



An
Bord
Pleanála

Inspector's Report

ABP-306003-19

Development	Permission for retention of alterations to existing dwelling incorporating a self contained unit on revised site boundaries to previously granted Ref: 05/861 & Ref: 06/5187
Location	Dungory West, Kinvarra, Co.Galway
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	191403
Applicant(s)	Liadain O Donovan.
Type of Application	Permission.
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Jean & Anne Bacqueyrisses.
Observer(s)	None.
Date of Site Inspection	31 st January 2020
Inspector	Bríd Maxwell

**SUPPLEMENTARY REPORT TO BE READ IN CONJUNCTION WITH
INSPECTOR'S REPORT OF 25TH JANUARY 2018**

1.0 I refer to my previous report and recommendation to the Board dated 6th February 2020 in respect of the proposed development set out in public notices as retention of alterations to two existing dwelling houses on revised site boundaries to that previously granted under planning reference numbers 05/861 and 06/5187.

1.2 On 28th February the Board issued a Section 132 notice requesting the following:

- Detailed and accurate description of the development proposed for retention.
- Having regard to the planning history on the site and to the apparent current use as a single dwelling unit the Board is not satisfied that the description of the development which refers to two existing dwelling houses is accurate. Clarification required.
- Noting that the extension authorised by 06/5187 was not implemented submissions are invited to address the authorisation of the conversion of the shed area to dwelling use.
- Clarify the nature of the use(s) on the site including any intended seasonal commercial use.
- If two separate dwellings are to be provided on the site provide a schedule to demonstrate compliance with relevant internal space standards and private amenity area standards in accordance with the Galway County Development Plan and 2007 Quality Housing for Sustainable Communities Best Practice Design Guidelines. Parking provision and bin stores should also be addressed.

1.3 The response to the Section 132 Notice comprising a submission by Brendan Slevin and Associates Chartered Engineers was received by the Board on 8th day of April 2020 and is summarised as follows:

- The existing 19th century cottage which was extended under planning reference 05/861 which incorporated an old 19th century shed as part of the extension. The

second unit is a separate stand-alone one-bedroom residential unit which was granted permission under planning reference 06/5187 which included the conversion and extension of another 19th century shed to a separate residential unit. Only part of this development was developed however. The applicant is happy however notwithstanding the above separate grants of planning permission for two separate units to retain the entire development as a single dwelling unit on the proposed site. Both developments already share the same utilities.

- The applicant uses the property as a single dwelling unit. The applicant occasionally shares the standalone unit during the summer as short-term accommodation whilst continuing to reside in the main house when her grown up family are not visiting.
- Part of the works permitted under planning reference 06/5187 were not constructed, however of those elements that were constructed they are in compliance with the planning permission. This application seeks to regularise the reduced scale of works carried out under the grant of planning permission under planning ref 06/5187.
- The entire development will continue in use as a single dwelling unit. The standalone unit will continue to be used for occasional home sharing short term use whilst the main house remains in use as a principle private residence at the same time.

1.4 I note that in the interim by order dated 24/2/2020 the Board confirmed the decision to grant permission for the construction of dwelling on revised site boundaries to previously granted ref 18/1205 which relates to the adjoining site to the south, ABP306002-19, and represents the subdivision of the curtilage of the appeal dwelling site.

1.5 The first party response acknowledges that the use on the site is as a single dwelling unit with occasional use of the self-contained unit for short term letting. I consider that this use is acceptable in the context of the serviced nature of the site and in terms of the potential for impact on established residential amenity the amenities of the area. It is appropriate that the overall site be retained as a single dwelling given the shared nature of amenities.

I note the provisions of SI 235 of 2019 of the Planning and Development Act 2000 (Exempted development) (No 2) Regulations 2019, as follows:

“Article 6 is amended by the insertion of the following subarticle:

(5) (a) Each of the following shall be exempted development:

(i) development consisting of the short term letting in a rent pressure zone of not more than 4 bedrooms in a house that is the principal private residence of the landlord or licensor concerned provided that -

(I) It is a condition of the short term letting that each bedroom that is subject of the letting shall not be occupied by more than 4 persons,

And

(i) The development –

(a) Does not contravene a condition attached to a permission granted in respect of the house under the Act, and

(b) Is consistent with any use specified in any such permission.

(ii) Development consisting of the short term letting in a rent pressure zone of a house that is the principal private residence of the landlord or licensor concerned provided that –

(i) The aggregate number of days during a year in which the house is the subject of short-term lettings does not exceed 90 days, and

(ii) The development –

(A) Does not contravene a condition attached to a permission granted in respect of the house under the Act, and

(B) Is consistent with any use specified in any such permission.

(b) where a person proposes to undertake development to which paragraph (a) applies, he or she shall, not later than 2 weeks before the commencement of the development, notify the planning authority in whose functional area the proposed development will occur of the proposed development, or cause the planning authority to be so notified, in writing”

“Principle private residence” means, in relation to a house that is the subject of a short term letting, a house in which the landlord or licensor concerned ordinarily resides;

‘rent pressure zone’ and ‘short term letting have the meanings assigned to them by section 3A (inserted by section 38 of the Residential Tenancies (amendment) Act 2019 of the Planning and Development Act 2000.

- 1.6 The potential commercial use as described within the first party response is likely to fall within the above exempted development provisions. I also note that the site is within a rent pressure zone.
- 1.7 I consider that the proposal to retain the dwelling with the self-contained unit on the site as constructed is appropriate and is in accordance with the proper planning and sustainable development of the area. The development does not give rise to significant impact on adjacent residential amenity and the nature and intensity of use is not considered significant in the context of the serviced location within the village of Kinvarra. On the issue of Appropriate Assessment, as noted in previous report of 25th January 2020, I note that having regard to the scale of the development on the site and fully serviced location no appropriate assessment issued 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. On the basis of the foregoing I recommend that the Board grant permission subject to the following schedule of conditions and for the following reasons and considerations.
- 1.8 I note that the first party response to the S132 notice has not been circulated and the Board may choose to circulate to the parties in the interest of natural justice.

Reasons and Considerations

Having regard to the to the prevailing character and form of established and permitted development in the vicinity, it is considered that subject to compliance with the conditions as set out below the development proposed for retention would form

an acceptable development on the site, would not seriously injure the visual amenities of the area, would comply with the policies and objectives of the Galway County Development Plan and would be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be in accordance with the plans and particulars lodged with the application, as amended by further information submitted to the Board on the 8th day of April 2020 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 and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The existing dwelling and self contained unit shall be jointly occupied as a single residential unit and shall not be sold, let or otherwise transferred or conveyed save as part of the dwelling.

Reason: To restrict the use of the dwelling in the interest of residential amenity.

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

Reason: In the interest of public health.

Bríd Maxwell
Planning Inspector
20th July 2020