



An
Bord
Pleanála

Inspector's Report ABP 303950-19

Development	Granny flat, attic conversion and change of use of lower floor to kitchen/bathroom.
Location	14 Valley View, Delgany, County Wicklow.
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	19/04
Applicant(s)	Enver Lola
Type of Application	Permission
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	Third Party
Appellant(s)	Colin Acton
Observer(s)	None
Date of Site Inspection	15 th May 2019
Inspector	Hugh Mannion

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1.0 Site Location and Description

1.1. The application site has a stated area of 0.03ha and is the third site on the south-eastern side of Valley View in Delgany, County Wicklow. Valley View has 16 houses; the houses on the right (northwest) are two storey while the 6 houses on the left (including the application site) are single storey to the front and two storey to the rear. The application site slopes steeply towards the rear/southeast so that there is a significant difference in levels between the roadside elevation and the rear of the application site. The existing house is split level – one storey facing the road, two storeys at the rear. There is a drive-in car parking space to the front. The rear garden appears to be about 8m deep and is accessed down concrete steps from the front parking area.

2.0 Proposed Development

2.1. The proposed development comprises internal alterations to an existing house and the erection of a rear dormer roof to accommodate a granny flat. The attic floor will comprise a bedroom/bathroom, the ground floor will comprise a living room, kitchen, dining room, study and WC/utility room. The lower ground floor will have a living/dining room, a bedroom, bathroom, with study and wardrobe to the front at 14 Valley View, Delgany, County Wicklow.

3.0 Planning Authority Decision

3.1. Decision

Grant permission subject to conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planner's report recommended a grant as set out in the manager's order.

3.2.2. Other Technical Reports

Water and Environmental Services section reported no comment.

4.0 Planning History

4.1. Reference 08/1206 referred to an extension to 15 Valley View.

5.0 Policy and Context

5.1. Wicklow County Development Plan 2016-2022 sets out objectives in relation to existing residential areas as follows;

5.2. **HD9** In areas zoned / designated 'existing residential', house improvements, alterations and extensions and appropriate infill residential development in accordance with principles of good design and protection of existing residential amenity will normally be permitted (other than on lands permitted or designated as open space, see Objective HD11 below). While new developments shall have regard to the protection of the residential and architectural amenities of houses in the immediate environs, alternative and contemporary designs shall be encouraged (including alternative materials, heights and building forms), to provide for visual diversity.

5.3. **HD10** In existing residential areas, infill development shall generally be at a density that respects the established character of the area in which it is located, subject to the protection of the residential amenity of adjoining properties. However, where previously unserved, low density housing areas become served by mains water services, consideration will be given to densities above the prevailing density, subject to adherence to normal siting and design criteria.

5.4. **HD11** In existing residential areas, the areas of open space permitted, designated or dedicated solely to the use of the residents will normally be zoned 'RE' as they form an intrinsic part of the overall residential development; however new housing or other non-community related uses will not normally be permitted on such lands.

5.5. Local Area Plan.

5.6. The site is zoned Existing Residential in the Greystones-Delgany and Kilcoole Local Area Plan 2013-2019 (adopted September 2013) with the objective "To protect, provide for and improve residential amenities of adjoining properties and areas while

allowing for infill residential development that reflects the established character of the area in which it is located”.

5.7. Furtherer relevant policy provisions are as follows;

5.8. Independent living units ('Granny-flats')

5.9. A 'granny flat' or 'independent living unit' is a separate living unit on an existing house site, used to accommodate a member of the immediate family, often an elderly parent, for a temporary period. The construction or conversion of part of an existing dwelling into a 'family flat' will only be permitted where the development complies with the following requirements:

- The need for the unit has been justified and is for the use of a close family member;
- The unit forms an integrated part of the structure of the main house – in exceptional circumstances, the conversion of an existing detached garage / store etc may be considered subject to the structure being in very close proximity to the main house;
- The unit is modest in size and in particular, it shall not exceed 45sqm and shall not have more than 1 bedroom;
- The unit shall not be sold or let as an independent living unit and the existing garden shall not be sub-divided;
- The structure must be capable of being functionally re-integrated into the main house when its usefulness has ceased. Permission for such units shall be restricted to a period of 7 years, after which it must revert to a use ancillary to the main house (e.g. garage, store, hobby room) unless permission has been secured for its continuation as an independent unit for another period.

5.10. House extensions

5.11. The construction of extensions to existing houses will be encouraged generally as it usually provides a less resource intensive method of expanding living space than building a new structure. Given the range of site layouts prevailing, it is not possible to set out a set of 'rules' that can be applied to all extensions, but the following basic principles shall be applied:

- The extension should be sensitive to the existing dwelling and should not adversely distort the scale or mass of the structure;
- The extension shall not provide for new overlooking of the private area of an adjacent residence where no such overlooking previously existed;
- In an existing developed area, where a degree of overlooking is already present, the new extension must not significantly increase overlooking possibilities. If for example a two-story dwelling already directly overlooks a neighbour's rear garden, a third storey extension with the same view will normally be considered acceptable;
- New extensions should not overshadow adjacent dwellings to the degree that a significant decrease in day or sunlight entering into the house comes about. In this regard, extensions directly abutting property boundaries should be avoided;
- While the form, size and appearance of an extension should complement the area, unless the area has an established unique or valuable character worthy of preservation, a flexible approach will be taken to the assessment of alternative design concepts.

5.12. **Natural Heritage Designations**

Not relevant

5.13. **EIA Screening.**

5.14. Having regard to nature of the foreseeable emissions from a domestic extension in an area where public piped services are available there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- The appellant has no objection to the conversion of the lower ground floor to a grant flat.
- The appellant's objection is to the proposed extension.
- The proposed extension is contrary to County Development Plan Policy HD9. The extension is too large/excessive scale, out of character with the existing house and nearby houses, the windows do not reflect the windows of the existing house or other windows in the area.
- The proposed development would be overbearing, visually dominant and seriously injure the amenity of adjoining property.

6.2. Applicant Response

- The application reflects the living space requirements of the applicant.
- The proposed extension is designed to accommodate the applicant's mother.
- The impact on sunlight in the rear gardens of adjoining houses would be minimal.

6.3. Planning Authority Response

- No response.

6.4. Observations

- None

6.5. Further Responses

None.

7.0 Assessment

- 7.1. The site is zoned for residential development in the Greystones-Delgany and Kilcoole Local Area Plan 2013-2019 and is in an existing residential area.
- 7.2. The grounds of appeal make the points that the proposed extension is contrary to Wicklow County Development Plan Policy HD9, is too large and excessive in scale, out of character with the existing house and nearby houses, the windows do not reflect the windows of the existing house or other windows in the area and that it will be overbearing, visually dominant and seriously injure the amenity of adjoining property.
- 7.3. The county development plan (appendix 1) sets out considerations in relation to granny flat developments and states that a 'granny flat' or 'independent living unit' is a separate living unit on an existing house site, used to accommodate a member of the immediate family, often an elderly parent, for a temporary period. The construction or conversion of part of an existing dwelling into a 'family flat' will only be permitted where the development complies with a number of standards. These are the flat is required for a close family member, the unit forms an integrated part of the structure of the main house, the unit is modest in size and does not exceed 45sqm or have more than 1 bedroom. The flat shall not be sold or let as an independent living unit and the existing garden shall not be sub-divided and it should be easily re-integrated into the main house.
- 7.4. The applicant makes the point that the proposed flat will accommodate his mother and the bedroom/bathroom in the converted attic does not exceed 45m². There is no suggestion that the additional space is to be sublet, and I consider that the additional space proposed may be easily re-integrated into the original house.
- 7.5. The Plan sets out 'basic principles' in relation to house extensions; extensions should be sensitive to the existing dwelling and should not adversely disrupt the scale or mass of the existing structure, extension should not create new overlooking of adjoining property, extensions should not overshadow adjoining property and, finally, a flexible approach should be taken unless the area has an established unique or value character worthy of preservation.

7.6. The amended roof runs the width of the house but the southeast/northeast orientation of the house will mean that overshadowing of adjoining property will be minimal. I agree with the appeal that the rear elevation as proposed would be out of character with the remainder of the house and pattern of development in the vicinity. I recommend a condition (condition number 2) which would amend it without impacting negatively on the residential utility of the proposed flat. The opportunity to reduce the height of the roof is limited by the necessity to meet the building regulations requirement for a minimum 2.4m floor to ceiling height and this gives rise to the raised roof ridge height of about 0.5m over the existing roof. This will introduce a new feature when viewed from the public realm. However, the character of the area is not unique in a manner as to prevent relatively minor interventions. There is a step down between these 6 houses from northeast to southwest which will mitigate the visual impact of this raised roof ridge. There is dense screening along the rear boundary which will limit overlooking of property the other side of that boundary.

7.7. **Amended Drawings**

7.8. The applicant submitted amended drawings at appeal stage. I consider that these drawings substantially alter the proposed development from that which is the subject of the advertised application. I recommend that they may not be considered by the Board.

7.9. **Appropriate Assessment**

7.10. Having regard to the very modest scale of the proposed development and the foreseeable emissions therefrom 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**

8.1. I recommend a grant of planning permission.

8.2. **Reasons and Considerations**

8.3. The proposed development is located in an area zoned Existing Residential in the Greystones-Delgany and Kilcoole Local Area Plan 2013-2019 to protect and or improve residential amenity. The proposed development, subject to compliance with the conditions set out below, would not seriously injure the visual or residential amenity of the area or of property in the vicinity and, otherwise, would be in accordance with the Local Area Plan, with the Wicklow County Development Plan and with the proper planning and sustainable development of the area.

9.0 **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application 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 rear attic elevation shall have two windows only; one each for the bedroom and bathroom element. These shall be fitted with obscure glass and reflect the design of the remaining windows on the rear elevation. Prior to commencement of development plans and particulars providing for this amendment shall be submitted to and agreed in writing with the planning authority.

Reason: in the interest of visual and residential amenity.

3. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such services and works.

Reason: In the interest of public health.

4. The proposed granny flat extension 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 and to comply with the objectives of the current Development Plan for the area.

Hugh Mannion
Senior Planning Inspector
5th June 2019.