



An
Bord
Pleanála

Inspector's Report ABP306649-20

Development	Retain 71.51m ² extension to main house retain 36m ² extension to self-contained unit on site.
Location	100 Blacklion, Greystones, County Wicklow.
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	191301
Applicant(s)	Gemma Kinsella
Type of Application	Retention Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Gemma Kinsella
Observer(s)	None
Date of Site Inspection	18 th March 2020
Inspector	Hugh Mannion.

1.0 Site Location and Description

- 1.1. The application site has a stated area of 0.0763ha and accommodates an original house facing onto Blacklion/Rathdown Road and an additional residential unit to the rear. The site is in a residential area to the west of Greystones town centre in County Wicklow. Rathdown Road runs north/south to the west of Greystones and in this area is characterised by older single-story houses either in terraces or as semidetached units. The site boundary along the public road comprises a hedge and there is a single shared vehicular gated entrance serving both units on site.

2.0 Proposed Development

- 2.1. The proposed development comprises the retention of an extension to the main house of 71.51m² for a total of 125.19m² and retention of an extension of 36.6m² to the self-contained unit for a total of 64.67m² at 100 Blacklion, Greystones, County Dublin.

3.0 Planning Authority Decision

3.1. Decision

Split Decision. Grant the retention of the extension to the main house and refuse the extension to the granny flat on site for the reason:

Having regard to the County Development Plan policy in relation to granny flats and the floor area and additional bedrooms being proposed the granny flat development would constitute a separate dwelling on site and would unacceptably impact on the amenity of the residents of the granny flat and of the main house, would provide a substandard form of development, seriously injure the amenity of the area and be contrary to the objectives set out in the County Development Plan.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planner's report recommended a split decision as provided for in the manager's order.

3.2.2. Other Technical Reports

The Environmental Health Officer reported no objection.

The Area Engineer reported no objection.

4.0 Planning History

- 4.1. Reference 97/6554 permission granted for change of use of a playschool to granny flat. The proposed development was reduced to 37m² and the planner's report on file comments that the permitted proposal was not constructed in accordance with the permission.
- 4.2. Reference 02/6104 permission refused for a house in lieu of the granny flat for four reasons related to; restricted area of the application site, inadequate private open space, works are proposed outside the application site, inadequate foul sewerage to serve the proposed development.

5.0 Policy and Context

5.1. Development Plan

- 5.2. The application site is located in an area zoned Existing Residential in the **Greystones/Delgany and Kilcoole LAP 2013-2019** 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".
- 5.3. Appendix 1 of the **Wicklow County Development Plan 2016-2022** sets out criteria for considering 'granny flats' as follows;
- 5.4. 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.

5.5. Natural Heritage Designations

Not relevant.

5.6. EIA Screening

Having regard to the nature and scale of the proposed development and its location within an appropriately zoned and serviced area it is considered that there are no likely significant effects on environment.

6.0 The Appeal

6.1. Grounds of Appeal

- The permitted granny flat was constructed as permitted in 2002 and extended in 2004 and occupied by elderly family members until 2019. There were no specific guidelines in relation to scale on granny flats set out in the Wicklow County Development Plan 1999 which was then applicable.
- The unit has always been used by a family member and does not compromise the residential amenity of the site.

- The planning authority has permitted several similar developments in the area.

6.2. Planning Authority Response

- No response.

6.3. Observations

- None

7.0 Assessment

7.1. Main House.

7.2. This application comprises two distinct elements; (a) the extension to the main house on site of 71.51m² for a total of 125.19m² and (b) an extension of 36.6m² to the self-contained unit for a total of 64.67m². The planning authority made a split decision. Permission was granted for the first part of the application - the extension to the main house. Permission was refused for the second part – the extension to the granny flat.

7.3. It is open to the Board to consider the entire application '*de novo*' even through the appeal relates solely to the refusal of permission for the granny flat extension.

7.4. In relation to the extension to the main house it may be noted that the existing/main house is a semidetached bungalow. The single storey extension adds 71m² comprising three bedrooms, a kitchen and ancillary accommodation. Having regard to the relatively restricted scale of the main house on site and the maintenance of the roof ridge height with the extension I conclude that the extension to the main house is a reasonable improvement to the accommodation on site.

7.5. Granny Flat

7.6. Turning to the extended granny flat there is agreement between the planning authority and the applicant that the granny flat was constructed under reference 97/6554. The planning authority considered that it may not have been constructed in accordance with the permitted plan but the applicant states that it was constructed in

accordance with the permitted plans and only altered two years later (2004). Subsequently until 2019 the granny flat was occupied by elderly family members.

- 7.7. The County Development Plan sets out several criteria against which applications for granny flats may be assessed. Granny flats should be capable of reintegration into the main house; the extended granny flat is not connected to the main house on site and given the site layout it would be difficult to achieve such integration in future. The plan limits granny flats to 45m² floor area whereas in this case the extended structure is 64.67m². The plan requires that the structure be not sold/let and as an independent unit and the applicant makes the case that it has always been occupied by a family member. I conclude that the extended granny flat structure on site does not meet the criteria for such structures set out in the County Development Plan.
- 7.8. The other significant issue that arises is that of residential amenity. The Development and Design Standards (appendix 1 of the County Development Plan) requires the provision of 50m² of private open space for 2 bed units and 60-75m² of private open space for houses with 3 or more bedrooms. Private open space is understood as comprising garden space behind the front building line of the house that is not generally observable from the public realm. The submitted plans do not demonstrate the provision of appropriate levels of private open space to serve the extended grant flat and the main house nor does the grounds of appeal make the case that such space is provided. I conclude therefore that the proposed development does not meet the development plan standards for the provision of private open space and that it would materially contravene the development plan on this point.
- 7.9. I note the point made in the appeal that permission has been granted in the area for additional houses on single sites but conclude that the onus is on the applicant in each case to demonstrate compliance with the relevant standards set out in the development plan now applicable in the interest of protecting the residential amenity of the application site and adjoining residential property and that this application has not met this standard.

7.10. **Appropriate Assessment.**

7.11. Having regard to the nature and scale of the proposed development located in a serviced urban area it is considered that no appropriate assessment issues arise and that the proposed development will not impact on any European site.

8.0 **Recommendation**

8.1. I recommend that permission be granted for the extension to the main house and that permission be refused for the extension to the granny flat for the reasons and considerations and subject to the conditions set out below.

9.0 **Reasons and Considerations – Granny Flat refusal.**

9.1. The Wicklow County Development Plan 2016-2022 sets out a number of criteria in relation to development standards for granny flats or independent living units within existing residential sites. These include a cap of 45m² for floor space and suitability for re-integration with the main house on site when the unit is no longer occupied by a family member. Additionally, the Plan sets out requirements for the provision of private open space to serve residential uses. The free standing extended residential unit exceeds the maximum floor area for a granny flat set out in the County Development Plan, is not easily integrated into the main house on site and the application has not demonstrated that adequate private open space has been provided to serve both residential units. It is considered therefore, that the retention of the proposed extension to the granny flat would seriously injure the residential amenity of the main house, materially contravene the Development Plan objectives in relation to the provision of granny flats and would be contrary to the proper planning and sustainable development of the area.

10.0 Reasons and Considerations – Retain Extension to Main House

10.1. The application site is located in an established residential area and the extension proposed for retention would comprise a reasonable addition to the residential accommodation on site. It is considered therefore, subject to the conditions set out below, that the proposed development would accord with character of the area, with the objectives set out in the County Development Plan and with proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.</p> <p>Reason: To restrict the use of the extension in the interest of residential amenity.</p>

Hugh Mannion
Senior Planning Inspector

19th March 2020.