



An
Bord
Pleanála

Inspector's Report

ABP-307844-20

Development	Change of use of the detached family recreation games room to dormer style staff accommodation quarters at existing house
Location	Ballynevin, Carrick on Suir, Co Waterford , X32 H977
Planning Authority	Waterford City and County Council
Planning Authority Reg. Ref.	20310
Applicant(s)	Linda and Sean Kelly
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Same.
Observer(s)	None
Date of Site Inspection	16 th of November 2020
Inspector	Caryn Coogan

1.0 Site Location and Description

- 1.1. The subject site is a large, detached dwelling and outbuildings northwest of Mothel village on an elevated landscape. The large brick house is setback from the rural road and is contained within a large curtilage.
- 1.2. The subject unit is attached to the main dwelling and is not a separate structure, by courtyard walls. It is setback from the main dwelling by 7metres and an enclosed courtyard.

2.0 Proposed Development

- 2.1. Retention of change of use of family recreational games room to dormer style staff accommodation quarters. The detached family games room was granted planning permission under planning reference 100/96 along with the large adjacent family home all of which were constructed in 1997. It is envisaged the structure will be used as staff accommodation quarters. Access is via main dwelling entrance/ driveway.

3.0 Planning Authority Decision

3.1. Decision

The planning authority refused planning permission for the retention for of the change of use because it would be contrary to policy SS5 and Policy SS6 of the development plan, and the development fails to meet with the development management standards of the development plan and would be potentially prejudicial to public health as it is not independently serviced.

3.2. Planning Authority Reports

3.2.1. *Planning Reports*

The floor area is 238sq.m. with a kitchen/ living, sitting room at ground floor level, and 3No. bedrooms at first floor level. It was a former games room ancillary to the main house. The planning authority would have no control over the future use of the

dwelling. The structure is connected to existing septic tank, and this is contrary to Development Management Standards. Refusal recommended.

3.2.2. *Other Technical Reports*

No relevant technical reports on file.

3.3. **Prescribed Bodies**

Not relevant

3.4. **Third Party Observations**

None

4.0 **Planning History**

Planning Reference 20311

Retention permission granted for first floor attic room and second floor attic reading room, and vehicular entrance walls and gates. Total floor area 141.8sq.m.

Planning Refence 100/96

Planning permission granted to Sean and Linda Kelly for a two storey dormer type family dwelling, garages and family recreation, games room and septic tank at Ballynevin.

5.0 **Policy Context**

5.1. **Development Plan**

Waterford County Development Plan

Rural Housing Policy

Policy SS5

To cater for the housing requirements of members of the local rural community who have a genuine local housing need in Stronger Rural Areas as set out in the Criteria in Section 4.10.

Policy SS6

To direct urban generated housing development in Stronger Rural Areas into the adjoining zoned settlements.

Development Management Standards

5.2. **Natural Heritage Designations**

Lower River Suir SAC (Site Code 002137) is c.1 - 2km south of the site.

The Commeragh Mountains SAC (Site Code 001952) is c.8km to the south-west of the site.

River Barrow and River Nore SAC (Site Code 002162) is c.25km to the east.

5.3. **EIA Screening**

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity, 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**

6.1.1 ***Planning History and Background to the Development***

Under planning reference 100/96 the applicant received planning permission for the dwelling house. Sean Kelly was born and reared in the area, and his built the dwelling on his 85acre landholding following his retirement from professional cycling. The dwelling house is 888sq.ft set on 5acres. The recreation room was located to the north east and finished in the same materials as the main dwelling and fronting an enclosed courtyard area. There were alterations incorporated during the construction of the games room which included the provision of a first-floor attic games room, and the changing of the original games room to residential accommodation. The retention application was to formalise the change of use. The

family circumstances have changed in recent times which has necessitated the sale of the property in the near future.

6.1.2 The planner's assessment is incorrect. The unit was not used as a separate dwelling it has always been incidental to the use of the main dwelling and used to accommodate visiting family members or business associates, and it accommodate staff. The unit currently accommodates a daughter of the applicant, her partner and child. The terms granny flat is outdated. It is not a fully independent dwelling unit.

The unit has been designed as an integral part of the dwelling and forms a sheltered courtyard in conjunction with the main dwelling and adjacent screen shelter walls. The courtyard was also designed as a sheltered area for parking and rear access to the elevated exposed site sheltered from prevailing winds from the south west. The ancillary accommodation is only 7.0metres from the nearest point of the main dwelling and is connected by the screen walls

The property cannot be viewed from the road like the local authority inspected the property.

- The entire property is serviced by one electrical meter
- The entire property is served by one water supply
- The entire property is serviced by a septic tank and sewage treatment plant
- The entire property is serviced by one gated entrance and access driveway
- There is no subdivision of the garden/ private amenity area.

6.2. **Planning Authority Response**

There were no further comments from the planning authority.

7.0 **Assessment**

7.1 The subject site is a large two storey dwelling set within a two-hectare curtilage on open elevated countryside in west Co. Waterford overlooking the Comeragh Mountains to the west. The dwelling is setback, considerably, from the local road. It is a large red brick dwelling with a gothic style roof. There are a number of smaller

structures to the north of the dwelling set within a courtyard, including the structure the subject of this appeal.

- 7.2 The structure, the subject of this appeal, is a dormer style structure which is located within a walled enclosure to the side of the main dwelling. The front elevation of the structure addresses the primary dwelling along its northern elevation. There is direct access from the primary dwelling out onto the courtyard area fronting the structure. The subject structure is located 7metres from a single storey return off the main dwelling. The permitted use of the structure under the parent permission, planning reference 100/96 was a games room, ancillary to the main dwelling. It is located within a walled courtyard.
- 7.3 During the construction of the original permission, planning reference 100/96, there were a number alterations and internal changes carried out which are the subject of two retention planning applications, i.e. planning references 20310 and 20311. Reference 20311 has been granted planning permission and relates mainly to the main dwelling and recessed entrance to the property. Reference 20310 (current appeal) was refused by the planning authority for one reason relating to rural housing policy and development management criteria relating to individual septic tanks.
- 7.4 In my opinion, the subject structure is not a separate dwelling unit, and does not require compliance with the rural housing policy in the Waterford County Development Plan. It is an integral element of the primary house. The structure has served as a guesthouse, additional accommodation for family members and is currently occupied by the owner's daughter, as part of the overall use associated with the main dwelling. The planning authority assessed the structure and refused the change of use, based on an assumption the former games room was a separate entity within the residential curtilage. It is clear from my inspection the structure or former games room is an auxiliary part of the primary dwelling on the site, as it is physically linked to the main house by an enclosed courtyard and associated walls. Furthermore, the structure is only accessible from the courtyard area that is an integral element of the rear curtilage/ parking area/ and outbuildings associated with the main dwelling. There is only one entrance to the property, one water supply, one effluent treatment, one electrical main etc serving the entire proeprty. The front façade of the structure is not independent as it addresses the enclosed courtyard

and the rear of the main dwelling. Therefore, I consider the Board can permit the change of use with a condition specifying the proposed staff accommodation quarters is incidental to the use of the main dwelling.

7.5 **Appropriate Assessment**

Having regard to the nature and scale of the proposed development, nature of the receiving environment and distances to the nearest European sites, I am satisfied that 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 permission be granted for the change of use.

9.0 **Reasons and Considerations**

Having regard to the layout and design of the detached dormer structure and its physical relationship to the main dwelling on the property in terms of the front faced legibility and the enclosed courtyard, it is considered the dormer style staff accommodation/ residential use is incidental to the main dwelling on the property and would therefore be in keeping with the proper planning and sustainable development of the area.

10.0 **Conditions**

The existing dwelling and detached dormer style staff accommodation quarters shall be jointly occupied as a single residential unit and the dormer unit shall not be sold, let or otherwise transferred or conveyed, save as part of the main dwelling on the site.

Reason: To restrict the use of the extension in the interest of residential amenity

Caryn Coogan
Planning Inspector

5th of January 2020