



An
Bord
Pleanála

Inspector's Report PL61.247502

Development	Retention of alterations to driveway (previously permitted under ref. 06/384) and permission for the demolition of porch, rear shed and construction of single storey rear extension and internal alterations to dwelling.
Location	83 Devon Park, Lower Salthill, Co. Galway.
Planning Authority	Galway City Council
Planning Authority Reg. Ref.	16/232
Applicant(s)	Ann and David Hanly
Type of Application	Permission
Planning Authority Decision	Grant permission subject to conditions
Type of Appeal	First Party
Appellant(s)	Ann and David Hanly
Observers	none
Date of Site Inspection	3 rd January 2017
Inspector	Stephen Kay

1.0 Site Location and Description

- 1.1. The appeal site is located in the Devon Park residential estate in Lower Salthill, c. 2 km from Galway City Centre. The site is located in an established residential area of predominately two storey semi-detached dwellings. The dwelling immediately to the east of the appeal site is different to the prevailing form of housing comprising an older larger two storey dwelling on a wider site. This dwelling is set back from the western site boundary where it adjoins the appeal site by c. 9 metres.
- 1.2. The existing dwelling on the site is a two storey semi-detached structure of c. 195 s. metres floor area. The layout appears as if the original two bay front elevation has been extended to the side and the existing layout provides for four bedrooms.
- 1.3. There is currently no extension to the rear of the original building line and the rear garden has a detached shed of c. 10 sq. metres floor area that is located detached from the house and adjoining the eastern site boundary. The dwelling does not currently have the attic space converted for occupation.
- 1.4. The bulk of the front garden area has been hard surfaced with just a small area of landscaping on the western side and the vehicular access has been widened as evidenced by the new gate pier and the width relative to the dished footpath.

2.0 Proposed Development

- 2.1. The development the subject of this application comprises a number of elements as follows:
 - The retention of alterations made to the driveway comprising the widening of the vehicular access to 5.2 metres.
 - Demolition of the existing front porch structure comprising the existing sliding door and the glazing enclosing the area under the original canopy. It is proposed that the overhang would be clad with zinc.
 - External insulation of the house and new windows.
 - Demolition of existing shed structure in the rear garden along the eastern site boundary and the construction of a single storey rear extension on the eastern side of the dwelling and having a floor area of 25.6 sq. metres. The main

windows to this extension face west though the plans indicate a high level window in the east facing elevation that is c. 1.85 metres above floor level. The proposed extension has a maximum height of c. 3.85 metres above ground level and is indicated as being within c. 1.2 metres of the eastern site boundary at the closest point.

- The reorganisation of internal layouts at both ground and first floor levels. The first floor revised layout provides for the inclusion of a new staircase to access the attic floor.
- The conversion of the attic to provide for two rooms both indicated as attic storage on the submitted plans and having a total combined floor area of 29 sq. metres. The attic accommodation and new staircase is proposed to be served by 4 no. new rooflights to the rear elevation and two rooflights to the front elevation which would serve the proposed new staircase. The attic accommodation is noted in the application as not meeting habitable room standards under the Building Control regulations and it is proposed that the attic accommodation would not be used for habitable use.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a Notification of Decision to Grant Permission subject to 8 no. conditions, the most notable of which can be summarised as follows:

- Condition No.2 requires that the development shall be part of a single dwelling unit.
- Condition No.3 requires that the two rooflights to the front and two of the four rooflights proposed to the rear roof slope shall be omitted from the development.
- Condition No.4 specifies that the attic accommodation shall be used for storage purposes only, that no internal partitions, bathroom or wc shall be provided and that the attic shall comprise a single open area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer notes the location of the site and the nature of the works. Given that the attic space is not proposed or suitable for habitable accommodation it is considered appropriate that some of the rooflights would be omitted and also that the internal partitions dividing the space into two would be removed. A decision consistent with the Notification of Decision to Grant Permission issued is recommended.

3.2.2. Other Technical Reports

Drainage – No objection.

Environment – No objections subject to conditions.

3.3. Third Party Observations

There were no third party objections submitted to the Planning Authority.

4.0 Planning History

The following planning history is of relevance to the assessment of this appeal:

Clare County Council Ref. 06/384 – Permission granted by the planning authority for the widening of the vehicular access to the site. This permission has expired and no development was undertaken within the period that the permission was valid.

5.0 Policy Context

5.1. Development Plan

The relevant development plan is the Galway City Development Plan, 2017-2023. The site is located on lands that are zoned 'Residential' under the provisions of the development plan.

The site is located in the area that is identified in the residential section of the plan (11.3) as Established Suburbs.

11.3.1(l) Residential Extensions states 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.

Policy 9.8 Sustainable Urban Drainage Systems (SUDS) states that it is policy to:

'Ensure the use of Sustainable Urban Drainage Systems (SUDS) and sustainable surface water drainage management, wherever practical in the design of development to enable surface water run-off to be managed as near to its source as possible and achieve wider benefits such as sustainable development, water quality, biodiversity and local amenity.'

6.0 The Appeal

6.1. Grounds of Appeal

The following is a summary of the main issues raised in the first party appeal submitted:

- That the appeal relates to conditions nos. 3 and 4 attached to the decision of the Planning authority relating to roof lights and the layout and use of the proposed attic.
- That the proposed rooflights to the front roof slope would not be injurious to residential or visual amenity. They are small in scale and there is precedent for other similar rooflights to houses in the area.
- Specifically, No69 opposite the site has been the subject of a revised layout and attic conversion with front rooflights that is very similar to that proposed on the appeal site.
- That the attic area in this form of dwelling is of a generous area. The sub division of the attic storage space would make the most efficient use of the

space and would result in reduced heat spread. The contents of the attic storage would be visible from the rest of the house if some form of partitions and doors are not permitted.

- It is agreed that the attic level will not meet the requirements of the building regulations. It is sufficient for the applicant to state that there will not be any habitable rooms at this level and for the Planning Authority to condition the attic will not be used for habitable accommodation.
- That the proposed rear rooflights would not be injurious to residential amenity and would be out of sight from views from the street. If a condition restricting the use to storage only is attached that should address any concerns of the planning authority without the necessity of significantly revising the design.

6.2 Planning Authority Response to Grounds of Appeal

There is no response from the planning authority on file.

7.0 Assessment

7.1. The following are considered to be the main issues in the assessment of this appeal:

- Principle of Development and Scope of Assessment
- Conditions 3 and 4
- Other Issues

7.2. Principle of Development and Scope of Assessment

7.2.1. The appeal site is located on lands that are zoned Residential under the provisions of the recently adopted *Galway City Development Plan, 2017-2023*. Extensions and alterations to dwellings such as those proposed in the subject application are consistent in principle with the land use zoning objective.

- 7.2.2. Paragraph 11.3.1(l) of the development plan relating to residential extensions states 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. Other relevant development plan standards regarding open space should also be met in proposed extensions. These issues will be considered in the section below regarding amenity.
- 7.2.3. The first party appeal relates solely to Conditions Nos. 3 and 4 attached to the Notification of Decision to Grant Permission issued by the Planning Authority and relates to the layout and use of the attic area and the provision of rooflights to this area. Other parts of the development permitted by the planning authority in this application relate to the demolition of the existing shed to the rear and construction of a single storey rear extension, the retention of the widening of the vehicular access to the site and the removal of the existing porch structure and works to the front elevation. The following sections briefly assess these elements of the proposed development.
- 7.2.4. With regard to the demolition of the shed and the construction of a rear extension, the scale of the proposed extension is such that it would be located c. 1.2 metres from the eastern boundary and significantly separated (by c. 5 metres) from the boundary with the adjoining dwelling to the west. The overall height of the extension is c. 3.85 metres maximum and c. 3.25 metres closest to the boundary with the dwelling to the west. The high level window on the eastern side of the extension is a minimum of c. 1.85 metres above floor level and would not facilitate the overlooking of the adjoining property. In any event, the property to the east is set back approximately 9.5 metres from the boundary with the appeal site. The scale and layout of the proposed extension is such that it is in my opinion acceptable and would not result in any adverse impacts on the residential amenity of the adjoining properties.
- 7.2.5. Similarly, it is my opinion that the proposed works to the front elevation comprising the removal of the existing porch structure and the revised treatment of the canopy are acceptable and would not be injurious to visual or residential amenity. The retention of the widened access is also considered to be acceptable. No maximum width standard is specified in the development plan. I do however note the fact that the existing layout provides for a significant area of hard surfacing and limited

landscaping. I note that Policy 9.8 of the Galway City Development Plan relating to Sustainable Urban Drainage Systems (SUDS) states that it is policy to '*Ensure the use of Sustainable Urban Drainage Systems (SUDS) and sustainable surface water drainage management, wherever practical in the design of development to enable surface water run-off to be managed as near to its source as possible and achieve wider benefits such as sustainable development, water quality, biodiversity and local amenity*'. No condition requiring the minimisation of the extent of hard surfacing of the front garden or the submission of a landscaping plan was included by the local authority decision and it is recommended that consideration be given to the attachment of a condition that would restrict the extent of paving to that suitable for the parking of two cars and for the soft landscaping of the balance of the front garden area.

- 7.2.6. In view of the above, with the exception of the treatment of the front garden area, it is considered appropriate that the scope of the assessment would be restricted to consideration of Conditions 3 and 4 as attached to the Notification of Decision issued by the Planning Authority.

7.3. **Conditions 3 and 4**

- 7.3.1. The first party has set out how conditions 3 and 4 requiring the omission of rooflights to the front and rear roof slopes and the omission of partitions at attic level are not either appropriate or desirable and how the use of the proposed development could be adequately addressed by the inclusion of a condition limiting the use of the attic area to storage purposes only.
- 7.3.2. The concerns of the planning authority regarding the use of the attic accommodation are appreciated in this case. The first party has however been clear in its statement that the attic accommodation would not meet the requirements for habitable accommodation. They have also been clear that the proposed use of the attic space is for storage purposes only. These statements are accepted and I consider it appropriate that a condition restricting the use of the attic area to storage purposes only would be attached.

- 7.3.3. I note and largely agree with the case made by the first party regarding the merits of having some form of partitions in the attic area to be created. This area is relatively large at c. 11 metres by c. 3.4 metres and I note and accept the case made by the first party with regard to the merits of sub dividing the storage area, the implications of the removal of the partitions for heating and the avoiding the storage area being visible from the rest of the accommodation.
- 7.3.4. The requirement of the planning authority to remove the attic level partitions and reduction in the number of rooflights is likely at least partially driven by a desire to minimise the potential that the attic space created would be used for habitable accommodation. The removal of attic partitions would however not be possible to enforce and does not in my opinion add anything to the written requirement by way of condition that the attic space created would only be used for the purposes of storage. It is therefore recommended that Condition No.4 attached to the Notification of Decision issued would be amended to only specify that the attic area created shall only be used for storage purposes and shall not be used as habitable accommodation.
- 7.3.5. With regard to the omission of the rooflights, the rear rooflights do not in my opinion result in any loss of residential amenity. The rear of the site does not directly face any other dwellings and no overlooking issues would arise. There would be no loss of visual amenity and the rear rooflights would not be visible from the street. The omission of the rooflights may reduce the usability of the space and the possibility that it could be utilised for habitable purposes, however I consider that the most appropriate control of the use of the attic space is by way of specific condition as set out above. For these reasons I do not consider it appropriate that two of the four rooflights would be required to be removed.
- 7.3.6. With regard to the proposed rooflights to the front roof slope, I note the fact that there is precedent for similar roof lights at No.69 opposite the site and also on dwellings to the south east of the appeal site at Nos. 45 and 63 Devon Park. The size of the rooflights proposed are not in my opinion excessive and would their inclusion would add significantly to the standard of the accommodation providing south facing light into the stairwell of the house. Having regard to these factors it is my opinion that the proposed rooflights to the front roof slope would not have a significant adverse impact on visual or residential amenity and are acceptable.

7.3.7. In view of the above it is recommended that Condition No.3 attached to the Notification of decision to Grant Permission issued by the Planning Authority and requiring the omission of two of the four rear facing rooflights and the two proposed front rooflights should be omitted in its entirety.

7.4. **Other Issues**

7.4.1. Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.

8.0 **Recommendation**

8.1. Having regard to the above it is recommended that the Planning Authority be directed as follows:

That Condition No. 3 be omitted from the grant of permission,

That Condition No. 4 be revised to read as follows:

The attic area created shall only be used for storage purposes and shall not be used as habitable accommodation.

And,

That an additional Condition No.9 be added to the Schedule of Conditions to read as follows:

9. The extent of hard surfaced area to the front of the dwelling shall be reduced to that required for the parking and circulation of a maximum of two cars. The balance of the front garden area shall be soft landscaped in accordance with a comprehensive scheme of landscaping. Details of the front garden layout and the landscaping scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual amenity and the promotion of sustainable drainage principles.

Stephen Kay
Planning Inspector

30th January, 2017