



An
Bord
Pleanála

Inspector's Report PL 93.247661.

Development	Retain garage conversion to living area, double garage and shed.
Location	89 Grange Heights, Waterford.
Planning Authority	Waterford City and County Council.
Planning Authority Reg. Ref.	16/622.
Applicant	Michael Purcell.
Type of Application	Retention of permission.
Planning Authority Decision	Permission with conditions.
Type of Appeal	Third Party
Appellant	Michelle Daly.
Observer(s)	None.
Date of Site Inspection	1 st February 2017.
Inspector	Derek Daly.

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1.0 Site Location and Description

- 1.1. The site is located in Grange Heights, an established residential area, located in the inner southeastern suburbs of Waterford City. Grange Heights is located off Upper Grange Road an arterial road connecting the city centre and the southeastern suburbs. The area is largely residential consisting of modern dwellings, which are primarily semi-detached two storied properties with front and rear gardens.
- 1.2. In relation to the appeal site, no.89 Grange Heights, on the site is a modern two storied semi-detached dwelling with a flat roofed extension garage located on the gable (western) elevation. To the west of the main structure is a single storied pitch roofed double garage. The northern boundary is defined by the estate road providing vehicular access to properties. The adjoining property to the east is a two storied semi-detached residential property. The adjoining land to the west is a vacant lot currently for sale. There is a fair face block wall defining the site's western boundary adjoining this vacant lot. There is a rise in level across the site from the west to the east.

2.0 Proposed Development

- 2.1. The proposal as submitted to the planning authority on the 22nd of September 2016 was for the retention of:
- The conversion of the single storied garage a living area indicated on the accompanying plan as an office and toilet with a floor area of approximately 14m².
 - The development also provides for the retention of the detached double garage. The garage has a gable fronted low pitch roof with a height of approximately 2550mm to ridge height above finished floor level. The area of the garage is stated as 30m².
 - The retention of a detached flat roof shed located in the southeastern corner of the rear garden. The shed is approximately 2270mm above finished floor level and has a stated area of 20m².

3.0 **Planning Authority Decision**

3.1. **Decision**

3.2. The decision of the planning authority was to grant planning permission for the development subject to three conditions. Condition no. 2 limits the garage conversion to uses incidental to the enjoyment of the house and not for any commercial use and that the garage not be used for habitable purposes.

3.3. **Planning Authority Reports**

3.3.1. Planning Reports

The planning report dated the 7th of November 2016 refers to:

- the site's planning history;
- relevant provisions of the current development plan;
- an appraisal of the development;
- recommends planning permission.

3.4. **Third Party Observations**

Michelle Daly in an observation dated the 20th of October 2016 refers to a history between the appeal site and an adjoining property 92 Grange Heights and issues in relation to distance of the garage to development on 92 Grange Heights and the location of a window on the appeal site overlooking the 92 Grange Heights property and that this window could be removed to avoid overlooking.

4.0 **Planning History**

P.A. Ref. No 16/48/ABP Ref. No. PL93.246757.

This relates to a permission for the demolition of a dwelling on an adjoining property no. 89 and outline permission for 2 dwellings. This site and permission is referred to by the third party. The third party appeal was withdrawn.

5.0 Policy Context

5.1. Development Plan

The relevant plan is the Waterford City Development Plan 2013-2019.

Chapter 13 refers to Development Management.

Section 13.2 of the plan refers to design standards. In relation to extensions to dwellings it is indicated that “the design and layout extensions to houses should have regard to the amenities of adjoining properties particularly as regards sunlight, daylight and privacy. The character and form of the existing buildings should be respected and external finished should match the existing”.

6.0 The Appeal

6.1. Grounds of Appeal

The appellant in the grounds of appeal dated the 30th of November 2016 refers to

- The appellant’s grandparents’ house 92 Grange Heights shares a common boundary with the appeal site.
- Issues are raised in relation to an outline application for two dwellings and demolition of the existing house on the site of 92 Grange Heights, which was the subject of a third party appeal. The third party appeal against the decision of the planning authority to grant outline planning permission was subsequently withdrawn.
- Reference is made to an agreement between the parties of both properties including provision of a wall on the common boundary.
- There were also issues in relation to overlooking, distance and location of windows on the application made on the site of 92 Grange Heights.
- There is no objection to the principle of the development but there is an objection to the western facing window on the appeal site which is unauthorised and should have been located on the southern elevation.

- This window has caused disproportionate restrictions on the development of 92 Grange Heights and there is also a significant height difference between the two properties increasing the impact of this window on the site of 92 Grange Heights.
- In effect an authorised development has compromised a legitimate outline planning application.

6.2. Applicant Response

The applicant in a submission dated the 21st of December 2016 refers to;

- The appellant has no legal right, title or interest in 92 Grange Heights as is acknowledged in the appeal submission.
- The legal owners of 92 Grange Heights, the Daly family, entered into an agreement with the applicant's family, the Purcell family, which is included as appendix A of the response submission.
- The issue of the window was the subject of previous correspondence from the appellant's aunt to the planning authority and the planning authority supported the applicant's contention that the window in question dates from when the house on the appeal site was constructed and the allegation was withdrawn.
- There is no case in relation to unauthorised development as confirmed by the planning authority in Appendix C of the response submission.
- The appeal does not merit further consideration.
- There are insinuations made on a number of matters relating to the application on 92 Grange Heights.
- In relation to the boundary wall, the erection of a new boundary wall was part of the application P.A. Ref. No 16/48/ABP Ref. No. PL93.246757 and was also part of previous applications refused. The applicant for 92 Grange Heights did not inform their neighbours of this but the wall was explicitly included in these applications.
- In an agreement the Purcell family, owners of 89 Grange Heights, facilitated the construction of this wall.

- A row of leylandii trees have been felled on the Daly property to maximise the potential of no. 89 and this is understood.
- This has inadvertently created the issue of overlooking referred to by the appellant.
- The dwelling on no. 92 was not built in compliance with the terms of its planning permission including the location of the dwelling and the construction of a screen wall. The trees were erected instead of the wall.
- The window on the side boundary was also constructed in at least three other dwellings in the residential development and similar in others.
- No planning issues arose from the planning authority who inspected the dwelling on no.89 in relation to a disabled grant application.
- Development standards have become much more in the intervening years since the dwellings on site nos. 89 and 92 Grange Heights were constructed.
- Trying to construct two dwellings on an original site for a single dwelling presented difficulties given the current development standards.
- A boundary wall was always part of permissions for the development of no.92.
- The window, which is the subject of contention, is in situ for 30 years and has not been considered a contravention when investigated by the planning authority.

6.3. **Planning Authority Response**

The planning Authority in a submission dated the 12th of December 2016 indicate that they have no further comment.

7.0 **Assessment**

7.1. In relation to this appeal the development which is the subject of this appeal comprises the retention of three distinct elements on the appeal site.

- The conversion of the single storied garage a living area.

- The retention of the detached double garage. The area of the garage is stated as 30m².
- The retention of a detached flat roof shed located in the southeastern corner of the rear garden.

7.2. Many of the issues raised in the grounds of appeal relate to historical matters arising in relation to site nos 89 and 92 Grange Heights and are not, I consider, relevant to the primary issue which is the acceptability of the works to be retained.

7.3. I would have no objection to the three elements which, were applied for by way of retention of permission. The three elements, I consider, adhere to the overall provisions as set out, in section 13.2 of the current development plan, in relation to design standards to extensions to dwellings, as regard to the amenities of adjoining properties particularly in relation to sunlight, daylight and privacy. The development also respects the character and form of the existing buildings.

7.4. There is reference to a window overlooking no 92 but this window does not form part of the current application. If there are issues in relation to unauthorised development in this matter it is a matter for the planning authority. Issues relating to the wall as constructed and why it was constructed are not matters for this appeal.

7.5. It is therefore, considered that the development to be retained is visually acceptable and generally accords with the proper planning and development of the area. The development is not considered injurious to the adjoining residential amenities of the area in particular the adjoining property to the west of the appeal site.

8.0 Recommendation

8.1. It is recommended that permission for the development be **granted** for the following reasons and considerations.

9.0 Reasons and Considerations

9.1. Having regard to the nature of the development to be retained and the established pattern of development in the vicinity of the appeal site, it is considered that the development would not be contrary to the proper planning sustainable development or injurious to the residential amenities of properties in the area.

10.0 Conditions

1. This grant of permission is for the retention of the development as indicated in the plans and particulars submitted on the 22nd of September 2016.

Reason: In the interest of clarity

2. The garage and office shall be used for the purposes incidental to the enjoyment of the dwelling and not for any commercial use. The garage shall not be used for habitable use.

Reason: In the interest of orderly development.

Derek Daly
Planning Inspector

4th February 2017