



An
Bord
Pleanála

Inspector's Report ABP-304034-19

Development	Change of use from garage to assisted living accommodation
Location	69 Monaleen Heights, Castletroy, Limerick
Planning Authority	Limerick City & County Council
Planning Authority Reg. Ref.	18/689
Applicant(s)	Noel Keary
Type of Application	Retention & Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Noel Keary
Observer(s)	None
Date of Site Inspection	20 th May, 2019
Inspector	Kevin Moore

1.0 Site Location and Description

- 1.1. No. 69 Monaleen Heights is located in Castletroy to the east of Limerick City. Monaleen Heights is a residential estate of detached houses. The appeal site slopes away from its frontage to the rear and No. 69 is a house that presents itself as two-storey to the street and is three storeys to the rear. There is a detached garage to the rear of the house whose north-western gable forms part of the flank boundary wall on this side. This is a single-storey structure that has been converted to residential accommodation. The property is bounded to the north and west by open space and to the east and south-east by detached houses.

2.0 Proposed Development

- 2.1. The proposed development comprises the retention of the change of use from a garage to assisted living accommodation and the construction of a ramp access and internal alterations, as well as the retention of a connection to the foul sewer. The gross floor area of the converted building is stated to be 57.55 square metres.
- 2.2. Details submitted with the application included a covering letter referring to the applicants having a number of ailments, undertaking changes to the garage to make it disability friendly, and the intention of their son to live in the main house. A letter from a doctor and from the applicant was also submitted.
- 2.3. Following a request for further information, the applicant submitted revised details that included the development of a link between the main house and the garage.

3.0 Planning Authority Decision

3.1. Decision

On 28th February, 20129, Limerick City & County Council decided to refuse permission for the proposed development for one reason relating to the proposal being non-compliant with Objective HOU 06 of the Development Plan and the development constituting overdevelopment of the site, injuring amenities and depreciating property values.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

In the first report, the Planner noted the site's planning history, development plan provisions, reports received and a third party submission made. It was recommended that further information be sought relating to compliance with development plan provisions on independent living, drainage, and third party concerns.

Following the receipt of further information, the Planner considered the response to development plan provisions to be incomplete as no details of who would occupy the unit was submitted and it was concluded that the proposed insertion of a long corridor linking the main house and the garage was unacceptable due to the distance involved and the fact it would cut off access to the rear yard. It was considered that there was no way of assimilating the proposal into the main dwelling. It was further submitted that limited details were provided on drainage connections. A refusal of permission was recommended.

3.3. **Prescribed Bodies**

Irish Water had no objection to the proposal.

3.4. **Third Party Observations**

An objection to the proposal was received from Denis Burns and Edel Minihan, raising concerns that included the nature and extent of the development, foul waste disposal, vehicular access, and building control issues.

4.0 **Planning History**

P.A. Ref. 17/361

An application for the change of use of a garage to a granny flat was withdrawn.

5.0 Policy and Context

5.1. Limerick County Development Plan 2010-2016

Special Needs Housing

Objectives include:

Objective HOU O4: Independent Living

It is the objective of the Council to support the concept of independent living for older people within their community and ensure where possible that housing for such is integrated with mainstream housing.

Objective HOU O6: Subdivision of Dwelling to Accommodate Dependent Relative

It is an objective of the Council to facilitate the provision of accommodation for older people and dependant relatives within the existing family home subject to the compliance with the following criteria:

- Accommodation by way of extension shall be attached to the main dwelling.
- There shall be an internal connecting door with the main residence.
- The extension shall be subservient to the main dwelling.
- In a rural location any external door shall not be located on the front elevation.
- On vacancy of the unit the accommodation shall be integrated with the main dwelling. No such unit shall be used as rental accommodation.

There will be a presumption against proposals for detached independent units within the curtilage of a dwelling regardless of urban or rural location. Proposals must accord with planning considerations such as residential amenity, environmental and public health standards, and traffic safety.

5.2. Castletroy Local Area Plan 2019-2025

Zoning

The site is zoned 'Existing Residential'. The Plan states that the purpose of this zoning is to ensure that new development is compatible with adjoining uses and to protect the amenity of existing residential areas.

5.3 Appropriate Assessment

It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any designated European Site and a Stage 2 Appropriate Assessment and submission of a NIS is not therefore required.

5.4 EIA Screening

Having regard to the nature, size and location of the proposed development, there is no real likelihood of significant effects on the environment. No EIAR is required.

6.0 The Appeal

6.1. Grounds of Appeal

The principal grounds of the appeal may be synthesised as follows:

- The criteria with regard to Objective HOU 06 of the Development Plan have been satisfied as follows:
 - The accommodation will be attached to the main dwelling by a link extension.
 - There will be an internal connecting door with the main residence.
 - The extension will be subservient to the main dwelling.
 - There is no external door located on the front elevation of the extension (even though this is not a rural area).
 - On vacancy of the unit the accommodation will be integrated with the main dwelling. The unit will not be used as rental accommodation.
- Having regard to the scale of the existing garage, the link extension being 40 square metres, the open area that would remain after the link extension, and

the ability to extend to the rear of the house by 40 square metres without planning permission, it is an exaggeration to say that the proposal constitutes overdevelopment of the site.

- The unit will not injure the amenities of the area. The house has high walls on all sides and there would be little visibility of the extension link. The garage has existed for over 20 years. The adjoining neighbour has no objection to the development and the other side of the garage is bounded by open space.
- There are no grounds for concluding that the proposal would depreciate the value of properties in the area.

6.2. Planning Authority Response

I have no record of any response to the appeal from the planning authority.

7.0 Assessment

7.1. Introduction

I consider that the principal planning issues associated with this appeal relate to compliance with development plan provisions on special needs housing and impact on amenities and property values.

7.2 Compliance with Development Plan Provisions on Special Needs Housing

- 7.2.1 I note the provisions of the current Limerick County Development Plan relating to special needs housing. Objective HOU 04 supports the concept of independent living for older people within their community. However, this is reliant upon housing for independent living being integrated with mainstream housing. It is apparent that the use of the existing garage in this residential estate as a separate dwelling could not reasonably be viewed as integrating in any meaningful manner with the established housing in Monaleen Heights, being an outbuilding to the rear of a house, located within a confined back garden space that serves the existing house, and being a use which would wholly encroach on the living and amenity spaces of the occupants of the existing house on this site. Evidently, permitting a separate house in such an instance would establish a most undesirable precedent, likely to encourage

development of a similar nature in the area to the detriment of the amenity of affected established residents.

7.2.2 Objective HOU 06 of the Development Plan relates to the subdivision of a dwelling to accommodate a dependent relative. This is the appropriate provision in the Plan that would seek to accommodate the needs of the appellant in this instance and it is the criteria associated with this objective that the proposal must be measured against.

7.2.3 It is very clear from the outset that the proposed development runs contrary to a fundamental requirement of this objective as the objective explicitly states:

“There will be a presumption against proposals for detached independent units within the curtilage of a dwelling regardless of urban or rural location.”

7.2.4 This proposal constitutes a detached independent unit within the curtilage of a dwelling. The belated amended proposal attempting connectivity with the house on this site would produce an unacceptably long, over-scaled link that would sever a functioning back garden space. It would ultimately produce a structure that would militate against it being functionally reintegrated into the main house following cessation of the “granny flat” use intended, as is required under the Development Plan objective. In my opinion, the development of a functioning second dwelling on this site would have significant adverse impacts on the amenities of occupants of the existing house on the site in terms of encroachment on privacy, amenity space, etc. The proposal undoubtedly runs contrary to the provisions of Objective HOU 06 of the Limerick County Development Plan.

7.2.5 Finally, I note that the existing house could reasonably be adapted and, if required extended, to accommodate the needs of the appellant. A development of this nature on this site does not merit a departure from the requirements of the Development Plan objective. Any independent living space should form an integrated part of the main house structure.

7.3 Impact on Amenity and Property Values

7.3.1 I have alluded to how the proposed development would impact on the amenity of occupants of the existing house on this site. I have also referenced the precedent that would arise. I put it to the Board that development of this nature would have

adverse impact on the amenity of the area as a result of these effects on its immediate neighbours. I would also conclude that haphazard development of this nature would not enhance the value of properties in the vicinity due to the likely adverse impacts that arise for the amenity of residents.

8.0 Recommendation

8.1. I recommend that permission is refused in accordance with the following reasons and considerations.

9.0 Reasons and Considerations

Objective HOU 06 of the Limerick County Development Plan 2010 – 2016 sets out the requirements of the planning authority in relation to accommodating dependent relatives in a residential property, including the requirement that it forms an integrated part of the structure of the main house. The proposed development does not form an integrated part of the structure of the main house. Furthermore, it is considered that the location and distance of the garage from the house would militate against it being functionally reintegrated into the main house following cessation of the separate residential use as is required under the Development Plan objective, notwithstanding any proposal to provide additional residential accommodation to form a link between the two structures. In addition, the Board is satisfied that the proposed accommodation could reasonably be provided by means of modification or extension of the main dwelling, in compliance with the provisions of the Development Plan. The proposed development would, therefore, contravene Objective HOU 06 of the Development Plan and would, thereby, be contrary to the proper planning and sustainable development of the area.

Kevin Moore

Senior Planning Inspector

29th May, 2019