



An
Bord
Pleanála

Inspector's Report PL27.246735

Development	Convert and extend garage to apartment at Colwyn, Killarney Road, Bray, County Wicklow.
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	16/335.
Applicant(s)	Peter Crinnion
Type of Application	Permission.
Planning Authority Decision	Refuse
Appellant(s)	Peter Crinnion
Observer(s)	None.
Date of Site Inspection	24 th August 2016.
Inspector	Hugh Mannion.

1. Site Location and Description

The site has a stated area of 0.08ha and is located on the east side of Killarney Road in Bray, County Wicklow. Two houses share this single access from Killarney Road, “Colwyn” on the left and “St Helens” on the right. The application site (“Colwyn”) is set behind high gates (circa 2m) and boundary walls. There is a two storey house on site which includes two further single storey elements between the main block and the western site boundary along the Killarney Road. In the south-eastern corner of the site there is a garage with a pitched tiled roof which has a west facing window and the application drawings show this garage as having a gross footprint of about 31.5m².

2. Proposed Development

The proposed development comprises the conversion and extension of the garage to an apartment/mews at ‘Colwyn’, Killarney Road, Bray, County Wicklow.

3. Planning Authority Decision

The planning authority refused permission because;

1. The relationship of the proposed grant flat with the main house is unclear and there is no private open space,
2. At 3m the separation distance from the adjoining property is inadequate and the proposed development would adversely affect the amenity of the adjoining property.

4. Planning Authority Reports

The planner’s report recommended refusal for the reasons set out in the manager’s order.

5. Other Technical Reports

The **Bray Engineer’s** report recommended further information concerning surface water drainage.

Irish Water reported no objections to the proposed development.

6. Third Party Observations

Veronica Lederman stated that the proposed development would impact on a shared driveway and create additional traffic.

7. Planning History

Application under 14/1932 sought permission for the erection of a garage.

8. Development Plan

The site is zoned 'primarily residential uses' in the Bray Town Development Plan 2011 to 2017.

9. The Appeal

The grounds of appeal can be summarised as follows:

- The apartment will accommodate a family member.
- Parking will be shared with the existing parking attached to the existing house.
- There is an amenity area shown on the drawing provided with the appeal.
- A condition can be imposed restricting sale of the unit.
- The proposal is only 2m higher than the existing garage on site.

10. Planning Authority Response

The lack of parking and private open space would lead to the creation of substandard development.

11. Observations

There are no observations

12. Further Responses

There are no further comments.

13. Assessment

The Town Development Plan states that a granny/family flat to be occupied by a member of the applicant's family is generally acceptable, provided it is not a separate detached unit and there is direct access to the remainder of the house. The flat should be subsidiary in size to the main dwelling. The flat shall not be let or sold, other than as part of the overall property and shall revert to being part of the original house when no longer occupied by a family member. The design should ensure that the flat forms an integral part of the main dwelling unit capable of reintegration for single family use. Applicants should also illustrate a valid justification for the proposals – should the owner wish for it to be sub-divided on a permanent basis, an application for this should be made.

The applicant in the grounds of appeal makes the case that the extended garage will be used by a member of the applicant's family. However, it is apparent from the submitted drawings that the proposed development is not attached to the existing house on site or that it can be readily re-integrated into the existing house on site when its use as a granny flat has ceased – it is a standalone structure. The applicant also includes a drawing with the grounds of appeal which indicates an outside amenity area which appears to be about 15m²; this may be adequate as an amenity area for a one-bedroom flat. However, having regard to the slope of the site west to east and the arrangement of the existing and proposed buildings I consider that the private open space proposed to serve the flat would not be open to direct sunlight for much of the day.

The site is located on a regional route (R767) with a cycle path and footpath fronting it and a number of commercial and school uses in the immediate area. The Town Development Plan (table 12.4) requires the provision of a car space per house/flat. The application does not demonstrate that there is parking provision on site to serve the existing house, the proposed flat and visitor parking needs. Having regard to the pattern of development in the area and the shared access with 'St Helens' I consider it necessary to avoid any on-street parking and consequently I conclude that the application is deficient in not demonstrating that there is adequate on-site parking to meet the needs of the existing and proposed development.

The planning authority's second reason for refusal refers to the proximity of the proposed development to the boundary with 20 Ripley Court. I note the applicant's point set out in the grounds of appeal that the additional height proposed is only 2m.

There is a significant slope east away from Killarney Road in the vicinity of the site and as a consequence property on Ripley Court is significantly below the

level of the application site. Given the orientation of, particularly, the two storey element of the proposed development and its proximity to the boundary I consider that there is significant potential for overshadowing of the rear garden and even the rear elevation of 20 Ripley Court.

In conclusion, therefore, I recommend refusal of permission generally along the lines set out in the planning authority's decision.

Appropriate Assessment

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

14. Recommendation

I recommend that planning permission refused for the reasons and considerations set out below.

Reasons and Considerations/ Reasons

1. The proposed development is located in an area zoned 'primarily residential uses' in the Bray Town Development Plan 2011 to 2017 with the objective to protect existing residential amenity. Having regard to the orientation of the proposed development relative to adjoining property, the height of the proposed development and its proximity to the site boundary the Board is not satisfied that the proposed development would not overshadow adjoining residential property and comprise an overbearing feature when viewed from adjoining residential property. The proposed development would, therefore, seriously injure the amenity of adjoining residential property, contravene the landuse zoning for the area set out in the Town Development Plan and be contrary to the proper planning and sustainable development of the area.

2. It is the policy of the planning authority as set out in the Bray Town Development Plan 2011 to 2017 that 'granny flats' be capable of being re-integrated into the primary residential unit on site. The Board is not satisfied on the basis of the information submitted with the application and appeal that the proposed development can be re-integrated with the primary residential unit on site and that adequate provision has been made for private amenity space and car parking to serve the proposed development. It is considered, therefore, that the proposed development would comprise a substandard form of residential accommodation which would contravene a policy set out in the Town Development Plan and be contrary to the proper planning and sustainable development of the area.

Hugh Mannion
Planning Inspector
13th September 2016