



An
Bord
Pleanála

Inspector's Report PL 61.247451

Development	Retention of window to side of house, demolition of garage and chimney stack. New works include extension to front and rear, new roof windows, new site entrance and new garden shed.
Location	42 Devon Park. Galway
Planning Authority	Galway City Council.
Planning Authority Reg. Ref.	16/225.
Applicant(s)	Brendan O’Gorman & Sine Phelan.
Type of Application	Permission.
Planning Authority Decision	To Grant Permission
Type of Appeal	Third Party
Appellant(s)	Ger O’Regan & Nessa O’ Regan.
Date of Site Inspection	January 17 th , 2017
Inspector	Breda Gannon

1.0 Site Location and Description

- 1.1. The site is located at No 42 Devon Park Galway in the western suburbs of Galway city. It accommodates a semi-detached two storey over basement dwelling on a narrow rectangular site. The rear boundary is defined by a fence and trees, behind which there is a nursing home on more elevated ground. The side boundaries are defined by trellis fencing and hedgerows. The garden level is significantly below ground floor level and is accessed by a wooden staircase.
- 1.2. The house is adjoined on the northwest by a similarly design semi-detached dwelling and to the north east by a two storey dwelling which accommodates a large two storey extension to the rear. Ground levels slope from a north-west to south east direction.
- 1.3. The site is located in an established residential area close to Salthill, which accommodates a wide variety of house types.

2.0 Proposed Development

- 2.1. The development proposes the following;
 - construction of extension to the front and rear of the existing house,
 - new roof windows to the front and side of the house,
 - retention of the movement and reconfiguration of a window to the side of the house,
 - retention of demolition of garage and rear chimney stack (shared),
 - new garden shed, and
 - new gate to the front of the house and associated site works and changes to site levels.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission for the development subject to 11. No conditions. Apart from standard type construction/engineering conditions, the decision contains the following conditions of note;

Condition No 2 – Requires that a revised site layout be submitted prior to commencement of development which omits the proposed new front entrance.

Condition No 3 – Requires that the development taken together with the existing dwelling shall be used as a single dwelling unit only.

Condition No 4 – External finishes and roof colour to match existing.

Condition No 5 – The roof of the extension shall be designed such that the eaves do not overhang the adjoining property and that water does not flow onto adjoining property.

Condition no 6 – Shed to be used only for purposes incidental to the enjoyment of the house.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's report of September 20th, 2016 notes that the height of the two-storey and single storey elements have been reduced, which combined with the reduction in the length of the development is considered to address the concerns raised by An Bord Pleanala regarding the scale of the development.

With regard to overshadowing the existing ridge height of the dwelling and adjacent dwelling have not altered and these cast a shadow towards the west/northwest. In the current application the proposed rear extension, consisting of a single and two storey section would have a lower ridge height than the existing dwellings and would therefore have a minimal overshadowing effect. The reduction in the length and the position/orientation of the extension are considered to have addressed the overshadowing concerns raised by An Bord Pleanala.

A ground and first floor extension is proposed to the front of the house in the form of a protruding front gable with a pitched roof. This element of the development was not mentioned in the Board's previous decision. The planning authority had considered this part of the development in the previous application (13/249) and considered it to be acceptable.

There is no objection to the demolition of the existing rear garden. A letter of consent has been submitted from No 44 agreeing to the removal of the joint chimney stack. Two attic level windows are proposed to the front and side of the house. The side window will service a stairwell and it will be obscured. There is no objection to the small roof light to the front elevation.

The second vehicular entrance is not acceptable as it would almost eliminate the front boundary wall. This new entrance should therefore be omitted. The applicant proposes to widen the existing entrance to 3m, which would be in accordance with the development plan policy relating to such entrances.

The applicant has blocked up some windows and repositioned others in the side gable and there is no objection to the retention of these windows which service toilets, stairwells etc.

3.2.2. Other Technical Reports

The Drainage Section in their report of 17th August 2017 raised no objection to the development subject to conditions.

The Environment Section in their report of 26th August 2016 raised no issue subject to standard type conditions regarding working hours and waste disposal.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

The observers raised concern regarding the scale of the proposed extension which will result in an overbearing effect and significantly reduce light to the kitchen/diner area of No 44 Devon Park. It is suggested that if the floor to ceiling height was

reduced and the extension was stepped back 1m from the boundary wall, the impacts would be reduced. It is also suggested that the front elevation be maintained so that the pairing on this side of the street remains intact. It is noted that the plans submitted indicate windows to the front with two sections while the replacement windows already installed have three sections, which maintains the pairing and is preferable.

4.0 Planning History

13/249 – Permission refused on appeal (PL61.243260) for alterations and extensions to the existing on the grounds that the scale, length and height of the proposed development, and in particular the height of the ground floor flat roofed extension to the rear, would seriously injure the residential amenities of the neighbouring dwelling at No 44 Devon Park by reason of visual intrusion, overbearing and overshadowing.

5.0 Policy Context

5.1. Development Plan

The operative development plan is the Galway City Council Development Plan 2017-2023. The site is located in an area zoned Residential (R) with the following objective *‘To provide for residential development and associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods’.*

Residential Development Standards are set out in Section 11.3. It is a requirement of the Plan that *‘the design and layout of extensions to houses should complement the character and form of the existing building having regard to its context and adjacent residential amenities’* (Section 11.3.1 (l)).

It is a requirement of the plan that vehicular entrances should not normally exceed 3m in width and where feasible the maximum extent of the boundary wall/hedging shall be retained (Section 11.3.1(g)).

6.0 The Appeal

6.1. Grounds of Appeal

- A submission was made in 2014 to An Bord Pleanala in respect of planning permission 13/249 which was granted permission by Galway City Council.
- An Bord Pleanala recognised the concerns raised and overturned the planning authority's decision.
- The architects for the proposed development at 42 Devon Park have made some minor changes to the plans but insufficient consideration of An Bord Pleanala's recommendations were taken on board.
- It is requested that what was suggested by An Bord Pleanala be adhered to.
- There is no objection in principle to the extension. It is the scale of the extension that is of concern.

6.2. Applicant Response

The response is supported by 6 no. sketch section drawings.

Sketch Section 01 shows that the length of the rear extension has been reduced by 1m, when compared to the previous application. The height of the wall at the edge of the single-storey extension facing No 44 has been reduced by 0.746m. This is achieved by putting a sloped roof on the extension and a hidden gutter to lower the wall height. At the garden end of the extension the height of the wall facing the applicants garden (No 42) rises to level 104.12 along the rear of the extension which conceals the sloped roof line. This is a significant change from the previous application.

Sketch Section No 06 – In proposing the new design, the comment made by An Bord Pleanala, in addition to those raised in the planning officers report on the previous application were taken into account. The question of setting the ceiling height of the extension to 2.4m was considered and it was decided to address the issue of the size of the extension profiling No 44's rear garden in a different manner due to the following reason. A ceiling height 2.4 m from the proposed floor level of the

extension at level 100.5 would have given an access door height from the existing kitchen of 1.7m, which is lower than the minimum door height of 2.1m.

Sketch No's 05 ,04 & 01 – show the relative site levels of the houses on either side and the necessity of establishing a garden and floor level relative to both. The street is steeply sloping and it is not straightforward to propose that a single storey extension will in every case have a given standard ceiling height. Sketch Section 5 illustrates a single storey kitchen extension of both houses comparing the proposed extension of No 42 in this application with a standard extension of the kitchen at No 44. It illustrates that a lower ceiling height is proposed for the extension at No 42 than simply using the existing height. It is not possible to design an extension with a lower ceiling height because of the need to communicate across a change in level through an opening not less than 2100mm (standard door height). The internally measured floor to ceiling height in the proposal is marginally greater than the existing kitchen only because the ground levels fall away. The proposal results from the stepped nature of the adjacent gardens and not because a higher extension than necessary is being proposed.

Sketch No 2 - shows hatched the proposed wall area of a single storey extension as viewed from the garden of No 44. Shaded in pink on this drawing is the area by which this proposal is reduced, compared to 13/249. In the background, shaded in blue, is the reduced effect of the two-storey extension presented in this application with a pitched roof. This also reduces the impact of the proposal significantly. Section 01 shows how the sloped roof achieves this. Sketch 03 also allows us to understand that the proposal is no greater in height than an extension of No 44, where the kitchen space of No 44 is labelled '44' in the sketch.

Sketch No 01 – The length of the extension from the current rear building line of No 42 to the new building line as proposed is the same as that of the rear extension permitted at No 40. The existing rear building line of No 42 is already behind the rear building line of No 40 prior to its redevelopment. The resulting extension provides a room of the same size as the permitted extension to No 40. The height in this portion of the extension is no higher than the ceiling height of the first floor of No 42 and No 44, while also allowing for its parapet. The parapet ensures no water drainage on the site or No 44. While the initial portion of this profile is two-storey, this portion is only

1.2m deep and sits within the rear building line of No 40. This contains the structure and transition space to enable the proposal to be constructed.

With regard to the appellant's wish that the extension be 'stepped back' from the boundary, it is commonly accepted that rear extensions are built to the site boundary in urban areas, particularly where houses are semi-detached.

The submission and clarifying sketch drawings which support the application, explain the need to establish floor levels close to garden levels and demonstrate significant change with respect to the previous application.

With regard to the rear garden space, the applicants' wish to erect a permanent garden boundary to secure their garden.

6.3. Appellants Response

- The extension continues to be overbearing and to have overshadowing effects.
- This could be reduced if the entire extension was reduced to single storey and the height reduced to 2.4m as recommended by An Bord Pleanala.
- In relation to sketch Section 06 it is stated that if the height of the extension is reduced to that recommended by the Board, this would result in a door height of 1.7m. It is not understood how this could possibly be the case.
- With regard to Sketch Section 03, the applicants have not made or are not planning to extent No 44, so it is unclear why this is being referred to.
- Sketch Plan 01 – in relation to the rear patio space, 2m high fencing has already been erected on the common boundary.
- The proposed change to the front elevation will have a negative impact on the streetscape.

6.4. Planning Authority Response

No response to the grounds of appeal were submitted by the planning authority.

7.0 Assessment

- 7.1. The substantive issue in the appeal relates to the impact of the proposed rear extension on the residential amenity of the adjoining house at No 44 Devon Park. The extension would be single storey adjacent to the common boundary rising to two-storey on the opposite side. Some modifications have been made to the original proposal in an attempt to address the concerns raised by the Board regarding overshadowing, visual intrusion and overbearing impacts.
- 7.2. Ground levels on the appeal site are lower than those on appellants site. It is proposed to raise the ground level to ensure an acceptable transition in floor levels from the ground floor of the existing kitchen to the extended area.
- 7.3. The modifications made to the original proposal include a reduction in the overall length of the extension by 1m. The flat roof of the two storey section has been replaced with a pitched roof and this element has been widened slightly to ensure that the pitch matches the existing roof, bringing it marginally closer to appellants' property (0.2m). The height of the single storey section facing appellant's property has been reduced by 0.746m.
- 7.4. There are no windows proposed in the side elevation which would create the potential for overlooking. The adjoining property is already overshadowed by the existing buildings in the mornings during spring and winter. Whilst the proposed development will marginally increase the level of overshadowing during these periods, the property will continue to have the benefit of sunlight during the afternoon and evening and during the summer period.
- 7.5. It is my opinion that the greatest impact on the adjoining property will arise from the blank wall projection of 6.2m from the rear building line, which will be over 3m in height. This will have a significant overbearing impact which will detract from the visual and residential amenity of the adjoining dwelling. Whilst I accept that the applicants should have a reasonable expectation of extending their property, I consider that this needs to be more carefully considered in the context of protecting the amenity of adjacent property. I recommend that permission be refused.
- 7.6. The proposed extension to the front of the house will result in a protruding feature with a pitched roof. In terms of size and design it is broadly similar to that previously

proposed. The site is part of a pair of semi-detached dwellings and the Board in its previous decision (PL 61.243260) on the subject site raised concerns regarding the visual impact of the extension at ground floor level on the character of the existing semi-detached dwellings and the overall streetscape. The applicant sought to address the matter by retaining the arched door feature at ground level.

- 7.7. The pair of semi-detached dwellings are quite unique elements in the streetscape. The proposed two storey extension will project forward from the front building line established by the dwellings and will result in alterations in the roof profile when viewed from the street. It is considered that these changes will fundamentally alter the form and character of the dwellings and impact on the character of the streetscape in this location and should therefore be refused.
- 7.8. It is proposed to construct a garden shed along the boundary with No 40. The shed will be 6m long and c.3m wide. It will be positioned on the site to partially coincide with the shed constructed at No 40 and along the common site boundary. There are two windows in the shed which will face inwards towards the subject site. Subject to a condition controlling its use, I do not consider that it creates any significant potential for impacts on the amenity of the adjoining dwellings. Accordingly, I have no objection to this part of the proposal.
- 7.9. Permission is also being sought for the construction of an additional site entrance and to widen the existing entrance from 2m to 3m. As noted by the planning authority the creation of a new entrance would result in the almost complete removal of the existing roadside boundary wall which would be unacceptable. The widening of the existing site entrance to 3m will allow a reasonable entrance to be achieved while minimising the extent of boundary wall to be removed in accordance with the requirements of the development plan.
- 7.10. Retention is sought for alterations carried out to the windows in the side elevation of the house. The applicant has removed some of the windows and repositioned others. As noted by the planning authority, with the exception of the kitchen window where no change is proposed, all the windows these serve landings, stairwells etc and accordingly there is no objection to their retention. Similarly, there is no objection to the provision of a roof light in the front elevation.

8.0 Appropriate Assessment

9.0 The nearest Natura 2000 sites are the Galway Bay Complex SAC (Site Code 000268) and Inner Galway Bay SPA (Site Code 004031). Having regard to the location of the development within a built up area, the nature and scale of the development and the separation distance from the Natura 2000 sites, I consider that the proposed development, either alone or in combination with other plans or projects, does not have the potential to impact adversely on the qualifying interests of any Natura 2000 site. Appropriate Assessment is not therefore required.

10.0 Recommendation

10.1. Having considered the contents of the planning application, the decision of the planning authority, the provisions of the development plan, the grounds of appeal and the responses thereto, my inspection of the site and my assessment of the planning issues, I recommend that the Board refuse permission for the development for the reasons and considerations set out below.

11.0 Reasons and Considerations

1. Having regard to the scale, length and height of the proposed extension to the rear, it is considered that the proposed development would seriously injure the residential amenities of the adjoining property at No 44 Devon Park by reason of visual intrusion and overbearing impacts. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. It is considered that the proposed extension to the front of the house would seriously detract from the form and character of the existing pair of semi-detached dwellings of which the subject site forms part, which would impact on the overall character and visual amenity of the streetscape in this location. The proposed development would, therefore be contrary to the proper planning and sustainable development of the area.

Breda Gannon
Planning Inspector

30th January 2017