



An  
Bord  
Pleanála

## Inspector's Report

### ABP-321326-24

<b>Development</b>	Retention for the construction of a self-contained residential unit and permission for the construction of a single-storey link between the existing dwelling and self-contained residential unit and all associated works.
<b>Location</b>	46 Hazelwood, Goreybridge, Gorey, Co. Wexford
<b>Planning Authority</b>	Wexford County Council
<b>Planning Authority Reg. Ref.</b>	20241088
<b>Applicant(s)</b>	Mary Newman
<b>Type of Application</b>	Retention Permission
<b>Planning Authority Decision</b>	Grant permission with conditions.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Teresita Lennon
<b>Date of Site Inspection</b>	20 <sup>th</sup> March 2025
<b>Inspector</b>	Sarah O'Mahony

## **1.0 Site Location and Description**

- 1.1. The 0.35ha site is situated at the northeast of Gorey town within a mature housing estate. It comprises a semi-detached dwelling situated at the eastern end of a row of similar dwellings. There is car parking situated within the curtilage of the site and a pedestrian gate to the side provides access to the rear area private open space.
- 1.2. Access to the overall estate is from a local road to the west. The estate access road is situated adjacent to the southern and western boundaries of the site while there are dwellings situated on adjacent property to the north and east.
- 1.3. There is a partially constructed self-contained single storey unit situated at the rear of the site. It is a detached mono-pitch roof structure which spans most, but not all, of the rear boundary of the property. At the time of the site inspection the unit was unfinished but was being partially used for general domestic storage purposes. The external finish consisted of a fabric membrane, corrugated metal roofing and white pvc windows and door. Internally drywall is in place but not rendered as second fix electric and plumbing works have not been installed.

## **2.0 Proposed Development**

- Retention permission is sought for a 42.5m<sup>2</sup> independent residential unit in the rear garden of an existing semi-detached dwelling and
- Planning permission is sought for the construction of a 12m<sup>2</sup> single storey link between the unit and main dwelling together with all associated works including revised external finishes to the new unit.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. A notification of decision to GRANT planning permission was issued by Wexford County Council (the Planning Authority) on 01<sup>st</sup> November 2024 subject to 5no. conditions including no. 2 as follows:

*“2. The self-contained residential unit shall not be sold, let or otherwise disposed of, transferred or conveyed separately from the main dwelling unit save as part of a single dwelling unit, and shall revert to use as part of the main dwelling on the cessation of such use.*

*Reason: In the interests of proper planning and sustainable development of the area.”*

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

- The Planners report recommendation to grant permission is consistent with the notification of decision which issued.
- The report noted and accepted the medical justification provided for the additional unit and also noted the proposed linking structure which it states addresses a previous refusal to retain the unit. It also notes the submissions received but considers that the scale and nature of the building would not give rise to overshadowing or overlooking.
- Appropriate Assessment (AA) and Environmental Impact Assessment (EIA) issues are both screened out.

#### **3.2.2. Other Technical Reports**

- Roads Inspection Report: No objection subject to a standard condition regarding surface water management.
- Fire Department: No objection subject to standard condition regarding adherence to fire safety standard and building regulations.

### **3.3. Prescribed Bodies**

- The application was referred to Uisce Éireann however no response was received.

### **3.4. Third Party Observations**

3.4.1. Two third party observations were received from Neil Lennon and Teresita Lennon as well as Kate Walsh on behalf of the Hazelwood Residents Committee. The following issues were raised:

- Overlooking.
- Quality and finish of the structure which is not in keeping with the local character.
- Structure was erected without planning permission.
- Structural integrity of the pitched roof due to gusting winds affecting the hillside.
- Concern of setting a precedent which may impact property values.
- Concern regarding number of proposed occupants given scale of existing main dwelling and associated car parking issues.

3.4.2. The Applicant responded by also making an observation and outlining the following:

- The structure is incomplete and will have a suitable finish as per the drawings submitted once complete.
- Overlooking does not occur.
- A list of occupants of the full site was submitted as follows: the applicant, another adult and a child. It states the need for additional car parking will not arise as one vehicle currently serves both units and a photograph submitted with one observation demonstrates two vehicles within the driveway, one of which is stated in this response to be a tradesperson's.
- The drawings submitted with the application illustrate the size and quality of the structure. The response states that the Agents are structural engineers and can ensure the integrity of the building.
- Regarding property devaluation, it states that similar type units are present nationwide and there is no evidence that they devalue neighbouring property value.

## 4.0 Planning History

- 20240516: Permission sought to retain a granny flat and all associated site works. Permission was REFUSED for the following reason:
  1. *The detached granny flat to be retained is not in accordance with the policy as set out in Section 3.3 'Self-contained Residential Unit for a Family Member' contained in Volume 2 of the Wexford County Development Plan 2022-2028. This policy requires that the unit must be attached to the main dwelling house and must be accessible from the main dwelling house via an internal access door. The development is therefore contrary to this policy and contrary to the proper planning and sustainable development of the area.*
- Enforcement Case Ref. 0025-2024: Possible unauthorised shed. The Case Planners report states that a warning letter was issued on 26<sup>th</sup> February 2024.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The site is governed by the policies and provisions contained in the Wexford County Development Plan 2022-2028 (referred to hereafter as the CDP). Section 4.9.5 refers to self-contained residential units for a family member and states:

*"The purpose of this unit is to provide semi-independent accommodation for an immediate family member who is dependent on the occupant(s) of the main dwelling or needs to live in close proximity to the occupant(s) of the main dwelling for care and/or security reasons. An immediate family member is defined as a mother, father, son, daughter, brother, sister or guardian. In the case of an older person who has no children, an immediate family member is defined as a sister, brother, niece or nephew.*

*These units, which must be attached to the main dwelling house with provision made for an internal link, are not considered to be an independent dwelling unit and as such private open space and car parking standards are not independently assessed. The unit must be integrated back into the main dwelling when use by the immediate family member is no longer required. The*

*Planning Authority will consider applications on a case-by-case basis and subject to compliance with the development management standards set out in Volume 2 and normal planning and environmental criteria. “*

5.1.2. Objective SH50 is states it is an objective of the Council:

*“To consider the development of a self-contained residential unit attached to the main dwelling house only where it is satisfactorily demonstrated that the proposed occupant is an immediate family member who is dependent on the existing occupant(s) of the main dwelling house or needs to live in close proximity to the existing occupant(s) of the main dwelling for health or support reasons. The development must comply with the relevant development management standards set out in Volume 2 and comply with normal planning and environmental criteria.”*

5.1.3. Volume 2 outlines development management standards and Section 3.3 states:

*“The provision of a self-contained residential unit for a family member will be considered subject to compliance with the following standards:*

- *The applicant must demonstrate that there is a need for the unit in accordance with Section 4.9.5 in Volume 1 Chapter 4 Sustainable Housing.*
- *The unit must be attached to the main dwelling house and must be accessible from the main dwelling house via an internal access door.*
- *The unit should consist of no more than a combined kitchen/dining/living room, a WC bathroom which must be fully accessible and contain no more than two bedrooms.*
- *Where required, it will be necessary to demonstrate that the existing on-site wastewater treatment facilities serving the main dwelling house are adequate and can facilitate the additional loading from the family unit. Where this cannot be demonstrated, it will be necessary for the on-site wastewater facilities to be upgraded as part of the development proposal.*
- *The design criteria for extensions to dwelling houses will be applied to these units.*

- *A condition will be applied restricting the sale or letting of the unit separate to the main dwelling house, and when use of the unit is no longer required it must be integrated into the main dwelling house."*

5.1.4. The site is situated within the development boundary of the Gorey Local Area Plan 2017-2023 (extended to 2026). The site is zoned 'R' for residential purposes where the land use zoning seeks to *"protect and enhance the residential amenity of existing and developed communities and to provide for new residential development, associated residential services and community facilities."*

## 5.2. **Natural Heritage Designations**

The site is situated 3.7km east of the Slaney River Valley Special Area of Conservation and 5km west of the Ballymoney Strand proposed Natural Heritage Area.

## 5.3. **EIA Screening**

5.3.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

One appeal is received from Teresita Lennon which raises the following issues:

- Lack of justification submitted as the proposed occupant does not constitute an immediate family member as defined in the CDP.
- The existing 4-bed house has sufficient accommodation.
- The 50m<sup>2</sup> scale of the new unit is considerable given the size of the rear garden. The new linking structure would 'wall in a quadrant of garden'.

- Impacts to privacy due to line of sight between the door and windows in the new unit and a bedroom window in an adjacent dwelling. Photographs are provided to demonstrate this visual link.
- Incomplete application drawings submitted as they do not illustrate the proximity of the adjacent extension.
- The roof of the new unit impinges on a view of the skyline from this rear extension. The construction of a new link would significantly affect the skyline view from the adjoining property.
- The linking structure would create an inaccessible gap between it and the boundary wall raising concerns regarding drainage and accumulation of garden debris.
- The visual impact of the proposed development and overlooking concerns would negatively impact the adjoining property value.

## 6.2. **Applicant Response**

- Additional documentary evidence submitted demonstrating familial ties between the applicant and proposed Occupant.
- The applicant is willing to provide opaque glazing or make alterations to the door and fenestration if required.
- The proposed link and flat are both lower than the existing rear extension of the appellant's adjacent property and the applicant considers it is unclear how views would be impeded by the development.
- The structure currently in place is unfinished and a more aesthetically pleasing finish is proposed.
- The existing rear extension on the appellant's property was constructed in close proximity to the applicant's property. The applicant considers encroachment would not occur as a result of the proposed development.
- Matters relating to drainage would be dealt with during construction.



### **6.3. Planning Authority Response**

- No response received.

## **7.0 Assessment**

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report(s) of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of the Development
- Design and Layout including Overlooking
- Visual Impact and Property Devaluation

### **7.2. Principle of the Development**

- 7.2.1. Section 3.3 of Volume 2 of the CDP sets out criteria to establish the principle of developing self contained family units within the curtilage of an existing dwelling. It requires physical/layout measures including that the unit must be attached to and accessible from the main dwelling which is reflected in the layout submitted as it is proposed to construct a new linking structure. Section 3.3 also requires the unit to comprise no more than a combined kitchen/dining/living room, a WC bathroom which must be fully accessible and contain no more than two bedrooms. Again, the proposed 1-bed layout reflects this.
- 7.2.2. Lastly it states that the applicant must demonstrate compliance with Section 4.9.5 of Volume 1 which sets out strict criteria to justify the need for the proposed unit. It states that a unit may only be provided for a family member which is defined as a mother, father, son, daughter, brother, sister or guardian. Evidence of guardianship is provided in this case and I am satisfied based on the documentary evidence submitted that the proposed occupant meets this criteria.
- 7.2.3. Objective SH50 goes on to state that such units may only be provided for a family member who is dependent on the existing occupant of the main dwelling or who

needs to live in close proximity for health and support grounds. Medical evidence was provided to demonstrate how the applicant depends on the family member for health and support reasons.

- 7.2.4. In this regard, I consider that all criteria has been met and that the principle of development is established.
- 7.2.5. I note the appellant's point regarding the availability of existing accommodation in the 4-bed main dwelling however this is not listed as a relevant criterion when assessing such proposals. The CDP provides for a self-contained residential unit for a family member and this is what the proposed development constitutes.

### **7.3. Design and Layout**

- 7.3.1. The 42.5m<sup>2</sup> structure spans most of the back wall of the garden and extends 5m into it, leaving a remaining private open space of 53m<sup>2</sup> which is below the 70m<sup>2</sup> requirement of Section 3.12.2 of Volume 2 of the CDP. I note however that this section also provides flexibility and exceptions where an otherwise high-quality design is proposed and I consider that the proposed development meets this criteria.
- 7.3.2. The scale of the structure with its 2.7m high mono-pitch roof resembles the scale of a domestic shed and is not excessive in my opinion for the context in which it is situated. The proposed flat roof linking corridor would be lower than the existing rear extension on the adjoining property, which I note has rainwater goods extending over and into the applicant's property. I note the new unit projects slightly above the boundary walls however I do not consider that it results in a negative visual impact to adjoining properties or the public realm.
- 7.3.3. It is proposed to finish the new unit and the linking corridor with nap render and a corrugated metal finish which would provide a coherent finish throughout. The appellant claims that the finishes would be incoherent with the local character and while I note that they would not expressly match the pebble dash walls and slate roofs of the existing dwellings, I also do not consider that they would detract from the established character and in this regard I am satisfied that they would be an acceptable finish.
- 7.3.4. The appeal raises a concern regarding the 1.2m gap proposed between the side elevation of the proposed linking corridor and the northern boundary of the site. The

appeal submits issues may arise with drainage and the accumulation of garden debris such as leaves. The appeal response states that drainage would be managed during the construction phase. I consider the flat roof design of the link provides for surface water to be collected and discharged to the existing drainage system as per standard surface water management measures. Similarly regarding the management of garden debris, I consider the 1m gap provided to the side and rear of the unit is sufficient to allow pedestrian access to the rear of the linking section to collect any such debris in the unlikely event any significant accumulations occur. I note there would also be a window on the northern elevation serving the proposed bathroom which may provide some limited access for maintenance purposes if required.

#### **7.4. Visual Impact and Property Devaluation**

- 7.4.1. I note the appellants concern that their existing rear extension is omitted from the drawings received. However having viewed the site and reviewed the information received with both the application and appeal, I consider there is sufficient evidence provided to enable a full assessment.
- 7.4.2. The appellant states that the existing unit obstructs the skyline view from their rear extension and provides photographs of same. The unit extends vertically over the existing boundary fence by approximately 500mm and is set back over 1m from the boundary. The photographs received demonstrate how there is a perceptible change to the view afforded from that extension however I do not consider it to be such a significant change as to negatively impact residential amenity. Large extents of sky are still visible in the photographs received and I consider that the single storey scale of the proposed unit does not significantly impact on residential amenity.
- 7.4.3. If permission is granted and the permanent finishes were provided to the unit, I do not consider that it, together with the proposed link, would result in any significant visual impact to adjoining residential amenity.
- 7.4.4. Regarding overlooking and intervisibility from windows and the door of the new unit to first floor bedroom windows of the appellant's dwelling, the fenestration in question is on different floors and not directly opposite each other but offset to the side. There is currently a separation distance of 10-12m between the windows which is a short separation, however I consider that the offset orientation of the fenestration and

ground vs first floor relationship of the units reduces intervisibility. Additionally, in my opinion the new link corridor would obscure the vast majority of views currently achievable. I therefore conclude that I do not consider that overlooking and intervisibility between existing windows would significantly impact the residential amenity of adjoining property.

- 7.4.5. I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring property. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

## **8.0 AA Screening**

- 8.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 8.2. The subject site is located 3.7km east of the Slaney River Valley Special Area of Conservation.
- 8.3. The proposed development comprises retention and completion of a family flat and construction of a new link to connect it to the main dwelling.
- 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 it could not have any effect on a European Site.
- 8.6. The reason for this conclusion is as follows:
- The small scale and domestic nature of the works,
  - The 3.7km separation distance from the nearest European site and lack of connections,
  - Taking into account the screening report/determination by Wexford County Council.
- 8.7. I conclude, 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. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

## 9.0 Recommendation

I recommend that planning permission be granted, subject to conditions, for the reasons and considerations set out below.

## 10.0 Reasons and Considerations

Having regard to the location and character of the site and surrounding area in a serviced urban area together with the provisions of the Wexford Development Plan 2022-2028 including Objective SH50 and the R zoning objective for the area as provided for in the Gorey Town and Environs Local Area Plan 2017-2023 (extended to 2026), it is considered that, subject to compliance with the conditions set out below, the scale and nature of the development is acceptable. The development would comply with local design guidance and would not seriously injure the visual or residential amenity of the area. The development is, therefore, in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1.	<p>The development shall be retained, 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 independent family unit for a family member(s) shall not be sold, let or otherwise conveyed as an independent living unit and shall revert to use as part of the main dwelling on the cessation of such use. The existing garden and curtilage of the overall residential property on this site shall not be subdivided.</p> <p>Reason: In order to comply with Objective SH50 of the Wexford County Development Plan 2022-2028.</p>
3.	<p>The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.</p> <p>Reason: In the interest of public health.</p>
4.	<p>a) All foul sewage and soiled water shall be discharged to the public foul sewer.</p> <p>(b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system[or soakpits.</p> <p>Reason: In the interest of public health.</p>
5.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default</p>

	<p>of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
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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.

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Sarah O'Mahony  
Planning Inspector

09<sup>th</sup> April 2025

# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	ABP-321326-24		
<b>Proposed Development</b> <b>Summary</b>	Retain and complete an existing independent family flat and construct a linking structure to connect it to the main dwelling.		
<b>Development Address</b>	46 Hazelwood, Gorey Co. Wexford.		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	<b>X</b>
		<b>No</b>	Tick if relevant. No further action required
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
Yes			Proceed to Q3.
No	<b>X</b>		Tick if relevant. No further action required
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
Yes			EIA Mandatory EIAR required
No	<b>X</b>		Proceed to Q4



4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes			Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	<b>X</b>	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_