



An
Bord
Pleanála

Inspector's Report ABP 310338-21

Development	Partial demolition of garage and construct 2 storey granny flat.
Location	23 Holly Road, Muskerry Estate, Ballincollig, Co. Kerry.
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	21/39980
Applicant	Ronan Carroll
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	1 st Party v. Refuse
Appellant(s)	Ronan Carroll
Observer(s)	None
Date of Site Inspection	08/07/21
Inspector	Pauline Fitzpatrick

1.0 Site Location and Description

No. 23 Holly Road is a two storey, semi-detached dwelling at the end of a cul-de-sac within the mature residential estate of Muskerry in Ballincollig. The houses along Park Road have single storey side garages which are attached to the garage on the adjacent site. The majority have been converted and extended (including 1st floor level) to provide living accommodation.

No. 23 has a garage recessed from the front building line of the dwelling and extending into the rear garden. It is built up to the boundary with the open space area which bounds the site to the east with planting along part. The dwelling has a door and windows (ground and first floor) in the side elevation forward of the garage. It is served by off street parking with a low boundary wall to the front and side (forward of the dwelling).

The site backs onto the rear garden of No.24 Island Way, also a 2 storey dwelling.

2.0 Proposed Development

The proposal entails the demolition of the front section of the garage to the side and construction of a 2 two storey, 3 no. bedroom unit with internal connection to the main dwelling proposed at ground and 1st floor levels.

There appears to be a discrepancy as to the floor area of the unit as given on drawing No.006 Rev. B and on the planning application form. As measured from the plans the gross floor area is c. 65 sq.m.

3.0 Planning Authority Decision

3.1. Decision

Refuse permission for the above described development which can be summarised as follows:

The unit is similar to a house rather than a unit to provide accommodation for older or disabled relatives/persons and is not a granny flat in terms of its understanding in the context of the County Development Plan. Due to the restricted nature of the site, scale of the proposal, internal arrangement and accommodation, the proposal

constitutes sub-standard development which would fail to provide an acceptable living environment and would result in the overdevelopment of the site.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Area Planner's report considers that the applicant has not provided sufficient detail to justify the proposal. There is no rationale as to why a 3-bed unit is proposed. The proposal is more akin to a house and is not a 'granny flat' in terms of its understanding in the context of the development plan. Generally granny flats are single storey in nature to ensure it is future proofed for the use. Whilst the proposal is not an apartment the standards set out in the Design Standards for Apartments provide a benchmark. The unit does not comply with same nor does it fully meet the minimum floor area and standards set out in the Quality Housing for Sustainable Communities 2007. The proposal would give rise to a substandard living environment for the occupants. The unit is not designed to accommodate older people or others with special needs. The access between the unit and the existing house cannot be used to offset the shortfall in the area. The shared storage and private amenity space arrangements are unsatisfactory. The proposal constitutes overdevelopment of the site. A refusal of permission recommended.

The recommendation is endorsed by the Senior Executive Planner.

3.2.2. Other Technical Reports

Environment Report has no objection subject to conditions.

Area Engineer recommends clarification of proposed eastern boundary treatment to the adjacent public open space.

Contributions Report details financial contribution requirement.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

None

4.0 Planning History

I am not aware of any previous planning applications on the site.

5.0 Policy Context

5.1. Development Plan

Arising from the administrative boundary changes the site is now within the jurisdiction of Cork City Council although the provisions of Cork County Development Plan and the Ballincollig Carrigaline Municipal District LAP continue to apply.

5.1.1. ***Cork County Development Plan 2014***

Provision of Ancillary Family Accommodation in Granny Flats

5.7.12 – consideration can be given to building ancillary accommodation either as an extension to an existing house or as a separate dwelling unit in cases where it can be shown that such is required for a family member. This would include circumstances where a member of the family requires separate living space which is on the same property as the main dwelling. Such units can be established in conjunction with a dwelling house, either within or attached to the house but within the bounds of that site.

5.7.13 – this provision allows families to provide accommodation for older or disabled relatives/persons. These units should be permitted where the following criteria can be met:

- There is only one dwelling and one ancillary accommodation unit on the same site.
- The ancillary unit should not impact adversely on either the residential amenities of the existing property or the residential amenities of the area.
- The property and site should not be subdivided.

- The unit should be integrated visually with the existing dwelling.
- Additional parking, sewage treatment units or private amenity space is not required.
- The unit should not be sold off separately from the existing dwelling and a Section 47 agreement should be entered into by the property owner to ensure that any physically separate unit be retained as part of the existing property in perpetuity as a burden on the site.

5.1.2. ***Ballincollig and Carrigaline Municipal District LAP***

The site is within the 'existing built up area' as delineated in the LAP.

5.2. **Natural Heritage Designations**

None in the vicinity.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The submission by Clement O'Sullivan on behalf of the 1st party which is accompanied by supporting documentation can be summarised as follows:

- The planning authority assessed the proposal for a house rather than a granny flat.
- The proposal is for the owner's son to reside in proximity to look after his parents whilst providing independent living for himself and his daughter.
- The layout allows both ground and first floor links to the main dwelling.
- When required the ground floor bedroom is available for his parents with easy access to the bathroom and living room.
- The two storey unit allows for a person on the ground floor and a carer on the 1st floor.

- The proposal comes within the parameters of the provision of ancillary family accommodation in granny flats as per sections 5.7.12 and 5.7.13 of the Development Plan.
- The Guidelines on Sustainable Residential Development in Urban Areas allows for sub-division of dwellings/plots.
- The proposal complies as much as possible with respect to room sizes and scale of accommodation in terms of the guidelines for apartments whilst still being flexible and future proofing the accommodation.
- Whilst it is acknowledged that the living space is limited this is only relevant if it is a separate unit.

6.2. **Planning Authority Response**

None

6.3. **Observations**

None

7.0 **Assessment**

The site is at the end of a cul-de-sac within the mature residential estate of Muskerry in Ballincollig and is within the existing built up area as delineated in the Ballincollig Carrigaline Municipal District LAP. Many of the dwellings along Holly Road in the immediate vicinity of the site and in the wider estate have converted and extended the side garages for use as living accommodation with varying designs evident. The demolition of part of the existing garage to the side and construction of additional residential accommodation is acceptable in principle.

As per the description given in the public notices what is proposed is a two storey 'granny flat' to the side of the existing dwelling providing for 3 no. bedrooms, 1 no. at ground floor level with bathroom. The unit has a floor area of 65 sq.m. It is to be served by its own entrance with internal connection to the existing dwelling proposed at both ground and first floor levels.

In support of the 1st party appeal the unit is to allow for the owners' son to reside in proximity to look after them whilst providing independent living for himself and his daughter. When required the ground floor bedroom will be available for his parents with easy access to the bathroom and living room whilst the two storey unit allows for accommodation for a live in carer either by the applicants' son or an outsourced provider. The medical issues arising are provided in support.

Section 5.7.13 of the Cork County Development Plan 2014 relates to the provision of ancillary family accommodation in granny flats where it states that such provision is so as to allow families to provide accommodation for older or disabled relatives/persons. This is not the case in this instance. From the details provided the unit is to be occupied by the owners' son and his daughter and, whilst it is intimated that this may change and be occupied by the owners sometime in the future, this is not definitive.

I submit that the proposed development is not a 'granny flat' in terms of its understanding in the context of the Development Plan. On this basis the proposed development does not meet the basic requirements of the Development Plan relating to the provision of ancillary family accommodation in a granny flat. I submit that the proposed development must be more appropriately assessed as a 2nd dwelling on the site.

As per Table 5.1 Best Practice Guidelines for Quality Housing for Sustainable Communities the floor area of the unit at 65 sq.m. falls materially short of that recommended for a 3 no. bedroom (4 person) unit regardless of whether single or 2 storey (73 sq.m. and 83 sq.m. respectively). The kitchen/lounge at 19.6 sq.m. also fails to provide for the minimum floor area in terms of aggregate living area (30 sq.m.) whilst the 3 no bedrooms, at 28.6.sq.m., just exceed the aggregate area for bedrooms (28 sq.m.).

The plans and documentation accompanying the application refer to the design standards for new apartments as set out in the Sustainable Urban Housing: Design Standards for New Apartments guidelines. I submit that the application of the standards therein is misplaced as the proposal before the Board is akin to a dwelling. Notwithstanding, over and above the deficiency in the floor area of the unit it fails to

meet the required minimum floor areas and standards as set out in Appendix 1 in terms of the living room/kitchen.

I note that the unit would avail of the existing storage and 47 sq.m. rear garden of the main dwelling which is to be accessed from the ground floor bedroom. Windows serving habitable rooms both at ground and 1st floor levels are proposed along the eastern elevation onto the boundary shared with the public open space. In addition, a new door in the said eastern elevation is proposed to serve part of the garage that is to be retained and to be accessed from the said open space.

I submit that the development as proposed would constitute a substandard development which would adversely impact on the amenities of prospective occupants and the amenities of the existing dwelling. The access between the unit and the existing house cannot be used to offset the shortfall in standards.

In conclusion I consider that the proposal fails to meet with the provisions of the Cork County Development Plan as they relate to the provision of ancillary family accommodation in granny flats, that this development effectively constitutes a separate dwelling on this site which falls short of the minimum requirements to ensure an adequate level of amenity for prospective applicants. I submit that should additional accommodation be required to accommodate ancillary family accommodation the existing house could be appropriately extended to meet any such future need.

Appropriate Assessment – Screening

Having regard to the location of the site within the built up area of Ballincollig and the nature and scale of the proposed development, it is concluded 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

Having regard to the foregoing I recommend that permission for the above described development be refused for the following reasons and considerations.

9.0 Reasons and Considerations

1. It is a provision of the Cork County Development Plan 2014 to allow families to provide accommodation for older or disabled relatives/persons in ancillary accommodation either as an extension to an existing house or as a separate dwelling unit. Such accommodation may be permitted subject to the ancillary unit not impacting adversely on either the residential amenities of the existing property or the residential amenities of the area. Having regard to the development proposed functioning as a separate dwelling unit to that of the existing dwelling on this site and the lack of any immediate necessity to provide accommodation for older or disabled relatives/persons in this instance it is considered that the proposed development would contravene the provisions of the current Cork County Development Plan.
2. Having regard to the size and design of the dwelling unit including the aggregate living area and absence of private open space separate from the existing dwelling on the site it considered that the proposed development would constitute over development of the site, would fail to provide a satisfactory standard of amenity to meet the needs of future occupants and would adversely impact on the amenities of the adjoining dwelling. The proposed development would, therefore, seriously injure the residential amenities of future residents, and would be contrary to the proper planning and sustainable development of the area

Pauline Fitzpatrick
Senior Planning Inspector

August, 2021