



An
Bord
Pleanála

Board Direction
BD-004923-20
ABP-305463-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on January 15th 20120.

The Board decided to make a split decision, to

- (1) grant permission, for the following reasons and considerations and subject to the following conditions for construction of rear extension to existing dwelling house and retention of dwellinghouse and associated services on revised site boundaries

and

- (2) refuse permission for change of use of existing garage/store to granny flat

generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

(A) Grant of permission/retention

Reasons and Considerations

Having regard to the planning history of the subject site, to the pattern of development in the vicinity, it is considered that, subject to compliance with the

conditions set out below, the retention of the existing house and the proposed extension to this house would not seriously injure the residential amenities of adjoining property, would not be prejudicial to public health and would comply with the provisions of the current Development Plan for the area. The development for which retention is sought, and the proposed extension would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

- 1 The development shall be retained, and carried out, as applicable, in accordance with the plans and particulars lodged with the application, as amended by additional plans and particulars submitted to the planning authority on the 27th day of August 2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority within six months of the date of this order, or prior to the commencement of development of the proposed extension, as applicable, and the development shall be retained and carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:-

The northern window in the extension shall be omitted, and no window shall be provided in the north elevation of the proposed extension

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of construction of the extension.

Reason: To protect the residential amenity of adjoining property.

3. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

4. (a) The dwelling for which retention is sought, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter, unless consent is granted in writing by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. The applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect within three months of the date of this order.

(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the house for which retention is sought is used to meet the applicant's stated housing needs, having regard to the planning history of the subject site and the terms of previous planning permission register reference number 14/449, and to ensure that development in this rural

area is appropriately restricted in the interest of the proper planning and sustainable development of the area.

5. The existing wall along the northern site boundary shall be completed to a height of 1.8 metres and shall be capped, within six months of the date of this order.

Reason: To protect the residential amenity of adjoining property.

6. Standard financial contribution (unspecified), [*amend* “prior to commencement of development” to “shall be paid within six months of the date of this order unless, prior to that date, the financial contribution under condition number 16 of planning permission register reference number 14/449 has been paid.”]

(B) Refusal of permission

Reasons and Considerations

On the basis of the submissions made in connection with the planning application and appeal, and the site visit undertaken by the Board’s Inspector, it appears to the Board that the proposed change of use of the garage to use as a granny flat has already occurred. The structure in its current form is therefore unauthorised and, because the application as submitted to the planning authority was stated to be for the proposed change of use of this garage to use as a granny flat, and not for the retention of this change of use, it is therefore considered that it would be inappropriate for the Board to consider a grant of permission in such circumstances.

Board Member

Date: 16th January 2020

Philip Jones