



An
Bord
Pleanála

Inspector's Report ABP-308554-20

Development

Removal of existing mobile home, and for construction in its place of a new lower-garden-level extension comprising of a bedroom, en-suite bathroom, and study area. This extension will be at lower garden level immediately adjoining the rear of the existing house, and the flat roof of the extension will be presented as a deck to replace the deck already existing on site.

Location

71 The Grove Cottages, Redford, Greystones, Co. Wicklow, A63 VH34.

Planning Authority

Wicklow County Council

Planning Authority Reg. Ref.

20819

Applicant(s)

Maeve Meister & John Hoban

Type of Application

Permission

Planning Authority Decision

Refusal

Type of Appeal

First Party v. Decision

| | |
|--------------------------------|------------------------------|
| Appellant(s) | Maeve Meister & John Hoban |
| Observer(s) | Mark & Una Jordan |
| Date of Site Inspection | 15 th March, 2021 |
| Inspector | Robert Speer |

1.0 Site Location and Description

- 1.1. The proposed development site is located on the northern outskirts of the built-up area of Greystones, Co. Wicklow, approximately 2.1km northwest of the train station, in an outer suburban area known as 'The Grove' between the Rathdown Road (R761 Regional Road) to the west and the Dublin / Wexford railway line further east, where it occupies a position on the approach to a gated estate of large, detached bungalows known as 'North Shore'. It comprises the most northerly plot of a series of 4 No. semi-detached, single storey cottages ('The Grove Cottages') which generally retain their original vernacular appearance onto the roadside although each property has been subjected to various extension, modernisation and / or refurbishment works. The cottages themselves are set below the level of the roadway and are characterised by an elongated plot broadly aligned along an east-west axis. Each property has a small front garden and off-street parking with a larger lawn / garden area to the rear. The prevailing topography falls away to the east thereby affording views towards the sea.
- 1.2. The site itself has a stated site area of 0.0888 hectares and includes the original cottage which has been extended to the rear on a number of occasions (with a raised timber deck projecting beyond same) in addition to a mobile home at the end of the rear garden. It is bounded by undeveloped lands to the east, an open agricultural field to the north, and by the neighbouring property at No. 70 'The Grove Cottages' to the south (which has been extended to the rear through the construction of a substantial contemporary addition that broadly aligns with the proposed works). The site boundaries are generally defined by a combination of fencing and mature hedging.

2.0 Proposed Development

- 2.1. The proposed development consists of the following:
- The removal of an existing mobile home located to the rear of the site.
 - The construction of a new lower-ground floor level extension (floor area: 28.24m²) comprising a bedroom, en-suite bathroom, kitchenette and living area to the rear of the existing dwelling house with independent access

obtained via a new patio area. The flat roof of the new extension will be finished as a decked area (accessible from bedroom accommodation within the main house) to replace the decking already in place on site.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On 5th October, 2020 the Planning Authority issued a notification of a decision to refuse permission for the proposed development for the following single reason:

- Having regard to:
 - a) The design, layout and floor plans.
 - b) The lack of integration between the existing dwelling and the proposed development.

It is considered that the proposed development would represent a separate habitable unit on site rather than an extension. If permitted, the proposed development would result in a substandard form of residential development on site that would be out of character with the existing pattern of development in the vicinity and would set a precedent for similar inappropriate development in the area. The proposed development would therefore be contrary to the zoning objective for the area in which it is located and would be contrary to proper planning and sustainable development.

3.2. Planning Authority Reports

3.2.1. *Planning Reports:*

Details the site context, planning history, and the applicable policy considerations before stating that the principle of extending the existing dwelling house is acceptable and that the site can accommodate an extension of the scale proposed. However, it is subsequently considered that the proposed 'extension' involves the construction of a separate apartment / granny flat intended for occupation by the applicants' adult son and thus it should be assessed against the relevant provisions of the County Development Plan as regards the development of independent living

units. The report proceeds to analyse the proposal accordingly and asserts that it fails to comply with the development and design standards for independent living units on the basis that the need for such a development has not been adequately justified and as the proposed design does not form an integrated part of the structure of the main house. It is therefore considered that the proposed development would represent a separate housing unit rather than the extension of the existing dwelling. The report continues by stating that the construction of such a separate unit would be out of character with the surrounding pattern of development, would be contrary to the applicable land use zoning objective for the area, and would give rise to a substandard form of residential development that would set an undesirable precedent for similar inappropriate development in the area. It is subsequently recommended that permission be refused for the reason stated.

3.2.2. Other Technical Reports:

None.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

- 3.4.1. A single submission was received from an interested third party, however, in the interests of conciseness, and in order to avoid unnecessary repetition, I would advise the Board that the principal grounds of objection / areas of concern raised therein can be derived from my summation of that party's observation on the subject appeal.

4.0 Planning History

4.1. On Site:

PA Ref. No. 19/252. Was granted on 30th May, 2019 permitting Maeve Meister permission for a single storey extension to rear (east) of the existing single storey semi-detached dwelling to include for an extension of existing elevated decking to the rear, elevational alterations and all associated site development works.

4.2. On Adjacent Sites:

PA Ref. No. 16/692. Was granted on 2nd February, 2017 permitting Mark & Una Jordan permission for a two storey extension (80 sqm) to the rear (east) of the existing house (66.4 sqm) with configuration of the internal space to accommodate an independent living unit for a family member at 70 The Grove, Greystones, Co. Wicklow.

5.0 Policy and Context

5.1. Development Plan

5.1.1. ***Wicklow County Development Plan, 2016-2022:***

Chapter 3: Settlement Strategy:

Section 3.2: County Wicklow Settlement Strategy:

Level 3 – Large Growth Town II: (2) Metropolitan Area: Greystones-Delgany

Chapter 4: Housing:

Section 4.4: Housing Objectives: Existing Residential Areas:

HD9: In areas zoned / designated 'existing residential', house improvements, alterations and extensions and appropriate infill residential development in accordance with principles of good design and protection of existing residential amenity will normally be permitted (other than on lands permitted or designated as open space, see Objective HD11 below). While new developments shall have regard to the protection of the residential and architectural amenities of houses in the immediate environs, alternative and contemporary designs shall be encouraged (including alternative materials, heights and building forms), to provide for visual diversity.

HD16: Temporary residential structures (e.g. mobile homes, caravans, cabins, portacabins etc) form a haphazard and substandard form of residential accommodation and generally have poor aesthetic value and can detract from the overall appearance of an area. Therefore permission will generally not be granted for such structures.

Appendix 1: Development and Design Standards

Section 1: Mixed Use and Housing Developments in Urban Areas:

House extensions:

The construction of extensions to existing houses will be encouraged generally as it usually provides a less resource intensive method of expanding living space than building a new structure. Given the range of site layouts prevailing, it is not possible to set out a set of 'rules' that can be applied to all extensions, but the following basic principles shall be applied:

- The extension should be sensitive to the existing dwelling and should not adversely distort the scale or mass of the structure;
- The extension shall not provide for new overlooking of the private area of an adjacent residence where no such overlooking previously existed;
- In an existing developed area, where a degree of overlooking is already present, the new extension must not significantly increase overlooking possibilities. If for example a two-story dwelling already directly overlooks a neighbour's rear garden, a third storey extension with the same view will normally be considered acceptable;
- New extensions should not overshadow adjacent dwellings to the degree that a significant decrease in day or sunlight entering into the house comes about. In this regard, extensions directly abutting property boundaries should be avoided;
- While the form, size and appearance of an extension should complement the area, unless the area has an established unique or valuable character worthy of preservation, a flexible approach will be taken to the assessment of alternative design concepts.

Independent living units ('Granny-flats'):

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.

Temporary residential structures:

Temporary residential structures (e.g. mobile homes, cabins, caravans, portacabins etc) form a haphazard form of residential accommodation and generally have poor aesthetic value and can detract from the overall appearance of an area.

Furthermore, by reason of the overall design and construction of such structures, they are normally seriously substandard as regards attainable amenity as a place of residence with reference to:

- the recommendations in the DoEHLG Best Practice Guidelines "Delivering Homes for Sustainable Communities" (Durability)
- the criteria set out under Section 66 of the Housing Act 1966 (fitness of a dwelling i.e. stability, resistance to dampness, pest control etc.)
- compliance with the Building Regulations.

Therefore, permission will generally not be granted for such structures.

5.1.2. **Greystones-Delgany & Kilcoole Local Area Plan, 2013-2019:**

Land Use Zoning:

The proposed development site is located in an area zoned as '*RE: Existing Residential*' with the stated land use zoning 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*'.

Other Relevant Policies / Sections:

Section 3: *Population and Housing*

5.2. **Natural Heritage Designations**

5.2.1. The following natural heritage designations are in the general vicinity of the proposed development site:

- The Bray Head Special Area of Conservation (Site Code: 000714), approximately 200m east of the application site.
- The Bray Head Proposed Natural Heritage Area (Site Code: 000714), approximately 230m east of the application site.

5.3. **EIA Screening**

5.3.1. Having regard to the minor nature and scale of the development under consideration, the site location outside of any protected site and the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, and the separation distance from the nearest sensitive location, 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

- Following a substantial programme of extension and refurbishment, the existing dwelling house was deemed to be of a sufficient size (floor area: 117m²) to accommodate the applicants' needs and those of their young adult son. However, due to financial pressures, the applicants' daughter and her partner subsequently moved back into the family home with the result that its modest floorspace came under pressure arising from the privacy and spatial needs of two adult couples and a young single adult. This pressure culminated in the installation of a mobile home on site in order to provide for some temporary additional accommodation until such time as circumstances changed or until planning permission could be sought for a new extension. In effect, the placement of the mobile home on site was only ever intended as a short-term measure pending the construction of a proper long-term solution.

The proposed extension is the 'long-term' solution sought. It comprises a small 'granny flat' which is to be used by the applicants' son as an 'apartment' within the existing dwelling house in order to provide him with a small level of privacy and separation, and in so doing, providing further privacy to the two couples resident in the main house. It is a sensible and pragmatic solution to the family's pressing accommodation needs.

- The new extension will be located to the immediate rear of the existing dwelling house at a level which allows it to sit below the existing deck area. This will allow the two rooms to the rear of the house to continue to retain their current aspects and views while also providing for excellent garden and sea views from the proposed extension. Indeed, as the garden levels generally fall away, the small patio area immediately to the rear of the extension begins to merge with the garden. The arrangement provides good aspect and accessibility to both the new and existing areas of the house.
- The proposed extension will be finished in napp plaster to match the existing structure whilst its roof will comprise a flat concrete slab covered in a waterproof membrane and composite decking boards. The existing timber

balustrade will be replaced with a new all-glass detail. Doors and windows will comprise triple glazed high 'U'-value lifting-folding doors with a dry-powder finish to match the existing windows.

- The existing mobile home will be broken up and packed into skips before being removed in its entirety from the site and the garden area reinstated and replanted.
- Existing trees and hedgerows will be retained and carefully protected throughout the construction works whilst additional hedging will be provided to supplement same.
- The proposed extension will be housed entirely beneath the existing balcony level to the rear of the main house and will have no visual impact on either the applicants or neighbouring properties. It is discrete, practical and in keeping with the existing architecture of the house.
- The applicants are amenable to connecting the proposed extension directly into the existing dwelling house by way of an internal doorway, however, due to the difference in levels, any such doorway would require the provision of an additional staircase hall which would be a very intrusive, expensive and useless element. The existing bedrooms would be unduly compromised and the extension would be forced to be substantially larger than is proposed. It is considered that the subject proposal represents the most pragmatic and attractive means by which to accommodate the applicants' adult son. It is essentially a modern interpretation of the traditional 'granny flat', a long-proven arrangement employed across the country.
- It is accepted that the proposed development will not comprise a separate habitable unit and that it will always form an integral part of the existing house. In this regard, the applicants are amenable to any restriction deemed appropriate by the Board.
- The modest extension proposed will be constructed to the highest standard of workmanship.

6.2. **Planning Authority Response**

None.

6.3. **Observations**

6.3.1. *Mark & Una Jordan:*

- No timeframe has been put on the removal of the existing mobile home, the presence of which is a continued intrusion on the observer's privacy. Therefore, there are concerns that if planning permission is granted, the mobile home could remain in place for the duration of the permission i.e. 5 No. years.
- In the event of a grant of permission, the mobile home should be removed as soon as possible.

6.4. **Further Responses**

None.

7.0 **Assessment**

7.1. From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues relevant to the appeal are:

- The principle of the proposed development
- The nature of the proposed development
- Appropriate assessment

These are assessed as follows:

7.2. **The Principle of the Proposed Development:**

7.2.1. The proposed development, as described in the public notices, consists of the construction of a new lower / garden level extension to the rear of an existing dwelling house which has been designed to provide for additional habitable / living space (including an additional bedroom, an en-suite bathroom, and a study area)

with a view to replacing an existing (unauthorised) mobile home to the rear of the site which is in use as substitute residential accommodation.

7.2.2. Accordingly, on the basis that the proposed development involves the extension of an existing residential property and is situated on lands zoned as '*RE: Existing Residential*', I am satisfied that the proposal as described in the public notices is acceptable in principle.

7.3. **The Nature of the Proposed development:**

7.3.1. From a review of the available information, in my opinion, it is apparent that the pertinent issue in the assessment of the subject appeal is the need to reconcile the description of the proposed development as set out in the public notices with the actual design and intended purpose of the new accommodation. In this regard, while the applicant has sought to emphasise that the proposed works will involve an 'extension' of the existing dwelling house with a view to providing additional living accommodation, following its analysis of the submitted plans and particulars, and noting the applicants' own admission as to the true purpose of the development, the Planning Authority determined that the new construction would encompass a separate apartment unit / 'granny flat' (intended for occupation by the applicants' adult son). Therefore, the application was assessed by reference to Section 1: '*Mixed Use and Housing Developments in Urban Areas: Independent living units ('Granny-flats')*' of Appendix 1: '*Development and Design Standards*' of the Wicklow County Development Plan, 2016 – 2022 wherein it is stated that a 'granny flat' or 'independent living unit' is defined as a separate living unit on an existing house site, used to accommodate a member of the immediate family, for a temporary period, and that the construction or conversion of part of an existing dwelling into such 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 will form an integrated part of the structure of the main house, although 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 of a modest size not exceeding 45m² with no more than one bedroom;
- The unit will not be sold or let as an independent living unit and the existing garden will not be sub-divided;
- The unit is capable of being functionally re-integrated into the main house (permission for such units will be restricted to a period of 7 years, after which it must revert to a use ancillary to the main house unless permission has been secured for its continuation as an independent unit for another period).

7.3.2. In its assessment of the proposal, at the outset, the Planning Authority concluded that the need for the development proposed had not been adequately justified given that 'granny flats' / independent living units are a specific form of accommodation designed to meet the housing needs of a person/s who require care / supervision (usually from a close family member) while providing them with a degree of independence. In this respect, it was considered that the circumstances of the applicants and the intended occupant of the development (i.e. their adult son), as derived from the submitted plans and particulars, would not support a need for the specific form of accommodation proposed. In addition to the foregoing, the Planning Authority expressed concerns that the proposed construction would not form an integrated part of the structure of the main house as it was not designed as an extension to same and as no provision had been made for an internal link between the principal residence and the new apartment unit. Accordingly, it was decided that the proposed development would amount to a separate housing unit rather than an extension of the existing dwelling and thus the proposal was deemed to constitute a substandard form of residential development which would be out of character with the surrounding pattern of development, would be contrary to the applicable land use zoning objective, and would set an undesirable precedent for similar inappropriate development.

7.3.3. In response to the foregoing, the first party appeal has referred to the proposed development as a small 'granny flat' which is to be used by their adult son as an 'apartment' within the main house. In support of this proposition, they have sought to stress the familial needs / pressures already placed on the limited living accommodation available within the existing dwelling house and that the proposed

development represents a pragmatic solution to these demands. It has also been submitted that while an internal link to the new 'flat' could be provided, this would necessitate the provision of an intrusive new staircase which would unduly compromise the amenity of the existing bedroom accommodation within the main house.

7.3.4. Having considered the submitted plans and particulars, while the proposed development may be reliant on shared services (e.g. electricity, water & sewerage etc.) and will be accessible through the curtilage of the main dwelling house, in my opinion, it is nevertheless clearly intended to function as a self-contained independent living unit and thus is distinct from what would normally be considered to involve the extension of a dwelling house. Accordingly, I am of the view that the description of the proposal as set out in the public notices does not accurately reflect the true nature of the development proposed (in this regard it is notable that the development approved on the adjacent site at No. 70 The Grove Cottages under PA Ref. No. 16/692 expressly referred to the construction of a two-storey extension to the rear of that house with configuration of the internal space to accommodate an independent living unit for a family member). The need to reference the independent nature of the accommodation proposed is also evident from the design of the construction and the absence of any proposed / planned internal link between the new floorspace and the principal residence. In effect, it is my opinion that the development proposed is readily distinguishable from what would normally constitute a domestic extension and thus the description of the development in the public notices is flawed and does not provide for an accurate portrayal of the intent of the application / development.

7.3.5. By way of further comment, I would concur with the assessment of the Planning Authority that the applicants have failed to adequately justify the need for the independent living accommodation proposed as required by Section 1: *'Mixed Use and Housing Developments in Urban Areas: Independent living units ('Granny-flats')* of Appendix 1: *'Development and Design Standards'* of the Wicklow County Development Plan, 2016 – 2022. More specifically, I am not satisfied that any need for additional living accommodation could not reasonably be provided by means of modification or extension of the main dwelling house.

7.3.6. (With respect to the concerns of the observers, and in the event of a grant of permission, I would recommend the inclusion of a condition requiring the immediate removal of the existing mobile home on site upon first occupation of the proposed living accommodation).

7.4. **Appropriate Assessment:**

7.4.1. Having regard to the nature and minor scale of the proposed development, the availability of public services, the nature of the receiving environment within the built-up confines of Greystones Town, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 **Recommendation**

8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be overturned in this instance and that permission be refused for the reasons and considerations set out below:

9.0 **Reasons and Considerations**

1. The description of the proposed development in the public notices submitted in connection with the planning application refer to the construction of a new lower-garden-level extension adjoining the rear of the existing dwelling house, however, the plans and particulars submitted to the planning authority refer to the construction of independent living accommodation. Therefore, the public notices do not properly describe the nature of the proposed development. Accordingly, the application does not accord with the provisions of Articles 18(1)(d) and 19 of the Planning and Development Regulations, 2001, as amended, and the Board is precluded from further consideration of the application and appeal.
2. Having regard to the design, layout and intended use of the proposed 'granny flat' / independent living accommodation, the Board is not satisfied that the

need for the proposed unit has been adequately justified or that the proposed development would not constitute a separate independent dwelling unit. Therefore, the proposed development would be contrary to the provisions of Section 1: 'Mixed Use and Housing Developments in Urban Areas: Independent living units ('Granny-flats')' of Appendix 1: 'Development and Design Standards' of the Wicklow County Development Plan, 2016 – 2022, which provides for the consideration of the construction or conversion of part of an existing dwelling into a 'family flat' subject to certain requirements, would set an undesirable precedent for other similar forms of development and would, therefore, be contrary to the proper planning and sustainable development of the area.

Robert Speer
Planning Inspector

16th March, 2021