



An
Bord
Pleanála

Inspector's Report ABP-319730-24

Development	<i>Retention for (1) Existing self-contained independent living unit comprising 18sq.m. () All necessary ancillary works to facilitate the development</i>		
Location	<i>183 Redford Park, Greystones, Co. Wicklow</i>		
Planning Authority Ref.	<i>2460159</i>		
Applicant(s)	<i>Eamon O'Connor</i>		
Type of Application	<i>Permission</i>	PA Decision	<i>Refuse Retention.</i>
Type of Appeal	<i>First</i>	Appellant	<i>Eamon O'Connor</i>
Observer(s)	<i>None</i>		
Date of Site Inspection	<i>24/08/2024</i>	Inspector	<i>Andrew Hersey</i>

Context

1. Site Location/ and Description. The site is located in the northern suburbs of Greystones. There is an existing semi-detached single storey house on site with paved front garden and rear garden which contains of two buildings, the building subject of this appeal and a steel clad shed. There is also a fuel tank in the rear garden. The rear garden is fenced off from public view and there is a pedestrian gate into the same. Access to the rear garden was not possible on the day of the site visit.

There was a large campervan parked in the front garden on the day of the site visit

The stated site area is 0.0.2ha

2. Description of development. Retention Permission is sought for:

- Existing self-contained independent living unit comprising 18sq.m.
- All necessary ancillary works to facilitate the development

3. Planning History.

None on site

4. National/Regional/Local Planning Policy

The Wicklow County Development Plan 2022- 2028

- The Wicklow County Development Plan 2022- 2028 is the statutory plan in force at present and came into effect on the 23rd October 2022
- CPO 6.24: To facilitate family/granny flat extensions for use by a member of the immediate family subject to protection of existing residential amenity and compliance with the criteria set out in the Development & Design Standards (Appendix 1)

Appendix 1 Development & Design Standards (of Development Plan)

- Section 3.1.9 refers to independent living units ('Granny-flats') and states A 'granny flat' or 'independent living unit' is a separate living unit on an existing house site, used to accommodate a member of the immediate family, often an elderly parent, for a temporary period. The construction or conversion of part of an existing dwelling into a 'family flat' will only be permitted where the development complies with the following requirements:
 - The need for the unit has been justified and is for the use of a close family member.
 - The unit forms an integrated part of the structure of the main house - in exceptional circumstances, the conversion of an existing detached garage / store etc may be considered subject to the structure being in very close proximity to the main house.
 - The unit is modest in size and it shall not exceed 45sqm and shall not have more than 1 bedroom.

- The unit shall not be sold or let as an independent living unit and the existing garden shall not be sub-divided.
- The structure must be capable of being functionally re-integrated into the main house when its usefulness has ceased. Permission for such units shall be restricted to a period of 7 years, after which it must revert to a use ancillary to the main house (e.g. garage, store, hobby room) unless permission has been secured for its continuation as an independent unit for another

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Greystones Delgany and Kilcoole Local Area Plan 2013-2019

- The site is zoned as 'RE Existing Residential' the objective of which is To protect, provide and improve residential amenities of adjoining properties and areas while allowing for infill residential development that reflects the established character of the area in which it is located.

5. Natural Heritage Designations

- The nearest designated site is The Bray Head SAC (Site Code 000714) which is located 300metres to the north east

Development, Decision and Grounds of Appeal

6. PA Decision. Permission was refused for the following reason:

Having regard to the location of the development in the rear garden of an existing dwelling and its proximity to other residential dwellings, it is considered that the development would seriously injure the amenities of properties in the vicinity and has resulted in the private amenity space of the existing dwelling being severely reduced. No justification has been provided for the development of an independent living unit and the development would not accord with Objectives CPO 6.3, 6.4, 6.5, 6.21, 6.24 and 6.29 of the Wicklow County Development Plan 2022-2028 and section 3.1.10 of Appendix 1 - Development and Design Guidelines of the Wicklow County Development Plan 2022-2028. The development would therefore be

contrary to the amenities of the area, would set a precedent for similar haphazard development and would be contrary to the provisions of the Wicklow County Development Plan 2022-2028 and to proper planning and sustainable development.

7. Internal Reports

- None received

8. Prescribed Bodies

- None received

9. Submissions

- None received

10. Grounds of Appeal

A First Party appeal was lodged by Plan 8 Architects obo Eamon O'Connor and was received on the 15th May 2024. In summary the appeal states that

- That the unit is modest in size being only 18sq.m.
- That the unit is provided with a private garden area
- That the rear garden of the existing house measures 23sq.m. and the front garden 55sq.m.
- That a planning condition could be imposed regarding its use

11. PA Response

None received

12. Observations

None received

Environmental Screening

13. 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.

14. AA Screening

Having regard to the modest nature and scale of development, location in an urban area, connection to existing services 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-

- Principle of Development/Development Plan Policy
- Private Open Space
- Residential Amenities

2.2. Principle of Development/Development Plan Policy

2.2.1. CPO 6.24 of the statutory plan serving the area seeks : *To facilitate family/granny flat extensions for use by a member of the immediate family subject to protection of existing residential amenity and compliance with the criteria set out in the Development & Design Standards (Appendix 1)*

- 2.2.2. Section 3.1.9 Appendix 1 Development & Design Standards describes an independent living unit as '*a separate living unit on an existing house site, used to accommodate a member of the immediate family, often an elderly parent, for a temporary period*' (Section 3.1.9 Appendix 1 Development & Design Standards)
- 2.2.3. Section 3.1.9 also requires that such applications for 'independent living units' comply with the following criteria: that;
- The need for the unit has been justified and is for the use of a close family member.
 - The unit forms an integrated part of the structure of the main house - in exceptional circumstances, the conversion of an existing detached garage / store etc may be considered subject to the structure being in very close proximity to the main house.
 - The unit is modest in size and in particular, it shall not exceed 45sqm and shall not have more than 1 bedroom.
 - The unit shall not be sold or let as an independent living unit and the existing garden shall not be sub-divided.
 - The structure must be capable of being functionally re-integrated into the main house when its usefulness has ceased. Permission for such units shall be restricted to a period of 7 years, after which it must revert to a use ancillary to the main house (e.g. garage, store, hobby room) unless permission has been secured for its continuation as an independent unit for another
- 2.2.4. No details with respect to the use of the proposed independent unit by any family member has been established in any submissions from the first party.
- 2.2.5. The unit does not form an integrated part of the structure of the main house
- 2.2.6. The unit is modest in size - 18sq.m. and contains 1 bedroom.
- 2.2.7. It is not clear from the details if the unit is currently leased.
- 2.2.8. The structure cannot be functionally re-integrated into the main house as a consequence of its detached nature.

- 2.2.9. With respect of the foregoing, I consider that the proposed development does not comply with CPO 6.24 and Section 3.1.9 Appendix 1 Development & Design Standards of the Wicklow County Development Plan 2022-2028.
- 2.2.10. The proposed development for retention is located on lands zoned as RE Existing Residential in the Greystones Delgany and Kilcoole Local Area Plan 2013-2019 where it is the policy of the council *'To protect, provide and improve residential amenities of adjoining properties and areas while allowing for infill residential development that reflects the established character of the area in which it is located.'* The proposed development for retention does protect the residential amenities of the main house on the site, is not reflective of the character of the built forms in the area and therefore contravenes this zoning objective

2.3. Private Open Space

- 2.3.1. The entirety of the rear garden of the house on site is taken up by the unit for which retention is being sought. There is also a store and a fuel tank in the rear garden. There is no private outdoor amenity space available for the occupants of the main house.
- 2.3.2. An area of 14sq.m. is shown on the site layout plan submitted to serve the independent living unit and an area of 14sq.m. to the front of the main house is shown as a garden area. There was large campervan parked on this garden area on the day of the site visit.
- 2.3.3. Irrespective of the same, and taking account that the main house on site is a 2-3 bedroomed unit (no floorplans of the same were submitted with the application) then development plan standards would require an area of 60-75sq.m to serve the existing house.. Therefore there is not sufficient private open space to serve the existing house on site and the proposed independent living unit for retention

2.4. Residential Amenities

- 2.4.1. The proposed development will not result in any degradation of the residential amenities of adjacent properties by way of overlooking and overshadowing but will

as a consequence of the loss of private open space have a serious detrimental impact on the residential amenities of the existing house on the site.

3.0 Recommendation

3.1. I recommend that permission be refused for the following reasons:

1. The proposed development which seeks retention of an 'Independent Living Unit', in the rear garden of an existing house would result in the loss of private open space to serve that house, would seriously injure the residential amenities associated with that house, would contravene the zoning objective of the Greystones Delgany and Kilcoole Local Area Plan 2013-2019 where it is the policy of the council in part '*To protect, provide and improve residential amenities of adjoining properties*' and would therefore be contrary to the proper planning and sustainable development of the area.
2. CPO 6.24 of the Wicklow County Development Plan 2022-2028 allows for the development of *family/granny flat extensions for use by a member of the immediate family subject to protection of existing residential amenity and compliance with the criteria set out in the Development & Design Standards (Appendix 1)*. There are no details provided in the application or in the appeal outlining the need for the proposed development for which retention permission is being sought and therefore the proposed development would contravene this objective and furthermore would not accord with Section 3.1.9 of Appendix 1, Development & Design Standards of the Development Plan which sets out standards with respect to family/granny flat extensions. The proposed development would therefore contravene the Wicklow County Development Plan 2022-2028 and would be contrary to the proper planning and sustainable development of the area.

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
18th September 2024