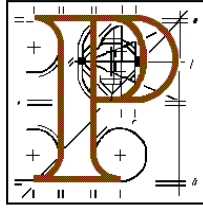


An Bord Pleanála



Inspector's Report

PL26.245609

DEVELOPMENT:- Retention of a car-port and change of use of existing domestic store to a habitable structure at Tinnock, Campile, New Ross, Co. Wexford.

PLANNING APPLICATION

Planning Authority: Wexford County Council
Planning Authority Reg. No: 20150679
Applicant: Mary & Peter Blease
Application Type: Permission
Planning Authority Decision: Grant

APPEAL

Appellant: Olivia Forrestal
Type of Appeal: 3rd-v-Grant
DATE OF SITE INSPECTION: 12th January 2016
Inspector: Colin McBride

1. SITE DESCRIPTION

- 1.1 The appeal site, which has a stated area of 0.41 hectares, is located just under 1km east of Camplie to the south west of Co. Wexford. The site is located in a rural area. The site is accessed over an existing laneway that serves a dwelling and associated farm buildings (Tinnock Stables to the south west). The site is located 600m south of the public road. Adjoining lands are agricultural lands and boundary treatment consists of trees/hedgerow along the south western and north eastern boundaries and a post and rail fence along the north western boundary.

2. PROPOSED DEVELOPMENT

- 2.1 Permission is sought for retention of a car port and change of use of a domestic store to a habitable structure. The car port has a floor area of 58.9square metres and a ridge height of 3.526m. The domestic store has a floor area of 80.46square metres and a ridge height of 6.415. The conversion to habitable use includes provision of a kitchen, sitting room and bathroom at ground floor level and a bedroom at first floor level with connection to the existing wastewater treatment system on site.

3. LOCAL AND EXTERNAL AUTHORITY REPORTS

3.1

- (a) Environment Section (20/07/15): No objection.
(b) Planning report (18/08/15): Further information required including details of the intended occupants of the proposed development.
(c) Planning report (09/09/15): It was considered that the proposed habitable use was consistent with development plan policy (Section 18.13.3). A grant of permission was recommended subject to the conditions outlined below.

4. DECISION OF THE PLANNING AUTHORITY

- 4.1 Permission granted subject to 4 conditions. Of note are the following conditions...

Condition no. 2: The habitable structure shall not be sold, let or otherwise disposed of, transferred or conveyed separately from the main dwelling unit save as part of a single dwelling unit.

5. PLANNING HISTORY

- 5.1 20120387: Permission granted for retention and completion following alterations to permission ref no. 20060550. Permission refused for a dwelling and associated site works with access from the same laneway providing access to the site.
- 5.2 20060550: Permission granted to Noel Forrestal for a dwelling, two outbuildings and associated site works.

6. PLANNING POLICY

- 6.1 The relevant plan is the Wexford County Development Plan 2013-2019.

Section 18.13.3 Self-contained residential unit for a family member policy.

The Council will consider the provision of self-contained residential unit for occupation by a family member. The self-contained unit should be connected to the main dwelling house and be designed so that it can be incorporated into the main dwelling house when its use as a self-contained unit is no longer required. The Council may consider the provision of a detached self-contained unit where the need for such a unit is demonstrated. The Council will require the following:

- Details of the need/occupant of the unit
- Need for a detached unit, where applicable
- The unit should not consist of more than a combined kitchen/dining/living area, a WC bathroom and no more than two bedrooms
- Vehicular access to the unit shall be shared with the main dwelling house
- Private open space shall be shared with the main dwelling house
- Required separation distances from wastewater treatment systems shall be achieved.

7. GROUNDS OF APPEAL

- 7.1 A third party appeal has been lodged by Olivia Forrestal, Tinnock Stables, Campile, New Ross. The grounds of appeal are as follows...
- The appellant owns lands adjacent to the site serviced by the same laneway serving the site.

- The appellant notes that the proposal for a habitable structure is contrary conditions attached to previous permission on site confining the garage/car port for non-human habitation and for a purpose incidental to enjoyment of the house. The appellant question why these conditions are now being undermined and note that the applicant would have been aware of such restrictions before they purchased the property.
- The appellant notes questions whether the additional loading on the wastewater treatment system can be adequately dealt with and also raises questions regarding whether there is appropriate separation distances between the habitable structure and the wastewater treatment system noting that there are conflicting layouts regarding the location of such system.
- The appellant is concerned regarding the impact of additional traffic on the narrow laneway serving the site and the appellant's lands.

8. RESPONSES

8.1 Response by the applicant Peter & Mary Blease, Tinnock, Camplie, New Ross, Co. Wexford.

- The applicants note that the domestic store was already configured as a habitable structure at the time they acquired the property and that they informed the Council they do not intend to let/sell such independently of the main dwelling. The applicants note that such a stipulation has been added to the grant of permission.
- It is noted that the wastewater treatment system on site is as permitted and was in-situ when the applicants acquired the property. It is noted that the wastewater treatment system has been inspected by both the building inspector and Council with no issues raised regarding such.
- It is intended to use the structure for visitors on an occasional basis and there should be no impact on the appellant in terms of traffic impact.

9. ASSESSMENT

9.1 Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

Principle of the proposed development/Development Plan policy
 Physical impact/traffic/wastewater treatment
 Other issues

9.2 Principle of the proposed development/development plan policy:

- 9.2.1 The proposal is for retention of a car port and retention of a change of use of a garage/domestic store to a habitable use. The car port is an ancillary structure to the existing dwelling and would be acceptable in principle. The change of use of the garage to habitable use is the main issue in the appeal. The applicants note that the structure was already converted when they acquired the property and note that they intend to use it as spillover accommodation for visiting family and friends and such is to remain ancillary to the main dwelling on site.
- 9.2.2 Section 18.13.3 of the County development Plan relates to 'self-contained residential unit for a family member policy'. This policy does allow for detached self-contained units on the provision that they have shared private open space with the main dwelling, share a vehicular entrance, have no more than one two-bedrooms and meet the required separation distances from wastewater treatment systems. The applicants intend to use the garage as overspill accommodation for guests and visitors. I am satisfied in this regard that the provision of such and principle of such would be consistent with development plan policy. I would also note that the design and configuration of the unit would also meet all criteria set down for such units. I would consider it appropriate to attach a condition confining use of such to ancillary accommodation for the main dwelling and that the structure shall not be sold, let or rented independent of the existing dwelling or used for any commercial or business purposes.

9.3 Physical impact/traffic/wastewater treatment:

- 9.3.1 The proposal entails retention of a car port adjacent the south western boundary of the site. In terms of overall design and scale, this structure is modest in size and ancillary to the use of the existing dwelling on site. Given its modest scale and proposed ancillary use I would consider that car port would have no significant impact at this location in regards to visual amenity or any significant impact on the amenities of adjoining properties.
- 9.3.2 In relation to retention of the change of use of the garage to habitable use, I would note that the structure itself was previously permitted under ref no. 20060550 and the only change made to the external appearance would be a larger window opening on the south western elevation. In terms of visual impact and external appearance the structure for retention is as per permission ref no. 20060550. In regards to impact the proposal is to be used as overspill accommodation for guests and visitors and has one bedroom. I would consider that the proposed use would not have significant implications in regards to generating additional loading on the existing wastewater treatment system (meets required separation distances under EPA Code of Practice) or generating significant additional traffic on the access laneway. I

would consider that permitting the proposal would have a negligible impact. As noted in the former section I would consider it appropriate to add a condition confining the use of the structure.

9.4. Other Issues:

9.4.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be unlikely to have a significant effect individually or in combination with other plans or projects on a European site.

RECOMMENDATION

I recommend a grant of permission subject to the following conditions.

REASONS AND CONSIDERATIONS

Having regard to nature and scale of the proposed development, the ancillary use of such to the existing dwelling on site and subject to the conditions set out below, the proposed development would be consistent with Development Plan policy, would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The structure subject to retention of change of use shall remain ancillary to the existing dwelling on site and shall not be sold, let or rented independent of the existing dwelling on site and shall not be used for any business/commercial/industrial use.

Reason: In the interests of orderly development.

3. Surface water from the site shall not be permitted to drain onto the public road or to neighbouring properties.

Reason: In the interest of orderly development.

Colin McBride
13th January 2016