



An
Bord
Pleanála

Inspector's Report

ABP-317420-23

Development	Retain the conversion of a detached domestic outhouse to residential accommodation and retention and completion of the construction of a shed and all associated works.
Location	No. 7 Staleen Road, Donore, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	23/395
Applicant(s)	Mrs. Audrey McGuane
Type of Application	Retention
Planning Authority Decision	Split
Type of Appeal	First Party
Appellant(s)	Mrs. Audrey McGuane
Observer(s)	Cllr Stephen Mc Kee
Date of Site Inspection	21 st of September 2023

Inspector

Karen Hamilton

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1.0 Site Location and Description

- 1.1. The subject site consists of a dormer detached dwelling situated within a small residential estate in Donore, Co. Meath. The estate, An Riasc, is accessed from the Staleen Road, which radiates west from the Village of Donore. There are c. 16 dwellings within the estate all with differing characteristics.
- 1.2. The dwelling on the site is a dormer dwelling with private vehicular access into the site. There is a small front garden and there is a residential building to the rear which has been fenced. There are two sheds in the rear garden one of which is a partially constructed shed with wooden blocks.

2.0 Proposed Development

- 2.1. The proposed development consists of the following:
 - The retention conversion of a detached domestic outhouse to residential accommodation,
 - The retention and completion of the construction of a shed,
 - All associated works.

3.0 Planning Authority Decision

3.1. Decision

Decision to grant retention of the shed and refuse the conversion of the change of use of the domestic garage.

- 3.1.1. The grant for the retention of the shed was subject to 4 no conditions of which the following is of note:

C2: The shed shall not be used for human habitation, commercial use, industrial use or for any other purpose other than a purpose incidental to the enjoyment of the building.

- 3.1.2. The retention of the garage conversion was refused for three reasons as stated below:

1. The development to be retained consists of a detached living unit located to the rear of an existing dwelling that is not incidental to the main dwelling. DM OBJ 43 states that “ Backland development proposal should avoid piecemeal development that adversely impacts on the character of the area and the established pattern of development: The proposed development would have and adverse impact on the character and pattern of development in the area and to permit this development would materially contravene said objective of the Development Plan, would set an undesirable precedent for other similar development, would depreciate the value of property in the vicinity and would be contrary to the proper planning and sustainable development.
2. Having regard to the siting and design of the proposed development which constitutes a restricted site layout that does not reflect the spatial pattern of development of the area. The proposed development if permitted would be out of character with the pattern of development in the area and, would result in a poor standard of residential amenity for the intended occupants, would impact on the residential amenity of the existing dwelling and adjoining properties, would depreciate the value of the adjoining properties and set an undesirable precedent for future development in the area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
3. The Planning Authority has concerns that the proposed development, as presented fails to meet the minimum requirements for two-bedroom apartments with respect to floor area and room sizes as set out in the Design Standards for New Apartments, Guidelines for Planning Authorities (2018). The proposed development would, therefore, materially contravene DM POL 14 of the Meath County Development Plan 2021-2027 and would constitute a substandard form of residential development; and, if permitted, would establish an undesirable future precedent for similar developments of this kind and would be contrary to the proper planning and sustainable development of the area.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The report of the area planner reflects the decision to grant permission for the retention of the shed and to refuse permission for the conversion of the garage and addresses the following:

- Principle of residential development is acceptable on the zoning.
- The garage conversion has been assessed against compliance with the national standards for apartments as the applicant has not applied for a family flat (not attached to the main dwelling).
- The proposal does not comply with the minimum room standards in the guidelines.
- The proposal does not comply with the open space and car parking standards in the development plan.
- The proposal is the same as the previous proposal, which was refused, and the same reasons should be applied.
- There is no objection to the completion of a partially constructed shed on the site as this is for domestic storage.

3.2.2. Other Technical Reports

Water Section: No objection subject to conditions

Transportation Section: No objection subject to conditions.

3.3. **Prescribed Bodies**

Irish Water: No objection subject to conditions

3.4. **Third Party Observations**

None received.

4.0 Planning History

Reg Ref 22/1319

Permission refused for the same proposal as submitted with the appeal, i.e., retention of conversion of the garage for domestic purposes and shed. There were three reasons for refusal, the same as those reasons included in this appeal, i.e., inappropriate back land, impact on character of the area and inadequate room sizes.

Reg Ref SA/40104

Permission granted for the main dwelling.

UD21091

The report of the area planner notes a reference to a warning letter although no details have been provided.

5.0 Policy Context

5.1. Meath County Development Plan 2021-2027

The site is located on lands zoned as existing residential, A1, where it is an objective “to protect and enhance the amenity and character of existing residential communities”.

Section 11.5.24 Family Flat Extensions

DM POL 15: The creation of a custom-built ‘family flat’ to be occupied by a member of the occupant family with a housing need is generally acceptable subject to site suitability and compliance with DM OBJ 49.

DM OBJ 49: All applications for family flat development shall comply with the following criteria:

- The flat shall form an integral part of the structure of the main house with provision for direct internal access to the remainder of the house i.e., not detached;
- The flat shall not have a separate access provided to the front elevation of the dwelling

- There shall be no permanent subdivision of the garden/private amenity space;
- The flat shall remain in the same ownership as that of the existing dwelling on site. In this regard, the flat shall not be let, sold or otherwise transferred, other than as part of the overall property;
- The design proposed shall enable the flat to easily fully revert to being part of the original house when no longer occupied by the family member(s);
- If the site is not connected to public mains, the existing wastewater treatment system on site must be capable for any additional loading from the flat, and if not, proposals should be submitted to accommodate the additional loading

5.2. **Natural Heritage Designations**

The site is located c. 1km to the south east of the River Boyne and River Blackwater SPA and SAC.

5.3. **EIA Screening**

The proposed development includes the conversion of a domestic garage for a dwelling. The site is surrounded by residential properties and there is an access road into the site. Whilst a dwelling is a subthreshold for the purposes of Class 10 (b) (1) of part 2, Schedule 5 of the Planning and Development Regulations, 2001 (as amended) it is significantly lower than the mandatory EIA requirement for 500 dwellings.

Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any 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

The grounds of appeal are submitted by the applicant in relation to the refusal of permission for the retention of the converted detached domestic building as summarised below:

6.1.1. Background

- The change of use of the garage is for a “granny flat” or “family flat”.
- The garage is directly behind the house and not visible from the road.
- The flat is for the applicant’s brother to move back from the UK and get care from the family.

6.1.2. Reasons 1 & 2

- The proposed development will not have a negative impact on the character of the area.
- The existing garage is not visible from the surrounding area and completely hidden from the public road.
- The change of use would not have a negative impact.
- A 40m² extension can be built at the rear of a dwelling without planning permission.
- The change of use of a garage is not intensification.
- If there were lodgers in the house it would be a greater intensification.
- The applicant is trying to look after her brother who is unwell.
- The applicant did not have the funds to build an extension to the dwelling and therefore could not comply with Section 11.5.24 of the development plan.
- The design of the garage allows it to be reverted to a garage in the future when no longer occupied by a family member.

- The applicant is prepared to have a condition not to sell off the structure, retained as part of the existing dwelling holding and the garden is not sub divided.
- The standard of pattern in the area is for garages/ outbuildings to be located at the rear or side of dwellings.
- The proposal will not lead to a depreciation of the dwelling or other property in the area.

6.1.3. Reason No 3

- The applicant did not have unlimited funds to meet all the requirements although there is sufficient room for the applicants relative.
- The design standards for two-bedroom apartments (4 person) are 73m² and 68m², the apartment is marginally below this standard.
- Section 3.6 of the national design standards also considers the possibility that a two-bedroom apartment may accommodate 3 persons.
- As the unit is for an individual with occasional family visitors a 3 person, 2 bed apartment is suitable.

6.1.4. Other Issues

- None of the internal departments raised any issue with the proposal.
- There were no 3rd party objections.
- There is no objection to a condition restricting the occupation to family members.

6.2. **Applicant Response**

The applicant is the appellant.

6.3. **Planning Authority Response (PA)**

The PA submitted a response to the grounds of appeal to state that the details in the third-party submission are noted and were addressed in the original planning

application. The PA has no further comments to make and respectfully requests that the Board uphold the decision to grant permission.

6.4. Observations

- 6.4.1. One observation was received from a public representative of the area in support of the proposed development. The observer considers the proposal is modest and does not impact negatively in any way on any of the neighbouring properties.

7.0 Assessment

The main issues of the appeal can be dealt with under the following headings:

- Principle of Development
- Appropriate Assessment.

7.1. Principle of Development

Introduction

- 7.1.1. The proposal includes both the retention of a converted garage for residential use and the retention and completion of a shed for ancillary domestic storage. The proposal was previously refused by the PA under Reg Ref 221319. The PA have now, under this proposal, permitted the completion and retention of the shed and refused the retention of the garage conversion for the same reasons as Reg Ref 221319.
- 7.1.2. The grounds of appeal have not raised any concerns in relation to the conditions relating to the shed completion and have concerns that the reasons for refusal of the garage conversion do not consider the applicants circumstances and the use of the building for a family member. The appeal refers to each of the reasons for refusal as detailed below.

Reason for Refusal No 1: Backland Development

- 7.1.3. The first reason for refusal relates to the location of the detached living unit to the rear of the main dwelling, which is considered piecemeal development and the non-compliance with DM OBJ 43 of the development plan which requires that any

backland development does not adversely affect the character and pattern of the area.

- 7.1.4. I note the applicant has applied for the retention of the unit for occupation for a family member. Development management guidance in the development plan, for family flat developments, (DM POL 15 and DM OBJ 49) requires that the flat is attached to the main dwelling, the open space is not subdivided and could easily be reverted to integration into the main dwelling once no longer needed for independent living.
- 7.1.5. The existing structure for retention is a standalone unit, previously a garage, which is not attached to the main dwelling. The grounds of appeal note that the proposal cannot meet the specifications of the development plan regarding the “family flat” although considers it does not lead to inappropriate backland development.
- 7.1.6. I note the location of the unit to the rear of the dwelling. The proposal does not include any designated carparking or other amenities for the building to function effectively as a residential unit. An open space area between the residential unit and the main dwelling has been fenced off and appears to be shared. In this regard I consider the location of a dwelling to the rear of the main dwelling would have a negative impact on the amenities of any future occupants and is inappropriate backland development. In this regard I consider the proposal would contravene DM OBJ 43 of the development plan.

Reason for Refusal No 2

- 7.1.7. The second reason for refusal relates to the siting of the residential unit to the rear of the main dwelling and the impact on the character and pattern of development of the surrounding area. The PA considered that the proposal would result in a poor standard of residential amenity for the intended occupants and would impact on the amenity of the existing dwelling and adjoining properties, would depreciate the value of the adjoining properties, and set an undesirable precedent for future development in the area.
- 7.1.8. The grounds of appeal note the location of the building to the rear of the main dwelling and consider that due to the location it is not visible from the surrounding area and therefore will not impact the character of the surrounding area. As the proposed unit is to be occupied by the applicant’s brother, there will be not impact on

the surrounding area. The applicant is prepared to accept a condition restriction the occupation of the dwelling.

- 7.1.9. As stated above, I note this detached living unit to the rear of the main dwelling, does not have any designated private amenities such as car parking or open space. Table 11.1 of the development plan states there shall be a minimum of 55m² provide for a one/two-bedroom house. As an independent stand-alone unit, I do not consider it can be assessed against the guidance in the development plan relating to “family flat” and I do not consider the proposal can provide a quality standard of living for the future occupants of the dwelling. Therefore, I consider permitting the retention of the dwelling would lead to a low quality substandard residential accommodation.

Reason for Refusal No 3

- 7.1.10. The third reason for refusal relates to the size of the rooms which do not meet the minimum requirements for two-bedroom apartments with respect to floor area and room sizes as set out in the Design Standards for New Apartments, Guidelines for Planning Authorities (2018) and would materially contravene DM POL 14 of the Meath County Development Plan 2021-2027.
- 7.1.11. The grounds of appeal acknowledge the reduced size of the rooms although refer to the proposed occupation of the residential unit for one person with limited visitation by relatives. They consider the assessment of the unit for three persons, instead of four persons, more appropriate.
- 7.1.12. Appendix 1 of the national guidance for new apartments¹ details the required minimum floor areas and standards for apartments. The minimum size for a two-bedroom (3 person) apartment is 63m² (permissible in limited circumstances). The proposed development is c. 64m². Even should the restricted overall floorspace size for a two-bedroom unit be permitted, I note the proposal cannot meet those minimum widths for rooms such as the width of living/ dining room- 3.6m (proposal c. 3.3m) and the aggregate floor area of the living/dining/kitchen area – 28m² (proposal c. 21m²). In addition, the minimum size for a double room – 11.4 m² can not be achieved (proposal c. 10.7m²). Therefore, even considering the size of the unit as an

¹ Sustainable Urban Housing: Design Standards for New Apartments: Guidelines for Planning Authorities (December 2022)

apartment for only three persons, I do not consider the proposal can meet those minimum standards for a two-bedroom apartment unit.

Conclusion

7.1.13. Having regard to the location of the dwelling which is detached from the main dwelling I do not consider the proposal can be assessed as a “family flat”. As an independent dwelling or a two-bedroom apartment (3 person), the proposal does not provide a sufficient standard of internal accommodation or external amenities to provide a quality standard of accommodation for any future occupants of the dwelling. I consider the retention of the garage conversion to residential should be refused having regard to an inappropriate location and design which is contrary to the national guidance and the policies and objectives of the development plan.

7.2. Appropriate Assessment

7.2.1. The site is located c. 1km to the southeast of the River Boyne and River Blackwater SPA (site code 004232) and SAC (site code 002299).

7.2.2. The Qualifying Interest for the SAC are as follows:

- Alkaline fens [7230]
- Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (Alno-Padion, Alnion incanae, Salicion albae) [91E0]
- *Lampetra fluviatilis* (River Lamprey) [1099]
- *Salmo salar* (Salmon) [1106]
- *Lutra lutra* (Otter) [1355]

7.2.3. The Qualifying Interest for the SPA is:

- Kingfisher (*Alcedo atthis*) [A229]

7.2.4. The proposal is located on lands which are associated with an existing residential area, previously developed. The site is serviced, and the proposal connects to the public wastewater and water system. Having regard to the nature and scale of the proposed development, the information on the file and the nature of the receiving environment, no appropriate assessment issues arise. It is considered that the

proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on any European Site.

8.0 Recommendation

- 8.1. I recommend the Board **Refuse** permission for the retention and conversion of the garage to domestic accommodation for reasons and considerations (1) and **Grant** planning permission for the retention and completion of the shed for the reasons and considerations (2) subject to the conditions set out below.

9.0 Reasons and Considerations (1)

1. Having regard to the restricted nature of the site, the location of the site within an established residential estate and the pattern of development in the surrounding neighbourhood, it is considered that the proposed development by reason of its scale, form and design would constitute overdevelopment of a limited site area, would result in inadequate private amenity for existing and future occupants and out of character with development in the vicinity. The proposed development would be contrary to policy DM OBJ 43 of the Meath County Development Plan 2021-2027 which requires that any backland development does not adversely affect the character and pattern of the area. The proposed development would, therefore, seriously injure the amenities of the area and would be contrary to the proper planning and sustainable development of the area.
2. The proposed development fails to meet the minimum requirements for two-bedroom apartments with respect to floor area and room sizes as set out in the Design Standards for New Apartments, Guidelines for Planning Authorities (2022). The proposed development would, therefore, materially contravene DM POL 14 of the Meath County Development Plan 2021-2027 and would constitute a substandard form of residential development; and, if permitted, would establish an undesirable future precedent for similar developments of this kind and would be contrary to the proper planning and sustainable development of the area.

10.0 Reasons and Considerations (2)

The proposed development comprises of the retention and completion of a shed. Having regard to the existing permitted dwelling on the site, the overall design of the shed, the characteristics of the site, the surrounding area, subject to compliance with the conditions set out below it is considered that the proposed development will not seriously injure the visual or residential amenity of the area or of property in vicinity and will otherwise accord with the provisions of the Meath County Development Plan 2021-2027. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

11.0 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>
2.	<p>The shed shall be used for purposes of residential use connected with the main dwelling.</p> <p>Reason: To protect residential amenity.</p>

Karen Hamilton
Senior Planning Inspector

25th of September 2023