



An
Bord
Pleanála

Inspector's Report PL61.246914

Development

Relocation of existing roof lights, installation of two dormer windows to the rear and minor alterations to upstairs bedroom layout at 6 Linn Bhui, Ragoon Road, Galway City.

Planning Authority

Galway City Council

P. A. Reg. Ref.

16/134

Applicant(s)

Rajat Batla

Decision

Grant Permission

Appellant

Joan Mathews

Observer

Helen Sullivan

Date of Site Inspection

16th September, 2016

Inspector

Jane Dennehy

Site Location

- 1.1. The site has a stated area of 333 square metres and is that of a dormer bungalow with a stated floor area of 158 square metres. It has been extended to the rear at ground floor level and it has with front gardens with off street parking and a rear gardens and frontage onto a cul de sac in the Linn Bhui residential estate to the south of the Ragoon Road to the north west of Galway City. The house has a half hipped roof and three bedrooms are accommodated on the upper floor.

2.0 The Proposed Development

The application lodged with the planning authority on 19th May, 2016 indicates proposals for the installation of two box bedroom windows within a box dormer in the rear elevation and repositioning of the two existing roof lights to a higher position on the rear roof slope. The box dormer is positioned 500 mm above the eaves, set back 500mm, from the rear wall, is 1.8 metres in height and has a three metre projection outwards at the top from the roof slope. In addition, the internal layout of the upper floor is reconfigured providing for three bedrooms and a bathroom.

3.0 Planning Authority Decision

3.1. Decision

By order dated, 5th July, 2016 the planning authority decided to grant permission subject to four conditions of a standard nature.

3.2. Planning Authority Reports

The planning officer in his report notes a slight north west axis in the footprint separation distance of the footprint from the side boundaries of one metre and two metres for the box dormer element indicates satisfaction with the proposed development. He also states that two side elevation windows referred to in third party objections are not included in the application and are not a material

consideration. Objections had been received from five parties and, in addition to objections relating to the two side elevation windows to which the planning officer referred in his report concerns expressed relate to overbearing impact, overlooking, overshadowing and visual impact.

4.0 Planning History

4.1. According to the planning officer report there is no record of a planning history for the appeal site.

5.0 Development Plan

The operative development plan is the Galway City Development Plan 2011-2017 according to which the appeal site and environs are subject to the zoning objective: R; "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."

6. The Appeal

6.1 An appeal was received from Joan Mathews of No 3 Linn Bhui, the property to the north east the footprint of which is perpendicular to the appeal site on 14th July, 2016 who considers that the proposed development would have adverse impact on her property and would depreciate its value. According to the appeal:

- The estate is sensitive to change as it has a tightly knit layout existing hipped roof dormer houses are in close proximity to each other at a one metre separation distance.
- The proposed development is out of character with existing development and would set undesirable precedent.

- The dormer element is: oversized relative to the house, incompatible with the hipped roofline, and the proposed grey timber grain cladding does not match the roof slope.
- There are two ground floor extensions with separate roofs, different heights which are unattractive. This visual impact on the amenities of adjoining properties and the public road will be exacerbated.
- The large windows will directly overlook and adversely affect the privacy of the south facing rear garden of the appellant's property. Opaque glazing is not an option for bedroom windows in the applicant's property. The end of the rear garden of the appellant property is less than eleven metres from the proposed windows. Boundary treatment gives no protection from overlooking.
- The windows will give a direct view into the downstairs accommodation in the appellant property.
- Additional windows were added to the ground floor extension which are one metre from the boundaries and exacerbate overlooking impact.
- The proposed development will have oppressive and overbearing impact on the adjoining properties due to the confined nature of the gardens.

6.2 Observations of the Planning Authority

There is no submission on file.

6.3 Observer Submission

A submission was received from Helen Sullivan of 1 Bothair Stiofain the property directly to the rear of the appeal site property on 8th August, 2016. According to the submission the proposed development would:

- Directly overlook the rear garden, have direct line of sight to the internal accommodation at ground level and adversely affect the privacy and residential amenities of her property.
- The design and size is out of character and is overbearing
- Undesirable precedent would be set by the proposed development.

6.4 Response to the Appeal by the Applicant.

A submission was received from the applicant's agent, Grey Ridge Design on 11th August, 2016. According to the submission:

- It is practical to amalgamate existing and proposed windows in one at a high standard in accordance with the development plan. The roof is a Jerkin head gabled roof or clipped gable roof and is not a hipped roof. There are four house types in the fifty-five dwelling estate. The relationship with No 3 is typical and occurs elsewhere in the residential scheme. The existing ground floor extensions are high standard and are exempt development.
- There is reciprocal overlooking between the dwellings but there are no side facing windows and rear facing windows are thirteen metres from the rear boundary. in the proposal. Windows are more than one metre from the side boundary. The relocated side elevation window and toilet window on the ground floor extension face the 1.9 boundary wall Overlooking is impossible.
- The proposed development is virtually invisible from the Bothar Stiofan to the north where there is only one spot one hundred and fifty metre from the site location where a view at angle is possible.
- The proposed development is not overbearing. It does not overlook public spaces or roads, the scale matches the existing dormer size and comparable to dormer windows at No 9 and the size of the gardens are typical of residential schemes.

7. Assessment

7.1 The issues considered central to the determination of the decision are as to impact on residential of adjoining property by reason of overlooking and overbearing impact and, impact on the visual amenities of the area.

7.2 Overlooking.

The windows are 1.5 metres x two metres in width and positioned 700 metres above floor level, within a 2.5 metre projecting box dormer, below the ridge line, 500 mm above the eave, and 0.9 metres from the edges of the roof on either side according to the lodged plans. This amounts to a very considerable projecting box dormer element and glazed surface area relative to the existing centrally positioned dormer which lights a bathroom. Given these significant changes it is understandable that concerns would arise with regard to overlooking and perceptions as to the degree of overlooking of the property facing onto Bothair Stiofain at the rear of the appeal site property. This property is slightly to the south east instead of being positioned directly to the rear in entirety. A separation distance of twenty-six metres is achieved between the position of the box dormer element and the footprint of the adjoining dwelling. The views towards the properties the footprints of which are perpendicular to that of the appeal site dwelling are indirect necessitating an individual to take a position close to the window to overlook these properties. Taken in conjunction with the distance of the dwelling from the side boundaries, the separation distance of the box dormer element is circa two metres from each side boundary is circa two metres.

7.3 Given the dimensions and position of the proposed box dormer element and the configuration of the existing development and site, it is considered that no undue overbearing impact with regard to the adjoining properties would arise.

7.4 The separation distances are consistent with standards provided for within the Galway City Development Plan, 2011-2016, (S 11.3 refers) which in turn are based on the standard with the statutory guidance, "Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities: (DOECLG 2009) As such, no

issues arise with regard to minimum standards for layout and within regard to the degree of overlooking.

7.5 It is considered that there is no potential for adverse impact on the visual amenities of the area, either internally within the residential scheme or from external vantage points along Bothar Stiofain. It is agreed with the applicant's agent that the only view from the public realm is on approach from the south along Bothair Stiofain in which the box dormer element at the rear of the appeal site property would be visible behind the dwelling facing onto Bothair Stiofain.

7.6 It can be confirmed that the existing rear extensions at ground floor level, inclusive of the side elevation fenestration come within exempt development entitlements owing to size, footprint and separation distances from boundaries.

7.7 **Appropriate Assessment**

Having regard to the small scale of the proposed development comprising alterations to a dwelling within an established residential development, 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. **Conclusion and Recommendation**

8.1 Given the foregoing, it is recommended that the appeals be rejected and that the planning authority decision be upheld and permission granted on the basis of the reasons and considerations and subject to the conditions set out in the draft order overleaf.

DECISION.

Grant Permission on the Basis of the Reasons and Considerations and subject to the conditions set out below:

REASONS AND CONSIDERATIONS.

Having regard to the scale, size, design and proposed position in the rear roof of the existing dwelling of the proposed dormer style windows, the separation distances from site boundaries, the configuration of the site relative to adjoining properties, the pattern and layout of development in the vicinity and to the public realm, it is considered that the proposed development would not be seriously injurious to the residential amenities of adjoining properties, would not depreciate property value and would not adversely affect the visual amenities of the area, and, would be in accordance with the proper planning and sustainable development of the area, subject to the conditions below.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application 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 in accordance with the agreed particulars.

Reason: In the interest of clarity.

Jane Dennehy
Senior Planning Inspector
21st September, 2016.