



An  
Bord  
Pleanála

## Inspector's Report PL04.248543

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<b>Development</b>	Change of use of garage to granny flat to include extension and all associated site works
<b>Location</b>	Ballinvredig, Ballinspittle, Co Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	16/06403
<b>Applicant(s)</b>	Christina Twomey
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Christina Twomey
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	08 August 2017
<b>Inspector</b>	Anne Marie O'Connor

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## 1.0 Site Location and Description

- 1.1. The appeal site is located in rural west cork, some c.2km east of the village of Ballinspittle. Kinsale is located some 8km to the east. The site is approximately 2km inland from the coast.
- 1.2. The site has a stated area of 0.16 ha, and comprises the plot of an individual rural dormer-style dwelling and detached garage. The site slopes slightly from west to east. The garage has a slated pitched roof, and is gable-fronted with a roller garage door in the front elevation.
- 1.3. There are no neighbouring dwellings in the immediate vicinity of the site.
- 1.4. A stone wall and hedge forms the road boundary, and a timber boundary fence and hedging otherwise surrounds the site. There is a splayed entrance onto the unmarked local road, which is gated.

## 2.0 Proposed Development

- 2.1. Permission is sought for a change of use of the existing detached garage to a granny flat, including a first floor extension raising the ridge height 1.6m. Rooflights and windows are also proposed to serve the habitable accommodation.

## 3.0 Planning Authority Decision

### 3.1. Decision

Decision to refuse planning permission for two reasons:

1. Planning authority not satisfied that there is a genuine need for the proposed development. Further, the development would appear more like a second residential unit.
2. Design and scale of the development would form a discordant and incongruous feature in the landscape to the detriment of the rural and visual character of the area. Conflict with Objective GI6-1 which seeks to protect the visual and scenic amenities of County Cork.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The planner's report reflects the reasons for refusal. The senior planner's comments concur with this assessment. The following is of note:

- The applicant's father lives in close proximity to the site (same townland). The letter from the GP refers to an extension to the existing dwelling to allow for care of the applicant's father. It would be more appropriate to use the existing dwelling and/or extend the dwelling.
- The scale and floorarea of the granny flat is excessive (similar to a 3-bedroom house) and does not represent 'ancillary accommodation'. The need for first floor accommodation for a carer is questioned as the purpose of a granny flat is to allow the occupier of the dwelling to become the carer of the occupant of the granny flat.
- The site is part of the high value landscape, and is on a ridge line in an open landscape and in proximity to the coast. The first floor extension will not appear subservient to the main dwelling and is not designed to integrate visually with the dwelling on site.
- A new wastewater treatment system is required. Further clarification has been sought by the area engineer, but it is considered that there is no merit in seeking clarification given the reasons for refusal.

### 3.2.2. Other Technical Reports

*Area Engineer* Minimum separation distance between the proposed sand polishing filter and the existing dwelling cannot be achieved. Further clarification recommended.

## 3.3. Prescribed Bodies

None

## 3.4. Third Party Observations

None

## 4.0 Planning History

99/5787 Dwelling and garage. Granted.

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1. The Cork County Development Plan 2014 applies. The site is located in a Rural Area Under Strong Urban Influence and is designated as a High Value Landscape.

5.1.2. Section 5.7.12 and 5.7.13 of the CDP provide support for ancillary family accommodation in granny flats subject to the following criteria:

- There is only one dwelling and one ancillary accommodation unit on the same site.
- The ancillary unit should not impact adversely on either the residential amenities of the existing property or the residential amenities of the area.
- The property and site should not be subdivided.
- The unit should be integrated visually with the existing dwelling.
- Additional parking, sewage treatment units or private amenity space is not required.
- The unit should not be sold off separately from the existing dwelling and a Section 47 agreement should be entered into by the property owner to ensure that any physically separate unit be retained as part of the existing property in perpetuity as a burden on the title.

5.1.3. The following objectives are also relevant:

- GI 6-1: Seeks to protect the visual and scenic amenities of County Cork's built and natural environment
- RCI 6-2: Servicing individual houses in rural areas.

### 5.2. Natural Heritage Designations

None

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of appeal can be summarised as follows:

- The granny flat is required to allow the applicant to care for her father who is in poor health.
- Paragraph 5.7.2 of the CDP allows for ancillary accommodation to be provided either as an extension to an existing dwelling or as a separate dwelling unit. The reference to 'extension' in the GP letter by the planner is considered pedantic.
- The applicant works shifts and she and her family are not in a position to offer full time care. Therefore a specialist carer will need to come from time to time requiring the additional accommodation in the attic space.
- Objective RCI 2-2 seeks to sustain and renew established rural communities by facilitating those with a rural generated housing need to live within their rural community. Objective RCI 4-2 contains a specific exception category which allows for people to be granted planning permission to live close to elderly immediate family members. It is contended that these objectives indicate a very clear supportive approach for facilitating people in the applicant's circumstances.
- There are no preserved views and prospects in the vicinity of the site.
- The landscape is considered to be of local importance only in the Bandon Electoral Local Area Plan.
- The axis of the detached garage is at right angles to the main dwelling and is set back from the building line of the house. The steeper pitch of the roof would be closer to that of a traditional cottage.
- An extension to the main house would result in a very bulky structure that would conflict with the principles of the Cork Rural Design Guide.

- An extension to the garage to provide the required level of accommodation would severely impact on the efficiency of the existing site layout and affect current residential amenity.
- The planner's report does not provide a precise assessment as to why the proposed increase in height of the garage would have a detrimental visual impact. No visual assessments were requested as part of the further information.
- The clustered pattern of existing buildings on the site is already a well-established feature in the local area, and does not interfere with rural amenity in any way. Raising the height of the existing building by 1.6m will be a barely perceptible change and the area will retain its character.
- It is confirmed that the unit will not be sold off separately from the existing dwelling, and that a Section 47 agreement concerning the use of the structure would be an appropriate condition. The applicant would also comply with any reasonable design modifications imposed by the board.

## 6.2. Planning Authority Response

None received.

## 6.3. Observations

None

## 7.0 Assessment

- 7.1. Planning permission is sought for the use of the existing garage on the site as a 'granny flat' to accommodate the applicant's father. Section 5.7.12 and 5.7.13 of the County Development Plan provide support for ancillary family accommodation in granny flats subject to certain criteria, and I have no objection to the principle of the conversion of the existing garage on the site for this use. The reasons for refusal in this case relate to the need for, and the impact of, the proposed first floor extension above the garage which would provide an upstairs bedroom, bathroom and lounge room, in addition to the kitchen, living room, bedroom and bathroom at ground level.

### **Scale of proposed development**

- 7.2. The existing detached garage is single storey with a pitched roof. It is proposed to increase the height of the building by c.1.6 m, resulting in a ridge height of 6.5m. The existing garage has a floor area of 71m<sup>2</sup>, and the proposal seeks to almost double this to 139m<sup>2</sup>.
- 7.3. The first reason for refusal states that the planning authority is not satisfied that there is a genuine need for the proposed development, and that the development would appear more like a second residential unit. The planner's report points out that the floorarea of the unit is similar to a 3-bedroom house.
- 7.4. The grounds of appeal argue that the additional first floor accommodation is required because the applicant works shifts requiring a specialist carer to come in from time to time. A supporting letter is submitted from the appellant's father's GP stating that he is in poor health and has increasing care needs. He currently lives nearby, in the same townland.
- 7.5. The purpose of a granny flat is, however, to allow a person who requires some level of care and assistance to live in close proximity to a family member whilst retaining a level of independence. By its very nature, therefore, it is smaller in scale than a traditional dwelling and is very much ancillary to the existing house. I note that the ground floor accommodation was amended in response to the request for further information to provide a larger ground floor bedroom than originally proposed (and to change one of the first floor bedrooms to a lounge). The unit now provides a kitchen/ living/ dining area, bedroom and bathroom on the ground floor, which would normally be considered sufficient for use as a 'granny flat'.
- 7.6. I am in agreement with the planning authority, therefore, that the floorarea proposed in this case exceeds that which would reasonably be considered ancillary to an existing dwelling, notwithstanding any particular individual circumstances, and would, in effect, result in a second dwelling on the site.

### **Visual Impact**

- 7.7. The second reason for refusal considers that the design and scale of the development would result in an incongruous feature in the landscape to the detriment of the rural and visual character of the area, contrary to Objective GI 6-1 which seeks to protect the visual and scenic amenities of County Cork.



- 7.8. The grounds of appeal point out that the garage is sited behind the building line of the existing dwelling, and that the roof profile is gable fronted facing the public road, minimising the visual impact. It is argued that the additional space is necessary and that the proposal would have a lesser impact than an extension to either the garage or the existing dwelling.
- 7.8.1. The site is located in an area designated as a High Value Landscape in the County Development Plan, largely due to its proximity to the coast (2 km) and character classification as 'Indented Estuarine Coast'. It is also located at a high point in the landscape (close to 100m OD), just as the land falls away gently towards the coast.
- 7.9. Section 5.7.13 of the development plan while supporting the principle of ancillary family accommodation/ granny flats states that they should be integrated visually into the existing dwelling. In this case the additional storey above the garage would result in a ridge height (6.5m) similar to that of the existing dwelling (6.65m), and I am in agreement with the planning authority that it would alter the visual relationship of the garage as an ancillary structure to the main dwelling, resulting in an incongruous feature in this sensitive landscape.

### **Wastewater Treatment**

- 7.10. Section 5.7.13 of the development plan also requires that additional sewage treatment units should not be required for the ancillary family accommodation/ granny flat.
- 7.11. The site is located within a Locally Important aquifer, with an 'Extreme' vulnerability. The proposed development contains two bedrooms, with the possible use of the upstairs lounge as an additional bedroom. No information is provided on the number of bedrooms in the existing dwelling. The planning authority sought further information regarding the capacity of the existing septic tank and percolation area to take the increase in wastewater loading, and compliance with the EPA Code of Practice 2009.
- 7.12. In response the applicant proposes to remove the existing septic tank and replace it with a Bio Unit and a pumped sand polishing filter. However, no revised layout plan or site specific drawings were submitted showing the location or cross sections of the proposed system, and it is unclear if the minimum separation distance between the polishing filter and the existing house can be achieved on the site. Furthermore,

there is an existing bored well serving the dwelling located to the north east of the granny flat, and the separation distance is similarly unclear due to the lack of information.

### **Other matters**

- 7.13. Having regard to the nature and scale of the proposed development, the distance to the nearest European sites, and the lack of a pathway to those sites, I am of the view that no **appropriate assessment** issues arise, and that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **8.0 Recommendation**

- 8.1. As stated above, I have no objection to the conversion of the garage for use as a granny flat and would have recommended that planning permission be granted for this element and refused for the first floor extension for the reasons set out above. However, the applicant has failed to demonstrate that the existing wastewater treatment system has the capacity to cater for the additional loading provided by the bathroom and kitchen of a 1-bedroom granny flat, let alone the additional first floor accommodation, and insufficient information has been provided in relation to the new proposed system.
- 8.2. I recommend, therefore, that planning permission be refused for the proposed development for the reasons and considerations set out below.

## **9.0 Reasons and Considerations**

Having regard to the overall floorarea of the proposed granny flat, and height of the structure relative to the existing dwelling on the site, it is considered that the proposed development is excessive in terms of the provision of ancillary family accommodation/ granny flat and would result in an incongruous feature in the landscape. Furthermore, the Board is not satisfied on the basis of the information submitted that the proposed development can be adequately serviced by either the existing or proposed new on-site wastewater treatment system. The development

would, therefore, be contrary to the proper planning and sustainable development of the area.

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Anne Marie O'Connor  
Planning Inspectorate

11 August 2017