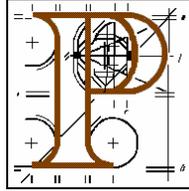


An Bord Pleanála



Inspector's Report

Appeal Reference No:	PL 61.241747
Development:	Extension and renovation at Freland, Whitestrans Road, Galway
Planning Application	
Planning Authority:	Galway City Council
Planning Authority Reg. Ref.:	12/323
Applicant:	Niamh Ryle
Type of Application:	Planning permission
Planning Authority Decision:	Grant permission subject to conditions
Planning Appeal	
Appellant(s):	Annette O'Neill
Type of Appeal:	Third party against grant
Observers:	None
Date of Site Inspection:	19 th June 2013
Inspector:	Mary Kennelly

1.0 SITE LOCATION AND DESCRIPTION

The site is situated in the suburb of Salthill to the west of Galway City. Whitestrand Road, R336, links Fr. Griffin Road with Seapoint Promenade and is the main road from the city to Salthill. There is also a coastal road to the south leading from Claddagh to the promenade, called Grattan Road. The general area is a low density residential suburb to the north of the seaside road. The appeal site is located on Whitestrand Road adjacent to the entrance to a housing estate, Beach Court. The third party appellant's property is no. 35 Beech Court, which is accessed from Grattan Road to the south. The appeal site is located on the south-eastern corner of a T-junction with a small cul-de-sac, also named Whitestrand Road, and has frontage to each of these roads. It is one of a number of large houses on substantial mature plots, and some of the houses on Beech Court back onto these properties.

The area of the site is given as 0.0795ha. The existing single-storey detached house has a stated floor area of 171m². It has a flat-roof and appears to date from the 1970s. It has a mature garden and a low masonry wall which defines the front and side boundaries with a 1.8m high wall enclosing the rear garden to the east. The house is set well back from the roadside boundary (over 12.5m). I was unable to access the rear garden when I inspected the site as there was nobody home. However, most of the site was visible from the front and side gardens, and the relationship with the Beach Court properties to the rear was evident from the cul-de-sac to the north.

2.0 PLANNING HISTORY

No relevant planning history.

3.0 PROPOSED DEVELOPMENT

The proposed development seeks to demolish an existing single-storey porch, (4.6m²), to construct a new single-storey porch (6.7m²) in its place, and to construct a first floor extension over part of the existing single-storey dwelling (stated floor area 94m²). This would result in a 4/5-bedroomed dwelling with a total gross floor area of 266.1m². The first floor extension would have a pitched roof and it is also proposed to provide a pitched roof with a contemporary design over the remainder of the dwelling. The height of the proposed extension would be approx. 7.8m (ridge) and 5.4m (eaves).

4.0 PLANNING AUTHORITY DECISION

4.1 *Local authority decision*

The planning authority decided to grant planning permission subject to 3 no. conditions. These were generally of a standard type, and related to external finishes and hours of construction/disposal of C & D waste.

4.2 *Local Authority Reports*

The Area Planner's report (22/01/13) considered that the proposed development was generally acceptable, as it involves the addition of an extension above an existing single-storey dwelling, and the garden area exceeds the minimum requirement in the Development Plan Standards. However, it was considered that the proposed windows at the first floor level on the western elevation would be less than 11m from the boundary that they face and revised proposals were requested as further information.

An objection was submitted to the planning authority from the appellant. The objections related to

- Overlooking and loss of privacy;
- Need for redesign of building and repositioning away from boundary;
- Ground is very marshy and could result in damage to appellant's house as it has done in past;
- Map is incorrect and out of date and does not show extent of building;
- The existing low boundary wall should be raised and the mature trees retained;

No objections were raised by the Planning Authority's Drainage Engineer (12/12/12), Water Services Engineer (20/12/12) or Traffic Engineer, (7/01/13).

Further information was submitted on 29th January 2013. The applicant indicated that the revised drawings were being submitted in order to correct a discrepancy in the original drawings. This related to the distance between the first floor windows on the western elevation and the boundary they faced. It was confirmed that this distance had since been verified on site as being 11.05m from the exterior of the western gable to the interior of the boundary wall of the adjoining site from the 'office' and 11.15m from bedroom 4.

The appellant responded (8/02/13) to the further information submission by generally re-iterating her objections.

The P.A. was satisfied with the further information.

5.0 DETAILS OF THE APPEAL

5.1 *Grounds of appeal*

The third party appeal was submitted by a neighbouring resident from No. 35 Beach Court (adjoining to southeast/rear). The **grounds of appeal** may be summarised as follows:

1. *Potential hazardous risk due to ground conditions* – The neighbouring dwelling (No. 36 Beach Court) was extended 12 years ago and as a direct result suffered substantially due to cracking and needed repair. The ground upon which the applicant's dwelling and the appellant's dwelling is built is reclaimed swamp/marshy land, it is considered that full site testing should be carried out to determine safety and feasibility
2. *Submitted drawings do not include her extension* – The drawings fail to show the extension to the appellant's home, which brings her property 3 metres closer to the shared boundary. Annotated copies of the submitted drawings are attached. The reduced distance between the appellant's property and the shared boundary increases the susceptibility to damage during excavation and site works.
3. *Residential amenity* - The extension would result in a loss of light, privacy and amenity. The appellant's rear garden is north-facing and light is therefore of paramount importance. A redesign of the proposal such that there would be no overlooking and relocation of the structure 5m to the north would be preferable.
4. *Low wall and mature trees should be maintained* – The low boundary wall should be raised and the mature trees on the shared boundary should be maintained to ensure privacy.

5.2 *Planning authority response to grounds of appeal*

The planning authority has not responded to the grounds of appeal.

5.3 *First party response to grounds of appeal*

The first party responded to the grounds of appeal on 15th April 2013. This was mainly in the form of rebuttal. The main points of note are as follows:

1. As the proposed extension is to remove the existing flat roof and build on top of the existing walls, there will be no excavation of any significance. Site works will be limited to a minor extension at the front. The scale is such that it is likely that the works would involve manual tools only. The dwelling would not be moved any closer to the shared boundary than at present.
2. The extension to 35 Beach Court would have been granted in full cognisance of the position of Freland, and it is not proposed to alter this distance.
3. The first floor extension would be positioned such that any shadow cast would be mainly within the applicant's own site. Given the difference in orientation and distance between the two dwellings, the reflectivity levels of the proposed extension, and the size of the sky space occupied by the extension, there would be no discernible difference in daylight.
4. There will be no reduction in sunlight between March 21st and September 21st as the applicant's house lies North of the appellant's house. A sunlight probability diagram is included in the response to illustrate the point.
5. There are no windows in the elevation of the proposed extension facing the appellant's property. The comment in the submission to the P.A. in which it was claimed that there were 6 windows overlooking her property was without foundation.
6. The shared boundary wall has been at its current height (1.1m) since 1970's, but the applicant would be prepared to raise it to 1.8m. However, the mature leylandii hedge prevents access to the wall and as such it can only be raised from the appellant's side.

It is suggested that the appellant's comments are based on an erroneous interpretation of the submitted plans and a "wilful dismissal of the explanation provided in the council's report," and should, therefore, be dismissed as being without foundation, being frivolous and being without substance.

6.0 PLANNING POLICY FRAMEWORK

6.1 *Development Plan*

The statutory plan for the area is the Galway City Development Plan 2011-2017. The site is zoned Residential, (Established suburbs), for which the objective is to provide for residential development and for associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods. The "Neighbourhood Concept" recognises that the city has developed in such a way that it has not created

sustainable residential environments. Thus the Plan seeks to consolidate existing neighbourhoods and to establish new neighbourhoods that are not just high density, but involve the integration of the economic, community and social needs with the physical planning of the neighbourhood. Policy 2.2 seeks to encourage the development of sustainable residential neighbourhoods, which will provide for high quality, safe, accessible living environments which accommodates local community needs. Policy 2.4 relates to the established suburbs and seeks to ensure a balance between the reasonable protection of residential amenities and the established character and to encourage additional community and local services. It is stated that

“infill development should not be of such a scale that represents a major addition to or redevelopment of the existing urban fabric. In this respect, infill development will have regard to the existing pattern of development, plots, blocks, streets and spaces. Infill development will also have regard to the scale and proportion of existing buildings, building lines, massing and height of buildings in relation to the street”.

Chapter 11 relates to Development Management standards. Development standards for residential development in the outer and established suburbs are contained in Sections 11.3.1-2. A plot ratio of 0.46 shall not normally be exceeded. Private open space, exclusive of car spaces shall be provided at a rate of not less than 50% of the gross floor area of the residential unit (11.3.1 (c)). This should generally be provided directly adjacent to the unit that it serves, but in the case of apartment developments, it may be made up of areas of communal open space, balconies or terraces. Standards regarding overlooking (11.3.1(d)) state that residential units shall not directly overlook private open space or land with development potential from above ground floor level by less than 11 metres minimum. The distance between all residential buildings shall be sufficient to provide a good layout and context for development. 11.3.1(e) (daylight) states that all buildings should receive adequate daylight and sunlight. All habitable rooms must be naturally ventilated and lit and living rooms and bedrooms shall not be lit solely by roof lights. 11.3.1(f) states that the distance between side gables and side boundaries of dwellings shall normally be a minimum of 1.5 metres.

6.2 Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities 2008

These statutory guidelines encourage more sustainable urban development through the promotion of higher density housing in appropriate locations, such as unused or

derelict land and backland sites in town centre and inner suburban areas. In particular, higher densities are considered appropriate in inner city and brownfield lands and in locations which are served by public transport under the Transport 21 programme, having regard to the proximity of the site and the capacity of the system of public transport. The objective is to achieve an efficient use of land appropriate to its context, while avoiding the problems of overdevelopment. In determining the appropriate density in residential areas whose character is established by their density or urban form, a balance must be struck between reasonable protection of amenities and privacy of adjoining neighbours, the protection of established character and the need to provide residential infill. Detailed advice is contained in the Department's companion urban design manual document. Strong emphasis is placed on the need to achieve a high quality of design in terms of layout, elevational treatment, public and private open space, traffic safety and pedestrian linkages with local facilities, and levels of privacy and amenity.

7.0 ASSESSMENT

The main issues arising from this appeal are considered to be as follows:

- *Visual amenity/compatibility with character of area*
- *Residential amenity* – loss of privacy or loss of light to adjoining property
- *Boundary treatment*
- *Ground conditions*

7.1 Visual amenity/compatibility with character of area

The Sustainable Residential Development Urban Guidelines, as well as the Development Plan policies and objectives, aim to ensure that the character of the area is retained and that infill development respects the existing pattern of development. In particular, regard must be had to the pattern of plots/blocks and to the scale and proportion of existing buildings, building lines and the massing and height of buildings in relation to the street. It is considered that the main thrust of these policies is to facilitate infill development where the impact on the established character and residential amenity of the area is not significant.

The pattern of development is generally a low-medium density suburban development in the wider area. However, the density on Whitestrand Road is much lower with larger plot sizes and generally larger houses than in the surrounding housing estates. The density of development is relatively high in Beach Court with large 3-storey dwellings on narrow plots which are of a more

standard size. Freland, however, clearly predates most of the development in the immediate surroundings, as can be seen from the 6" OS map. The design and appearance is evocative of its time of construction. It is also an unusual feature in the streetscape in terms of its design, scale and height along Whitestrand Road, as the dwellings to the west are large 2-storey dwellings of a more recent origin. The single-storey flat roof is notably different and is well screened by the mature landscaping and by being set back so far from the street. In one sense it seems a pity to alter the architectural design of the building which is typical of its time. On the other hand however, an extension at ground floor level would create a very bulky, sprawling structure, which would probably alter the character to a similar extent and could compromise the relationship with adjoining properties. It is considered, therefore, that the proposal to construct a first floor extension over part of the dwelling is likely to be the most successful approach. The fact that it is a corner site, which is surrounded by 2-storey and 3-storey dwellings, also lends itself to this approach.

The proposed design is considered to be acceptable given the wide variety of architectural styles prevalent on the road and the large plot sizes with mature landscaping which would help it to be integrated into the streetscape with relative ease. It is considered that the proposal to recess the extension behind the main building line and the introduction of a contemporary pitched roof at the front (north-west elevation) would soften the impact and break up the mass and bulk of the extension, as well as introducing a feature of interest. It is considered that the proposed development would not give rise to any serious injury to the visual amenities of the area.

7.2 Residential amenity

Overlooking

The first floor windows of the proposed extension are confined to the North-eastern and South-eastern elevations. Thus these windows will face the cul-de-sac road (Whitestrand Road and overlook the public open space), and the blank side gable wall of the B&B on the main Whitestrand Road. No windows will face the adjoining residential properties to the south and east (Beach Court). It is considered, therefore, that the proposed extension will not result in any increase in overlooking or loss of privacy to these adjoining properties.

Loss of light

The existing dwelling is located between 2.6m and 3.1m from the common boundary with the Beach court properties. Nos. 34 and 35 Beach Court share this

boundary with the appeal site and it is estimated that the main rear elevations of these dwellings are sited approx. 12m from this common boundary. However, No. 34 faces the side garden of Freland. It is also noted that the orientation of no. 35 (appellants) is such that it faces north-east and does not face directly into the rear elevation of Freland. It has also been extended some years ago with a single-storey extension. It is estimated that the distance between No. 35 (main rear elevation) and the proposed extension is in the order of 15-20 metres, with the single-storey extension being approx. 12-17m distant. The shared boundary is currently defined by a Leylandii hedge and a low masonry wall. Given these circumstances, together with the fact that Freland lies to the north/north-west of the appellant's property, it is difficult to see how the proposed extension would result in any significant loss of light to that property.

It is considered that the proposed extension is likely to be visually obtrusive when viewed from the rear windows or garden of No. 35, due to its height and proximity to the shared boundary. However, it is considered that the properties on Beach Court would have a similar impact on the amenities of Freland. It is considered, therefore, that it is unlikely to result in any significant loss of amenity to the adjoining properties.

7.3 Boundary treatment

The proposed development does not include any proposed alteration to the shared boundary nor does it propose to move the building closer to any of the shared boundaries. The elevation that would face the neighbouring residential properties does not contain any windows. The shared boundaries with the B& B and Beach Court have the benefit of Leylandii hedges. As such, it is considered that there is no justification for requiring the applicant to alter the boundary treatment as a result of the current proposal. In my view, this is a matter for the parties to resolve between themselves.

7.4 Ground conditions

The ground conditions seemed normal at the time of inspection with no evidence of ponding or swampy conditions. The applicant has stated that the proposed development does not involve any excavation and that the extension would be constructed within the existing footprint. It is considered, therefore, that there is no justification for attaching any special conditions in this regard.

7.5 Financial contribution

The planning authority has stated (page 3 of Planner's report dated 20/2/13) that no financial contribution applies in this case. I note that the applicant had put a case that the proposal would have no significant effect on water demand or foul discharge and that there would be no increase to the storm sewer run-off as the footprint of the building would remain the same. It is therefore suggested that a condition requiring a financial contribution in this case not be attached to any permission.

8.0 Conclusion and recommendation

It is recommended that planning permission be granted for the reasons and considerations here under.

REASONS AND CONSIDERATIONS

Having regard to the pattern of development and character of the area, to the nature of the development on this large, corner site with mature landscaping and to the design and layout of the proposed extension, it is considered that the proposed development, subject to compliance with the conditions set out below, would generally be consistent with the prevailing pattern of development in the estate and the established character of the area and would not seriously injure the visual or residential amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 29th January 2013, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. Details, including samples, of the materials, colours and textures of all the external finishes to the proposed extension shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. Site development and building works shall be carried only out between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

4. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interests of sustainable waste management.

5. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

Mary Kennelly
Senior Planning Inspector
21st June 2013