



An
Bord
Pleanála

Inspector's Report PL 07 247369.

Development	Demolition of derelict dwelling and construction of two detached dwellings with associated storage shed and ancillary works.
Location	Oran More, Oranmore, Co. Galway.
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	16/530
Applicant	Jay and Theresa Alani
Type of Application	Permission.
Planning Authority Decision	Grant Permission
Type of Appeals	Third Party against Decision to Grant.
Appellant (1)	John and Caroline Doyle.
Appellant (2)	Residents of Cloonarkin Drive.
Date of Site Inspection	28th November, 2016.
Inspector	Jane Dennehy

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision.....	3
3.1. Decision	3
3.2. Planning Authority Reports	4
4.0 Planning History:.....	4
5.0 Policy Context.....	5
5.1. Development Plans.....	5
6.0 The Appeals	5
6.1 The First Third Party and the Second Third Party Appeals.	5
6.2. Applicant's Response.....	6
6.3. Planning Authority Response	7
7.0 Assessment	7
8.0 Recommendation.....	10
9.0 Reasons and Considerations.....	10
10. Conditions	11

1.0 Site Location and Description

1.1. The site which has a stated area of 1700 square metres is located in the townland of Oran More, with frontage onto the north side of the Old Limerick Road (L4101 – 03) at Oranmore in County Galway, a short distance to the south side of the N18 and north side of the town centre. To the west and south there is a residential development, (Cloonarkin Drive) and a dormer dwelling is located on the road frontage plot to the east side. The existing dwelling which has been extended at the rear along with a shed to the side have a stated floor area of 141 square metres, appears to have been unoccupied for a long period and have fallen into disrepair. There is a vehicular entrance and a pedestrian entrance at the front boundary and a front garden which is overgrown. To the rear there is a substantial rear garden and coniferous trees and concrete block walls are long most of the boundaries with adjoining properties

2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for the demolition of the existing structures on the site and for construction of two detached houses each with a stated floor are of one hundred square metres, two separate adjoining vehicular entrances, front and rear gardens and rear storage sheds. The footprint of the proposed dwelling on the west side, (House A) is stepped forward of the proposed dwelling to the east side, (House B) on the site.
- 2.2. A supplementary submission inclusive of revised drawings was lodged with the planning authority on 24th August, 2016 indicating revisions to the footprint and dwelling size for House A.

3.0 Planning Authority Decision

3.1. Decision

By order dated, 8th September, 2016 the planning authority decided to grant permission subject to eleven conditions most of which have standard requirements. Under Condition No 3 exempt development entitlements are removed and under

Condition No 10 there is a requirement for substitution of a single vehicular entrance for the proposed entrance. A compliance submission is required.

3.2. Planning Authority Reports

- 3.2.1. The planning officer in her report indicated satisfaction that the proposed development satisfies local area plan and county development plan objective and standards and the issues within the reasons for refusal of permission in a prior application. (Details are under section 4. Planning history, below.)

There are no internal technical reports available on the file.

3.2.2. Third Party Submissions and Objections

Objections were lodged by two parties in which the issues of concern raised are as to overdevelopment, overbearing impact on amenities of adjoining properties and overlooking of adjoining properties and traffic hazard.

4.0 Planning History:

- 4.1. **PL 244397/P. A. Reg. Ref.14/1167:** The planning authority decision to refuse permission for demolition of the existing structure and construction of four semi-detached dwellings and ancillary development with communal parking and entrance was upheld following first party appeal on the basis of the following reason:

“Having regard to the pattern of development in the area, it is considered that the development of four houses would represent overdevelopment of the site which due to the proximity to the side boundaries and the overbearing impact created by the extent, scale and massing of the side elevations of the dwellings would seriously injure the amenities and depreciate the value of property in the vicinity. The proposed development would therefore, be contrary to the proper planning and sustainable development of the area.

P. A. Reg. Ref.14/1167: Permission was refused for demolition of the existing structure and construction of eight apartments for reasons relating to overdevelopment and traffic hazard.

5.0 Policy Context

5.1. Development Plans

- 5.1.1. The operative county development plan is the Galway County Development Plan, 2016-2022. The operative local area plan is the Oranmore Local Area Plan, 2012-2018 according to which the site is within an area zoned for residential development. subject to the zoning objective: 'Residential' Policies and objectives are set out in section 3.2.
- 5.1.2. Objective LU 3 provides for promotion of high quality development of serviced lands and protection of residential amenity while facilitating appropriate and compatible infill development. Objective LU 15 provides for promotion of higher densities in residential development where it is appropriate to the prevailing character of development in accordance with the statutory guidance: "*Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities*" and where there is adequate services capacity.

6.0 The Appeals

- 6.1. Two third party appeals against the decision to grant permission were received and are outlined in summary form below:
- 6.1.1. **First, Third Party Appeal:** An appeal was received from John and Caroline Doyle of Rocklands, the adjoining property to the east side of the appeal site on their own behalf on 5th October, 2016 according to which:
- House "A" was reduced in the revised submission of 24th August 2016 to create a separation distance from the boundary of 6.2 metres. House "B" should also have been similarly reduced in size. The separation distance to the boundary with Rocklands is 1.4 metre

- The size and height of House B will result in it overlooking, invading privacy and devaluation of the appellant's property.
- The entrance is opposite the Maree Road junction and is on a dangerous bend. Traffic congestion and traffic hazard will occur.

6.1.2. **Second, Third Party Appeal.** An appeal was received from Ms. Mona Murtagh on behalf of the Residents of Cloonarkin Drive in which the issues of concern raised are:

- overdevelopment,
- overbearing impact on amenities of adjoining properties,
- overlooking of adjoining properties from first floor windows of House A and,
- endangerment of public safety by reason of traffic hazard.

6.2. **Applicant's Response.**

A submission was received from Oliver Higgins Chartered Engineers on behalf of the applicant on 17th October, 2016. According to the submission:

- The inspector who considered the proposed development of four dwelling units under PL 244397 considered a reduction in the number of units would be appropriate. It was agreed with the planning authority prior to lodgement of the application that two dwellings would be suitable. The application was lodged and an adjustment to House "A" was made in a revised submission 24th August on the advice of the planning authority.
- The proposed development proposed meets and exceeds local area plan standards and criteria and it is reasonable to expect housing to be provided on the zoned land where the existing dwelling is ruinous.
- The proposed dwellings are higher than the existing dwelling but the ridge heights are 400mm, lower than that of the dwelling to the east side which, like the proposed dwellings is a dormer dwelling. The geometry of House "B"

which complies with all relevant technical standards and the adjoining property to the east is similar. The separation distance from the boundary is 1.5 metres.

- The separation distance of 6.2 is substantially above the minimum required standards. The closest houses in Cloonarkin Drive (Nos. 35 and 36) TO House “A” which have garden depths of ten to fifteen metres are affected at present by the existing shed at 2.7 metres from the boundary. The proposed development would be a significant improvement on the existing situation.
- There are not first floor windows for House “A” other than a bathroom window which is permissible in the LAP and there are no first floor overlooking windows in House “B”.
- The road is designated for local traffic since the construction of the N18 which bypasses the village and to which the local road is linked. It is in a 50 kph. zone and sight lines have been demonstrate to be 70 metres. The requirement to combine the entrance into one under Condition 10 can be facilitated. Traffic safety was not referred to in the refusal of permission for the prior proposal.
- The proposed entrance is not opposite the Maree Road junction, is within eleven metres of the entrance top the property to the east side.

6.3. **Planning Authority Response**

There is no submission from the planning authority on file.

7.0 **Assessment**

7.1. The issues considered central to the determination of the decision and considered below are:

- Over development.
- Scale, height and design.
- Overlooking
- Overbearing Impact on adjoining properties
- Traffic Safety and Convenience.

- Other Matters
- Appropriate Assessment.

7.2. **Over development.**

- 7.2.1. The current proposal follows a prior unsuccessful proposal for two pairs of semi-detached dwellings on the site and the remarks by the inspector in her report that the site would have the capacity to accept two dwellings. It is agreed that the site has the capacity to accept two dwellings. The proposed subdivision of the site into two plots allows for sufficient quantity private open space with good amenity potential and front curtilage parking. There is no objection to the stepped footprints, House “A” relating to the building line of the adjoining property at Cloonarkin Drive to the west and House “B” relating to the front building line of Rocklands to the east side.
- 7.2.2. The separation distances from the side boundaries are satisfactory. A 1.5 metre separation distance for a detached house from a common boundary with another detached house is satisfactory and not in conflict with any minimum separation distances in statutory guidance or the statutory local area plan. It is accepted that from the perspective of the occupant of the property to the east, the environs would be markedly changed but the proposal satisfies minimum standards.

7.3. **Scale, Height and Design.**

- 7.3.1. The revised design for House “A” and House “B” being markedly different in size although relatively homogenous, having a relatively simple contemporary design detail. The two dwellings are compatible within the site and with the adjoining properties having regard to form, massing, scale and with regard to the selection of materials and finishes. It is considered that the site has the capacity to accept the two dwellings as suitable infill development.

7.4. **Overlooking.**

- 7.4.1. It can be confirmed that other than a fitted landing window with obscure glazing there are no side elevation windows in House A at upper floor level as a result of which no side elevation windows overlook the properties on Cloonarkin Drive. The rear elevation first floor windows do not directly overlook the properties on Cloonarkin

Drive, the footprint of the house being roughly perpendicular to those on Cloonarkin Drive. It can be confirmed that no upper floor windows are proposed for the upper floor east side elevation of House "B" facing towards Rocklands to the east side. Both House A and House B upper floor windows are and well in excess of the minimum standard of twenty-two metres from the rear of the dwellings to the north and north east. It can be confirmed that the proposed development would not give rise to overlooking of adjoining properties.

7.5. Overbearing Impact on adjoining properties.

- 7.5.1. Given the scale, mass and height relative to the established adjoining properties and the footprints and separation distances from the boundaries discussed above, it is considered that the proposed development gives rise to no concern as to an overbearing impact on adjoining properties. Nevertheless, the development of the site on which formerly there was one dwelling and which has been unoccupied for a considerable period of time the proposed development could give rise to potential for concern and perceptions as to intrusiveness and overbearing impact. However, the proposed development cannot be regarded as substandard and unsatisfactory in any respect in this regard.

7.6. Traffic Safety and Convenience.

- 7.6.1. The Old Limerick Road onto which the site has access now services as an access road linking the settlement Oranmore and other Regional or Local routes with the N18 to the east side. The additional traffic and turning movements generated onto and off the road attributable to the proposed development would be negligible and do not give rise to adverse impact on the free and safe flow of traffic and does not give rise to any concern as to conflict with use of road frontage entrance at Rocklands to the east or any other road frontage property in the vicinity on either side of the road of adjoining properties
- 7.6.2. It has been noted that there has been no concern as to traffic congestion and hazard in the assessments of the two previous applications for development on the site.

7.7. Other Matters.

- 7.7.1. As was the case in consideration of the prior applications, there is no objection to the proposed demolition of the existing structures although an appropriate condition can be attached for the management of demolition, clearance and removal of site.

7.8. Appropriate Assessment

- 7.8.1. The closest Natura 2000 site is the Galway Bay Complex SAC adjacent to Oranmore. Having regard to existing brownfield serviced site and to the nature and scale of the proposed development including the demolition of existing structures no Appropriate Assessment issues proposed development would not 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. In view of the foregoing it is recommended that the appeals be rejected and that the planning authority decision to grant permission be upheld. Attachment of additional conditions for management of demolition and waste and for restriction of construction hours is recommended.

9.0 Reasons and Considerations

Having regard to the location of the site, which is a serviced brownfield site within an area subject to a zoning objective for residential development according to the Oranmore Local Area Plan, 2012-2018 and the established pattern, character and layout of residential development in the vicinity, it is considered that subject to compliance with the conditions set out below, the proposed development would not be seriously injurious to residential amenity and would not depreciate the value of property in the vicinity and would be acceptable in terms of traffic safety and convenience. 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 lodged with the planning authority on 24th August, 2016, 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.

2. The proposed entrances shall be combined into a single shared entrance serving the two dwellings. Revised plan, section and elevation drawings shall be submitted to the planning authority for written agreement prior to commencement of development.

Reason: In the interest of traffic safety and convenience.

3. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house without a prior grant of planning permission.

Reason: To provide for further planning review in the interests of the residential amenities of the area.

4. Prior to the commencement of the development, the developer shall submit to, and agree in writing with, the planning authority details of all the materials, textures and colours for the external facades including fenestration.

Reason: In the interest of visual and residential amenity.

5. The front boundary wall shall be constructed in local stone which shall not exceed one metre in height when measured from the outer side or in indigenous hedgerow which shall be maintained at a maximum height of one metre.

Reason: In the interest of visual amenity and public safety.

6. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, to include use of indigenous species and screen planting along the boundaries. details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual and residential amenity.

7. The rear gardens shall be bounded by block walls, 1.8 metres in height, capped, and rendered, on both sides, to the written satisfaction of the planning authority.

Reason: In the interests of residential and visual amenity.

8. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. No surface water shall be allowed to discharge onto the public road or adjoining properties.

Reason: In the interest of orderly development and public health.

9. Hours of construction shall be confined to the hours of 0800 and 1900 Mondays to Fridays excluding bank holidays and 0800 hrs and 1400 hrs on Saturdays only. 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 amenities of the area.

10. 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 the 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. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

11. 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

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.

Jane Dennehy
Senior Planning Inspector
20th December, 2016.