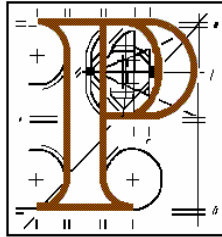


# An Bord Pleanála



## Inspector's Report

### Development

Retention of lighting column, bracket and lantern at Cregg, Oughterard, County Galway.

### Planning Application

Planning Authority: Galway County Council

Planning Authority Register Reference: 10/1395

Applicant: Eamonn Flaherty

Type of Application: Permission

Planning Authority Decision: Grant

### Planning Appeal

Appellant(s): Nigel & Norah Heath

Type of Appeal: Third Party

Observer(s): None

Date of Site Inspection: 2<sup>nd</sup> February, 2011

**Inspector:** Kevin Moore

## **1.0 APPLICATION DETAILS**

There is a third party appeal by Nigel and Norah Heath against a decision by Galway County Council to grant permission to Eamonn Flaherty for the retention of a lighting column, bracket and lantern at Cregg, Oughterard, County Galway.

The proposal constitutes a conventional lamp standard that is approximately 5.8m in height. In a covering letter submitted with the application it was stated that the lighting column replaces bollard style lighting that was regularly vandalised and that, with its installation, littering that frequently took place has ceased. It was further submitted that adequate lighting is important for staff and residents parking and for security reasons to the rear of the applicant's pharmacy.

There was one objection to the proposal from Norah and Nigel Heath. The concerns raised are reflected in the appeal submission.

The reports to the planning authority were as follows:

The National Roads Authority submitted that it would rely on the planning authority to abide by official national policy in relation to development affecting national roads.

The Planner recommended that permission be refused for one reason relating to the lamp being sited to the rear of residential properties, projecting above a party wall and the consequential injury it causes to the residential amenity of these properties.

The Director of Services over-ruled the recommendation, having considered the development could be permitted subject to a condition requiring the fitting of an attachment to ensure that the light is directed into the yard and that the light to neighbouring property is minimised.

On 18<sup>th</sup> November, 2010, Galway County Council decided to grant permission for the development subject to two conditions. The second condition required the fitting of an attachment in accordance with the Director of Services request.

## **2.0 SITE DETAILS**

### **2.1 Site Inspection**

I inspected the appeal site on 2<sup>nd</sup> February, 2011 and photographs taken on that date are appended at the back of the report.

### **2.2 Site Location and Description**

The site of the proposed development is within a yard area to the rear of a pharmacy that fronts onto the main street in Oughterard, County Galway. The yard is used as access to

the rear of the premises and as a parking area. The yard area is surfaced and the lamp standard the subject of the appeal is located at the southern end of a raised gravelled area adjoining parking space. The column is sited close to a party wall that separates the site from two-storey semi-detached houses. The appellants' house (No. 3 Cregg Close) is one of the nearest houses. These houses have shallow back gardens. The lamp standard exceeds the height of the party wall and is clearly visible above it. At the time of my sight inspection the lantern had been removed and only the column was in place.

### **2.3 Oughterard Local Area Plan 2006-2012**

#### Zoning

The site is zoned 'Town Centre (Mixed Development)'.

#### Development Control Standards

##### *Illumination and Spread of Light*

It is a requirement that, where illumination is required for development, documentation will be provided that clearly shows that light or glare from such illumination will not adversely affect pedestrian and vehicular traffic, natural heritage or adjacent properties.

### **2.4 Planning History**

Planning Authority Ref. 01/5100 – GET!!!

### **3.0 THIRD PARTY APPEAL**

The grounds of the appeal may be synthesised as follows:

- The lamp is unsightly, is only a few metres from the back windows of the appellants' home, towers over the back wall, and glows for up to 15 hours daily.
- Because of light pollution the appellants had to move out of their back bedroom.
- Condition 2 of the planning authority's decision is not feasible. The area is not an officially designated car park. The original planning permission allows for only two residential car spaces a distance apart and so the light cannot be directed without shining into the appellants' home. The car spaces are never used by residents and only occasionally by staff.
- The structure is an eyesore and attaching a deflector plate will make it worse.
- The alternative of low level caged lighting could be sited on the connecting wall between the properties.

#### **4.0 PLANNING AUTHORITY SUBMISSION**

The planning authority made no submission in response to the appeal.

#### **5.0 PROPOSER'S RESPONSE TO APPEAL**

The applicant's response to the appeal may be synthesised as follows:

- The lighting column replaces bollard style lighting that was regularly vandalised.
- When the bollard style lighting was in place the applicant frequently found the rear of the site littered and this activity has since ceased with the installation of the lighting column.
- The access lane to the site has little or no passive surveillance and can be the subject of "after hours" activities. The property was the subject of much of this activity and it has ceased since the erection of the lighting column.
- The Board will appreciate the importance of having adequate lighting to a car park and of having adequate lighting to the rear of a pharmacy in the interest of security.
- The light shield required by condition 2 of the planning authority's decision will greatly reduce any light spill. An alternative is to replace the existing lantern with a downward type lantern that will direct light onto the car park area. Also, alternative light options are available with a change of lantern.
- Given its location, the lighting column does not detract from the visual amenity of the area.

#### **6.0 ASSESSMENT**

There is a single issue relating to the proposed development and it is whether the proposed development does or does not have adverse impact on the residential amenity of adjoining dwellings. In my opinion, it is most unfortunate, firstly, that the form of lighting selected by the applicant is by an elevated structure such as the lamp standard the subject of the appeal and, secondly, that in pursuing this lighting option, it was chosen to site the structure on this side of the yard adjoining residential properties.

It must be acknowledged that the lamp standard is sited very close to the boundary party wall (within a couple of metres), that the lamp standard projects well above the height of this wall and the back gardens of the neighbouring houses are very shallow (only 5 metres deep according to the submitted site layout plan). All-in-all this brings the light from this lamp column easily into the neighbouring gardens of Nos. 2 and 3 Cregg Close and causing spillage into the houses themselves through their windows.

It is my opinion that the lamp, while meeting the security needs of the applicant, is not particularly attractive. Its height makes it prominent from the adjoining properties.

Taking the effects of its visibility, its basic form and character, its proximity to neighbouring houses, and the light spillage effects, it is reasonable to conclude that it undermines the amenities of the adjoining residential properties. It certainly does not make a positive contribution nor does it have neutral effects.

There are many practical solutions to minimise the light spillage issue. These have been alluded to by the applicant, the appellants and the planning authority in its decision. Providing an appropriate hood to channel light into the car park, choosing alternative types of lights, providing a downward lantern, etc. can aid in the limiting the adverse effects of light spillage. However, the insensitive location of this structure within metres of the rear elevations of houses where one expects a reasonable degree of privacy, and its height and form render the structure at this location to be unacceptable, a nuisance that should be avoided.

The correct options to be pursued should either be the siting of such a lamp column along the eastern side of the car park and most likely closer to the vehicular entrance where it effects no residential property or, more desirably, to change the type of lighting altogether and provide wall-mounted lighting below the party wall capping and eliminate light spillage onto neighbouring residential properties. Both are viable alternatives that would significantly reduce the impacts on residential amenity and would readily address the security concerns of the appellant. I note for the benefit of the Board that a wall-mounted light is erected beside the door entrance to the pharmacy on the rear elevation of the building. This is an effective response to security needs and has already been applied by the applicant.

Having regard to these considerations, I am of the view that the proposal warrants a refusal of permission due to the adverse impact the development would have on residential amenity, notwithstanding any hooding of the lantern that seeks to minimise glare and light spillage.

## **7.0 RECOMMENDATION**

I recommend that permission is refused in accordance with the following:

### **Reasons and Considerations**

1. It is considered that the proposed lamp standard, by reason of its size, location, design and proximity to adjoining residential property, would result in light spillage onto neighbouring houses that would result in significant nuisance for occupants of the adjoining houses, would be visually obtrusive, and accordingly injurious to residential amenity, and would, thereby, be contrary to the proper planning and sustainable development of the area.

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Kevin Moore  
Senior Planning Inspector  
February, 2011.