rear of the main family dwelling, subject to the provision of independent external access and to safeguarding the residential amenities of adjoining dwellings. However, it cannot support the provision of free standing dwellings where access is only available through the main family dwelling on site and where the structure is likely to injure or detract from the residential amenities of adjoining dwellings.

Recommendation

While the Planning Authority will continue to take a flexible approach to the provision of ancillary family accommodation in view of the serious shortage of affordable housing, it does not support the proposed Motion to amend Section 16.10.14 of the Dublin City Development Plan, namely the Ancillary Family Accommodation section, and does not support the initiation of the variation process to amend the City Development Plan.

Richard Shakespeare
Assistant Chief Executive

Dated : 23/01/2019