



An
Bord
Pleanála

Inspector's Report ABP310188-21

Development	Construct extension with ground floor treatment room and first Floor Office.
Location	22 Church Drive, Eden Gate, Priory Road, Delgany, County Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	21/205
Applicant(s)	Alan & Michelle Carr
Type of Application	Permission
Planning Authority Decision	Grant with conditions.
Type of Appeal	First Party V Condition 4
Appellant(s)	Alan & Michelle Carr
Observer(s)	None
Date of Site Inspection	9 th July 2021
Inspector	Hugh Mannion

1.0 Site Location and Description

- 1.1. The application site has a stated area of 0.0518ha and comprises a semi-detached house with side garden at 22 Church Drive, Eden Gate, Priory Road, Delgany, County Wicklow. The site is part of a residential development of semidetached two storey houses and short terraces accessed off the R772 south of Delgany village. There is a small commercial/retail centre immediately south of the development and accessed off the roundabout before the R772. The R772 links the Delgany to the M11 to the west.

2.0 Proposed Development

- 2.1. The proposed development comprises an extension to the side of the house on site to accommodate a home dialysis treatment room at ground floor level and a home office at dormer level and associated site works at 22 Church Drive, Eden Gate, Priory Road, Delgany, County Wicklow.

3.0 Planning Authority Decision

3.1. Decision

Condition 4

The existing dwelling and proposed extension shall be jointly occupied as a single housing unit and shall not be sold, let or otherwise transferred or otherwise conveyed save as part of the dwelling.

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

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planner's report recommended a grant of permission as set out in the manager's order.

3.2.2. Other Technical Reports

No technical reports.

4.0 Planning History

No relevant planning history.

5.0 Policy and Context

5.1. Development Plan

The Wicklow County Development Plan 2016-2022 is the relevant county development plan for the area.

The site is zoned RE Existing Residential in the Greystones/Delgany and Kilcoole LAP 2013.

5.2. Natural Heritage Designations

Not relevant.

5.3. EIA Screening

Having regard to the nature and scale of the proposed development, its location in a built up area where potable and waste water services are available I conclude that there are no potential likely significant impacts on the environment and that submission of an EIAR and carrying out of an EIA is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- The application is for an additional room/domestic extension to accommodate home dialysis treatments for the applicant.
- The condition 4 prevents the applicant from letting the house and/or extension under the 'rent a room' scheme.
- The condition should be removed or clarified that it is not intended to prevent letting a room under the 'room to rent' scheme'.

6.2. Planning Authority Response

- None

6.3. Observations

- None.

7.0 Assessment

7.1. The appeal relates solely to condition number 4. Having regard to the modest scale of the extension and its location in an established residential area I conclude that no other issues arise which need to be considered by the Board.

7.2. Condition 4 states that “the existing dwelling and proposed extension shall be jointly occupied as a single housing unit and shall not be sold, let or otherwise transferred or conveyed save as part of dwelling” for the reason “to restrict the use of this extension in the interest of residential amenity”. The appellant’s main point is that this condition prevents the letting of a room within the house and/or extension and thereby prevent the applicant from earning an ordinarily tax exempt €14,000 per annum.

7.3. The general position is that the language of planning policy and guidance and planning decisions should be read for its ordinary meaning. In the present case the intention of the planning authority in its decision is clear – that the extended house be used as a single housing unit and not subdivided into separate housing units. In this case the renting of a room within the house without any additional works would not constitute an additional housing unit in a manner suggested by the appellant. I conclude, therefore, that the condition is reasonable and in the interest of the proper planning and sustainable development of the area.

8.0 Recommendation

8.1. I recommend that the Board attach the condition 4.

9.0 Reasons and Considerations

Having regard to the modest scale of proposed extension to an existing residential use it is considered that the proposed development accords with the Wicklow County Development Plan 2016 - 2022. Condition number 4 attached to the grant of permission restricts the occupation of the extended dwelling house to use as a single dwelling unit but does not prevent the letting of a room within that single dwelling unit. Accordingly, condition number 4 is in the interest of the residential amenity of the area and in accordance with the proper planning and sustainable development of the area.

Hugh Mannion
Senior Planning Inspector

8th September 2021