



An  
Bord  
Pleanála

## Inspector's Report PL93.248248

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<b>Development</b>	Change of use of garage to domestic use and amalgamation of existing garage to house and all site works.
<b>Location</b>	1 Old Waterford Road, Tramore
<b>Planning Authority</b>	Waterford City and County Council.
<b>Planning Authority Reg. Ref.</b>	16/586.
<b>Applicant(s)</b>	Michael O'Mahony.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant with conditions.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Cathy O'Leary
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	9 <sup>th</sup> May 2017.
<b>Inspector</b>	Philip Davis.

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## 1.0 Introduction

This appeal is by a neighbouring resident against the decision of the planning authority to grant permission for the extension of an end-of-terrace dwelling into a side garage. The grounds of appeal relate mostly to amenity issues.

## 2.0 Site Location and Description

- 2.1. The appeal site is located in the holiday town of Tramore, with a permanent population of around 10,000, but a seasonal one of substantially more. The town is located on rising ground on a south-east facing slope overlooking the well-known beach and promenade. The appeal site is on the Old Waterford Road, as the name suggests a road that runs north to Waterford City following the top of the scarp ridge overlooking the beach, just north-west of the small Main Street. The road is indicated as having been well developed by the late 19<sup>th</sup> Century and is now characterised by a mix of 19<sup>th</sup> Century terraces of single storey artisan dwellings, with a somewhat haphazard mix of terraces and bungalows dating from the 19<sup>th</sup> Century to more recent times. Most dwellings are located to take advantage of fine views over the bay as the levels rise to the north-west of the road, and drop more substantively to the south-east. The Old Waterford Road is mostly quite a narrow urban link road with an intermittent footpath on either side.
- 2.2. The appeal site is located on the southern end of a long terrace of small single storey artisan dwellings that seem to date from the late 19<sup>th</sup> or very early 20<sup>th</sup> Century. They have single door accesses direct to the narrow footpath of Old Waterford Road – they have very small rear yards, but the levels drop give the rear of the houses good views over Tramore centre and the bay. The houses range from being in poor condition to a number which have been attractively renovated, with the attics frequently converted for additional residential space. To the rear of the terraces is an area of open space, with a small rear laneway providing access. To the south are bungalows on relatively large sites, set back from the main road.
- 2.3. The appeal site, no.1 Old Waterford Road, is the southernmost terraced dwelling, along with a garage next to it on almost as large a site. The total site area provided is 0.013 hectares, with the existing floor space given as 55 m<sup>2</sup> ground floor, 11 m<sup>2</sup> first floor (attic conversion), and 52 m<sup>2</sup> garage. The house has a very small rear yard

– a kitchen extension has taken up almost all the original yard – it extends to the rear laneway. The garage and main door front directly onto the footpath – the garage in front of the building line of the terrace. To the south and south-east of the site, on somewhat lower ground, it bounds the site of a substantial bungalow, set well back from the main road.

### 3.0 Proposed Development

*‘Planning permission for the change of use of existing garage to domestic use and the amalgamation of the adjoining garage with the existing house and all associated site works.’*

### 4.0 Planning Authority Decision

#### 4.1. Decision

The planning authority decided to grant permission subject to five largely standard conditions.

#### 4.2. Planning Authority Reports

##### 4.2.1. Planning Reports

The first report noted that the site is in land zoned R, ‘Existing Residential’, and that in pre-planning consultations that applicant was informed that a ‘granny flat’ arrangement would have to confirm to certain requirements, which probably could not be facilitated on this site. The application documents were considered insufficient and additional information was requested.

The second report states that it is considered on the basis of older maps that the garage structure is pre-1963. It is noted that it is probably *ultra vires* to request a setback. Permission is recommended.

##### 4.2.2. Other Technical Reports

**Habitats Directive Project Screening Assessment** – notes that there are SAC’s and SPA’s in the vicinity, but significant impacts can be ruled out.

**Water Services** – requested additional information on drainage and water supply.

**Roads and Transportation** – requests setback for garage to existing building line.

#### 4.3. **Prescribed Bodies**

None.

#### 4.4. **Third Party Observations**

Cathy O Leary (appellant) objected for a number of reasons – notes that the garage may have some conservation interest.

### 5.0 **Planning History**

There are no records of relevant applications or appeals on file.

#### 5.1. **Development Plan**

The site is within an area zoned as 'existing residential' in the Tramore LAP 2014-2020.

#### 5.2. **Natural Heritage Designations**

There are no EU designated sites in the town of Tramore. There is an SPA and SAC designation for the dune and lagoon area east of the town, about 1.4-km from the appeal site.

### 6.0 **The Appeal**

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

- The applicant is the owner of the adjoining bungalow.
- It is claimed that the garage was previously a separate unit, not part of the existing dwelling – it is denied that it was ever used as a dwelling, as claimed in the application details. It is also denied that it has ever been used for vehicle parking.

- It is submitted that the proposed development is substandard as it does not fulfil minimum open space standards (Table 10.6 of the LAP).
- It is submitted that as it will not have an independent door it does not fulfil the requirement of a 'granny flat'.
- It is argued that the conversion of the garage represents a substandard quality of development, especially regarding light and access and the absence of a footpath.
- It is argued that the planning authority should have followed up in greater detail on providing a setback or safe footpath.
- It is noted that the gutter arrangement will discharge rainwater directly onto the public road – it is argued that this is unsatisfactory and a hazard.
- It is noted that arrangements for bin storage are absent.
- It is noted that the financial contribution for a footpath will significantly reduce the carriageway width and may cause a traffic issue.

## 6.2. Applicant Response

No response received.

## 6.3. Planning Authority Response

The planning authority did not respond to the grounds of appeal.

## 6.4. Observations

None received.

## 7.0 Assessment

### 7.1. Principle of development and legal issues

The site is in an existing long established residential area, and extensions and improvements are generally considered acceptable subject to the normal planning requirements. The site is unusual in that it appears to be quite an old structure –

possibly predating the terrace – which has been in use for storage and possibly as a garage for many years. It seems to have been ancillary to the adjoining dwelling only relatively recently, although this is not entirely clear. However, given the ambiguity and the size of the garage I do not consider it unreasonable to consider it as an ancillary garage/storage to the existing dwelling.

The application is for a change of use and extension, although it seems that the precise nature of the proposed development is of a granny flat type development, (it has its own mini-kitchen and bathroom), but would have to share the existing doorway and other facilities. The LAP gives some guidance, but not a great deal of detail in the development standards required for this type of development.

In general terms, this is an unusual application in that it doesn't fall under general categories due to uncertainties about the main buildings existing use, and the house itself is a very small terraced structure which would in many regards be considered substandard for a modern building – its scale is closer to that of an apartment than a typical dwelling. I would therefore consider that it is most appropriate to assess the application on its own merits rather than relying too much on policy and standards set out in the Development Plan and LAP.

The appellant has noted that there is a shared wall and potentially some overhanging structures and states that she does not give permission for any works impinging on her property rights. This has constrained the works that can be carried out, but on the basis of the information on file I consider that the applicant has control over the property and can carry out the works as indicated on the plans.

## 7.2. Internal amenity

The existing dwelling is a very small end of terrace dwelling – the return appears to have been an extension taking up almost all the already very small yards provided for the cottages. It is in total about 66 m<sup>2</sup>, including a small converted attic, so in size is similar to a typical urban apartment, with the yard little bigger than a particularly large balcony (about 8 m<sup>2</sup>). The garage would have a similar floor space. It is proposed to make a living area with master bedroom in the garage with a kitchenette, with a single door connecting the two units. Four windows (to the front and side gable) would be provided, along with rooflights.

The overall house, thanks to the fall to the east, has a reasonable level of amenity notwithstanding the tiny yard. The proposed extension in itself would be quite

substandard, with what amounts to only a single aspect. But having regard to the longstanding and derelict nature of the existing building I would consider that it is reasonable to convert it to this use, so long as it remains ancillary to the existing dwelling and so can share the use of bins.

### 7.3. External amenity

The proposed additional windows would face the road and footpath, as the main structure would not change I do not consider that there would be any significant impact on the amenity of neighbouring properties.

### 7.4. Conservation

The house and garage are not protected structures and there are no designations attaching to the structures. The terraced dwellings date to around the late 19<sup>th</sup>/early 20<sup>th</sup> Century and are typical of smaller artisan cottages of the period. The terrace is relatively well preserved and there is visual evidence that some are being upgraded to a more modern standard. The 'garage' may actually predate the terraces, it seems to be marked on older OS plans, although presumably the roller door is a more recent addition. There is no evidence that it has any significant historic or conservation value.

### 7.5. Traffic and footpath issue

The garage is set forward from the terrace and takes up what should be footpath. There is only a slight residual section of footpath to the front. This is an obvious hazard, but given the somewhat haphazard nature of the area it appears to be one local pedestrians and drivers are familiar with.

The appellant has argued that the planning authority should have considered requiring the demolition of the front of the garage to set the building back on the building line set by the cottages. There is certainly merit to this argument, although it would represent a significant burden to the applicant and as is noted in the planner's report, it is probably *ultra vires* to require this without compensation.

The planning authority originally considered setting a condition for a contribution with the view to extending the footpath, although it's not clear that would have been practical and safe, as it would significantly narrow the carriageway. The final notice did not include such a condition. I note that south of the site the 'footpath' isn't really as such, more of a set-back to the highway, more appropriate to a rural area than a



town. I would consider that randomly widening the path at this point would not be appropriate, but a properly designed pinch-point or chicane would provide appropriate traffic calming at this point. But I do not consider that requiring the applicant by condition to provide such a level of engineering works on the public highway would be reasonable.

#### 7.6. Drainage

The appellant raised concerns about water running into their property and onto the public road. The revised plans submitted indicate that roof run-off will be disposed of internally (i.e. discharged to the public sewer). I would recommend that this be confirmed by condition.

#### 7.7. Other issues

I note that a tree, on public land, but apparently wild seeded, was cut to try to reduce the possibility of damage to the garage. This tree has the potential to regrow and cause structural damage. It is not clear from the information on file if the tree is considered on private property. In any event, I would consider this to be a matter for the applicant to address. I note that the planning authority did not consider that the proposed development was subject to a development contribution.

#### 7.8. Appropriate assessment

The appeal site is within the established built up urban area of Tramore and is fully served by the towns water and sewerage system. The Tramore Dunes and Backshore SAC site code 00671 and Tramore Back Strand SPA site code 004027 are at their closest 1.4 km to the east. These largely overlapping designated sites are protected for their importance as sand dune and shoreline habitat and for related waterbirds. The proposed development is very minor in scale and uses existing structures and infrastructure, so I do not consider that there is any potential for off-site impacts that could have any impact beyond the immediate site boundaries. All stormwater drainage (which will not increase in volume or change in nature) will be to the town sewerage system and I do not consider that there would be a significant increase in foul drainage. Therefore, having regard to the small scale of development and the absence of pathways to a designated habitat, no Appropriate Assessment issues arise and I do not consider 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 the proposed development be granted planning permission for the following reasons subject to the conditions set out below.

## 9.0 Reasons and Considerations

Having regard to the history of the development of the site, with particular regard to the long standing presence of the garage/storage building, predating most other developments in the vicinity, it is considered that notwithstanding the substandard elements of some parts of the proposed design the proposed development would not seriously injure the amenities of the area or constitute a traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and 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 6th day of February 2017, 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 external finishes of the proposed extension (including roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture. The proposed new slate finish to the wall shall be omitted and

replaced with a smooth plaster finish. Samples of the proposed materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

3. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

**Reason:** To restrict the use of the extension in the interest of residential amenity.

4. All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site or to the public sewer. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

**Reason:** In the interest of traffic safety and to prevent pollution.

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Philip Davis  
Planning Inspector

31<sup>st</sup> July 2017