



An  
Bord  
Pleanála

## Inspector's Report PL10.247902

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<b>Development</b>	Conversion of a coach house to a granny flat and construction of a single storey extension and all associated works.
<b>Location</b>	Archersmount, 26 Castle Road, Kilkenny.
<b>Planning Authority</b>	Kilkenny County Council
<b>Planning Authority Reg. Ref.</b>	16/492
<b>Applicant(s)</b>	David Carroll and Brid Foley
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant subject to conditions.
<b>Type of Appeal</b>	Third Party vs. grant
<b>Appellant(s)</b>	Anthony and Josephine O'Reilly
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	21 <sup>st</sup> March 2017.
<b>Inspector</b>	Ciara Kellett.

## 1.0 Site Location and Description

- 1.1. The appeal site is located at the junction of Castle Road, Archers Avenue and Father Hayden Road in Kilkenny City. It is located across the road from Kilkenny Castle Grounds and c.400m south-east of the castle itself. The River Nore lies c.400m to the north of the site.
- 1.2. The dwelling is located in a primarily residential area interspersed with a number of B&B's. The appellants are located to the south of the site facing on to Archers Avenue. The rear boundary of the appellant's dwelling forms the west boundary of the applicant's rear garden.
- 1.3. The site itself is an irregular shape. The house is one half of a semi-detached pair of traditional two storey, four bay dwellings fronting directly onto Castle Road with a wide gate leading to a coach house to the rear. The coach house is a single storey stone building currently used as a shed, which forms part of the boundary wall with its neighbours in no.27 Castle Road. The appellant's dwelling faces Archers Avenue at right angles to the appeal site.
- 1.4. The coach house is currently in a poor state of disrepair. The western elevation facing the appellant's rear façade includes a door, three windows at ground floor level and two windows at upper level.
- 1.5. Appendix A includes maps and photos.

## 2.0 Proposed Development

- 2.1. The proposal is for the conversion of the coach house (39.5sq.m) into a Granny Flat, the development of a flat roofed extension to the coach house and for the construction of a single storey link corridor between the existing house and the new Granny Flat. The overall proposed floor area of the Granny Flat, the extension and the link corridor will be 77sq.m.
- 2.2. A new mezzanine floor will be added into the coach house to provide a living area. Roof lights will provide daylight into the new mezzanine area and the kitchen area. Following the request for Further Information, glazing on the western elevation was modified. Windows and doors on the western elevation (opposite the appellant's dwelling) were amended to include frosted glass blocks 1.53m above ground level.

Glazing on the connecting corridor was angled away from the appellant's façade. The development will not be visible from the public road.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The Planning Authority decided to grant permission subject to 5 standard conditions.

#### **3.2. Planning Authority Reports**

##### **3.2.1. Planning Reports**

The Planner's Report is the basis for the Planning Authority decision. It includes:

- Notes the house is not a Protected Structure although it is located within the Kilkenny Castle Architectural Conservation Area. It is outside the area of Archaeological potential.
- Notes the rear garden of the adjoining dwelling house is approximately 6m at its closest point from the proposed development.
- Notes the windows and roof lights on the western elevation could give rise to overlooking and requests Further Information.
- Notes policy with respect to Granny Flats states that the design should ensure the flat forms part of the main dwelling unit capable of reintegration for single family use, but considers the development as originally proposed does not form an integral part and requests Further Information.
- Notes the response to the request included: change to the orientation and configuration of the windows; confirmed that the Granny Flat will revert back to family use when no longer needed; identifies coach house structure is approximately 1m lower than the floor level of the adjoining dwelling which further reduces the potential for overlooking; and, the roof lights do not serve the mezzanine level on the western elevation preventing overlooking.
- Planner considers proposal acceptable and recommends a grant of permission subject to conditions.

The decision was in accordance with the Planner's recommendation.

### 3.2.2. **Other Technical Reports**

None on file

### 3.3. **Prescribed Bodies**

- **Irish Water:** No objection

### 3.4. **Third Party Observations**

One third party observation was made by the appellants. They raised concerns which form the basis of the appeal and will be expanded upon in Section 6 below.

## 4.0 **Planning History**

There is one planning permission pertaining to the subject site.

- KCC Ref. Reg. P14990011 was granted permission in May 2014 for the demolition of the existing 2 storey extension to the rear and the renovation of the house and construction of a new 2 storey extension to the rear.

There have been a number of applications in the general area. Of note are:

- ABP Ref. 246450, KCC Reg. Ref. 16/43 refused permission in August 2016 for the renovation of existing single storey dwelling and new two storey extension to the rear at Archersfield, Bennettsbridge Road. It was refused permission having regard to the form and design which would be visible from the environs of the Castle Park
- ABP Ref. 245981, KCC Reg. Ref. 15/600 refused permission in May 2016 for the construction of two dwelling houses at Fanad House, Bennettsbridge Road. It was refused permission having regard to its scale, massing and design.
- ABP ref. 247496, KCC Reg. Ref. 16/421 granted permission in March 2017 for the development of 2 no. two storey semi-detached houses at Fanad House, Bennettsbridge Road.

## 5.0 Policy Context

### 5.1. Kilkenny City and Environs Development Plan 2014 – 2020.

Chapter 3 refers to Core Strategy & Zoning, Chapter 5 refers to Housing and Community, Chapter 7 to Heritage, and Chapter 11 to Requirements for Development.

Chapter 7 refers to the Architecture Conservation Areas (ACA) in Kilkenny city. The subject site is within the Kilkenny Castle ACA. The statement of character does not include any specific reference to the subject dwelling.

Section 11.4.4 of Chapter 11 refers to Separation Distance between Houses. It notes that there should be adequate separation which traditionally was about 22m between opposing first floor windows. It notes that *'relaxation of this standard will be considered where the careful positioning of opposing windows can prevent overlooking even with shorter back-to-back distances. Windows serving halls and landings do not require the same degree of privacy as, say, balconies and living rooms'*.

Section 11.8.3 refers directly to 'Family Flats'. It states *'A 'family' flat refers to a sub-division or extension of a single dwelling unit to accommodate a member of the immediate family and is generally acceptable, provided it is not a separate detached unit and that it is possible to provide direct access to the remainder of the house'*. It is further stated *'The design should ensure that the flat forms an integral part of the main dwelling unit capable of reintegration for single family use'*.

With respect to the design it states:

*The principal requirement for any proposed family flat extension is that the development shall generally not exceed 50% of the floor area of the main dwelling. .... External doors will normally only be permitted to the side and rear of the house, with the presumption against an independent front door. Access from an internal door only or by side doors well screened from the front elevation or to the front within an enclosed porch shared with the existing front door. The design should have regard to the need for light and privacy of adjoining properties. The form and design of the existing building*

*should be followed and the extension should integrate fully with the existing building by using similar detailing and window proportions, materials and finishes.*

The area is zoned 'Existing Residential' on the Land Use zoning map.

## 5.2. **Natural Heritage Designations**

The River Barrow & River Nore SAC (Site Code 002162) is c.150m to the north of the site and the River Nore SPA (Site Code 004233) is c.350m to the north of the site also.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

An appeal has been lodged against the Council's decision to grant permission by the neighbours on Archers Avenue whose rear boundary forms part of the western boundary of the subject site. They consider the development to be injurious to their residential amenities and that it would materially depreciate the value of their dwelling. In summary, it states:

- The amendments made at Further Information stage do not satisfy their concerns – they consider that their privacy will be compromised and that the computer generated images do not give an accurate depiction of the effect the development will have.
- The development can function as an independent dwelling with the potential to be a three-bedroom unit and is not naturally an integral part of the main dwelling.
- Restricted headroom of the mezzanine suggests space is more suitable as a sleeping area rather than a living area.
- Capacity of the proposed development to accommodate a number of people can potentially cause noise and disruption.
- The existing coach house is c.9m from the back wall of their home where it faces their kitchen/living room.

- The structure has never been used for habitable accommodation so this is a significant intensification of use of the site. Occupants of the proposed dwelling would also lack privacy – photos included.

## 6.2. Applicant Response

The applicant responded addressing each point made by the appellant. In summary, it states:

- Consider that significant changes were made to ease the concerns of the appellants including orientating the windows away from the B&B and using other opaque elements in other parts of the elevation.
- The applicants have no intention to use the proposed Granny Flat for any other purposes other than what has been applied for. They indicated how the proposal would be re-integrated back into the existing house when it is no longer required. Condition 3 stipulates that the proposed flat cannot be disposed of separate to the main dwelling.
- The Granny Flat will not accommodate a number of people – only the applicant’s mother - and will comply with all the Building Regulations including Technical Guidance Document E – Sound (2014).
- Believe the proposal is a sustainable development which will not be injurious to residential amenities. It will provide a secure home for the applicant’s mother.
- A renovated structure is more desirable than a structure falling into disrepair and will not depreciate the value of the appellant’s B&B.
- A letter from the applicant’s mother is included in the response.

## 6.3. Planning Authority Response

The Planning Authority state that they have no further comment.

## 7.0 **Assessment**

7.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development
- Residential Amenities
- Appropriate Assessment

### 7.2. **Principle of Development**

The proposal is for a Granny Flat. A link corridor has been included in the design to meet with the Development Plan requirements that the proposal is integrated with the main dwelling. Due to the irregular shape of the site and the location of the coach house a link is needed – it is not possible to connect the two buildings any other way.

The applicants provided a design at Further Information stage to demonstrate the use for the Coach House when it is no longer needed as a Granny Flat. I am satisfied that a condition preventing the disposal or sale of the Coach House as a separate unit should alleviate any concerns of the appellants, with respect to alternative uses such as a three-bedroomed unit. Other uses, such as for a B&B, can also be subject to conditions preventing such use, notwithstanding exemptions provided for in the Planning and Development Regulations.

The proposal as designed does not exceed 50% of the floor area of the main dwelling in accordance with the Development Plan standards. The external door leads to the rear garden of the main dwelling and does not provide independent access to the street in compliance with the requirements of the Plan. Other requirements of the Plan will be considered below.

In conclusion, I consider that the principle of a Granny Flat in this location is acceptable subject to appropriate conditions.



### 7.3. Residential Amenities

The site is located within the Kilkenny Castle ACA, however, I am satisfied that the proposal will not be seen from the public road and therefore the visual impact of the proposal is negligible.

As noted above the site is irregular in shape and as a result the location of the Coach House is directly to the rear of no.27 Castle Road and shares two boundaries with the appellant's dwelling on Archers Avenue – the western and southern boundaries. The western boundary is of concern to the appellants.

The appellants express concern with the potential impact upon their privacy with the proposal, because the Coach House has not previously been inhabited and is close to their kitchen and living room. I note that the applicant's dwelling house has recently been extended (see Planning History Section 4 above) and the rear elevation footprint is now closer to the appellant's dwelling and includes a bedroom window at first floor level as well as full glazing at ground floor level. A fence exists between both properties currently, but I consider that there are already impacts on privacy with the existing layouts of both dwellings.

I am satisfied that the design of the link corridor, with the revised angled glazing and frosted glass blocks, will not result in overlooking and only the proposed design for the Coach House itself needs to be examined with respect to privacy and overlooking.

The rooflights in the Coach House are designed such that the rooflights in the mezzanine area, which could have resulted in overlooking, are only in the eastern elevation. The other rooflights that are in both western and eastern roof elevations are in the void area, and it will not be possible to see or look out of them.

With respect to the western elevation of the Coach House, the proposal will potentially result in direct overlooking as there will be only c.9m between opposing walls. It is proposed to include a glazed door with windows either side on this elevation. I note that following Further Information, the window to the right (when facing the door ope) is now proposed as frosted glass blocks and the window to the left of the door ope includes frosted glass blocks above 1.53m.

During my site visit, I noted that the Coach House is at a lower elevation to the appellant's dwelling. Standing in the doorway of the Coach House, it is only possible to see the upper portion of the rear windows of the appellant's dwelling above the existing fence. The design as proposed has attempted to minimise the potential for overlooking but there will be a small degree of overlooking regardless. However, I consider that the occupant of the Granny Flat will be at more of a disadvantage – the appellant's dwelling being at a higher level is unlikely to suffer any serious impact to privacy.

As noted above every effort has been made with the design to reduce the impact of overlooking. Due to the unusual layout of the back gardens of both houses, the urban context, and the fact that extensions have been constructed in close proximity to each other already, I do not consider that the subject proposal will significantly impact on privacy further. I also consider the fact that the Granny Flat will revert back to being part of the dwelling when no longer required is of relevance.

In conclusion, whilst I accept that there will be a slight impact on the privacy of the occupant of the Granny Flat, I do not consider this small incremental change to be a reason to consider recommending a refusal of permission.

#### **7.4. Appropriate Assessment**

Having regard to the nature and scale of development proposed and to the nature of the receiving environment, namely an urban and fully serviced location, 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.

#### **8.0 Recommendation**

I recommend that planning permission should be granted, subject to conditions, for the reasons and considerations as set out below.

## 9.0 Reasons and Considerations

Having regard to the location of the site on residentially zoned lands, the pattern of development in the area and to the compliance with the development standards for family flats in the Kilkenny City and Environs Development Plan 2014 - 2020, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 25th day of November 2016, 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. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall be erected within the rear garden area, without a prior grant of planning permission.

**Reason:** In the interest of the amenities of the area.

3. The proposed Granny Flat shall be used solely for that purpose, and shall revert to use as part of the main dwelling on the cessation of such use.

**Reason:** To protect the amenities of property in the vicinity.

4. Water supply and drainage arrangements, including the disposal of surface

water, shall comply with the requirements of the planning authority for such works.

**Reason:** To ensure adequate servicing of the development, and to prevent pollution.

5. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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Ciara Kellett  
Inspectorate

22/03/17