



An
Bord
Pleanála

Inspector's Report ABP-304244-19

Development	Retention of conversion of garage to granny flat
Location	Kilmore, Garrettstown, Ballinspittle, County Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	19/4265
Applicant(s)	John & Trudi Mac Donald
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	John & Trudi Mac Donald
Date of Site Inspection	17 th June, 2019
Inspector	Kevin Moore

1.0 Site Location and Description

- 1.1. The 0.196 hectare site is located in a rural area approximately 2km south of the village of Ballinspittle in County Cork. There is an existing two-storey detached house and detached garage on the site that has frontage onto a minor local road. The garage has been converted to residential accommodation in accordance with the details provided in the planning application.

2.0 Proposed Development

- 2.1. The proposed development would comprise the retention of the conversion of a detached garage into a self-contained granny flat. The garage is stated to be 76.4 square metres in area and provides living/kitchen space at ground floor level and a bedroom, bathroom and store at first floor level. The development includes the retention of windows installed to serve the residential use. The structure is served by a private well and on-site waste water treatment unit that serves the existing house on the site.
- 2.2. The application included a covering letter indicating how the proposal addresses two reasons for refusal set out in the decision by the planning authority under Planning Application Ref. 18/06099.

3.0 Planning Authority Decision

3.1. Decision

On 2nd April, 2019, Cork County Council decided to refuse permission for the proposed development for two reasons relating to inconsistency with development plan policy and the proposal giving rise to an excessive density of development in a rural area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner referred to the site's planning history, development plan provisions, and reports received. Noting that it was a repeat application and that there had been no

change in policy since the assessment of the previous proposal, it was submitted that the need for the granny flat does not meet criteria set out in the Cork County Development Plan and there is no justification for it. A refusal of permission was recommended.

The Senior Executive Planner concurred with the Planner's recommendation.

3.2.2. Other Technical Reports

The Area Engineer had no concerns.

3.3. Prescribed Bodies

Irish Water had no objection to the proposal.

4.0 Planning History

P.A. Ref. 18/6099

A split decision was issued by the planning authority, permitting the retention of a conservatory to the rear of the house and the retention of a window to the south-east elevation of the house and refusing the conversion of the garage to a granny flat. The reasons for the refusal were similar to those given in the application now before the Board.

P.A. Ref. 04/6947

Permission was granted for a dwelling and detached garage.

5.0 Policy and Context

5.1. Cork County Development Plan 2014

Provision of Ancillary Family Accommodation in Granny Flats

5.7.12 Consideration can be given to building ancillary accommodation either as an extension to an existing house or as a separate dwelling unit in cases where it can be shown that such is required for a family member. This would include circumstances where a member of the family requires separate living space

which is on the same property as the main dwelling. Such units can be established in conjunction with a dwelling house, either within or attached to the house but within the bounds of that site.

5.7.13 This provision allows families to provide accommodation for older or disabled relatives/persons. These units should be permitted where the following criteria can be met:

- 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.

5.2. **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.

5.3. **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 grounds of the appeal may be summarised as follows:

- The garage is presently occupied by the applicants' son. This circumstance will change in the near future. The son will buy the house and the applicants will move into the granny flat.
- The son is being allowed to stay in the granny flat rent-free while he saves a deposit to buy the house.
- Other than the occupier not being an older or disabled person, which will change in due course, the application satisfies every condition in Sections 5.7.12 and 5.7.13 of the Development Plan.
- The building envelope of the granny flat is the same as the garage which was granted permission by the planning authority. The granny flat is in keeping with the main house in appearance and style.
- Regarding the development giving rise to 'excessive density of development', the garage is already there, it has permission, and its conversion has not changed its outward appearance. The existing treatment plant is designed for a PE of 10 and electrical and water supply is directly from the main house.
- The conversion to a granny flat conforms in every way with the Development Plan's qualifications and cannot be regarded as being over-development or visually obtrusive.
- Having the independent accommodation on the family property will be of huge benefit to the family, especially where there is a housing crisis and rents are almost unaffordable.

6.2. Planning Authority Response

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

7.0 Assessment

- 7.1. I first note that the permitted garage on this site was a single-storey garage. This garage has now been converted to residential use and it now has a second storey with residential accommodation. Design changes have also taken place such as the height of the structure being marginally increased, replacement of windows by doors, the addition of windows, provision of roof lights, etc. To all intents and purposes, this structure has been developed as a house.
- 7.2. Section 5.7.13 of the Cork County Development Plan 2014 relates to the provision of ancillary family accommodation in granny flats and is a key provision that one must have regard to in the assessment of any proposal for the development of such accommodation. This Section states
- “This provision allows families to provide accommodation for older or disabled relatives/persons.”*
- 7.3. The Board will note from the details provided in the application and appeal that the converted garage is occupied by the applicants’ son. It is another house. It is not a granny flat to provide accommodation for older or disabled relatives.
- 7.4. The appellant has submitted that, other than the occupier not being an older or disabled person, which will change in due course, the application satisfies every condition in Sections 5.7.12 and 5.7.13 of the Development Plan. Such a submission makes it very clear that this proposal is contrary to the Development Plan provisions as this is the prime reason why the application could only be allowed to be considered. If one does not meet this criterion then it is clear that the proposed development does not meet the basic requirements of the Development Plan relating to the provision of ancillary family accommodation in a granny flat.
- 7.5. I am satisfied to determine that the proposed development, as a residential unit for the applicants’ son, constitutes a separate house on this holding. Clearly, such development is not a ‘granny flat’ in terms of its understanding in the context of the Development Plan. As a separate dwelling, such development should be subject to the Development Plan provisions relating to rural housing.
- 7.6. In considering a granny flat, the provisions of the Development Plan require that an ancillary unit should not impact adversely on either the residential amenities of the

existing property or the residential amenities of the area. However, as I have already stated, the existing structure is a separate dwelling and as a separate dwelling on a restricted site, it significantly impacts on the functioning of the permitted house on this site. All amenities and services are communal. This could not be construed as orderly development. It is clearly unsustainable to be allowing the functioning of two houses on this restricted site that are dependent on the same amenity spaces, both using the one curtilage and both dependent on the one water and waste water services on the site. The functioning of a separate dwelling could only be viewed as one that encroaches significantly on the amenity of the occupiers of the permitted house on the site.

- 7.7. Finally, if one is waiting for the applicants to get older to move into the garage and for their son to save a deposit to buy the family home, it is my opinion that if this development was permitted there would be a very significant precedent set. The potential for the demand for the conversion of garages around the county for residential use as additional housing units should not be underestimated. It would be a very damaging precedent to set.
- 7.8. Overall, I consider that the only reasonable conclusion to draw is that the proposal fails to meet with the provisions of the Cork County Development Plan as they relate to the provision of ancillary family accommodation in granny flats, that this development effectively constitutes a separate dwelling on this site, and that this proposal could not, and would not, be functionally integrated with the permitted house in the future. It is very clear that, if additional accommodation is required to accommodate ancillary family accommodation, the existing house could reasonably be extended to meet any such future need.

8.0 Recommendation

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

9.0 Reasons and Considerations

It is a provision of the Cork County Development Plan 2014 to allow families to provide accommodation for older or disabled relatives/persons in ancillary accommodation either as an extension to an existing house or as a separate dwelling unit. Such accommodation may be permitted subject to the ancillary unit not impacting adversely on either the residential amenities of the existing property or the residential amenities of the area. Having regard to the proposed development functioning as a separate dwelling unit to that of the existing dwelling on this site, the lack of any necessity to provide accommodation for older or disabled relatives/persons in this instance, the siting of the garage from the house such that it would militate against it being functionally integrated with the main house, and given that the proposed accommodation for older or disabled relatives/persons could reasonably be provided by means of modification or extension of the main dwelling, it is considered that the proposed development would contravene the provisions of the current Cork Development Plan and would, thereby, be contrary to the proper planning and sustainable development of the area.

Kevin Moore
Senior Planning Inspector

20th June 2019