



An
Bord
Pleanála

Inspector's Report

ABP-319426-24

Development	<i>Permission for conversion of a domestic garage to granny flat and extension of same</i>		
Location	<i>19 Ashgrove Lawn, Carrigaline, Co. Cork P43 TW73</i>		
Planning Authority Ref.	<i>236211</i>		
Applicant(s)	<i>Maurice O'Halloran</i>		
Type of Application	<i>Permission</i>	PA Decision	<i>Refuse Permission</i>
Type of Appeal	<i>First Party</i>	Appellant	<i>Maurice O'Halloran</i>
Observer(s)	<i>None</i>		
Date of Site Inspection	<i>24/06/2024</i>	Inspector	<i>Andrew Hersey</i>

Context

1. Site Location/ and Description.

The site is located in a suburban housing estate in Carrigaline, Co. Cork. There is a semi-detached property on site with front and rear gardens. There is a detached store in the rear garden concrete built with slated roof. There is also a timber shed located adjacent to the same. There is no outside access to the rear garden by way of a side passage.

2. Description of development.

The proposed development comprises of permission to;

- Convert the garage to a granny flat

- Extend the same for use as a granny flat
- And all associated site works

3. Planning History.

On site

- Permission granted to same applicant Maurice O'Halloran for a first floor extension to the side and ground floor extension to the front of existing two storey dwellinghouse

4. National/Regional/Local Planning Policy

The Cork County Development Plan 2022- 2028

- The Cork County Development Plan 2022- 2028 is the statutory plan in force at present
- The site is located within the settlement boundary of Carrigaline in the Cork County Council Development Plan 2022-2028 and is zoned as 'Existing Residential/Mixed Residential and Other Uses'
- Objective ZU18-9 therefore applies which seeks that
'The scale of new residential and mixed residential developments within the Existing Residential/Mixed Residential and Other Uses within the settlement network should normally respect the pattern and grain of existing urban development in the surrounding area. Overall increased densities are encouraged within the settlement network and in particular, within high quality public transport corridors, sites adjoining Town Centres Zonings and in Special Policy Areas identified in the Development Plan unless otherwise specified, subject to compliance with appropriate design/amenity standards and protecting the residential amenity of the area. Other uses/non-residential uses should protect and/or improve residential amenity and uses that do not support, or threatens the vitality or integrity of, the primary use of these existing residential/mixed residential and other uses areas will not be encouraged.'
- Section 6.6.23 of the plan states: *Ancillary accommodation units provide a step down residential accommodation model option for older or disabled persons and 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 an older or disabled 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 the site.

- *Section 6.6.24 states: This provision allows families to provide accommodation for older or disabled relatives. 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 accommodation should not exceed 80sqm in floor area.*
 - *Normally the ancillary accommodation should be single storey only. However, in exceptional circumstances, i.e. where the curtilage is too small or too restricted, consideration may be given to the provision of a two storey ancillary accommodation having regard to the design, scale and form of the existing dwelling and the impact on its residential amenity.*
 - *Provision for shared vehicular entrance only.*
 - *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 ancillary accommodation unit should not be subdivided.*
 - *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 title*

5. Natural Heritage Designations

- The nearest designated site is the Cork Harbour SPA (Site Code 004030) which is located 900m to the south of the site

Development, Decision and Grounds of Appeal

6. PA Decision.

Permission was refused for the following reason:

Sections 6.6.23 and 6.6.24 of the Cork County Development Plan 2022-2028 provides that proposals for ancillary family accommodation would be favourably considered when specific criteria are met and where it can be shown that such accommodation is required for older or disabled family members. The applicant has failed to demonstrate that the proposed ancillary accommodation is currently required for an elderly or disabled family member and essentially the proposed unit would therefore constitute an independent living unit which would result in a substandard level of residential amenity for future occupants of the development on site, would seriously injure the residential amenity of the existing dwelling and would be contrary to the proper planning and sustainable development of the area.

7. Internal Reports

- None received

8. Prescribed Bodies

- None on file

9. Submissions

- None received

10. Grounds of Appeal

A first party appeal was received by Ms Siobhan McCarthy c/o Maurice O'Halloran named concerned residents on the 2nd April 2024. The appeal in summary states:

- That the purpose of the development is for the care and supervision of the applicants elderly parents who are 79 and 80 years of age. The applicants mother is a carer to her husband and receives a carers allowance (a copy of a letter from revenue confirming the same is attached)
- That the proposed development complies with Section 6.6.24 of the statutory plan serving the area
- The proposed development does not constitute an independent living unit. Access to the proposed granny flat is through the house via the applicants own front door and therefore it is not suitable for renting for financial gain. The unit would only be available to immediate family
- That there are no objections to the proposal from the neighbours and the proposal will not impact negatively upon them
- That the unit is single storey only

11. PA Response

- A response to the appeal was received on the 23rd April 2024 and states that the appellants have not addressed the reason for refusal. No evidence has been submitted to show that the applicants parents need to live here. No details have been submitted to show why the applicants parents cannot stay in their existing accommodation.
- Additional car parking was proposed as part of the proposed development which suggests that additional car parking is required which would be contrary to Section 6.6.24 of the statutory development plan serving the area.

12. Observations

None received.

Environmental Screening

14. EIA Screening

Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, 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.

15. AA Screening

Having regard to the modest nature and scale of development and absence of connectivity to European sites, 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.

2.0 Assessment

2.1. Introduction

- 2.1.1. I have examined the application details and all other documentation on file and I have inspected the site and have had regard to relevant local development plan policies and guidance.
- 2.1.2. I am satisfied the substantive issues arising from the grounds of this third party Appeal relate to the following matters-
- Development Plan Policy
 - Residential & Visual Amenities

2.2. Development Plan Policy

- 2.2.1. The core issue of this appeal is as to whether the appellant has a bone fide case with respect to the need for a granny flat at this location as proposed.
- 2.2.2. Policy with respect to the provision of a granny flat, or what the statutory development plan for the area terms as an 'Ancillary Accommodation Unit' for older or disabled persons, is supported by the plan under Section 6.6.23.

2.2.3. To reiterate, Section 6.6.23 states:

Ancillary accommodation units provide a step-down residential accommodation model option for older or disabled persons and 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 an older or disabled 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 the site.

2.2.4. The appellant has stated in the application and in the appeal that the proposed development is for his elderly parents which are now 79 and 80 years of age. I would consider that the use of the unit by the appellants parents therefore complies with the above section of the statutory plan serving the area.

2.2.5. I note that in a response to a further information request the applicant states that the unit may be used by his own adult children in the short term. While the use of the unit, as set out in Section 6.2.3 does not allow for an ancillary accommodation unit for use by adult children, I consider that it would be difficult to police as to who resides in the unit.

2.2.6. The imperative issue is that access to the unit is via the appellants own front door and as such the unit could only be used by the appellants parents or other close family members.

2.2.7. The issue as to whether the appellants parents require them to live at this location or not by reason of their medical needs or otherwise as suggested by the case planner in her report is irrelevant. Section 6.6.23 purely refers to ‘*step down residential accommodation model for older or disabled person*’. The appellants parents are, at the age of 79 and 80 ‘*older persons*’ and therefore they comply with the requirements of this section. The section does not suggest that older persons have to have a requirement, medical or otherwise to comply with the section.

2.2.8. I further refer to Section 6.6.24 which sets out development management criteria for which any proposed ‘ancillary accommodation unit’ must comply with.

- 2.2.9. I am generally satisfied that the proposed development complies with these criteria as set out under Section 4 of this report . I further note that the appellant has agreed to enter into a Section 47 Agreement which the section states *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 title*
- 2.2.10. Issues were raised by the case planner with respect to proposals to alter the front garden so as to provide for more car parking space. I note that Section 6.6.24 specifically states that 'Additional Parking' is not required.
- 2.2.11. The case planner also takes issue with the fact that the amendments to the front garden as shown in the drawings submitted with the application should have been part of the development description.
- 2.2.12. Irrespective of the same, I consider that in the event that the Board decides to grant permission for the proposed development that a condition be imposed to omit any proposals of amendments to the front garden to provide car parking.
- 2.2.13. On the basis of the foregoing I am satisfied that the proposed development compiles with Section 6.6.23 and Section 6.6.24.

2.3. Residential and Visual Amenities

- 2.3.1. I am satisfied that the proposed development will not result in any implications with respect to the reduction of the residential amenities of adjacent properties.
- 2.3.2. With respect to visual amenities I consider that the proposed building is acceptable subject to material finishes been agreed with the planning authority prior to the commencement of development.

3.0 Recommendation

- 3.1. Having regard to the foregoing I recommend a grant of permission for the reasons and considerations and subject to the conditions set out below.

4.0 Reasons and Considerations

- 4.1. Having regard to the information submitted with the application and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would comply with Section 6.6.23 and Section 6.6.24 with respect to the provision of ancillary accommodation as set out in the Cork County Development Plan 2022 – 2028, would not be injurious to the visual or residential amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

5.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by way of further information received 8th December 2024, 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>This permission solely relates to the conversion of a domestic garage to a granny flat and extension to the same for use as a granny flat. Proposals to amend the front garden of the property as shown in the site layout plan dated 2nd November 2023 are not hereby permitted under this permission.</p> <p>Reason: To define the scope of the permission and in order to comply with the objectives of the current development plan for the area</p>
3.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health</p>

4	<p>Details of the proposed external material finishes shall be agreed in writing with the planning authority prior to the commencement of development.</p> <p>Reason: In the interests of the visual amenities of the area.</p>
5	<p>Prior to the commencement of development, the applicant shall enter into a written agreement with the planning authority under Section 47 of the Planning and Development Act 2000 to ensure that</p> <p>(i) The proposed granny flat shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.</p> <p>(ii) that the proposed granny flat shall be used solely for that purpose and shall revert to use as part of the main dwelling on the cessation of such use.</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>
6.	<p>Site development and building works shall be carried out only between the hours of 0900 and 1800 Monday to Friday inclusive, between 0900 and 1400 hours on Saturdays and not at all on Sundays or Public Holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity of the site</p>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Andrew Hersey

Planning Inspector

2nd August 2024