



An
Bord
Pleanála

Inspector's Report ABP-302908-18

Development	Permission for retention of a single 'Granny Flat'.
Location	Ballybaan Beg Td., 119 Wellpark Grove, Galway.
Planning Authority	Galway City Council
Planning Authority Reg. Ref.	18272
Applicant(s)	Keith Mitchell.
Type of Application	Permission.
Planning Authority Decision	Refusal
Type of Appeal	First Party
Appellant(s)	Keith Michelle.
Observer(s)	WellPark Grove Residents Association.
Date of Site Inspection	17/01/18.
Inspector	Sarah Lynch

1.0 Site Location and Description

- 1.1. The appeal site is located with Wellpark Grove which is an established housing estate located to the north east of Galway City, south of the Galway-Mayo Institute of Technology. The housing estate consists entirely of two storey detached dwellings of 1970's design with boundaries demarcated by various styles of walls, fencing and hedgerows. All properties are of the similar design and layout and many have constructed rear extensions of various scale and design.
- 1.2. The appeal site comprises a corner plot with an existing single storey structure within the rear garden. This structure abuts the boundary of the neighbouring property to the north and has an overall ridge height of c. 3.8 metres. This structure contains a UPVC door and UPVC windows which are furnished with blinds.
- 1.3. The existing dwelling comprises a two-storey detached property. The layout provides for a large front garden and driveway which is bounded by a 1.2 metre render wall. A large garden area is also provided for to the rear of the property and is bounded by a c. 1.6 metre block wall. The appeal site is largely visible to the public road.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - Retention of existing single storey granny flat to rear and,
 - Development of a single storey link corridor at northern elevation of dwelling.

3.0 Planning Authority Decision

3.1. Decision

Permission **refused** for the following reasons:

- The proposed development does not comply with Section 11.3.1 (k) of the Galway City Development Plan 2017-2023, which states, in relation to self-contained units, that "self-contained residential units will be considered when the unit is an integral part of the main dwelling capable of re-assimilation into the dwelling, the unit is an addition to the existing structure or a garage

conversion and shall generally be located at the side as opposed to the rear garden of the existing house. The floor area of the unit does not normally exceed the equivalent of 25% of the floor area of the existing house; self-contained units will only be considered so long as the owner of the premises lives in the unit or the remainder of the premises as their main residence". The development as proposed does not meet this criteria. In particular the proposed granny flat / self-contained unit is located to the rear of the main dwelling and it measures in excess of the 25% standard. Hence, it is considered that the proposed development undermines the objectives of the Galway City Council Development Plan and, if granted, would set an undesirable precedent for similar unacceptable developments in the local area. The proposal is therefore considered to be contrary to the proper planning and sustainable development of the area.

- The proposal to connect the existing rear shed, granted under Pl. Ref 96/567, with the existing dwelling, via a link corridor structure, is considered to be unacceptable due to issues of scale, massing, visual dominance and overshadowing. The building which would extend to the full length of the rear garden, reaching a height of 3.1m – 4.2m I considered to give rise to a negative impact on residential amenity, with particular regard to No. 120 Wellpark Grove. This is considered to be contrary to the land use zoning objective for the site, which is "to provide for residential development and for associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods" and therefore is contrary to the policies of the Galway City Development Plan 2017-2023 and to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The planners report is consistent with the planning authority decision.

3.2.2. Other Technical Reports

None

3.3. Prescribed Bodies

None

3.4. Third Party Observations

Two Third Party submissions were received by Galway City Council from the neighbouring property no. 120 and the residents' association. The issues raised are summarised as follows:

- Overshadowing.
- No family members live at the property.
- The proposed development would allow the owner to rent out the unit separately to the dwelling.
- Set an undesirable precedent for similar development.
- Additional traffic.
- Overdevelopment.
- Negative effect on character of area.

4.0 Planning History

96/567 permission was **Granted** to retain the existing garage. A limitation of use condition was imposed on this permission.

5.0 Policy Context

5.1. Development Plan

Galway City Development Plan 2017-2023

Zoning objective R, the objective for which is to provide for residential development and for associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods.

Section 11.3.1 (k) Self Contained Residential Units

Section 11.3.1(l) Residential Extensions

5.2. Natural Heritage Designations

None

6.0 The Appeal

6.1. Grounds of Appeal

- The existing granny flat is 20.5% of the area of the house.
- Link structure is considered to be part of the house.
- 25% floor area is burdensome ratio.
- Applicant has a stated address of 119 Wellpark Grove.
- Common practice within the estate to have self-contained units adjacent to existing properties.
- Link piece was proposed to ensure compliance with development plan.
- Link piece is 2.78 metres.
- Link is lowest part of structure so massing and height are not considered to be excessive.
- The structure is south facing and will not give rise overshadowing.
- Similar extensions in the surrounding area.

6.2. Planning Authority Response

- The proposed link structure is required to provide a physical link connection from the granny flat to the house. It would not otherwise be needed, and it should therefore be considered as part of the granny flat development.
- The applicant does not reside at the appeal address, this is evidenced by the failure to deliver a number of enforcement notices and legal correspondence.
- The proposed link would be overbearing on the neighbouring property no. 120.

- The proposed development did not meet the requirements of the Galway City Development Plan 2017-2023 and materially contravenes the policies of the plan.

6.3. Observations

Two observations have been received from no. 120 Wellpark Grove and the residents' association for the estate, the issues have been summarised in Section 3.4 above. No new substantive issues have arisen.

7.0 Assessment

7.1. The appeal site is located within an area subject to R zoning objective which seeks to provide for residential development and for associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods. The development of a self-contained residential unit is accepted within this zoning objective subject to compliance with the relevant objectives of the County Development Plan and other relevant criteria.

7.2. I consider that the relevant issues in determining the current appeal before the Board relate to:

- Compliance with Section 11.3.1 k of Galway City Development Plan 2017-2023.
- Overshadowing.
- Overdevelopment.

Compliance with Section 11.3.1 k of Galway City Development Plan 2017-2023

7.3. It is contended by the applicant within the grounds of appeal, that the area of the proposed self-contained unit is 20.5% of the area of the main dwelling. This percentage measurement has been calculated based solely on the floor area of the existing self-contained unit and excludes the area of the proposed link corridor.

7.4. The applicant submits that the proposed link corridor, which will have an overall floor area of 10.8sqm, should be considered as an extension to the main dwelling and

therefore should be dealt with separately for the purpose of calculating the overall percentage area of the self-contained unit.

- 7.5. Section 11.3.1 k of the Galway City Development Plan 2017-2023 requires self-contained units to normally be no more than 25% of the floor area of the main dwelling house, and to be integral to the main dwelling capable of re-assimilation when the use is no longer required.
- 7.6. In order to determine whether the area of the link building is to be included with the overall area of the self-contained it is necessary to determine the function and purpose of this element of the proposal.
- 7.7. I consider the sole purpose of this element of the building is to provide a physical link between the existing dwelling and the self-contained unit in order to provide for an integral form of development as required under Section 11.3.1 k of the development plan. Therefore, I do not consider this link structure to be an extension to the main dwelling separate to the self-contained unit but is an integral part of the overall development. The floor area of this link will therefore be taken into account in the overall floor area percentage calculation for the self-contained unit.
- 7.8. Having regard to the foregoing the overall floor area of the self-contained unit is 31.9sqm which represents a 31% increase on the overall floor area of the main dwelling. This significantly exceeds the 25% permitted under Section 11.3.1 k of the Galway City Development Plan 2017-2023. An increase on the percentage permitted within this Section is not considered to be acceptable given the existing pattern of development in the area, layout and overall design of the proposal. If the Board is of a mind to grant this development I consider that there is merit to impose a condition in relation to the re-design of the proposed link extension to provide for a functional room which is integral to the main dwelling.
- 7.9. It is of note within the reason for refusal by the Local Authority that concerns were raised relating to the address at which the applicant resides. I note that there was difficulty with the delivery of enforcement notices and acknowledge that Section 11.3.1 k of the plan requires these units to only be permitted where the applicant is in residence at the property as their main residence for which the application applies. I further noted at the time of inspection the proximity of the estate to Galway & Mayo

Institute of Technology and that many of the dwellings in the vicinity appear to be inhabited by students.

- 7.10. I acknowledge the concerns of the Local Authority in relation to this question of residence and thus the ability of the proposal to fully comply with Section 11.3.1 k and note that the applicant has failed to address this within the grounds of appeal. In the absence of any supporting information from the applicant in this regard I consider that the proposed development fails to demonstrate adequate compliance with the requirements of Section 11.3.1 k.

Overshadowing

- 7.11. The existing self-contained unit has an overall stated height of 3.86 metres. The proposed link structure will have an overall height of 2.78 metres. This existing unit is located on the north boundary of the site and results in limited overshadowing to the neighbouring property. I note from site inspection that the neighbouring property to the north also has a single storey extension along the northern boundary of their site. Given the orientation and single storey height of the proposal, I do not consider the level of overshadowing to be so significant from either element of the development as to warrant a refusal. The proposal is therefore considered to be acceptable in this regard.

Overdevelopment.

- 7.12. The level of open amenity space remaining to the rear of the dwelling is c. 78sqm which is of sufficient size to cater for both the existing dwelling and proposed self-contained unit. Rear garden length is maintained at 11 metres and the dwelling has the benefit of a large front garden of c. 79 sqm. Having regard to the remaining available open space and the single storey height of the structure I do not consider the proposal to be an overdevelopment of the site.

Conclusion

- 7.13. In conclusion I consider that the applicant has not demonstrated adequate compliance with Section 11.3.1 k of the Galway City Development Plan 2017-2023 in that the proposed development exceeds the upper percentage limit of 25% of the floor area of the main dwelling and has not adequately demonstrated that the property is the applicant's main residence. The development as proposed would

therefore be contrary to Section 11.3.1 k of the Galway City Development Plan 2017-2023 and to the proper sustainable development of the area.

8.0 Recommendation

8.1. I recommend that planning permission is refused for the following reasons and considerations.

9.0 Reasons and Considerations

Section 11.3.1 k of the Galway City Development Plan 2017-2023 seeks to restrict the size of self-contained units and to ensure that such units are used in conjunction with the use of the dwelling as the main family residence. This is considered reasonable. The proposed development exceeds the size specified within Section 11.3.1 k for such development and the applicant has failed to demonstrate that the dwelling is used as the main family residence. The proposed development therefore, does not comply with Section 11.3.1 k of the Galway City Development Plan 2017-2023 and would therefore be contrary to the proper planning and sustainable development of the area.

Sarah Lynch

Planning Inspector

29th January 2019