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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Wicklow County Council**

**Planning Register Reference Number: 19/1301**

**Appeal** by Gemma Kinsella care of Lane Planning and Design of 34 Garden Village Crescent, Kilpedder, County Wicklow against the decision made on the 31<sup>st</sup> day of January, 2020 by Wicklow County Council in relation to an application for permission for retention of (1) the 71.51 square metres extension/s as constructed, to the rear of the existing dwelling (total area = 125.19 square metres), and (2) for the 36.60 square metres extension/s, as constructed, to the existing self-contained unit (total area = 64.67 square metres) at 100 Blacklion, Greystones, County Wicklow in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions permission for the retention of 71.51 square metres extension/s, as constructed, to the rear of the existing dwelling (total area = 125.19 square metres) and to refuse permission for the retention of the 36.60 square metres extension/s, as constructed, to the existing self-contained unit (total area = 64.67 square metres).

## **Decision**

**GRANT permission for retention of the 71.51 square metres extension/s, as constructed, to the rear of the existing dwelling (total area = 125.19 square metres) in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below.**

**REFUSE permission for retention of 36.60 square metres extension/s, as constructed, to the existing self-contained unit (total area = 64.67 square metres) based on the reasons and considerations marked (2) under.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations (1)**

Having regard to the location of the subject site within an established residential area, it is considered that the extension to the main dwelling, for which retention is sought, would comprise a reasonable addition to the residential accommodation on site, and, subject to compliance with the conditions set out below, would not be inconsistent with character of the area, would not seriously injure the residential amenities of adjoining properties, and would not, therefore, be contrary to the proper planning and sustainable development of the area.

## Conditions

1. The development shall be retained in accordance with the plans and particulars lodged with the application, insofar as it relates only to the retention of the extension to the rear of the existing main dwelling, except as may otherwise be required in order to comply with the following condition.

**Reason:** In the interest of clarity.

2. The existing dwelling and the extension hereby permitted 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.

## Reasons and Considerations (2)

Having regard to the provisions of the Wicklow County Development Plan 2016-2022 as it relates to the provision of “granny flats” and “independent living units”, and having regard to the nature and scale (in terms of floor area and number of bedrooms) of the existing self-contained unit on site, it is considered that the retention of the extensions to this unit would result in the creation of a separate habitable unit on the site that is not subsidiary to the main dwelling, would not accord with the development plan provisions for this form of development, does not provide for an acceptable level of residential amenity to its residents, and has reduced to an unacceptable degree the level of amenity of the main dwelling. The development for which retention is

sought would, therefore, be contrary to the provisions of the development plan, would seriously injure the residential amenities of the main dwelling and would be contrary to the proper planning and sustainable development of the area.

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**Philip Jones**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board**

**Dated this            day of            2020**