



An
Bord
Pleanála

Inspector's Report ABP-300869-18

Development	Retention of extension to existing domestic garage and stores to rear, change of use from garage to family apartment (ground and first floor) and associated site development works/services.
Location	12 Ardilaun Green, Sarsanstown, Mullingar, Co. Westmeath.
Planning Authority	Westmeath County Council
Planning Authority Reg. Ref.	17/6320
Applicant(s)	Kieran Mulligan.
Type of Application	Retention.
Planning Authority Decision	Refuse.
Type of Appeal	First Party
Appellant(s)	Kieran Mulligan.
Observer(s)	None.
Date of Site Inspection	15 th May 2018.
Inspector	Deirdre MacGabhann

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1.0 Site Location and Description

- 1.1. The 0.38ha appeal site lies to the west of Mullingar Town in a residential area at Sarsanstown, Co. Westmeath. It comprises a semi-detached property, No. 12 Ardilaun Green. At the time of site inspection, there was no access to the property.
- 1.2. Properties on Ardilaun Green are typically, two storey, semi-detached, with a single storey garage to the side. In many cases the garage has been converted to residential accommodation, often with accommodation at first floor. Externally, the property at no. 12 Ardilaun Green is arranged in this way (i.e. with conversion of the ground floor garage to residential accommodation, with further accommodation above).

2.0 Proposed Development

- 2.1. The proposed development comprises the retention of unauthorised development, consisting of:
 - Extension to existing domestic garage, to the rear of the existing garage (to coincide with the rear of the main property), at ground and first floor,
 - Change of use of garage to family apartment, with living room accommodation (kitchen and sitting room) at ground and first floor (bedroom and ensuite), with access to the dwelling from the paved area to the north of the dwelling,
 - Retention of stores to rear of dwelling (overall building 4.63mx3.58m, height 2.6m, sub-divided into two stores),
 - Associated site development works and services.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 9th January 2018 the planning authority decided to refuse permission for the proposed development on the following grounds:

1. The development carried out, which does not concur with the plans submitted, is considered to amount to two no. separate dwellings. Having regard to the subject site and the established pattern of development in the area, the development would result in an excessive density of development and constitute overdevelopment of the site, materially contravening policy section 9.9.1 of the Mullingar Local Area Plan 2014 to 2020 and would set an undesirable precedent.
2. In the absence of satisfactory justification for the need to subdivide an existing dwelling house on the site, it was considered that the development would constitute piecemeal and ad hoc development, would materially contravene policy 4.16 and 4.17 of the Westmeath County Development Plan 2014 to 2020 and would set an undesirable precedent.

3.2. Planning Authority Reports

Planning Reports

- 3.2.1. The Planning Report of the 9th January 2018, describes the proposed development and that observed on site. This includes that the doorway between the main house and the converted garage has been removed, with access to the proposed family apartment via an external side door. The report recommends refusing permission for the development two grounds (above).

Other Technical Reports

- Area Engineer (13th December 2017) – No objections subject to conditions.

3.3. Prescribed Bodies/Third Party Observations

None.

4.0 Planning History

- 4.1. Permission for the original residential development at Sarsanstown was granted under PA ref. 99/1661. Under PA ref. 01/1089, permission was granted for amendments to the original permission, to include change of house façade materials to all house types.

4.2. Attached to the file is PA ref. 15/6015, under which the applicant sought retention of, and extension to, converted domestic garage to side of existing dwelling to granny flat, at 53 Ardilaun Green, Sarsanstown, Mullingar. The site lies to the west of the appeal site. The planning authority decided to grant retention for the development 28th May 2015 subject to three conditions, (1) That the development be retained in accordance with the plans submitted; (2) Within two months of the final grant that the doorway connection between the dwelling and 'granny flat' be provided, and (3) That the granny flat accommodation be used as ancillary to the main dwelling only and not as a separate unit of accommodation.

5.0 Policy Context

5.1. National Policy

- Sustainable Urban Housing (Design Standards for New Apartments), Guidelines for Planning Authorities (DHPLG, 2018).

5.2. Westmeath County Development Plan 2014 to 2020

5.2.1. Section 4.16 and 4.17 of the Plan deal with granny flats/family flats. It defines this type of development as provision of an independent living unit by the extension or sub-division of an existing house to provide independent accommodation, generally for an elderly family member. The Plan states that such development will be favourably considered subject to meeting policy P-GF1 (below), provided that it does not impact on the residential amenity of adjoining residential properties. A grant of permission will normally be subject to condition that the independent unit be returned to a single residential unit on cessation of use as a family annex.

5.2.2. Policy P-GF1 states '*To ensure that granny/family flats are integral to the existing dwelling house, capable of being reintegrated to the main house, and subordinate to the main dwelling house*'.

5.3. Mullingar Town Development Plan 2014 to 2020

5.3.1. In section 9.9.1, the Mullingar Town Development Plan deals with the conversion of existing houses to apartment accommodation. The plan states '*In general there is a*

presumption in favour of retaining houses suited for family accommodation in their original undivided form. Subdivision of houses into a number of smaller units will only be acceptable in areas which are characterised by large houses on relatively extensive sites, which are well served by public transport and where subdivision into a number of units would not result in a dramatic alteration to the character of an area'. Criteria, setting out standards for development, are set out in paragraph 9.9.1 (see attachments). These include a minimum size of 65sqm.

5.4. Natural Heritage Designations

- 5.4.1. The nearest Natura 2000 sites lie c.2.5km to the south (Lough Ennell SPA/SAC) and c.3km to the north (Lough Owel SPA/SAC) of the appeal site (see attachments).

6.0 The Appeal

- 6.1. Grounds of the first party appeal are:

Context

- The applicant is involved in property management. No. 12 Ardilaun Green was purchased at auction as a 5-bedroom semi-detached residence (refers to advertisement, but this is not attached). The drawings of the proposed development, lodged as part of the planning application, showed the original house design and layout as granted under PA ref. 99/1661 and revised under PA ref. 01/1098. The description of the property in the auction advertisement did not match the situation existing on the ground when the property was purchased.
- After purchasing the property, the applicant found that there was no market for a 5-bedroom property. The appellant therefore increased the useable internal space of the area now proposed as a one-bedroom apartment, annexed to a 3-bedroom dwelling. There is a need in the local market for units of this size (a market which has not been catered for in Mullingar since the collapse of the market in 2009).
- Conversion of the 19.6sqm garage to living space was undertaken before the applicant purchased the property. External extension works which have been

carried out are modest and constitute exempted development (except for the issue of the separation of the property into two dwellings).

Grounds

- The minimum area required under section 9.9.1 of the Westmeath County Development Plan 2014 to 2020 (65sqm) is excessive for a 1-bedroom apartment having regard to the 2015 Guidelines. National policy takes precedence.
- The apartment has an internal area of 42.57sqm and a storage area within the rear garden of 4.96sqm (total size 47.53sqm). The applicant can provide private open space in the rear garden of not less than 20sqm, if required by the Board, which will provide direct access to the external storage area.
- The development does not meet the minimum living room width set out in the Guidelines, given the existing parameters of the building, but is in accordance with the guidelines which recommend flexibility in the application of certain elements, depending on individual circumstances.
- The proposed development does not create an excessive density or constitute over development. The number of bedrooms has been reduced from 5 to 4 and the number of occupants would similarly reduce. The rear garden (115sqm) is sufficiently large to accommodate the private open space needs of both residential units. The applicant is happy to provide a separate, screened rear garden area to independently serve the one-bedroom unit and to undertake any other improvements the Board see fit to condition as part of a decision to grant permission.
- Section 9.9.1 of the County Development Plan provides flexibility i.e. it states that there is an 'in general' presumption in favour of retaining houses in their original undivided form. The private open space which is associated with the 5-bedroom house can generously meet the needs of both units. There is no definition of the term 'relatively extensive' used in the Plan and the site is extensive relative to the development which currently exists on it. Mullingar has no town bus service. The only public transport links are to national bus and rail services. Section 9.9.1 is therefore aspirational. The development does not result in a dramatic alteration to the character of the area as the

external appearance of the property from the public road has not altered. The solid nature of the original wall between the two units ensures an adequate level of sound insulation. Separate, safe and secure access is provided to both dwelling units. Both have ground floor facilities and, subject to permission, will have access to separate private, rear garden areas. Parking provision complies with development plan requirements (1 parking space for residential development with 2+ bedrooms; 1 parking space for 1-bedroom unit).

- Sections 4.16 and 4.17 of the Mullingar Town Plan relate to the provision of granny/family flats and are not relevant as the development relates to the subdivision of an existing investment property into two units for rent. The development should be assessed against section 9 of the Mullingar Town Plan and the guidelines on Sustainable Urban Housing: Design Standards for New Apartments, 2015.
- The development has been undertaken in such a manner to facilitate the future reintegration of the two units should the building ever be sold.

6.2. Planning Authority Response/Observations/Further Responses

6.2.1. None.

7.0 Assessment

7.1.1. Having regard to the submissions and documentation on file and my inspection of the appeal site, I consider that the key issues for this appeal relate to the matters raised by the parties:

- Policy context/principle.
- Impact on character of the area.

7.2. Policy Context/Principle

7.2.1. The applicant states that the development for retention does not comprise a granny flat but the sub division of an investment property into two units for rent. Relevant policies are therefore those set out in Section 9.9.1 of the Mullingar Town Plan,

Existing Residential Development Conversion of Existing Houses to Apartment Accommodation. These set out a general presumption in favour of retaining family houses suited for family accommodation in their original undivided form, with the subdivision of houses into a smaller number of units only in areas which are characterised by large homes on relatively extensive sites.

7.2.2. The appeal site comprises a semi-detached property in a suburban residential area. Properties appear to be originally three-bedroom, with the addition of accommodation, in some cases a bedroom, in adjoining, converted garages. Gardens are generally small and form a terrace to the rear of individual dwellings. Being typically suburban in form and scale, I would consider, therefore, that the appeal site does not in principle comprise the type of development referred to in the Town Plan as 'large houses on relatively extensive sites'.

7.2.3. Other criteria are set out in the Town Plan, for the conversion of existing houses to apartment accommodation area, and I comment on these as follows:

- Public transport – The appeal site is in a suburban area, but reasonably close to Mullingar Town centre, which is well served by bus and rail service to Dublin.
- Impact on character of the area – The development to be retained has been extended to the rear. There is little direct impact therefore on the character of the area.
- Size – I note that the internal area of the residential unit is 42.57sqm. An external store of 4.96sqm is also provided (total floor 46.26sqm). The Government's Guidelines on Sustainable Urban Housing – Design Standards for New Apartments (December 2018) set out a minimum floor area of 45sqm for one-bedroom apartments and this includes provision of a minimum area of storage space of 3sqm within the apartment. In Section 3.32, the Guidance encourages provision of storage for bulky items outside of individual units, with the area used to satisfy up to half of the minimum storage requirement for individual apartment units, but '*shall not serve to reduce the minimum floor area required to be provided within each individual apartment unit, as set out in the guidelines*'. The proposed apartment, therefore falls short of the minimum floor area required for a one-bedroom apartment. The

Department's Guidelines provide some level of flexibility for the application of the guidelines (section 6.9) for refurbishment schemes, particularly in historic buildings or other conversion projects. The proposed development comprises the extension of an existing property and there is no physical impediment preventing the minimum apartment size to be provided. (The width of the proposed living room also fails to meet minimum widths set out in the Guidelines).

- Self-contained – The proposed apartment would be self-contained.
- Access – Adequate, safe and secure access would be provided to the apartment, to the side of the main property.
- Sound insulation – This is a building control matter.
- Access to garden – Access to the garden to the rear of the property could be provided from both the main house and the proposed apartment. Plans for the development indicate a rear garden of 100sqm minus the area of the store (16.575sqm) i.e. c.83sqm. The Mullingar Town Plan sets out a requirement for 60-75sqm for a 3-bedroom property and 48sqm for a 1 and 2-bedroom properties. The Government's Guidelines on New Residential Development (which take precedent) provide a standard of 5sqm for apartment development. I would accept, therefore, that minimum private open space could be provided in the rear garden of the property to meet these basic requirements, however, if these areas are to be screened from each other, and access provided to the rear store for the apartment, the quality of open space provision may be poor.
- Parking – The Mullingar Town Plan sets out a requirement for one parking space, each, for one and two + bedroom units. Two parking spaces are provided within the curtilage of the appeal site and, in principle, meets the required level of provision.

7.2.4. In summary, whilst I would accept that the proposed development does meet some of the criteria set out in Section 9.9.1 of the Mullingar Town Plan, I consider that the development of a standard semi-detached suburban property is, in principle, contrary to the policies of the Plan which seek to retain houses suited for family accommodation in their original undivided form. Further, the internal floorspace

provision is below the minimum level set out in Government Guidelines and individual rooms are sub-standard (living room). Whilst I acknowledge that the applicant considers that there is little demand for larger houses in Mullingar, no demonstrable evidence is provided to this effect, and I do not consider that sufficient information has been provided to justify the requirement for proposed development.

7.3. Impact on Character of the Area

- 7.3.1. The proposed sub-division of the existing property on the appeal site would establish two independent residential units on a relatively small site, and in a suburban area that is characterised by single residential usage. As sated above, the proposed apartment also fails to provide a minimum floor area. I consider, therefore, that the proposed development would comprise over development of the site and would establish an inappropriate precedent for similar developments of this type in the future.

8.0 Appropriate Assessment

- 8.1. Having regard to nature of the proposed development (retention of domestic extension) 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'.

9.0 Recommendation

- 9.1. Having regard to the above, I recommend that permission for the development be refused for the following reasons and considerations.

10.0 Reasons and Considerations

Having regard to:

- i. The Government Guidelines *Sustainable Urban Housing: Design Standards for New Apartments (2018)*, which set out a minimum size for apartments,

- ii. The objectives of the current development plan for the area which set out a presumption in favour of retaining houses suited for family accommodation in their original undivided form,
- iii. The pattern of development in the vicinity of the site, and the modest nature of the main residential property, that the development forms part of,

It is considered that the proposed development, with the inadequate provision of floorspace, would provide a sub-standard form of development on the site and provide a density and form of development that would be inconsistent with the established character and pattern of development in the area and would result in overdevelopment of the site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Deirdre MacGabhann
Senior Planning Inspector

25th June 2018