



An
Bord
Pleanála

Inspector's Report ABP-305516-19

Development	Demolition of house and the construction of a replacement house, new wastewater treatment system and all associated site works. Retention permission for change of shed design to that previously granted under Planning Ref: 66514.
Location	Ardaun, Oranmore, Co. Galway.
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	19263
Applicant(s)	Tony & Laura Caulfield
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	James Connolly & Pat Finlay
Date of Site Inspection	05 th December 2019

Inspector

Colin McBride

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area 0.174 hectares, is located to the east of Galway city and north west of Oranmore. The appeal site is located within a small housing development consisting of detached dwellings along a service road (cul de sac). The appeal site is occupied by a dormer style dwelling while adjoining sites consist of a mixture of single-storey, dormer and two-storey dwellings.

2.0 Proposed Development

- 2.1. Permission is sought for the demolition of an existing two-storey house and the construction of a replacement two-storey house, new wastewater treatment system and all associated site works. Retention is also sought for a change of shed design to that previously granted under planning ref no. 66514, also change of windows and replacement of roof finish of existing shed to match the proposed house.
- 2.2. The replacement dwelling has a floor area of 349.7sqm and a ridge height of 7.9m. The dwelling features a shallow pitched roof and external finishes of mainly timber cladding with some brick portions on the external walls and a roof finish of natural slate. The existing site entrance is to be retained as is.
- 2.3. In response to further information the design of the dwelling was revised with a reduced ridge height from 7.9m to 7.34m.

3.0 Planning Authority Decision

3.1. Decision

Permission granted to 5 conditions. The conditions are standard in nature.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning report (16/04/19): Further information required including a requirement for a revised design to comply with Objective RHO 9 of the County development plan with concern regarding the height of the proposal.

Planning report (23/08/19): The revised design and scale of the proposal was considered satisfactory in the context of visual amenity, adjoining amenity and in accordance with the proper planning and sustainable development of the area. A grant of permission was recommended subject to the conditions outlined above.

3.3. Prescribed Bodies

3.3.1 TII (13/03/19): No observations.

3.4. Third Party Observations

3.4.1 Submission were received from...

James Connolly, Ardaun House, Oranmore, Co. Galway.

Pat Finlay, Ardaun, Oranmore Co. Galway.

The issues raised can be summarised as follows...

- Inappropriate height, scale and design, impact on views, impact on visual amenities, contrary restrictions on the type of dwellings permissible on the south side of the service road.

4.0 Planning History

4.1 No planning history.

5.0 Policy Context

5.1. Development Plan

5.1.1 The relevant development plan is the Galway County Development Plan 2015-2021.

The site is located within Zone 1: Rural Areas Under Strong Urban Pressure (GTPS)'.

5.2. Natural Heritage Designations

5.2.1 Galway Bay Complex SAC 1.2km from the site.

5.3. EIA Screening

5.3.1 Having regard to the nature and scale the development which consists of demolition of an existing dwelling and construction of a new dwelling, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal has been lodged by James Connolly and Pat Finlay the grounds of appeal are as follows...

- Both appellants have submitted their original submission objecting to the proposed development submitted to the Planning Authority.
- The issues raised in these submissions include the fact that the height of the proposed development would obscure views of Oranmore Bay and the south eastern Galway Landscape from the appellants' dwellings.
- It is noted that the width and height of the proposed dwelling is out of scale and character with existing dwellings at this location with an adverse impact on visual amenity.
- The proposed demolition and reconstruction would have a detrimental impact on neighbouring properties through the disturbance such would cause.
- It is noted that the house to be demolished is a dormer bungalow and not two-storeys as described and that bungalows were permitted only on this side of the road under planning regulations at the time.
- The increase in roof height interferes with natural light into the dwelling directly on the opposite side of the road.

- The type and colour of the proposed dwelling is out of character with the other structures in the area.

6.2. Applicant Response

6.2.1 Response from Laura Brennan Architects on behalf of the applicant, Tony & Laura Caulfield.

- The existing house is well screened by existing planting, which is to be retained.
- The design is contemporary in nature and appropriate taking regard of the Councils Design Guidelines for Single Rural Houses.
- The height of the dwelling was revised in response to further information and is only 0.62m higher than the ridge height of the existing dwelling on site and only 0.4m higher than the existing dwelling to the west.
- The length of the dwelling has been reduced by 2.8m over that of the house it is to replace.
- The proposed development causes no overshadowing of any adjoining dwellings including the appellants' properties.
- The design and scale of the proposed development is considered appropriate in the context of the visual amenities and adjoining amenities.

6.3. Planning Authority Response

6.3.1 No response.

7.0 Assessment

7.1. Having inspected the site and examined the associated documents, the following are the relevant issues in this appeal.

Principle of the proposed development.

Design, scale, visual/adjoining amenity.

Other issues.

Appropriate Assessment.

7.2 Principle of the proposed development:

7.2.1 The proposal is for demolition of an existing dwelling and construction of a new dwelling on a site that is part of a small housing development. The site is in the rural area of the county, however the existing pattern of development is suburban and proposal is a replacement of a habitable dwelling. There are no rural housing issues and the principle of the proposed development is acceptable subject to an acceptable design and scale of development.

7.3 Design, scale, visual/adjoining amenity:

7.3.1 The main issues raised in the appeal concerns the overall design and scale of the proposal. The appellants own the dwellings on the opposite side of the road (no.s 8 and 9). One of the appellants' notes that the proposed dwelling and its increased height would obscure existing views south and south east whereas the other appellant notes that the proposal would impact on natural light. The appeal submission indicates that there was a historical restriction placed on dwellings on the south side of the road to be bungalows at the time they were constructed. The appellants' also note that the design, scale and character of the dwelling is out of keeping with the other dwellings at this location.

7.3.2 The existing dwelling on site is a dormer dwelling and is one of a number of dwellings that make up a small housing development at this location. The existing dwellings are detached dwellings on sizeable plots all with varying designs including single-storey, dormer style and two storey. It is appears that the dwellings on the southern side of the service road are lower profile than those on the northern side. The applicant was requested to revise the height of the dwelling and a revised proposal (approved design) was provided. Having inspected the site and the surrounding the area, I would consider that the overall design and scale of the approved development would not be excessive in scale or significantly different in character to render it incompatible in regards to the overall visual amenities of the

area. The footprint of the dwelling is in keeping with the pattern of development and its overall height is not significantly higher than the existing dwellings on the southern side of the road. I would consider that the contemporary design is acceptable at this location where the existing dwellings are variable in their design anyway. The existing screening on site and its retention will help the proposed dwelling be assimilated at this location.

7.3.3 I would acknowledge that there may have been a planning stipulation restricting the type and scale of development allowable on the southern side of the road at one point in time. Currently there is no such stipulation written into policy and I would consider a restriction of such nature to be quite onerous and not allowing the design of the proposal to be considered on its merits. I would note that the appeal site is not significantly elevated relative to the appellants' dwellings, it is of a scale not out of character at this location and that there is adequate separation between the proposed and the appellants' dwellings, which are on the opposite side of the service road. I would consider that the design and scale proposed would have no adverse impact on light levels to any adjoining properties including the appellants' properties. In relation to loss of views or outlook, I would note that such is not a planning consideration, however I would note that the outlook from the appellant's property (James Connolly) is not significantly changed to the degree that it would be detrimental to his residential amenity. The design and scale of the approved proposal would be acceptable in the context of the visual amenities of the area.

7.4 Other Issues:

7.4.1 The construction and demolition entailed at this location has potential to cause some disruption/disturbance. I would consider that given the temporary nature of such and that subject to appropriate construction management, such would not be sufficient to preclude the proposed development. I would recommend in the event of grant of permission a condition requiring a restriction in construction hours placed on the proposed development.

7.4.2 The proposed entails retention of a shed and alterations to such. The overall scale of such is subordinate to the existing residential use on site and is acceptable in the context of overall scale, visual and residential amenity.

7.4.3 The proposal entails installation of a new wastewater treatment system which is a replacement of an existing treatment system on site. It is reasonable to assume that such is an upgrade of the existing system to a more up to date standard and would be a positive factor in the context of public health.

7.4 Appropriate Assessment:

7.4.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. I recommend a grant of permission subject to the following conditions.

9.0 Reasons and Considerations

Having regard to the scale, layout and design of the proposed development and to the pattern of development in the vicinity, it is considered that, subject to compliance with conditions set out below, the proposed development would not seriously injure the residential of amenities of adjoining properties or the visual amenity of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 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 01st day of August 2019, 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 out in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed dwelling 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. 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.

4. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours 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.

5.

(a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority], and in accordance with the requirements of the document “Wastewater Treatment Manual: Treatment Systems for Single Houses”, Environmental Protection Agency (current edition). Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(b) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

6. 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 the 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 of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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.

Colin McBride
Planning Inspector

30th December 2019