



An
Bord
Pleanála

Inspector's Report ABP-300105-17

Development

Extensions and modifications to existing house and new treatment system and percolation area. Gross floor space of proposed works: house 166.8sqm, garage 59.9sqm.

Location

Slieveaun, Clarinbridge County Galway.

Planning Authority

Galway County Council

Planning Authority Reg. Ref.

17/1220

Applicants

Terry & Ann Fahy

Type of Application

Permission

Planning Authority Decision

Grant Permission

Type of Appeal

Third Party

Appellants

John & Bridget Joyce

Date of Site Inspection

26rd February 2018

Inspector

Dolores McCague

1.0 Site Location and Description

- 1.1. The site is located in Slieveaun, Clarinbridge County Galway.
- 1.2. The site is located on a local road c 1km from the centre of the village. The site is part of a ribbon of similar sites which run on either side of the road. One off housing is a feature of the general area. Most houses are of similarly generous proportions to the house on the subject site.
- 1.3. The site is occupied by a large two storey dwelling with a forward gable projection and chimney projections at either end of the 13.5m width. It is located centrally on the site and occupying about 2/5 of the site width, set well back from the road, with a detached garage to the rear, near the eastern boundary.
- 1.4. The house to the east is set closer to the road. That on to the west is approximately in line with the subject house.
- 1.5. The site is landscaped with small trees and bushes on the western, northern and eastern boundaries, those on the eastern boundary include evergreen trees. There is strong hedge along the roadside boundary.
- 1.6. The dwelling on site is partly finished in brick, for part of the ground floor at the front and sides, and is rendered for the remainder of the elevations. A bay window feature is part of the forward gable projection and there is a double height glazed projecting feature, extending from about a metre above ground floor level to above roof level.
- 1.7. A slightly curved driveway provides access from the public road, which, together with the roadside hedge has the effect of providing reasonably effective screening from the road. The hedge along the western boundary provides reasonably effective screening for ground floor level only.
- 1.8. The site is given as 0.31ha.

2.0 Proposed Development

- 2.1. The proposed development is the extension and modification of an existing house and the provision of a new treatment system and percolation area.
- 2.2. The gross floor space of the proposed works: to the house 166.8sqm, and to the garage 59.9sqm

- 2.3. The proposal comprises a large extension including a two storey portion with a single room on each floor set well behind the front building line, attached to the northern gable of the existing dwelling. These rooms have corner windows which extend across approx. 50% of the front and side elevations. The main the extension is a single storey extension to the rear of the dwelling. A large kitchen/dining area, a games room, storage and utility areas and a home office connect to a large garage and garden store, covered area and oil tank which extends to within 1.5m of the northern boundary. A large patio is proposed south and west of the extended area.
- 2.4. Southwards at the side and rear of the existing dwelling a balcony is proposed at first floor level, curved at the southern end and opening from the main bedroom, which will be amended and extended through internal alterations. The balcony is the subject of this appeal. It extends to within 4m of the southern boundary at first floor level with a supporting pillar below.
- 2.5. The two storey extension will have a pitched roof, finished to match the existing dwelling. The single storey area will have a butterfly roof in zinc and a flat roof of unspecified finish.
- 2.6. It is proposed to replace the existing septic tank located to the rear of the dwelling towards the eastern side of the site, with a package plant and sand polishing filter, to be located to the rear of the dwelling slightly towards the western side of the site. The location of the sand polishing filter is the subject of the appeal.
- 2.7. The application is accompanied by a Site Characterisation Report which proposes a Tricel package plant and sand polishing filter. The site characterisation form notes that this is a regionally important karst aquifer and that the existing septic tank is located close to the western boundary within a tree planted area. It is proposed to replace it with a tertiary a secondary treatment system and a raised sand polishing filter. The existing soil cover is shallow and a raised system is required to maintain sufficient vertical separation to the bedrock.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided, 5/10/2017, to grant permission subject to 7 conditions, including:

Condition no. 3 - the first floor balcony shall be surrounded by a 1.8m non vision glass as indicated on the plans submitted on the 14/08/2017

Condition no. 7 re wastewater treatment system.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report of 5/10/2017, recommends granting permission.

The site consists of a two storey red brick dwelling (192.1 sqm) the applicant is proposing to modify the dwelling and to extend it by c230sq m. the proposed extension is contemporary in design but is in keeping with the character of the existing dwelling on site which is very suburban in design. The subject site is able to cater for the proposed extension in terms of size.

Concern raised re overlooking - having regard to the 1.8m non vision glass around the balcony and that there are mature trees along the south western boundary overlooking is not considered an issue. There is also a first floor window proposed on the bedroom facing the property to the east. There are mature trees along this boundary and it is considered that this window is not an issue.

Concern re. proximity of percolation area to boundary – the location of the proposed raised percolation area meets EPA COP 2009 requirements.

3.3. Third Party Observations

An observation on the file from the appellant has been read and noted.

4.0 Planning History

98/4739 (J&B Joyce) construction of dwelling house septic tank & percolation area and puraflo treatment plant.

97/2657 (P Bourke) changes to plans higher roof pitch provision of a toilet in utility area and provision of a bay window.

97/2111 (P Fitzgerald) construction of two dwelling houses, septic tanks percolation areas and treatment units.

5.0 Policy Context

5.1. Development Plan

5.2. Galway County Development Plan, 2015-2021 is the operative plan. Relevant provisions include

5.3. The area is designated as a rural area under strong urban pressure, (under the GTPS 'The Galway Transportation and Planning Study').

Assimilation of development into the landscape - all permissible buildings should avoid locally obtrusive elevated locations and should be located on mid slopes or lower slopes of rising ground where possible. Development should seek to preserve traditional field patterns and established hedgerow and woodland.

5.4. Natural Heritage Designations

5.5. The Inner Galway Bay SPA (site code 004031) and Galway Bay Complex SAC (site code 000268) are the nearest Natura Sites, which are located approx. a kilometre from the subject site.

6.0 The Appeal

6.1. Grounds of Appeal

6.2. John M Gallagher Consulting Engineers and Town Planners have appealed the decision to grant permission, on behalf of Mr John & Bridget Joyce. The grounds includes:

- The first floor glazed balcony is too excessive in size and too close the boundary; 3.2m above ground within 4m of the boundary despite the non-vision glass on the west side. Its very presence in this position will interfere with the amenity of the adjoining property.
- The proposed percolation area is unnecessarily close to the boundary and should be more centrally positioned, within the site.

6.3. Applicant Response

6.4. McCarthy Kelville O'Sullivan Planning Consultants Ltd have responded to the grounds of appeal on behalf of the first party. The response includes:

- The planner's report is cited.
- Residential amenity – the balcony will serve a master bedroom at first floor level. It has a width of 7.2m and a depth of approx 3.7m. It comprises high non-vision glass and safety glass with a support column at ground level; and is approx.. 3.2m above ground level. It is 10.3m from the appellants property with 1.8m high non –vision on the south western side and a lower screen wall of approx. 1.1m to north-west. It has been carefully designed to avoid overlooking of the neighbouring property.
- A number of mature trees on the western boundary provide natural screening.
- The existing trees will be retained and any damaged or diseased will be replaced in the next planting season with similar size and species.
- Dwellings to either side are well screened and set within their own private grounds. There is a staggered building line on both sides of the road. There is a variety of house styles and the majority are on large plots. It is considered that the proposed amendments are consistent with the existing pattern of development.
- It is not haphazard development or overdevelopment.
- It would not be visually obtrusive or disruptive. It would not overlook or give rise to any other amenity issues.
- Site services – the proposal is for an upgrade of an existing system, replacing it with a tertiary system and raised mound, located to the rear of the site and away from properties.

- A Site Suitability Assessment was prepared and submitted.
- The upgraded system was deemed acceptable.
- Condition No. 7 will be fully complied with.
- They request the Board to uphold the decision.
- Photographs are provided to illustrate the arguments made.

6.5. Planning Authority Response

6.6. The Planning Authority has not responded to the grounds of appeal.

7.0 Assessment

7.1.1. The issues which arise in relation to this appeal are appropriate assessment, location of the polishing filter and impact of the balcony, and the following assessment is dealt with under these headings.

7.2. Appropriate Assessment

7.2.1. Having regard to the nature and scale of the proposed development and nature of the receiving environment 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.

7.3. Location of Polishing Filter

7.4. The existing system is said to be close to the western boundary. The location of the Treatment Plant and polishing filter is shown slightly west of centre.

7.5. That the proposed percolation area is unnecessarily close to the boundary and should be more centrally positioned within the site, is the concern expressed by the third parties.

7.6. The proposed polishing filter is well in excess of the minimum requirement of 3m from the site boundary and 10m from a dwelling. In my opinion it is a suitable location for the polishing filter.

7.7. Impact of the Balcony

- 7.8. The potential for impact on residential amenity arising from the balcony is of significant concern to the third parties.
- 7.9. They consider it too excessive in size and too close the boundary; pointing out that it is 3.2m above ground within 4m of the boundary. They consider that despite the non-vision glass on the west side, its presence in this position will interfere with the amenity of the adjoining property.
- 7.10. The proposed balcony which stands out from the dwelling is quite a noticeable feature and given the separation distances, in this rural setting, is quite close to the dwelling to the west. The planning authority considered the hedge to the west a mitigating factor and it is to some extent, however on the date of inspection, at the beginning of spring, while trees remained leafless, the hedging along the western boundary was ineffective as a screen for first floor development.
- 7.11. In my opinion the proposed balcony should be reduced in extent such that it does not extend beyond the western gable of the dwelling. This would reduce the visual impact on the adjacent dwelling to the west while continuing to provide a smaller balcony to the bedroom, albeit without a southern aspect.
- 7.12. It should be pointed out that, in either situation, there will be very little visibility of the proposed balcony from the public road, due to the roadside hedging and boundary hedging.

8.0 Recommendation

- 8.1. In the light of the above assessment, I recommend that planning be granted for the following reasons and considerations.

9.0 Reasons and Considerations

It is considered that the proposed development, which would involve the extension and modification of an existing house and the provision of a new treatment system and percolation area, would not be contrary to the provisions of the Galway County

Development Plan 2015-2021, and subject to the following conditions, would, not unduly impact on the residential amenities of property in the vicinity; and would 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 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 existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

- 3 The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority and in accordance with the requirements of the document "Wastewater Treatment Manual: Treatment Systems for Single Houses", Environmental Protection Agency (current edition). Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

- 4 Any soil being imported onto the site shall be free of invasive species.

Reason: In the interest of environmental protection.

- 5 The proposed first floor balcony shall be reduced in scale such that it aligns with the western gable of the existing house. The western boundary of the balcony shall be glazed in non-vision glass extending to 1.8m above floor level.

Reason: In the interest of residential amenity.

Planning Inspector

15th March 2018

Appendices

- 1 Photographs
- 2 Extracts from Galway County Development Plan 2015-2021