



An  
Bord  
Pleanála

## Inspector's Report

### ABP-321551-24

<b>Development</b>	Conversion of garage to family flat with single storey extension and all associated site works
<b>Location</b>	Bannagroe, Hollywood, Co. Wicklow, W91 R2X7
<b>Planning Authority</b>	Wicklow County Council
<b>Planning Authority Reg. Ref.</b>	2460645
<b>Applicant(s)</b>	Declan & Anne Peppard
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Declan & Anne Peppard
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	21 <sup>st</sup> March 2025
<b>Inspector</b>	Matthew O'Connor

## Contents

1.0 Site Location and Description .....	3
2.0 Proposed Development .....	3
3.0 Planning Authority Decision .....	3
4.0 Planning History.....	6
5.0 Policy Context.....	6
6.0 The Appeal .....	9
7.0 Assessment.....	10
8.0 Appropriate Assessment (Screening) .....	17
9.0 Recommendation.....	17
10.0 Reasons and Considerations.....	18
Appendix 1 – Form 1: EIA Pre-Screening	

## 1.0 Site Location and Description

- 1.1. The appeal site is 0.447ha and located in the townland of Bannagroe, Hollywood, Co. Wicklow. The appeal site contains a bungalow with a detached garage and is accessed from the N81 (National Road). The surrounding area is rural and characterised by agricultural lands with associated farm holdings in addition to established one-off rural dwellings of varying styles. There are no Protected Structures or Recorded Sites and Monuments located within or immediately adjacent to the appeal site.

## 2.0 Proposed Development

- 2.1. The subject development comprises:
- conversion of existing domestic garage to family flat;
  - proposed single storey extensions to the rear and side of garage; and,
  - upgrade of existing sewage treatment system to a new sewage treatment system.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1 The Planning Authority recommended refusal for the subject development for the following two reasons:

1. *Having regard to the provisions of the County Development Plan 2022-2028 as it relates to the provision of “granny flats” and “independent living units”, and having regard to the nature and scale of the proposed family flat, it is considered that the development would result in the creation of a separate habitable unit on the site that is not subsidiary to the main dwelling, does not provide for an acceptable level of residential amenity and would set a precedent for similar haphazard development . The development would, therefore, be contrary to Objective 6.24 and Appendix 1 of the County Development Plan 2022-2028, would undermine the Rural Settlement Strategy, would add to the suburbanisation of this rural area, would seriously injure the amenities of the area, and would be contrary to the proper planning and sustainable development of the area.*

## 2. Having regard

*(a) nature and scale of the proposed family flat*

*(b) Objective CPO 12.40 which identifies that the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60kmh apply shall generally be avoided.*

*(c) Objective CPO 13.17 Private wastewater treatment plants for multi-house developments will not be permitted.*

*(d) Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ ) EPA 2021*

*It is considered that the development would given its scale and form represent a separate residential unit on site, would therefore be contrary to Objective CPO 12.40 and CPO 13.17 of the County Development Plan 2022-2028, would not accord with the provisions of EPA Code of Practice 2021 which is for domestic waste water treatment systems with a PE of  $\leq 10$  , would endanger public safety by reason of serious traffic hazard, would be prejudicial to public health and to proper planning and sustainable development.*

## 3.2. Planning Authority Reports

### 3.2.1. Planning Report

- The Planner's Report forms the basis for the decision to refuse permission. The report provides a description of the site, planning history, associated policy context from the Development Plan and comments returned on internal/external referrals.
- In terms of assessment, the Planning Authority considered that the proposal would result in the provision of a standalone unit which would not be temporary in nature and would not be ancillary to the main dwelling on site. Therefore, the proposal would essentially be a second dwelling unit on the plot and would not accord with the Development Plan provisions for Independent Units.
- The upgrade of the effluent treatment system is at a scale above the requirements set out in the EPA's Code of Practice for Domestic Waste Water

Treatment Systems (PE <10) (EPA 2021) as it indicates that a PE of 12 is required.

- In terms of access the Planning Authority noted that entrance to the site/existing dwelling as being off the N81 National Primary Route. As the structure is essentially a separate residential unit, it does not align with the provisions for independent units, and will allow for increased permanent traffic movements that would be contrary to Objective CPO 12.40 of the Development Plan and would set a precedent for other similar development accessing the N81.
- AA and EIA are indicated as being not applicable.

### 3.2.2. Other Technical Reports

Environmental Health Officer: Comments returned stating that the proposed Wastewater Treatment System is for a population equivalent of 12. Application should be referred to Environment Section for assessment under the EPA's Code of Practice, Treatment Systems for Small Communities, Business, Leisure Centres and Hotels.

MD Engineer (Baltinglass): Comments returned indicating that sightlines can be achieved in accordance with design speed of 80Kph at existing entrance without alternations to roadside boundary. The proposed facility will result in intensification of traffic movements at an existing entrance on the N81.

Transport & Infrs. Delivery: No observations.

### 3.3. **Prescribed Bodies**

- Transport Infrastructure Ireland (TII): The P.A are requested to have regard to the provisions of official policy for development proposals impacting national roads, namely, the Spatial Planning and National Roads Guidelines for Planning Authorities and relevant TII Publications.

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

- None.

## 4.0 Planning History

The following planning history is associated with the site:

- 24/60343** Permission REFUSED to convert the existing domestic garage to family flat accommodation with single storey extension to the rear of same, to upgrade the existing septic system to current EPA guidelines and for all associated site works. Applicants: Declan & Anne Peppard
- 20/831** Application to convert the existing domestic garage to family flat type accommodation with small single storey extension to the rear of same and for all associated site works. Status: DEEMED WITHDRAWN.
- 05/3883** Permission GRANTED for garden shed and domestic garage. Applicants: Declan & Anne Peppard.
- 03/9246** Permission GRANTED for single storey sun room extension to side of existing single storey dwelling. Applicants: Declan & Anne Peppard.

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1 The Wicklow County Development Plan 2022-2028 is the relevant Development Plan for the appeal site.

5.1.2. Chapter 6 relates to 'Housing' with Section 6.4 setting out a number of general housing objectives. The following housing objective is considered to be relevant:

*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 and Design Standards (Appendix 1).*

5.1.3. Volume 3 of the Development Plan contains a number of Appendices of which Appendix 1: 'Development and Design Standards' is considered to be of particular relevance. Section 3.1.9 relates to independent living units ('Granny-flats') is applicable:

*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 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 period.*

5.1.4. Chapter 12 relates to 'Sustainable Transportation' with Section 12.3.1 containing commentary on National Roads. The following general objective is relevant:

*CPO 12.40 To safeguard the capacity and safety of the National Road network by restricting further access onto National Primary and National Secondary roads in line with the provisions of the 'Spatial Planning and National Roads' Guidelines' (DoECLG 2012). In particular, a new means of access onto a national road shall adhere to the following:*

*a. Lands adjoining National Roads to which speed limits greater than 60kmh apply: The creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60kmh apply shall generally be avoided. This provision applies to all categories of development, including individual houses in rural areas, regardless of the housing circumstances of the applicant.*

5.1.5. Chapter 13 relates to 'Water Services' with the following waste water objectives considered to be relevant:

*CPO 13.16 Permission will be considered for private wastewater treatment plants for single rural houses where:*

- the specific ground conditions have been shown to be suitable for the construction of a treatment plant and any associated percolation area;*
- the system will not give rise to unacceptable adverse impacts on ground waters / aquifers and the type of treatment proposed has been drawn up in accordance with the appropriate groundwater protection response set out in the Wicklow Groundwater Protection Scheme (2003);*
- the proposed method of treatment and disposal complies with Wicklow County Council's 'Policy for Wastewater Treatment & Disposal Systems for Single Houses (PE ≤ 10)' and the Environmental Protection Agency "Waste Water Treatment Manuals"; and*
- in all cases the protection of ground and surface water quality shall remain the overriding priority and proposals must definitively demonstrate that the proposed development will not have an adverse impact on water quality standards and requirements set out in EU and national legislation and guidance documents.*

*CPO 13.17 Private wastewater treatment plants for multi-house developments will not be permitted.*

## **5.2. Natural Heritage Designations**

5.2.1. The appeal site is not located on or within any designated Natura 2000 sites, with the nearest designated sites being the Wicklow Mountains Special Area of Conservation (Site Code: 002122) and Wicklow Mountains Special Protection Area (Site Code: 004040) which are located approximately 7.56km to the east of the appeal site. The Newtown Marshes pNHA is located approximately 0.85km to southwest of the site. In addition, the Poulaphouca Reservoir pNHA is also approximately 0.95km to northeast of the site.



### **5.3. EIA Screening**

5.3.1. Having regard to the nature and scale of development for the conversion of a garage to family flat on an existing residential plot in a rural area, it is not considered that it falls within the classes listed in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended), and as such preliminary examination or an Environmental Impact Assessment is not required. See Appendix 1.

## **6.0 The Appeal**

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

6.1.1 The First Party appeal has been prepared and submitted on behalf of the applicant against the Planning Authority's decision to refuse. Additionally, as part of the appeal, the applicants have submitted revisions to the proposed development for consideration by the Board. The revisions to the family flat comprising a reduction in floor area from 63.41sq.m to 42.2sq.m and amending the family flat from a double bedroom to a single bedroom. The grounds of appeal are summarised as follows:

#### Refusal Reason No. 1

- The existing garage is considered to be ancillary to the enjoyment of the principal residence and a family flat can be considered to also meet this criterion.
- The proposed family flat is located on the same property as the principle residence and will be used by family members, will not be rented out or used as a separate dwelling and will share utility connections with the main house.
- Although the garage is separate to the main dwelling it will always be ancillary to it and cannot become a separate residence without the benefit of planning permission.
- Given restrictions on rural development and access onto a National Primary Route, a separate habitable unit would not be permitted.
- The design of the unit has been revised to satisfy the design standards of the Development Plan.

#### Refusal Reason No. 2

- Visibility splays comply with the design standards for site entrances.

- A 'no comment' reply was returned by the Transport & Infrastructure Delivery Section.
- There will be no increase in traffic generation as the occupier will be the applicants' son who currently lives in the main house but needs his own space.
- The existing domestic waste water treatment system is to be upgraded as part of the development. The Planning Officer has mistakenly assumed that 6 no. bedrooms would require a Population Equivalent (PE) of 12 but the PE equivalent as per the EPA Guidelines in relation to a 6 no. bedroom house is a Population Equivalent (PE) of 8 as proposed.

#### Other Remarks

- Planning Authorities must consider proper planning and sustainable development. Granny/Family flats are recognised as a sustainable housing solution.
- Rather than refusing permission, it would be more appropriate and proportionate to impose conditions that guarantee the use of the unit.
- The refusal refers to 'undermining the Rural Settlement Strategy' and 'suburbanisation' of the area. Accommodating family members within an existing property can be argued as a strategy to strengthen rural communities.
- The development is consistent with planning legislation of sustainable goals, balanced growth, supporting family life. Family flats reduce new builds on greenfield sites thus minimising environmental impacts or sporadic development.
- The refusal refers to residential amenity concerns however the Planning Authority has the power to grant permission with modifications to address amenity concerns.
- It is important to allow flexibility for the next generation to accumulate sufficient funds to purchase a future home for their family.

#### **6.2. Planning Authority Response**

- None.

#### **6.3. Observations**

- None.

## **7.0 Assessment**

Having examined the application details and all other documentation on file, the reports of the Planning Authority, having conducted an inspection of the site, and having reviewed relevant local policies and guidance, I consider that the main issues in this First Party appeal can be addressed under the following relevant headings:

- Development Plan Policy Context
- Wastewater Treatment
- Access
- Appropriate Assessment (Screening).

### **7.1 Development Plan Policy Context**

7.1.1. The Planning Authority's first refusal reason for the conversion of the garage to family flat is based on the consideration that the proposal is contrary to Objective 6.24 and Appendix 1 of the Development Plan insofar as it relates to "granny flats" and "independent living units". The proposed development assessed at application stage sought to convert an existing detached garage (47.15sq.m) and extend the building by way of a rear and side extensions (16.95sq.m) to provide a family flat containing an en-suite double bedroom, dining/TV room and kitchen with W/C and store. The converted garage would also contain a lean-to shed to the side of the house for general storage. The Planning Authority considered that the development would result in the creation of a separate habitable unit on the site that which is not subsidiary to the main dwelling and does not provide for an acceptable level of residential amenity and would therefore set a precedent for similar haphazard development.

7.1.2. The grounds of appeal state that the subject garage is ancillary to the enjoyment of the principal residence and is on the same property so a family flat can therefore be considered against Development Plan policy. The First Party state that the family flat will be used by family members and not be rented out, sold or used as a separate dwelling/residence. In addition, the First Party state that although the garage is separate to the main dwelling it will always be ancillary to the house and will share utility connections and therefore cannot become a separate residence without the benefit of planning permission. The First Party also indicate that the design of the

family flat has been revised as part of the appeal to satisfy the design standards of the Development Plan.

- 7.1.3. Having regard to the proposed development, I note that Objective CPO 6.24 of the Development Plan is the applicable policy basis in terms of facilitating 'Family/Granny Flat' extensions and that Section 3.1.9: Independent Living Units ('Granny-flats') of Appendix 1: 'Development and Design Standards' of the Development Plan is of critical importance to assessing the proposal. The design standard sets out the criteria which must be complied with for the provision of a 'granny flat' or 'independent living unit' and essentially require that the need for the unit is justified and for use by a close family member; that the unit forms an integrated part of the structure of the main house (the conversion of an existing detached garage may be considered in exceptional circumstances, subject to the structure being in very close proximity to the main house); the unit shall not exceed 45sqm or have more than 1 bedroom; the unit shall not be sold/let as an independent living unit or the garden subdivided; and, the unit must be capable of being functionally re-integrated into the main house when its usefulness has ceased. A 7-year time restriction shall also be applied unless a separate permission for its continuation is sought.
- 7.1.4. Based on the above criteria, I do not consider that the proposed conversion of a garage to a family flat fully accords with the development standard of the Development Plan for an Independent Living Units ('Granny-flats'). I have formed this view as the proposal fails to meet a number of the required standards as set out in the following sections:
- 7.1.5. Firstly, the First Party have outlined the need for the family flat in a Cover Letter by indicating that the unit would be utilised by a son as a place to reside whilst allowing an opportunity to save for his own property. The unit is then intended to be utilised by another son, in time, for the same purposes. Subsequently, it is indicated by the applicants that the unit could be utilised by the applicants when they get older for Independent Living. The applicants claim that the need for the family flat is justified based on the Government's suggestion that adult children could be housed within the parent's site by way of garage conversion or log cabin as contended to be prominently featured in the context of "Rebuilding Ireland: An Action Plan for Housing and Homelessness."

- 7.1.6. The Development Plan does not implicitly define the basis of the need for the family flat. Based on the submitted particulars, the primary reason provided by the applicants is that their son requires their own space. While it is my view that this contention is insubstantial, I consider that it does not constitute non-compliance with Section 3.1.9 of Appendix 1 of the Development Plan in terms of justifying a need.
- 7.1.7. Secondly, the existing garage to be converted is a detached building and is sited approximately 12.3 metres from the main dwelling. I acknowledge that the Development Plan states that in exceptional circumstances, the conversion of an existing detached garage may be considered subject to the structure being in very close proximity to the main house. Given the considerable distance between main dwelling and the garage to be converted, I do not consider the proposed family flat to be in very close proximity to the main house so as to be deemed an exceptional circumstance for conversion. I also consider that the design, as submitted, cannot ensure that the family flat is either an integral part of the main dwelling or capable of reintegration for single family use. Therefore, I consider that the proposal would not be in accordance with Section 3.1.9 of Appendix 1 of the Development Plan in respect of independent living units ('Granny-flats').
- 7.1.8. Thirdly, as previously noted, the initial proposal sought to extend the existing 47.15sq.m garage to a 1-bed family flat with a floor area of 63.41sq.m. As part of the appeal, the First Party have included a revised design for consideration by the Board. There are no extensions proposed to the garage and works will be confined to the internal space to provide a single bedroom, kitchen/dining/tv room, toilet and store. The floor area is indicated as being 42.2sq.m (when insulated) and is indicated as being compliant with the provisions for a studio apartment as per the Apartment Guidelines. I note the revisions to the proposal submitted with the grounds of appeal which reduce the family flat to below 45sq.m so as to accord with the design standards of the Development Plan. That said, I am of the view that the revised design is not a material planning consideration as it cannot overcome the substantive concerns I have in relation to the detached nature of the family flat and its inability to form an integral or integrated part of the main house.
- 7.1.9. Fourthly, I am of the view that the use of the independent living unit could be conditioned in the event of a grant of permission restricting the occupancy and

ensuring that the unit is not sold or sub-let. I am also satisfied that a similar condition could be attached prohibiting the sub-division of private amenity space.

- 7.1.10. Fifthly, as previously outlined, I am not satisfied that the proposed development would be capable of being functionally re-integrated into the main house at such a time when its use as an Independent Living Unit/Granny-flat has ceased as the converted garage would remain detached and over 12 metres from the main dwelling. It is my opinion that the proposal would not be in accordance with Section 3.1.9 of Appendix 1 of the Development Plan in respect of independent living units ('Granny-flats').

#### Conclusion on Development Plan Policy Context

- 7.1.11. In light of the above, the family flat would effectively be occupied as an independent habitable unit separate from the main dwelling which would be at odds with the criteria for an Independent Living Units ('Granny-flats') as prescribed in the Development Plan. Permission should therefore be refused.
- 7.1.12. Having regard to the above, I consider that the proposed change of use from garage to family flat does not satisfy or meet all of the criteria set out in Appendix 1: 'Development and Design Standards' of the Wicklow County Development Plan 2022-2028 with respect to independent living units ('Granny-flats'). Therefore, I recommend that permission be refused.

## **7.2. Wastewater Treatment**

- 7.2.1. The Planning Authority's second refusal reason was partly based on the proposed development not being in accordance with the provisions of EPA Code of Practice 2021 for domestic waste water treatment systems with a PE of  $\leq 10$  and would therefore be prejudicial to public health.
- 7.2.2. The proposal seeks to upgrade the existing wastewater treatment system to serve the dwelling and the family flat. The Planning Authority contended that based on the information submitted, the system proposed was for a Population Equivalent (PE) of 12 which is above the EPA Code of Practice for Wastewater Treatment and Disposal Systems Serving Single Houses (2021). The Planning Authority considered that foul treatment would be for two dwelling units which would be at variance with CPO 13.17 of the Development Plan which informs that private wastewater treatment plants for multi-house developments will not be permitted. The referral response from the

Environmental Health Officer also noted the proposed waste water treatment system is for a population equivalent of 12 and should have been referred to the Environment Section for assessment under the EPA's Code of Practice, Treatment Systems for Small Communities, Business, Leisure Centres and Hotels.

7.2.3. The First Party claim that the Planning Authority has mistakenly assumed that 6 no. bedrooms would require a Population Equivalent (PE) of 12 but that the PE for a 6 no. bedroom house as set out in EPA guidance is a PE of 8 which has been proposed.

7.2.4. I have reviewed the appeal file and note that submitted Site Characterisation Form indicates in Section 1.0: 'General Details' that the maximum number of residents is 4 and the dwelling is a 5-bed house (7PE) and that the 2-bed garage conversion (4PE) results in a total of 11PE. Furthermore, Section 4.0: 'Conclusion of Site Characterisation' states that the discharge route will be via Mechanical Secondary WWTS 12PE with pumped discharge into a 12PE packaged secondary treatment system and tertiary polishing filter. Furthermore, Section 6.0: 'Treatment System Details' indicates that the packaged secondary treatment systems receiving raw wastewater has a capacity PE of 12. However, the Site Suitability Report provides contrary information and refers to overall planning unit of the house and family flat totalling 6 no. bedrooms which is a population equivalent of 8PE. The report also provides details of a Chieftain SBR 6,000L tank system to serve the property which is different to the above-mentioned system outlined in the Site Characterisation Form.

7.2.5. Having regard to the above, there are stark differences between the submitted Site Characterisation Form and the Site Suitability Report which provide conflicting assessment/proposal details. The stated purpose of the EPA's Code of Practice is to provide guidance on domestic waste water treatment systems (DWWTSs) for single houses or equivalent developments with a population equivalent (PE) of less than or equal to 10. In this regard, I consider that the recommendation of a 12PE system to serve the site cannot be considered against the EPA's Code of Practice (2021).

7.2.6. Therefore, based on the conflicting information provided, I am not satisfied that the applicants have accurately assessed the site characteristics in accordance with relevant EPA guidance. Furthermore, as the proposed development effectively relates an upgraded wastewater treatment system to serve the main dwelling and a separate habitable unit, I consider that the proposal would be at a variance with Objective CPO

13.17 which states that private wastewater treatment plants for multi-house developments will not be permitted. I do not consider that Objective CPO 13.16 with respect to private wastewater treatment plants for single rural houses is applicable based on the conflicting information provided by the applicants in relation to the population equivalent which exceeds the EPA Code of Practice for Wastewater Treatment and Disposal Systems Serving Single Houses (2021). Permission should be refused as it is not considered the applicants have indicated that the proposed development can be adequately served.

### **7.3. Access**

- 7.3.1. The Planning Authority's second refusal reason was partly based on the proposal being contrary to Objective CPO 12.40 of the Development Plan regarding increased traffic generation from existing accesses to national roads and would therefore endanger public safety by reason of serious traffic hazard. The Planning Authority's assessment noted a previous refusal of permission due to the non-compliance with this objective. A report received from the Municipal District Engineer states that sightlines can be achieved in accordance with the 80kmph design speed at the existing entrance but that the proposal would result in an intensification of traffic movements at the existing entrance. A submission from Transport Infrastructure Ireland (TII) also requested that the Planning Authority have regard to the provisions of official policy for development proposals impacting national roads (Spatial Planning and National Roads Guidelines for Planning Authorities).
- 7.3.2. The grounds of the First Party claim that visibility splays comply with the design standards for site entrances and that 'no comment' was returned from the Transport & Infrastructure Delivery Section's referral response. The First Party also claim that there will be no increase in traffic generation as the family flat occupier currently resides in the main house.
- 7.3.3. In considering the proposal, I note that Objective CPO 12.40 of the Development Plan seeks to safeguard the capacity and safety of the National Road network by restricting further access onto National Primary roads and that on lands adjoining National Roads where speed limits are greater than 60kmh and that the generation of increased traffic from existing accesses shall generally be avoided in all categories of development regardless of the housing circumstances of the applicant.



7.3.4. Whilst I acknowledge the contention of the First Party that there are adequate sightlines from the entrance and that intended occupier of the family flat currently resides in the main house, I am of the view that the proposed development will nevertheless result in the creation of a separate residential unit on the site which would intensify this entrance serving two residences. It is my opinion that this would result in the generation of increased traffic from an existing access to the national road network and is therefore contrary to Objective CPO 12.40 of the Development Plan. Permission should be refused.

## **8.0 Appropriate Assessment (Screening)**

8.1. I have considered the subject development, which comprises the conversion of a garage to family flat use in light of the requirements S177U of the Planning and Development Act 2000 (as amended).

8.2. The subject development is located in a rural area approximately 7.56km from the Wicklow Mountains Special Area of Conservation (Site Code: 002122) and Wicklow Mountains Special Protection Area (Site Code: 004040). The subject development has no hydrological or other connection directly to any European site.

8.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment as there is no conceivable risk to any European site. The reason for this conclusion is as follows:

- The scale and nature of the development;
- The distance to the nearest European site and the lack of connections; and,
- Taking into account the screening determination of the Planning Authority.

8.4. 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 a retrospective Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000 (as amended) is not required.

## **9.0 Recommendation**

9.1. I recommend that permission be REFUSED for the following reasons and considerations as set out below.

## 10.0 Reasons and Considerations

1. Based on the information submitted with the planning application and appeal, the Board considers that the change of use from a garage to a family flat would not meet the criteria specified in Section 3.1.9: Independent Living Units ('Granny-flats') of Appendix 1: 'Development and Design Standards' of the Development Plan. It is considered that the conversion of the garage cannot ensure that the family flat forms an integral part of the main dwelling or would be capable of reintegration for single family use due to its detached setting. The Board considers that the proposed development would result in an inappropriate form of development, would set an undesirable precedent for similar developments in the area, and would be contrary to the proper planning and sustainable development of the area.
2. The proposed development would likely result in the generation of increased volumes of traffic and an intensification of use of an existing access to/from the national road network which would be contrary to Objective CPO 12.40 of the Development Plan. The subject development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. Having regard to the information submitted, it is considered that the applicants have failed to adequately demonstrate that the subject site can accommodate appropriate wastewater treatment in accordance with the EPA's Code of Practice for Domestic Waste Water Treatment Systems (PE <10) (EPA 2021). It is also considered that the proposed development, which seeks to connect two separate habitable units would be at a variance with CPO 13.17 of the Development Plan and would therefore be prejudicial to public health 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.

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Matthew O Connor

Planning Inspector

27<sup>th</sup> March 2025

# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála Case Reference</b>	ABP-321551-24		
<b>Proposed Development Summary</b>	Conversion of garage to family flat with single storey extension and all associated site works		
<b>Development Address</b>	Bannagroe, Hollywood, Co. Wicklow, W91 R2X7		
<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>	
<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>			
<b>Yes</b>			Proceed to Q3.
<b>No</b>	<b>X</b>		No further action required
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>	<b>X</b>		Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>			Preliminary examination required (Form 2)
<b>5. Has Schedule 7A information been submitted?</b>			
<b>No</b>	<b>X</b>	<b>Pre-screening determination conclusion remains as above (Q1 to Q4)</b>	
<b>Yes</b>	Tick/or leave blank	<b>Screening Determination required</b>	

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

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