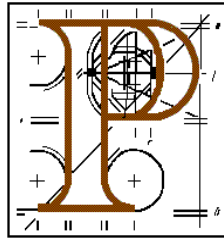


An Bord Pleanála



Inspector's Report

Development

Conversion of garage to granny flat at The Yard, Church Lane, Greystones, County Wicklow.

Planning Application

Planning Authority: Wicklow County Council
Planning Authority Register Reference: 15/1313
Applicant: D. Gorman & A. Bernardini
Type of Application: Permission
Planning Authority Decision: Refusal

Planning Appeal

Appellant(s): D. Gorman & A. Bernardini
Type of Appeal: First Party
Date of Site Inspection: 26th May, 2016

Inspector: Kevin Moore

1.0 APPLICATION DETAILS

- 1.1 There is a first party appeal by David Gorman and Allison Bernardini against a decision by Wicklow County Council to refuse permission for the conversion of a garage to a granny flat at The Yard, Church Lane, Greystones, County Wicklow.
- 1.2 The proposal comprises the conversion of a detached single-storey garage to a one bedroom granny flat. The development would have a gross floor area of 50 square metres. A covering letter with the application refers to the proposed development being required to allow Allison Gorman to care for both of her parents on a full time basis. Support letters from medical practitioners and the HSE accompanied the application.
- 1.3 The reports received by the planning authority were as follows:

Irish Water had no objection to the proposal.

The Planner noted the site's planning history and development plan provisions. Noting a previous proposal to convert the garage was for the applicants' daughter, concerns were raised that the conversion of the garage could become permanent and that such a use would be unacceptable due to the constrained size of the site. It was submitted that, based on the information provided, it appeared that there was a genuine need to for the applicant's mother to relocate closer to her but it was contended that the applicant has not provided any reason why an extension to the existing house could not be provided. The proposal was seen to be akin to an independent living unit. Noting the floor area of the proposed development exceeds that permitted under the development plan by 5m², it was considered this was marginal and there was no objection to a unit of this size. The amendments to the design of the garage were also considered acceptable. Additional traffic generated as a result of the development was seen to exacerbate constraints that

presently exist in relation to parking and turning on the site. It was concluded that the proposal was more akin to an independent living unit than a granny flat and that the applicant had failed to provide justification why a granny flat extension could not be attached to the house. The precedent was also regarded as undesirable. A refusal of permission was recommended.

- 1.4 On 15th February, 2016, Wicklow County Council decided to refuse permission for the development for one reason relating to the proposal resulting in the creation of a separate residential unit on the site, contrary to the provisions of the County Development Plan, and due to an undesirable precedent being set.

2.0 SITE DETAILS

2.1 Site Inspection

I inspected the appeal site on 26th May, 2016.

2.2 Site Location and Description

The site of the proposed development is located with laneway access off Church Lane at the north-western end of Greystones. The lane serves two dwellings. There is a dormer dwelling and garage-type structure on the appeal site, the latter appearing to be in use as a workshop/store. The site is enclosed by block walls adjoining the house and the workshop is bounded to the north and east by mature trees. A commercial shed and yard lie immediately to the south of the workshop ('Rite Start', a lawnmower repair and garden tool outlet) and the site is otherwise bounded by residential properties.

2.3 Development Plans

Greystones-Delgany-Kilcoole Local Area Plan 2013-2019

Zoning

The site is zoned 'RE – Existing Residential' with the objective "To protect, provide for, and improve residential amenities of adjoining properties and areas while allowing for infill development that reflects the established character of the area in which it is located."

Wicklow County Development Plan 2010-2016

The Plan provides for the following:

Independent Living Units

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.

2.4 Planning History

P.A. Ref. 14/1871

Permission was refused in 2014 for the conversion of an existing garage to a one bedroom granny flat.

P.A. Ref. 09/366

Permission was granted in 2009 for the retention of an entrance to a dwelling.

P.A. Ref. 02/7143

Permission was granted in 2003 for a dormer bungalow over basement and conversion of an existing workshop to a garage and store.

3.0 FIRST PARTY APPEAL

3.1 The grounds of the appeal refer to the provisions under Section 5.4.6.4 of the County Development Plan as they relate to 'Independent Living Units' and may be synopsised as follows:

- The Planning Officer accepts there is a genuine need for the applicant's mother to relocate to a location closer to her daughter.

- Reference is made to *Universal Design Guidelines: Dementia Friendly Dwellings for People with Dementia, their Families and Carers*, published in 2015. The proposed conversion takes many of the principles into account. Such features would be very difficult if not impossible to achieve in an extension to the main house. The garage is 6.5m from the house and constitutes 'close proximity' to it.
- The Planner's considerations that the floor space exceeding plan provisions is marginal and that there is no objection are noted.
- The daughter's residency situation is irrelevant for the purposes of this application. Should a breach of planning control occur in the future, it would be within the Council's remit to take enforcement proceedings.
- Reintegration and the placing of a time restriction are acknowledged in the event of a grant of permission.

Reference is also made to the Planner's comments on the ability to utilise an overgrown space to the rear of the garage and to the ability to accommodate parking on the site. It is not anticipated that there will be any additional need for car space on the site. A letter from the intended occupier's GP confirms she is not driving due to her medical condition.

4.0 ASSESSMENT

- 4.1 In considering this appeal, I first note that the proposed development would be sited within an area zoned for residential purposes. I further note that there are no known adverse impacts arising for residents in the immediate vicinity resulting from the conversion of the existing garage. While the Council's Planner made reference to parking and turning restrictions on the site, it is notable that the development is not likely to generate any substantial traffic arising from the use of the proposed unit

by the intended occupiers. Indeed, there is ample opportunity on the site to provide for parking associated with the proposed use. Further to these observations, I note that the County Development Plan expressly acknowledges structures described as 'Independent Living Units' and sets out the criteria against which proposals for these units should be measured. It is my submission to the Board that the proposed development should be assessed against these criteria to determine if the garage conversion constitutes acceptable development at this location. My considerations are as follows:

- * The need for the independent living unit has been justified in my opinion. The development would serve the needs of close family members, namely the applicant's elderly parents who have specific requirements at this time. This is not refuted by the planning authority.
- * The Plan allows for consideration of the conversion of an existing detached garage in exceptional circumstances subject to the structure being in very close proximity to the main house. The layout plan indicates that the garage is approximately 10 metres from the main house and my site inspection confirms this. Furthermore, it is clear that the structure is contained within a relatively constrained curtilage, presenting a distinct physical proximity and connectivity to the house. I note the planning authority does not expressly raise concerns about the separation distance between the house and the garage.
- * While the Plan states that the unit is required to be modest in size and in particular, it shall not exceed 45sqm, I suggest that the 50m² unit is a modest area to accommodate the needs of the applicant's parents and is only marginally in excess of the Plan requirement. I note that the planning authority concurs with this position.

Furthermore, I note that the unit would provide for only one bedroom as is required by the Plan.

- * Details of the proposed use of the unit have been provided in the application. There are no details in the application to indicate that the proposed unit is intended to be sold or let as a separate living unit and the existing garden is not proposed to be subdivided according to the application details. Indeed, this could be conditioned as part of any grant of planning permission.
- * The return of the structure to garage use in the future can readily be accommodated when its proposed use ceases. The Plan requires that permission for the use of a unit such as this be restricted to a period of seven years, unless permission is secured for a further period. This is entirely reasonable and such a restriction should apply in this instance. This provision, by way of condition in the event of a grant of permission, would allow the planning authority to re-address planning impacts of the use after a reasonable period and can allow the authority to address any concerns raised that the conversion could become permanent. This further addresses any concerns about the permanent character and precedent that would be set as referred to in the planning authority's reason for refusal.

In conclusion, I note that the existing garage is sited immediately adjoining 'Rite Start', a lawnmower repair outlet and tool centre, i.e. the southern gable of the garage is 1.7m from the rear elevation of the commercial premises. The repair facility was busy at the time of my inspection and is a facility that would generate noise and would undertake activities that would be likely to potentially cause nuisance to occupiers of a structure so close to the premises. I note also that this is a commercial use that is located in a well-established residential area and is in close proximity to

many dwellings, notably Oaklands estate to the east and the appellants' house. Evidently, the appellants are aware of the potential impacts arising from the use of the garage as a residence so close to the commercial premises. Finally on this matter, it is noted that the proposed development is wholly compatible with the zoning provisions for the area, namely a residential zoning, and the existing commercial premises is also located within this residential zone.

5.0 RECOMMENDATION

I recommend that permission is granted in accordance with the following:

Reasons and Considerations

Having regard to the nature and extent of the proposed development and its proximity to the established dwelling on the site, it is considered that the conversion of the garage to a granny flat would not result in the creation of a separate residential unit on the site, would not set an undesirable precedent for similar types of development in the area, would be in accordance with the provisions of the current Wicklow County Development Plan as they relate to independent living units, and would otherwise be in accordance with the proper planning and sustainable development of the area.

Conditions

1. This permission shall be for a period of seven years from the date of this order. The structure shall then revert to a use ancillary to the main house unless, prior to the end of that period, permission for its retention shall have been obtained.

Reason: To allow for a review of the development having regard to the circumstances then pertaining.

2. The granny flat shall not be sold or let as an independent living unit and the existing garden and curtilage of the overall residential property on this site shall not be sub-divided.

Reason: In the interest of residential amenity.

3. The disposal of surface water shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

Kevin Moore

Senior Planning Inspector

May, 2016.