



An
Bord
Pleanála

Inspector's Report ABP-305715-19

Development	Change of use from garage to family flat. Retention of internal stairs in permitted extension under P.A. Ref. 17/496 and removal of first floor internal link from extension into dwelling.
Location	71 Hillside, Greystones, Co. Wicklow.
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	19/749
Applicant(s)	Pat Rice
Type of Application	Retention
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Party
Observer(s)	None.
Date of Site Inspection	11 th December 2019
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. Number 71 Hillside, Greystones comprises a large, detached, two-storey house with a stated floor area of 229 sq m located on the north east, corner, junction site of a residential street that encloses a public open space area. The house has been extended and from the front/ west it appear as an attached pair of units presently a somewhat unusual appearance. The front of the house faces west and vehicular access to the street is also to the west; the street to the southern side provides access to another estate road that eventually joins the public road network onto the Bellevue Road. The subject site/ Hillside is located approximately 0.7 km to the west of Greystones Town Centre.
- 1.2. The subject site is relatively large at 0.0541 hectares, though the sense of spaciousness is not evident as the house has been extended to the side and a shed/ outdoor room has been provided within the rear garden. A front garden also allows for off-street car parking.
- 1.3. The site and street to the front slopes downwards from south to north. The footpath to the side/ south is at a higher level than the ground level within the site. The rear boundary along the side behind the rear building line consists of a plastered wall with additional screening provided by mature conifers/ hedging. The side/ front boundary consists of a low red brick wall with irregular hedging providing for screening.

2.0 Proposed Development

- 2.1. The proposed development consists of:
 - Retention of internal stairs within the extension permitted under P.A. Ref. 17/496.
 - Removal of first floor internal link from the extension into main body of the house through a bathroom.
 - Permission for the use of 45 sq m of extension for independent living unit with all associated site works. This to provide for a living/ kitchen area at ground floor and a bedroom with annexe at first floor. A toilet/ shower room will also be provided at first floor level. Independent access will be available to the southern side of the house.

- No additional floor area is proposed and no external alterations to the structure are stated in the public notices.

3.0 **Planning Authority Decision**

3.1. **Decision**

The Planning Authority decided to refuse permission following the receipt of further information for a single reason which in summary was due to the submitted information not adequately demonstrating that the applicant complied with the requirements of the Wicklow County Development Plan 2016 – 2022 in relation to granny flats/ family units. The applicant did not demonstrate a need for the unit, the use has not been demonstrated to be for a temporary period of time, the unit was not sufficiently integrated with the main house and it was not clear that it could be functionally integrated into the main house should its temporary use cease. Permitting the development would set a precedent for additional units with a shortfall in car parking and private amenity space.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

The PA Case Officer in their initial report recommended a grant of permission subject to conditions. The Senior Engineer noted this recommendation but sought further information that required the applicant to demonstrate that the unit was for a temporary period only. On receipt of the further information response, permission was recommended for refusal as the submitted response was not acceptable.

3.2.2. **Other Technical Reports**

Senior Engineer Roads: No observations to make.

3.2.3. **Prescribed Bodies**

Irish Water: No objection subject to recommended condition.

4.0 Planning History

P.A. Ref. 17/496 refers to a September 2017 decision to grant permission for the demolition of a single storey detached garage to the side of no. 71 Hillside, Greystones, the appeal site, and for the construction of a new two storey side extension to the existing detached house, converting the house from a 4 bedroom to 5 bedroom house with internal alterations to ground and first floor levels. In addition, elevational changes and all associated site and drainage works to the site. Retention permission was also sought for detached 24 sqm store structure located in rear garden.

I note that **P.A. Ref. UD4997C** refers to a May 2019 Warning Letter. This refers to non-compliance with conditions under P.A. Ref. 17/496 and the use of the extension as an independent residential unit.

5.0 Policy and Context

5.1. Development Plan

5.1.1. Greystones – Delgany and Kilcoole is designated a Level 3 – Large Growth Towns II within the Wicklow Development Plan Hierarchy as per the **Wicklow County Development Plan 2016 – 2022**. The following are relevant:

- **Chapter 4 – Housing**

Existing Residential Areas

HD9 In areas zoned / designated ‘existing residential’, house improvements, alterations and extensions and appropriate infill residential development in accordance with principles of good design and protection of existing residential amenity will normally be permitted (other than on lands permitted or designated as open space, see Objective HD11 below). While new developments shall have regard to the protection of the residential and architectural amenities of houses in the immediate environs, alternative and contemporary designs shall be encouraged (including alternative materials, heights and building forms), to provide for visual diversity.

HD10 In existing residential areas, infill development shall generally be at a density that respects the established character of the area in which it is located, subject to

the protection of the residential amenity of adjoining properties. However, where previously unserved, low density housing areas become served by mains water services, consideration will be given to densities above the prevailing density, subject to adherence to normal siting and design criteria.

- **Volume 3- CDP Appendices**

Development and Design Standards:

House Extensions: In summary extensions to existing houses will be encouraged as it provides a useful method of expanding living space rather than building a new structure. As there are many ways to extend a house, it is not possible to set out a standard that can be applied to all extension types, but a number of listed basis considerations are provided.

The following section is most relevant to this appeal:

Independent living units ('Granny-flats')

A 'granny flat' or 'independent living unit' is a separate living unit on an existing house site, used to accommodate a member of the immediate family, often an elderly parent, for a temporary period. The construction or conversion of part of an existing dwelling into a 'family flat' will only be permitted where the development complies with the following requirements:

- *The need for the unit has been justified and is for the use of a close family member;*
- *The unit forms an integrated part of the structure of the main house – in exceptional circumstances, the conversion of an existing detached garage / store etc may be considered subject to the structure being in very close proximity to the main house;*
- *The unit is modest in size and in particular, it shall not exceed 45sqm and shall not have more than 1 bedroom;*
- *The unit shall not be sold or let as an independent living unit and the existing garden shall not be sub-divided;*
- *The structure must be capable of being functionally re-integrated into the main house when its usefulness has ceased. Permission for such units shall be restricted to a period of 7 years, after which it must revert to a use ancillary to the main house*

(e.g. garage, store, hobby room) unless permission has been secured for its continuation as an independent unit for another period.

- 5.1.2. Under the **Greystones – Delgany and Kilcoole Local Area Plan (LAP) 2013 – 2019**, the subject site is zoned RE – Existing Residential and which seeks *‘To protect, provide for and improve residential amenities of adjoining properties and areas while allowing for infill residential development that reflects the established character of the area in which it is located’.*

5.2. Natural Heritage Designations

None.

6.0 The Appeal

6.1. Grounds of Appeal

The applicant has appealed the decision of the Planning Authority and have engaged the services of Vincent JP Farry and Co Ltd – Planning and Development Consultants to prepare the appeal. The following comments are made:

- Wicklow County Council granted permission for the extension to this house under P.A. Ref. 17/496, providing for a five-bedroom house on this site.
- The family circumstances have changed, and the applicant wishes to accommodate his stepdaughter within his home.
- The appeal notes that the Wicklow County Development Plan 2016 – 2022 allows for family flats.
- No environmental harm would come from this development and it unclear what adverse effects could arise.
- Family flats are not independent units but form part of the host unit and share facilities such as private amenity space.
- Reference to limited numbers of people who can avail of a family flat.
- Identified need for this family flat.

- Reference to other permitted family flats in the Greystones area.
- Questions the need to demonstrate that the unit is only for a defined period of time/ less than 7 years.
- Methods suggested as to how to reintegrate this family flat into the main body of the house when no longer required as a separate unit.

6.2. **Planning Authority Response**

- None.

7.0 **Assessment**

7.1. The main issues that arise for assessment in relation to this appeal can be addressed under the following headings:

- Principle and Nature of Development
- Design and Impact on the Character of the Area
- Other Matters
- Appropriate Assessment Screening

7.2. **Principle and Nature of Development**

7.2.1. The primary issue in this appeal is the acceptability of the use of the extension to no. 71 Hillside as a family flat. The Wicklow County Development Plan 2016 – 2022 very clearly sets out its Development and Design Standards for Independent living units ('Granny-flats') in Volume 3 – Appendix 1. However, I note that these are standards and are not objectives/ policies. The wording of the first paragraph can give rise to ambiguity as it implies that the unit can only be for one person, yet later references 'family flat' which implies a group of people.

7.2.2. I am satisfied that the unit forms part of the main body of the house, the floor area does not exceed 45 sq m and that only one bedroom can be provided. The unit does have an independent staircase, but this would not be unusual in such an extended house. There is a very clear internal link at ground floor level between the existing house and the family flat. An internal link could be provided at first floor

level but would require the reconfiguration of the floor plan layout with the loss of the bathroom in the existing house. It is clearly possible to re-integrate the family flat into the main house when no longer required. From the submitted details, car parking and private amenity space will be shared.

- 7.2.3. No detail has been provided in the Wicklow County Development Plan as to how an applicant is to justify their requirement for a family flat, there is no specified need to provide documentary evidence for example. Similarly, it is not outlined as to who can comply other than having to be a family member. From reading the PA Case Officers report dated 30th September 2019, I have concern that they have introduced requirements for such a unit that are not specified in the development plan. To say that 'the proposal would be contrary to the spirit of the objective' is of concern as I do not interpret the Development and Design Standards to be an objective. The Planning Authority appear to be extending the requirements for a family flat though these are not clearly stated. Generally, a family flat provides for temporary accommodation within or adjoining an existing house for an unspecified period of time. The Wicklow County Development Plan specifies a temporary period as 7 years, after which permission is required to extend for a further period. This is noted.
- 7.2.4. From the submitted details, I consider that the applicant has provided adequate information with regards to the requirement for a family flat. The applicant's stepdaughter proposes to live here, the unit is attached internally to the existing house and car parking/ open space can be shared. Independent access is available to the side of the extended house. Wicklow County Council permitted this house to be extended under P.A. Ref. 17/496 and so the principle/ design of extension has been accepted. I consider that the level of integration is good and that the use of the extension as an independent unit would not negatively impact on the amenity of the area. A defined temporary permission for a period of 7 years in accordance with the Wicklow County Development Plan is recommended. This will clearly indicate that the use is for a temporary period of time only.

7.3. **Design and Impact on the Character of the Area**

- 7.3.1. The alterations to the existing house as described in the public notices do not negatively impact on the visual or residential amenity of the area. These are internal

alterations that will not be noticeable from the outside and therefore do not impact on the character of the area.

- 7.3.2. Not mentioned in the public notices are alterations to the western, southern and eastern elevations of the extension to the existing house as indicated on Drawing no. 16024.EP.02 and 16024.EP.03. I note that the door to the extension from the southern elevation is relocated by 2 m to the east from its current position and that an additional window is provided in the rear/ east elevation. The front/ west elevation, ground floor window has been positioned in a more central location than originally permitted. These are minor alterations that do not impact on any third parties and which have no impact on the visual amenity of the area.

7.4. Other Matters

- 7.4.1. I note that the Senior Engineer Roads has no observations to make. From the site visit it was evident that off-street car parking was available, and I did not notice any issue regarding car parking in the area. This issue sometimes arises in the case of family flats where there may be a need for additional parking space.

7.5. Appropriate Assessment Screening

- 7.5.1. Having regard to the nature and scale of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on an European site.

8.0 Recommendation

- 8.1. I recommend that permission be granted subject to the following conditions and reasons.

9.0 Reasons and Considerations

- 9.1. Having regard to the nature, extent and design of the proposed development and the provisions of the Wicklow County Development Plan 2016 - 2022 and the Greystones – Delgany and Kilcoole Local Area Plan (LAP) 2013 – 2019, it is considered that, subject to compliance with the conditions set out below, the

proposed development would not seriously injure the residential or visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area. A temporary permission of 7 years in accordance with the Wicklow County Development Plan 2016 – 2022 and to clearly indicate that this unit is for a specified temporary period and is not a permanent independent dwelling.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 11th of July 2019 and as modified by further information received on the 17th of September 2019 except as may otherwise be required in order to comply with the following conditions.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The use of the independent living unit shall be ancillary to the use of the main house and shall be occupied only by a close family member of the occupants of the main house. The independent living unit shall not be sold or let as a separate living unit and the garden area shall not be subdivided. Within seven years of the date of this order, unless otherwise authorised by a separate grant of planning permission, the use of the independent living unit shall cease and revert to be an integrated part of the main house.</p> <p>Reason: To restrict the use of the extension in the interest of residential amenity.</p>
3.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>

Paul O'Brien
Planning Inspector

18th December 2019