



An
Bord
Pleanála

Inspector's Report ABP315309-22

Development	Retention of a converted single storey shed (38 sq m) to 1-bedroom standalone granny flat (family flat) in the rear garden.
Location	Green Gates, Great Connell, Newbridge, County Kildare W12Y156
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	22603
Applicant(s)	Sean Tracey
Type of Application	Retention
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Sean Tracey
Observer(s)	None
Date of Site Inspection	27 th April 2023
Inspector	Vanessa Langheld

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1.0 Site Location and Description

- 1.1. The application site is located off the Great Connell Road, a road 0.8 km northwest of Newbridge Town Centre. This is an established road with a number of large, detached houses on large sites. It is a busy main road and there is an estate of similar houses to the rear on this side of the road.
- 1.2. According to the Planning Application Form, the site measures 0.15 hectares. No floor area is given for the frontal dwelling. The converted storage building, with a stated floor area of 38 sq m, is located to the rear.

2.0 Proposed Development

- 2.1. There is an existing long-standing storage building to the rear of the house, which has been converted to a one bedroomed family flat.

3.0 Planning Authority Decision

3.1. Decision

Kildare County Council refused planning permission due to non-compliance with the Kildare County Development Plan, 2017-2023, in particular Section 17.49 which requires family flats to be linked to main houses by a connecting door.

It was considered that the development would therefore set a precedent for other similar developments in the area and be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's Report refers to the Development Plan requirements for family flats and the requirement that such flats be linked to the main house with a shared door. The existing building, which has been converted to a one bedroomed flat is 6 m from

the existing house. The floor plan comprises a kitchen / living / dining area, a bedroom and a bathroom.

Further Information was sought to clarify the need for the conversion and floorplans demonstrating the relationship to the main house were sought. The Applicants were also asked to illustrate the bathroom on the drawings as this had been omitted on the drawings.

The Applicants responded that their mother-in-law comes up from Tipperary to care for their children on a regular basis and requires her own accommodation because there is insufficient space for her in the main house.

The Applicants submitted that it was more practical and feasible to convert the existing storage building than to add space to the rear of the house in order to comply with the Development Plan requirement for linkage.

The Applicants submitted drawings to show the bathroom within the converted storage building (family flat).

The Planning Assessment indicated that the above response did not sufficiently address the Development Plan requirements, in terms of need or linkage. Due to its standalone position, it could operate independently of the main house and given the location within a Rent Pressure Zone it may lead to a precedent for other similar developments. Accordingly, the permission was refused.

3.2.2. Other Technical Reports

The Area Engineer recommends conditions to be attached if permission is granted.

No other reports were received.

4.0 Planning History

There is no relevant history on the appeal or adjoining sites.

5.0 Policy and Context

5.1. The application was lodged and determined when the 2017-2023 Kildare County Development Plan was in force; however, it is now superseded by the 2023-2029 Development Plan, which came into effect in January 2023.

5.2. Development Plan

The site is zoned Existing Residential and Infill within the Newbridge Local Area Plan (2013-2019 as extended to December 2021) and which is still in place.

The following policy from the Kildare County Development Plan as adopted in January 2023 is relevant:

Section 15.4.13 relates to domestic garages, stores, home working pods and garden rooms. They will be considered to a maximum size of 40 sq m, behind the building line, depending on the space of the dwelling and surrounding properties. The policy states that they shall be for the enjoyment of the dwelling and not for human habitation. It is stated that there may be exceptions to the criteria depending on need, location and characteristics of the subject site.

Section 15.4.14 relates to family flats i.e., the temporary subdivision or extension of an existing dwelling unit. They are considered a way of providing additional accommodation with a level of semi-independence for an immediate family member (dependent on the main occupants of the dwelling). There must be need, an occupancy condition may be applied, the development should be linked directly to the main dwelling by a connecting door, it must be subsidiary to the dwelling, and external doors shall be limited to the side or rear. Where permitted, there should be a condition that it shall not be sold separately to the main dwelling.

5.3. Natural Heritage Designations

Nothing relevant.

5.4. EIA Screening

Not required.

6.0 The Appeal

6.1. The appeal may be summarised as follows:

- This appeal relates to a site that has a large, detached dormer four bedroomed house and a 38 sq m outbuilding on a large site. The appeal relates to the outbuilding, which was built at the same time as the house and has been converted for use as a family flat.
- The family have six children ranging in age from 3 to 12.
- The converted outbuilding is used by the children's grandmother who regularly cares for them. There is insufficient room in the house for her.
- This a temporary arrangement and in time the grandmother may move into the main house.
- The house and outbuilding share a patio area and are visually linked.
- The family will accept a ten-year permission for occupancy by the children's grandmother.
- It is not possible to link the existing building by a door.
- Main access to the outbuilding is via the back of the building. (In compliance with the Development Plan requirements.)
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6.2. Planning Authority Response

The Planning Authority has no further comment to make.

6.3. Observations

There are no observations.

7.0 Assessment

- 7.1. I have read the documentation attached to this file including the Appeal, the report of the Planning Authority and further response received. In addition, I have visited the site.
- 7.2. The key issue in this case is that the change of use from the garden shed to a standalone family flat. The Planning Authority refused the application as it relates to an independent rather than an interconnected building.
- 7.3. A need for the family flat has been justified in that the family have six children (ranging in age from 3 to 12) and their grandmother helps care for them and therefore requires accommodation.
- 7.4. The appeal relates to a large residential site with a detached family home, large front and back garden and an outbuilding, which was built at the same time as the main house. Given that the building was already in place and has been converted as opposed to been constructed for this use, I consider it justified that it does not physically link with the main house. The double doors to the front of the family flat link the separate accommodation to the back the main house and the shared patio. Given the nature of the need, the size of the main house and site overall, I consider that there is a reasonable case to allow for this ancillary accommodation in a detached form.
- 7.5. The 2023-2029 Kildare County Development Plan specifically provides for exceptions to the general garden room criteria. It is, however, unclear if this relates to size, design and external finishes or also to the potential for human habitation. The Development Plan requires that family flat 'should be linked directly to the main dwelling by a connecting door'. However, this is not mandatory and given the existing separation distance of some 6 m, I do not think it appropriate to insist on a link being constructed between the two structures.
- 7.6. The appeal building has been in place since the original house was constructed and is behind the building line on this large site. It is subsidiary to the main house, being a large detached four bedroomed dwelling.

7.7. The current Development Plan provides for Conditions to attach to a development to ensure that the occupation is tied to the family and that the unit cannot be sold separately to the main family home and remains tied to its use as a family home.

8.0 Recommendation

8.1. Accordingly, I recommend that permission be granted for this development based on the following reasons and considerations and subject to the following conditions.

9.0 Reasons and Considerations

Having regard to the zoning objective for the area set out in the Newbridge Local Area Plan, the size of the site and the fact that the retention application relates to the conversion of an existing structure, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the established character or appearance of the area and would therefore be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
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2.	<p>The proposed family flat shall be used solely for that purpose. It shall not be sold, conveyed or leased separately from the main residence, and when the need for the family flat no longer exists the unit must be returned to a garden storage unit.</p> <p>Reason: To protect the amenities of property in the vicinity and in order to comply with the Objectives of the current Development Plan for the area.</p>
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Vanessa Langheld
Planning Inspector

8th of August 2023