



An
Bord
Pleanála

Inspector's Report PL 61 246809

Development

First floor rear extension over existing ground floor extension, (Reg. Ref 14/295), increase in roof height of existing extension and minor internal changes at 32 Oakley Crescent, Galway.

Planning Authority:

Galway City Council.

Planning Authority Reg. Ref.

16/98.

Applicant:

David and Deirdre Faherty.

Planning Authority Decision:

Refuse Permission.

Appellant:

David and Deirdre Faherty.

Date of Site Inspection:

16 September, 2016.

Inspector:

Jane Dennehy.

1.0 Site Location and Description

1.1. The appeal site is a corner site at Oakley Crescent and Beachmount Road within a residential area on the south side of the Ragoon Road in Galway and it has a stated area of 399 square metres. The house is a semi-detached and it has with a two storey extension to the side and rear with a small area of private open space at the rear and parking space in the front curtilage. The adjoining house (No 30) has a two storey extension to the side, private open space to the rear and the front curtilage is allocated in entirety to on-site parking. At the rear and perpendicular to the site are two dwellings that have been converted into a number of apartments, with a communal surface car parking and utilities area at the rear.

2.0 The Proposed Development

2.1. The application lodged with the planning authority indicates proposals for a first floor extension over a permitted single storey flat roof extension, (which has not been constructed) infilling the space at the rear between on the inner side of the existing two storey extension and the rear side boundary with the adjoining property. The design provides for a double roof for the existing and proposed extensions and a projecting feature window at first floor level in the rear elevation.

2.2. Included with the application lodged with the planning authority is a written statement and shadow study. In the written submission it is stated that as the dwelling has an unsatisfactory configuration, a new, more efficient internal layout is required and that it would facilitate the needs of a relative who is a frequent visitor and another relative who will reside at dwelling while attending a course in the city.

3.0 Planning Authority Decision

3.1. Decision

By order dated, 3rd June, 20165, the planning authority decided to refuse permission on the basis of the following reason:

“The proposed two storey extension by its design, scale, massing, limited length of the rear garden and its proximity to adjacent boundaries and properties or by the precedent it would create, if permitted, would be out of character with the prevailing pattern and character of the existing dwellings and other residential development in the vicinity of the site. The development would therefore seriously injure the residential amenities and depreciate the value of property in the area of by virtue of its location and would therefore be contrary to the proper planning and development of the area.”

3.2. **Planning Authority Reports**

The planning officer his report states that he reached the conclusion, (on the basis of his inspection and review) of the documentation that the rear garden length accentuates the proposed height which in conjunction with the coverage of the rear garden space and the proximity to adjoining property is excessive in his opinion.

4.0 **Planning History**

4.1. **P. A. Reg. Ref. 14/275:** Permission was granted for the storey extension to the rear in the space between the inner side of the two storey extension and the party boundary with the adjoining property. This grant of permission has not been taken up to date.

P. A. Reg. Ref. 07/98: Permission was granted for a ground floor extension and first floor bedroom extension.

5.0 **Development Plan.**

The operative development plan is the Galway City Development Plan, 2011-2017 according to which:

- The site location is within an are subject to the zoning objective R which provides for residential development and associated development which ensures protection of residential amenity and contributes to sustainable residential neighbourhoods.

- Section 2.4 provides for balance between reasonable protection of residential amenity and the established character of the area. It also acknowledges changing accommodation needs over time whereby extensions may be required to provide additional internal space.
- Objectives and standards for residential development and residential extension are set out in chapter 11.
- For private open space an area in excess of fifty per cent of the gross floor area of a dwelling is required and for extension an adequate level of private open space is to be retained.

6.0 The Appeal

A first party appeal was received from Planning Consultancy Services on behalf of the applicant on 28th June, 2016. According to The proposed extension accords with all development plan standards, does not adversely affect residential amenity and achieves several sustainable benefits such as efficient use of serviced lands and consolidation of well serviced residential development on the basis of the following:

- The planning officer's assessment is somewhat subjective in referring to adverse impact on the character of the area. This is refuted as the impact on the long established surrounding area of two storey houses and converted apartments is imperceptible.
- The proposed extension is to be constructed directly above the permitted ground floor extension. (P. A. Reg. Ref. 13/275 refers) The design accommodates the accommodation needs and minimises the perceived impact. As viewed from Beachmount Road and it matches the existing ridge height and matches the existing dwelling heights.

- The adjoining space is a surface carpark serving the apartments where sheds adjoin the boundary. It is not a private amenity area resulting visual capacity to accept the first floor extension.
- The shadow study demonstrates no adverse impact. The private opens space provision was assessed as satisfactory under the previous applications. The site coverage is unchanged and the permitted and proposed floor areas increases from 257 to 279 .7 square metres and a plot ratio of 0.70. This plot ratio does marginally exceed the norm which can be permitted according to section 11.4.2 of the development plan.

6.1. Response to the Appeal by the Planning Authority.

There is no submission from the planning authority on file.

7.0 Assessment

- 7.1. The issues considered central to the determination of a decision are that of the impact of the proposed first floor extension on residential and visual amenities of the area. These issues are considered below following appropriate assessment considerations.
- 7.2. The proposed extension is for the addition of first floor accommodation over the permitted but unconstructed ground floor extension on the inner side of the constructed two storey extension. It is considered that in form and height it is of appropriate design in terms of compatibility and satisfactory integration with the existing dwelling. Accordingly, it is considered to be acceptable in the views from the surface carpark servicing the apartments to the rear on Beachmount Road to the south side and on approach northwards along Beachmount Road and the adjoining open space from the south and south east. It would not be visible elsewhere in the public realm in the vicinity.

7.3 However, the infill to full eaves and ridge height over the permitted ground floor extension abutting the boundary wall with the adjoining property over a distance of four metres is considered to be excessive and overbearing in impact on that property the rear garden depth of which is quite confined. The site configuration of this property was such that originally there was generous private open space provision to the side and front and a restrictive depth for the private open space at the rear. (It is noted that an extension to the side has reduced the width and amenity potential of the space at the side of this dwelling.) The additional first floor element along the four metre depth increasing the wall height up to the eaves immediately abutting the party boundary to five metres, (beneath a pitched roof) would create an excessive and unacceptable sense enclosure and overbearing impact on the adjoining private open space and the rear of the adjoining dwelling itself.

7.4 It is agreed that flexibility can be applied on a case by case basis on a discretionary basis should the prescribed plot ratio limitations provided for in the development plan be marginally exceeded. However, in this case it is considered that the proposed plot ratio should not be accepted because the current proposal in conjunction with the permitted and existing development on the site would amount to overdevelopment on the site with the proposed first floor extension having adverse impact on the adjoining property. On the other hand, it is agreed that the potential for overshadowing impact would be relatively negligible.

7.5 In view of the foregoing, it has been concluded that the proposed development constitutes overdevelopment leading to an excessive sense of enclosure and overbearing impact at the rear of the adjoining property resulting in serious injury to the residential amenities which would also potentially devalue that property.

7.6 **Appropriate Assessment.**

7.6.1 Having regard to the scale and nature of the proposed development which was carried out several years ago, the retention of which is proposed no Appropriate Assessment issues arise and it is not considered that the proposed development has

a significant effect individually or in combination with other plans or projects on a European site.

8 Conclusion and Recommendation.

- 8.1 In view of the foregoing, it is recommended that the appeal be rejected and that the planning authority decision to refuse permission be upheld on the basis of the reasons and considerations set out in the draft order overleaf.

DECISION.

Refuse Permission on the Basis of the Reasons and Considerations set out below:

REASONS AND CONSIDERATIONS

Having regard to confined depth of the private open space at the rear of the adjoin property and to the the height at circa five metres to the eaves over a distance of four metres abutting the party boundary, it is considered that the proposed first floor extension infilling the space over the permitted single storey extension adjacent to the existing two storey extension a would constitute overdevelopment resulting in significant overbearing impact and enclosure of the space to the rear of the adjoining property. The proposed development would therefore be seriously injurious to the residential amenities of the adjoining property and would be contrary to the interests of the proposer planning and sustainable development of the area.

Jane Dennehy
Senior Planning Inspector.
20th September, 2016.