



An
Bord
Pleanála

Inspector's Report

ABP-319793-24

Development	Dismantle single-storey granny flat log cabin & relocate same to rear of house with new lobby connection to house and all ancillary site works.
Location	8 Dunloe Avenue, Windtown, Navan, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	24104
Applicant(s)	Nijole Rupsiene
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Nijole Rupsiene
Observer(s)	Kevin Regan
Date of Site Inspection	25 July 2024
Inspector	Aoife McCarthy

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 310m² and is located at 8 Dunloe Avenue, Windtown, Navan, Co. Meath. The site comprises a 2 storey 3 bed semi-detached house, with garden to front and rear.
- 1.2. The subject single storey granny flat (log cabin) is located at the (western) end of the rear garden. Internally, the unit accommodates open plan bedroom, kitchen/living room uses with a separate shower/WC room. The rear façade of the main house includes an open canopy structure at grade level.
- 1.3. The rear garden also contains an additional garden shed (c.3.3 m² Gross Floor Area (GFA)); and a temporary greenhouse (the latter of which was noted from the site visit and is not indicated on the submitted drawings).
- 1.4. The site is bounded by Dunloe Avenue to the east; the rear and side boundaries respectively of No. 9 and 10 Dunloe Avenue to the north; No. 7 Dunloe Avenue to the south and open space relating to the Boyne Valley to Lakelands Greenway route to the west.

2.0 Proposed Development

- 2.1. The proposed development comprises the relocation of a granny flat (log cabin) to the rear of the house. The works include the construction of a new lobby connection, and all ancillary works.
- 2.2. The granny flat shall have a total gross floor area of 28.9m² and maximum ridge height of 2.96m.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1 The Planning Authority issued a Notification to Refuse Permission on the 3rd May 2024 for a single reason, which can be summarised as follows;

The proposed development would by reason of design, materially contravene DMO49 of the Meath County Development Plan 2021 – 2027 (the design militating

against the flat fully reverting to form part of the original house); with significant negative impacts on the visual amenities of the site and wider environs.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The Planning Officer sets out that the key issue with respect to compliance with DM OBJ 49 of the Development Plan is whether the proposal can readily revert to form part of the main house, once the need for the structure has passed.
- The Planning Officer concludes that, “based on the proposed design and finishes, the proposal is considered to be more akin to a temporary shed structure”.

3.2.2. Other Technical Reports

- None.

3.3. Prescribed Bodies

- None.

3.4. Third Party Observations

- 3.4.1. The Planning Officer’s Report refers to a single submission from Kevin Regan (7 Dunloe Avenue). The submission relates to the historical occupancy of this structure; associated concerns with respect to safety, use of public open space to the west of the estate and within the subject site); depreciation of property values in the area; and non-compliance with components of DM OBJ 049 and DM OBJ 50 of the Development Plan.

4.0 Planning History

- 4.1 **Subject Site Reg. Ref.: 23/104:** Notification of a Decision to Refuse Permission was made on 13th January 2024 relating to the subject site for the retention of a single

storey detached granny flat to rear of the house and temporary planning permission for a period of 5 years.

- 4.2 Planning permission was refused for a single reason, summarised as follows; that the proposed development, constituting a self-contained residential unit would represent piecemeal form of development, seriously injuring amenities and depreciating the value of properties.
- 4.3 The Planning Authority considered that by reason of failure to demonstrate compliance with DMPOL 15 and DMOBJ 49 the proposal would constitute a material contravention of the Meath County Development Plan 2021-2027.
- 4.4 In this case, the Report of the Planning Authority includes reference to a Warning Letter issued regarding suspected unauthorised development on site (Planning Authority Ref: UD23/049 refers).

5.0 Policy and Context

5.1. Meath County Development Plan 2021-2027

5.2 Land Use Zoning

- 5.2.1 The site is subject to land use zoning A1 – Existing Residential, with the objective “To protect and enhance the amenity and character of existing residential communities.”

5.2. Development Plan/Family Flat Extensions

- 5.2.1. Family flats (often known as granny flats) are a way of providing additional accommodation with a level of independence for an undefined temporary period of time. Family flats allow for semi-independent accommodation for an immediate family member (dependent on the main occupants of the dwelling). Applications for family flats will be considered favourably subject to criteria set out in the relevant policy set out below.

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 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.

5.3. Development Plan/Extensions in Urban and Rural Areas

5.3.1. The objective below relates to residential extensions in urban and rural areas.

DM OBJ 50: All applications for residential extensions in urban and rural areas shall comply with the following criteria:

- High quality design which respects, harmonises and integrates with the existing dwelling in terms of height, scale, materials used, finishes, window proportions, etc;
- The quantity and quality of private open space that would remain to serve the house
- Flat roof extensions, in a contemporary design context, will be considered on their individual merits;
- Impact on amenities of adjacent residents, in terms of light and privacy. Care should be taken to ensure that the extension does not overshadow windows,

yards or gardens or have windows in the flank walls which would reduce a neighbour's privacy;

- Extensions which break the existing front building line will not normally be acceptable. A porch extension which does not significantly break the front building line will normally be permitted;
- Dormer extensions shall not obscure the main features of the existing roof, i.e. should not break the ridge or eaves lines of the roof;
- Proposed side extensions shall retain side access to the rear of the property, where required for utility access, refuse collection, etc.
- Ability to provide adequate car parking within the curtilage of the dwelling house
- In all cases where diversion or construction over existing sewerage and/or water mains is required, the consent of Irish Water will be required as part of the application.

5.4. Natural Heritage Designations

5.4.1. There are none in proximity to the site.

5.5. EIA Screening

5.5.1. Having regard to the nature and modest scale of the proposed development, its location in a built-up urban area and the likely emissions there from it is possible to conclude that the proposed development is not likely to give rise to significant environmental impacts and the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage. (Form 1, Appendix 1 refers).

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A first party appeal has been lodged on behalf of the Applicant, the grounds of which can be summarised as follows;

- The proposed insertion of the subject lobby connection between the log cabin and main dwelling ensures the viability of using the family flat in the long term.
- The inclusion of the connecting lobby is the only feasible manner of connecting the family flat to the main house, taking account of size constraints of the site.
- The proposed timber frame log cabin structure integrates well with the architectural design of the existing house and wider residential development.
- The proposal is unlikely to result in significant injurious impacts to the visual amenities of the wider area; having regard to the single storey height of the subject family flat, and proposed relocation to immediate rear of the main (two storey) house.

6.2. Applicant Response

- Not applicable.

6.3. Planning Authority Response

6.3.1 The Planning Authority request that the Decision to Refuse Permission dated 3rd May 2024 is upheld, noting that the issues raised in the first party appeal have been substantively addressed in the Planning Officer's Report, date 3rd May 2024.

6.4. Observations

6.4.1. A single observation has been received from Kevin Regan (7 Dunloe Avenue). This includes a detailed assessment of the proposed development with respect to DM OBJ 49 and DM OBJ 50 of the Development Plan.

6.5. Further Responses

- None.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including the report of the local authority, having inspected the site and having regard to the relevant local and national policies and guidance, I consider the substantive issue in this appeal relates to compliance with policies in respect of family flat extensions in the Development Plan.

7.2. These considerations are set out below.

7.3. Compliance with Development Plan – Family Flat Extension

7.3.1. Development Plan Policy DM POL 15 sets out that custom-built family flats, intended for occupation by a member of the occupant family with a housing need, are generally acceptable, subject to site suitability and compliance with DM OBJ 49 of the Development Plan.

7.3.2. The proposed development in this instance seeks to relocate a single storey timber frame structure (c.28.9m² GFA) to the rear of an established semi-detached house. The works include the insertion of a lobby connecting the timber structure to the dining room of the main house. The elevational treatment of this wall is noted to primarily comprise a dry dash plaster finish.

7.3.3. In this context, it is my view that the subject development proposal does not come within the term ‘custom-built family flat’, having regard to the proposed juxtaposition of a timber frame structure to the rear wall of this house as described above.

7.3.4. With respect to the intended user, the supporting application letter notes that these works were undertaken in March 2022 to provide accommodation for the daughter of the Applicant.

7.3.5. The Development Plan does not include any guidance in terms of assessing housing need in an urban area such as at the subject development site. The Planning Authority have assessed this application and have not raised a lack of housing need in the Planner’s Report or within the ground of refusal.

- 7.3.6. As such, it is considered that in this context the provision of a family flat extension for the daughter of the Applicant is acceptable in principle. In the event the Board decide to grant permission, it is recommended that conditions are attached is attached to the permission, restricting the use of the family flat to an immediate family member.
- 7.3.7. With respect to provision of a family flat extension (DM OBJ 49), the Plan specifies that “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 main house.”
- 7.3.8. As noted above, the proposed family flat includes the relocated timber frame structure, to be connected to the living room of the main house through the addition of a connecting lobby.
- 7.3.9. The inclusion of the porch provides a connecting link to the main house, in effect, ensuring that the family flat extension remains attached the main house.
- 7.3.10. Notwithstanding, I do not consider that the subject family flat extension can be described as forming an integral part of the structure of the original dwelling; having regard to the overall design intent, which seeks to attach a timber frame structure to the rear wall of this two storey house.
- 7.3.11. It is also considered that the proposed development, would constitute haphazard development, negatively impacting on the visual amenities to the rear of this property.
- 7.3.12. The Development Plan further specifies that the proposed design shall enable the flat to easily fully revert to being part of the original house.
- 7.3.13. In this context, the timber frame structure would remain connected to the main house through the proposed connecting lobby, providing potential additional accommodation such as an office or playroom.
- 7.3.14. Whilst this functionally meets this criterion of having a physical connection to the shed structure; I do not consider that the design meets the broader requirement that the family flat extension could easily fully revert to being part of the main house, once the need to provide temporary accommodation for an immediate family member has passed.

- 7.3.15. Again, this is having regard to the proposed juxtaposition of a timber frame structure to this two storey house, the rear elevation of which includes primarily a dry dash plaster finish.
- 7.3.16. The following aspects of the subject proposal are noted to accord with Policy Objective DM OBJ 49:
- The proposal does not include an additional separate access to the front elevation of the main house.
 - There are no proposals to subdivide the rear garden/private amenity space.
 - There are in addition, no proposals to transfer ownership of the existing dwelling on site. In the event that the Board decide to grant of permission, it is recommended that a condition is attached to this permission with respect to restricting the transfer of the ownership of this family flat as considered appropriate by the Board.
 - The site is connected to public mains and as such, requirements with respect to wastewater treatment system on site is not relevant in this case.
- 7.3.17. The third party submission and subsequent observation in this case refer to Policy Objectives DM OBJ 49 and DM OBJ 50 of the Development Plan.
- 7.3.18. Of relevance to this application, Policy Objective DM OBJ 50 of the Plan, requires that applications comply with the requirement to comprise “high quality design which respects, harmonises and integrates with the existing dwelling in terms of height, scale, materials used, finishes, window proportions, etc.”
- 7.3.19. From a review of the drawings and site visit, it is my view that the proposed extension has not taken sufficient account of the built form of the existing house including with respect to the overall design approach, choice of materials and finishes, and would result in substandard development of low-quality architectural design.
- 7.3.20. It is therefore considered that the proposed family flat extension fails to accord with DM OBJ 50 of the Development Plan, with respect to the provision of residential extensions to a high design standard.

- 7.3.21. In this context, Meath County Council's Notification to Refuse Permission states that the proposed development by virtue of its design would materially contravene DM OBJ 49 of the Development Plan. There is no further commentary within the Planning Officer's Report or Notification to Refuse Permission with respect to the rationale for this decision.
- 7.3.22. In this context, I note that the site is subject to A1 – Existing Residential zoning objective under the Development Plan, under which residential is a permissible use.
- 7.3.23. In my opinion, therefore, a material contravention does not arise in this instance, as the site is subject to A1 zoning objective, under which residential use is permissible in principle.
- 7.3.24. The proposed residential extension to an existing house is also therefore considered to constitute development which is permissible in principle with the A1 zoning objective of the Development Plan. While I do not consider that a material contravention of the CDP arises, I do consider that the proposal is contrary to objectives set out in the Development Plan.

8.0 Appropriate Assessment Screening

- 8.1. I have considered the proposed family flat extension in light of the requirements S177U of the Planning and Development Act 2000 (as amended).
- 8.2. The site is located within 1.5 km of both the River Boyne and River Blackwater SAC (Site Code 002299), River Boyne and River Blackwater SPA (Site Code 004232), the closest European Sites to the proposed development.
- 8.3. The proposed development comprises Permission for the relocation of a single storey granny flat (c.28.9m² GFA) and all ancillary works within the rear garden of a property at 8 Dunloe Avenue, Windtown, Navan, Co. Meath.
- 8.4. No nature conservation concerns were raised in the planning appeal.
- 8.5. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion relates to:

- The limited extent of works forming part of this project, within an established residential development.
- The distance of the project to the closest European Site.

8.6. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

8.7. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

I recommend that permission should be refused for the reasons and considerations stated below.

10.0 Reasons and Considerations

The application site is zoned A1 - Existing Residential with the objective with the objective "To protect and enhance the amenity and character of existing residential communities." in the Meath County Development Plan 2021- 2027.

Having regard to the pattern of development in the area, to the site size and to the layout and design of the subject proposal, the proposed development fails to accord with DM POL 15 and DM OBJ 49 of the Meath County Development Plan 2021- 2027 with respect to the provision of family flat extensions, DM OBJ 50 of the Plan with respect to residential extensions and would result in low quality architectural design, negatively impacting on the visual amenities of the rear of the subject house. The proposed development would also 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.

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.

Aoife McCarthy
Planning Inspector
02 August 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	319793-24			
Proposed Development Summary	Dismantle single-storey granny flat and relocation to rear of house with new lobby connection to house and all ancillary site works			
Development Address	8 Dunloe Avenue, Windtown, Navan, Co. Meath			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes		
		No	X	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?				
Yes			EIA Mandatory EIAR required	
No	X		Proceed to Q.3	
		Threshold	Comment (if relevant)	Conclusion
No		X		No EIAR or Preliminary Examination required
Yes				Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector:**Date: 02 August 2024**