



An
Bord
Pleanála

Inspector's Report ABP-310310-21

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| Development | Change of use of detached double garage to two-storey house |
| Location | 'Aisling', Castlejane, Glanmire, Cork. |
| Planning Authority | Cork City Council |
| Planning Authority Reg. Ref. | 21/40007 |
| Applicant(s) | Kathlynn Punch |
| Type of Application | Permission |
| Planning Authority Decision | Refuse |
| Type of Appeal | First Party |
| Appellant(s) | Kathlynn Punch |
| Date of Site Inspection | 21 st September, 2021 |
| Inspector | Kevin Moore |

1.0 Site Location and Description

- 1.1. The site of the proposed development is located to the north-west of Glanmire in Cork. It comprises a detached residential property ('Aisling') on the east side of a public road. It contains a detached single-storey house with a detached double garage to the rear. The garage is a single-storey structure located at the north-eastern end of the plot. The property is bounded to the north, south, and rear by detached houses.

2.0 Proposed Development

- 2.1. The proposed development would comprise the change of use of a detached double garage to a two-storey detached dwelling. The development would be located to the rear of an existing detached house and would be serviced by mains water and public sewerage. The proposed house would have a stated floor area of 88.5 square metres. The proposal would be accessed from an existing entrance onto a cul-de-sac.
- 2.2. Details submitted with the application included a covering letter with the applicant's agent and a letter from the applicant's parents who are stated to reside in the adjoining dwelling on the plot in which it is stated that they have no objection to the proposal.

3.0 Planning Authority Decision

3.1. Decision

On 10th May 2021, Cork City Council decided to refuse permission for the proposed development for one reason relating to overdevelopment of the site.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner noted the site's planning history, development plan provisions and reports received. It was observed that the existing garage is located between the existing dwelling on the site and a dwelling constructed on a previously subdivided

portion of the site. It was considered that the proposal must be assessed as a separate new dwelling. The previous refusal for conversion of the garage was acknowledged and it was submitted that the proposal did not counter the matters raised in that previous decision. It was observed that the adjoining property to the east is sited closer to the garage than was originally permitted. It was further noted that the house on the site is on higher ground and the windows at the rear would directly overlook the proposed dwelling, driveway and garden. It was also submitted that the privacy of the residents in the existing house on the site would be compromised by way of views from the driveway and garden of the proposal. It was considered that the proposal would not provide for an adequate level of amenity for future or existing residents. It was noted that two double bedrooms are proposed in the development and inadequacies in layout and floor area provisions were identified. A refusal of permission on the grounds of overdevelopment of the site was recommended.

3.2.2. Other Technical Reports

The Executive Technician in the Community, Culture & Placemaking Section had no objection to the proposal subject to the attachment of a financial contribution condition.

The Environment Section had no objection to the proposal subject to the attachment of a schedule of conditions.

The Area Engineer had no objection to the proposal subject to the attachment of a schedule of conditions.

The Drainage Division Engineer had no objection to the proposal subject to the attachment of a condition.

4.0 Planning History

P.A. Ref. 04/2734

Permission was granted for the construction of a dwelling and permission was refused for the conversion of the garage to a dwelling unit. The house was proposed to be sited on the land area immediately east of the garage and the garage was the garage the subject of the current planning appeal.

P.A. Ref. 06/11517

Permission was granted for a change of house plan relating to the house granted under P.A. Ref. 04/2734.

5.0 Policy Context

5.1. Cobh Municipal District Local Area Plan 2017

Glanmire is designated a 'Main Town' in the LAP. The site is located within the town's settlement boundary and is within an area designated 'Existing Built Up Area'.

5.2. Cork County Development Plan

Zoning

ZU 3-1: Existing Built Up Areas

Normally encourage through the Local Area Plan's development that supports in general the primary land use of the surrounding existing built up area. Development that does not support, or threatens the vitality or integrity of, the primary use of these existing built up areas will be resisted.

ZU 3-2: Appropriate Uses in Residential Areas

- a) Promote development mainly for housing, associated open space, community uses and, only where an acceptable standard of amenity can be maintained, a limited range of other uses that support the overall residential function of the area.
- b) Normally discourage the expansion or intensification of existing uses that are incompatible with residential amenity.

5.3. EIA Screening

Having regard to the nature, size and location of the proposed development, there is no real likelihood of significant effects on the environment. The submission of an EIAR is not required

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the appeal may be synthesised as follows:

- The site is c. half an acre. The garage area of the land has ample parking and is not visible from the road frontage. The dwelling to the east is on a separate site. The only change to the garage is the provisions of a flat roof to one side to accommodate building control regulations for the bedroom ceiling height. This would be facing 'Aisling;' with no overlooking window.
- The dwelling to the east was constructed at a much later time on its own site from that of 'Aisling' and the garage.
- The development will always remain as one with 'Aisling'. It will never be sold independently.
- The existing dwelling and garage are detached. The front garden of 'Aisling' is c.480m² and the area to the rear would be 92m². The proposed open area for the proposal would be c.183m² to sides and rear, with a hardstanding area of c.209m². The access would remain the same and no additional traffic would be generated.
- The reference to Cork County Development Plan is not understood as Glanmire is now in Cork City.
- The pattern of development has evolved in the area. Reference is made to two planning decisions elsewhere in addressing the issue of density and character.

The appellant concludes by referring to the wish to have independent living space and staying in the area where she has lived all her life. It is reiterated that she would not own the garage and it would always remain part of the property 'Aisling'.

6.2. Planning Authority Response

I have no record of any response to the appeal from the planning authority.

7.0 Assessment

- 7.1. I first note for clarity for the Board that the site lies within the administrative boundary of Cork City Council following an extension of the city boundary in 2019. Until such time as a new Cork City Development Plan is adopted, the provisions of Cork County Development Plan and the Cobh Municipal District Local Area Plan apply to proposed development at this location.
- 7.2. The proposed development would consist of a change of use of, and alteration to, an existing garage. This garage is sited between the existing house on the site lying to the west, 'Aisling', and another house a short distance to the east. The latter was developed as a result of a subdivision of the property of the house to the west. Thus, the proposal would seek to accommodate a third house on the original property at this location.
- 7.3. I note that the appellant has submitted that the development would always remain as one with 'Aisling' and that it would never be sold independently. However, it is apparent that the proposed development would constitute the provision of a separate dwelling on the site. I further note for the Board that at the time of my site inspection the occupier of the existing house was not the appellant's parents and he was unaware of the proposal.
- 7.4. The proposed development seeks to provide a two bedroom, detached house without its own separate curtilage from that of 'Aisling'. It would lie less than 9 metres from 'Aisling' and to the rear of that house. It would lie less than 6 metres from the western side elevation of the house developed to the east. It would be sited at the north-eastern corner of the site abutting boundaries with neighbouring houses to the east and north, with very restricted circulation around the building. Notwithstanding the proposal being a separate dwelling, the development makes no provision for separate private amenity space or curtilage, culminating in the proposal seeking to accommodate two separate houses on the site with communal use of space and curtilage.
- 7.5. It is my submission to the Board that the development of the proposed independent house would result in many problems due to the inadequacy and restrictions of the layout of the site, the inability to adequately separate the existing house property from the proposal to allow each to function as independent dwelling units, and

because the proposal would cause very significant adverse impacts on the residential amenities of the neighbouring property. There is no real concern relating to any significant overshadowing or overlooking arising from the converted garage itself as currently proposed. However, it is rather a question of placing a house to the rear of the existing house such that it would result in very significant adverse impacts on the established house by way of interference with privacy, by way of occupancy of the house, and the very clear nuisance that would result. The issue is a matter of people living in a back garden immediately behind another person's house. The functioning of such an arrangement brings with it the utilisation of private amenity space conflicts, noise, access nuisance, ongoing disturbance to the private part of the established house to the rear, etc. The existing and proposed houses could not function independently as separate residential properties, while providing reasonable standards of residential amenity. I submit to the Board that this is a proposal for an independent detached dwelling that seeks to rely on apartment-type development arrangements. This proposal is clearly out of context. It is evident that it culminates in the overdevelopment of a very restricted house site where the structures exist. Furthermore, this development could only reasonably be seen to depreciate the value of the established property due to the adverse impacts that would result.

- 7.6. I consider that a significant issue that would also arise in the event of a grant of planning permission relates to the precedent that would be established. I put it to the Board that the conversion of a domestic garage to a separate house in such close proximity to adjoining houses, without providing for the separate basic amenity and other functional needs of the occupants of such a house, and having regard to the likely adverse impact arising by way of loss of privacy and nuisance, would set a most undesirable precedent and would likely be followed elsewhere in this area. This could not be perceived as being sustainable and the precedent that would arise would undermine future development of sustainable residential development in the wider area if it was to be followed.
- 7.7. Finally, it is my submission that the appellant's needs could be ably accommodated by extending the existing house on the site. This would ensure that any such extension could be suitably reintegrated with the house when not required as separate family accommodation.

Appropriate Assessment

The site of the proposed development is located within the serviceable urban area of Glanmire where there is extensive residential development. This is a location which is separated from Cork Harbour SPA (Site Code: 004030) by roads, residential and other properties. Having regard to the nature, scale, and location of the proposed development, the serviced nature of the proposed development, the nature of the receiving environment, and the separation distance to the nearest European site, it is concluded that no Appropriate Assessment issues arise as the proposed development would not 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 that permission is refused in accordance with the following reason and considerations.

9.0 Reasons and Considerations

Having regard to the restricted nature of the proposed site, the location of the existing garage immediately behind the established house on the site, the inadequacy of separation distances between the proposed development and adjoining properties, the loss of privacy arising for the established house from nuisance and disturbance due to the siting and proximity to that house, and the lack of independent amenity provisions and functional servicing provisions for the occupants of the proposed house and the reduction of amenity for the established house as a result, it is considered that the proposed development would result in a gross overdevelopment of the site, would seriously injure the residential amenities of the adjoining dwelling, would depreciate the value of that property, would provide a substandard form of accommodation for the occupiers of the proposed dwelling, and would create an undesirable precedent for development of a similar nature in the vicinity. Furthermore, the Board is satisfied that the proposed accommodation could reasonably be provided by means of modification or extension of the existing

dwelling on the site. The proposed development would, thereby, be contrary to the proper planning and sustainable development of the area.

Kevin Moore
Senior Planning Inspector

29th September 2021