



An
Bord
Pleanála

Inspector's Report ABP300125-17

Development	Installation of a new dormer element with 2 dormer style windows to the rear of a dwellinghouse together with the relocation of roof lights on the rear roof pitch.
Location	No. 6 Linn Bhuí, Old Ragoon Road, Knocknacarra, Galway.
Planning Authority	Galway City Council.
Planning Authority Reg. Ref.	17/236.
Applicant(s)	Rajat Bathla.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party -v- Refusal.
Appellant(s)	Rajat Bathla.
Observer(s)	(i) Joan Matthews, (ii) Helen Sullivan.
Date of Site Inspection	8 th March 2018
Inspector	Paul Caprani.

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1.0 Introduction

ABP300125-17 concerns a first party appeal against the decision of Galway City Council to refuse notification to refuse planning permission for the relocation of two existing roof lights and the installation of two dormer style windows within a proposed new dormer extension on the rear roof pitch of an existing dwelling. Galway City Council refused planning permission on design grounds, namely that the projecting dormer box containing the two projecting dormer windows on the rear roof profile would be visually obtrusive.

2.0 Site Location and Description

- 2.1. The appeal site is in 'Linn Bhuí', a suburban residential estate to the south of the Ragoon Road c.4.5 kilometres west of Galway City. The appeal site, House No. 6 is located at the northern end of the estate and is accessed from Botháir Stoifaín which runs to the east of the estate and links up with the Ragoon Road further north.
- 2.2. No. 6 faces westwards onto an area of public open space. It comprises of a detached dormer bungalow with a single-storey double-hipped roof ground floor extension to the rear. The entire site occupies an area of 333 square metres. The dwelling is approximately 158 square metres in size. Presently the first floor accommodates three bedrooms and a bathroom. Two of the rear bedrooms are served by roof lights on the rear roof pitch. The bathroom which is situated between the two bedrooms and is located to the rear of the first floor is served by a small dormer window centrally located within the rear roof pitch.

3.0 Proposed Development

All works proposed relate to the rear of the dwellinghouse at first floor level. It is proposed to extend the floor area of two of the bedrooms (including the master bedroom to the rear by incorporating a large dormer box extension, with a slanted roof pitch approximately 1.8 metres in height and 8.5 metres in width). The proposed dormer is recessed at either end of the roof pitch by 0.7 metres. The existing dormer

window serving the bathroom will be incorporated into the new dormer structure. Two additional windows are to be located at either end of the dormer box to serve the bedrooms. The external façade of the dormer is to incorporate a nap plaster finish between the proposed windows. The two existing roof lights located within the rear pitch are to be relocated higher up on the pitch of the roof.

4.0 Planning Authority's Decision

Galway City Council issued notification to refuse planning permission for a single reason set out below:

'Having regard to the existing pattern of development in the vicinity of the site, and in particular the proximity of adjoining residential property, it is considered that the proposed development would seriously injure the residential amenities of adjoining property by reason of the design of the dormer element projecting from the rear roof and would be considered visually obtrusive and out of character with the predominant roofscape in the area. The proposed development would, therefore, be contrary to the proper planning and development of the area.'

4.1. Planning Authority Assessment

- 4.1.1. The planning application was lodged on 17th August, 2017. A number of letters of objection to the proposed development were submitted, the contents of which have been read and noted. These letters raise concerns in relation to the impact of the proposed dormer on the character of the area, impact on visual amenity and the potential increases in overlooking which would result from the proposal.
- 4.1.2. By way of unsolicited additional information, the applicant submitted a further report detailing the rationale behind the proposal and highlighting the changes in the current proposal which it is argued, addresses the concerns of the Board's previous reason for refusal on the subject site (see Section 5, 'Planning History' below in my report). It is also argued in the submission that the proposed dormer extension will have an acceptable impact in terms of visual amenity and will not result in any additional overlooking.

4.1.3. The **planner's report** makes reference to the previous decision by An Bord Pleanála and it is stated that the concerns and reasons for refusal cited in the An Bord Pleanála decision have not been adequately addressed in the current application. It is concluded therefore that the proposal would remain visually obtrusive and out of character with the established pattern of development in the area and would unduly overlook rear gardens of adjoining dwellings. It is concluded therefore that the reasons for refusal issued by An Bord Pleanála have not been overcome. Galway City Council therefore refused permission for the single reason cited above.

5.0 Planning History

5.1. Details of one relevant application and appeal are contained on file. Under PL61.246914 An Bord Pleanála overturned the decision of Galway City Council and also the recommendation of the Board's planning inspector and refused planning permission for the installation of two box bedroom windows within a box dormer on the rear elevation of the subject dwelling. In its decision the Board refused planning permission for the following reason:

“Having regard to the existing pattern of development in the vicinity of the site and in particular the proximity of adjoining residential property, it is considered that the proposed development would seriously injure the residential amenities of adjoining property by reason of overlooking, and would by reason of the design of the box dormer element projecting from the rear roof plans be visually obtrusive and out of character with the predominant roofscape in the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.”

In deciding not to accept the inspector's recommendation to grant permission, the Board considered the proposed box dormer window would be visually obtrusive, out of character with the established character of the area and would result in undue levels of overlooking of private rear gardens. The Board's decision was dated 29th September, 2016.

6.0 Grounds of Appeal

- 6.1. The decision was appealed on behalf of the owner/occupier of the house by Cyril Kelly and Associates, Consulting Engineers. The grounds of appeal are outlined below.
- 6.2. It is suggested that the current application has been significantly amended and results in a modest alteration to the rear of the subject house. The changes from the previous proposals include the following:
- The size of the new windows have been reduced by more than 50% from 3 square metres to 1.3 square metres.
 - The box dormer has completely been replaced with a hipped roof which will have tiles and slates to match the existing dormers on the house.
 - The windows are proposed to recessed into the dormer which will eliminate the risk or possibility of potential overlooking of the site.
 - It is stated that the existing single-storey extension to the rear has been tastefully carried out to a high standard and complies with all exempted development regulations.
- 6.3. The applicant in this instance is simply seeking to improve accommodation for his children's sleeping arrangements.
- 6.4. It is stated that there are various house types within the immediate area and hence there is no uniform character or house type within the estate. It is suggested that the proposed hipped roof on the dormer box extension is completely in character with the existing pattern of development in the area.
- 6.5. In terms of overlooking it is stated that the separation distances are in accordance with the standards set out in the Galway City Development Plan and are also in accordance with National Statutory Guidance "Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities". There are no proposed side facing first floor windows and the rear facing windows are 13 metres from the rear boundary which meets the requirements set out in the development plan. The fact that the applicant incorporates recessed windows 400 millimetres behind the rear

elevation of the proposed extension is a genuine attempt to allay any concerns in respect of overlooking.

- 6.6. In terms of visual impact, the proposed works are completely to the rear of the property and as such there will be no visual impact or injury to the visual amenity or character of the estate. It is contended therefore that the proposed extension will not be clearly visible from the public road and will only be visible from one vantage point on the public road.
- 6.7. It is also argued that the proposed development would not have an overbearing impact due to the site's location and the modest scale of the proposed development.

7.0 **Appeal Responses**

It appears that the Planning Authority have not submitted a response to the grounds of appeal.

8.0 **Observations**

Two observations were submitted the contents of which are outlined below.

8.1. **Observation from Helen Sullivan of No. 1 Bothaír Stiofáin**

- 8.1.1. The observer states that she lives in a house which backs directly on to the garden of the subject site. It states that presently this garden enjoys total privacy. It is stated that two of the observer's bedrooms are located downstairs and concern is expressed that the proposal will result in a direct view into the bedrooms, at all times.
- 8.1.2. It is also stated that the proposal will have an overbearing impact on the neighbourhood and would create an undesirable precedent. This will also directly negatively impact on the observer's daily standard of living and wellbeing. Photographs are attached illustrating the potential impact. It is inappropriate to cite as precedence neighbouring houses which have windows at first floor level as the houses in question have a different design to the appellant's house. It is suggested that the design changes from the original submission which was refused by the Board are insignificant particularly in relation to the issue of overlooking. The proposal will result in windows directly overlooking the rear garden which did not

exist before. The windows in question did not match the character of the rest of the windows in the surrounding vicinity.

8.2. Observation from Joan Matthews

- 8.2.1. This observer lives in No. 3 Linn Bhuí. It is argued that the proposal in this instance is not a modest alteration. It is argued that the proposal would significantly impact on the character of the area because the layout of the estate is intimate and tightly knitted and therefore more sensitive to changes in design. The proposed development consisting of a large dormer structure projecting from the roof plain is incongruous within this intimate residential setting.
- 8.2.2. Reference is made to the 'South Dublin County House Extension Design Guide' as it is stated there are no such guidelines prepared for Galway City. The former guidelines recommend that in relation to dormer windows large dominant roof extensions and dormer windows that are overscaled in relation to the house should be avoided. It is suggested that the dormer extension is larger than the previous development refused by the Board under 16/134. The gross floorspace of the proposed extension in the current application is 4.5 square metres as opposed to 4 square metres under the previous application. The proposed recessed windows in the dormer extension are not reflective of the character and details of the main house. The proposed extension will not only be visually obtrusive from the rear of surrounding properties in the area but also from the public main road.
- 8.2.3. It is suggested that the recessed windows will not in this instance prevent overlooking of rear gardens. The observer's garden is less than 11 metres from the proposed windows. The proposed extension will have a direct view into the downstairs rear bedroom and this represents a gross invasion of privacy.
- 8.2.4. It is argued that the proposal due to its proximity to the observer's property would have an oppressive and overbearing impact on the rear private garden. The reasoning behind the observer buying the property at No. 3 was because it had such a lovely south facing private garden and was not overlooked. Finally, it is argued that the proposal in this instance has not overcome the reasons and considerations for refusal issued by An Bord Pleanála in its decision under PL61.246914.

9.0 Development Plan Provision

- 9.1. The site is governed by the policies and provisions contained in the Galway City Development Plan 2017 – 2023. The subject site is governed by 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’.
- 9.2. Section 11.3 of the development plan sets out general development standards and guidelines in relation to residential development. The subject site is located in the designated ‘Outer Suburbs’.
- 9.3. In terms of overlooking, it is stated that residential units shall not directly overlook private open space or land with development potential from above ground floor level by less than 11 metres minimum. In the case of developments exceeding two storeys in height, a greater distance than 11 metres may be required depending on specific site characteristics.
- 9.4. In relation to residential extensions, it is stated 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.

10.0 Planning Assessment

I have read the entire contents of the file, have had particular regard to the reason for refusal issued by Galway City Council in respect of the current application and also the decision by the Board in respect of a previous application for a similar type development under PL61.246914. Furthermore, I have visited the site and its surroundings although I was unable to enter the site, or the rear gardens of observers houses in the vicinity of the site. I also have had particular regard to the issues raised in the grounds of appeal and the issues raised in the observations on file. I consider the pertinent issues in determining the current application and appeal before the Board are as follows:

- Visual Amenities and the Impact on the Character of the Area.
- Overlooking.

10.1. Visual Amenities and the Impact on the Character of the Area

- 10.1.1. Under PL61.246914 the Board refused planning permission for a dormer type extension of a similar size and scale to that currently proposed on the grounds that it was visually obtrusive and out of character with the predominant roofscape in the area.
- 10.1.2. The grounds of appeal suggest that the concerns highlighted in the Board's decision have been overcome through the incorporation of the following measures:
- The incorporation of a pitched roof on the extension,
 - a reduction in the window sizes,
 - Incorporating a recess into the windows by 400 metres in order to restrict overlooking.
- 10.1.3. Notwithstanding the changes proposed under the current application, I'm still of the opinion that the overall design of the proposed dormer extension is inappropriate. I consider it to be primarily inappropriate because the excessive size and scale of the dormer structure to the rear of the dwelling. The overall structure is 2½ metres in height and almost 8 metres in length. It cannot be reasonably argued in my opinion that the proposed structure in this instance is visually subordinate in the context of the existing roof profile. The proposed dormer extension is excessive in size and scale and constitutes a visually dominating element to the rear of the dwelling.
- 10.1.4. Furthermore, the hip ends of the dormer extension incorporate a different angle than the half hipped gable ends of the main pitch. This creates a somewhat awkward relationship with the main roof and with the two A shaped hipped roofs of the ground floor extension. It results in my view in a somewhat jarring and confused relationship between the various roof slopes and roof pitches to the rear of the dwellinghouse.
- 10.1.5. The windows are inappropriately spaced within the dormer located at each end leaving a large blank profile at the centre of the proposed extension. While the applicant has reduced the size of the windows in order to reduce the potential for overlooking, it has in my view resulted in a visually inappropriate fenestration arrangement and an inappropriate solid to void ratio in the rear elevation of the dormer. The incorporation and retention of the smaller bathroom window in the centre of the proposed extension is also visually incongruous in my opinion. In

conclusion therefore, I consider the overall design approach to be totally inappropriate in the context of the main dwelling and surrounding dwellings and in this regard would create an undesirable precedent. I also consider that the proposed extension directly contravenes Section 11.3.1(i) of the County Development Plan which states “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”. Having regard to the overall design, scale and bulk I consider that the applicant has not successfully overcome the concerns of the Board in respect of the visually obtrusive nature of the extension.

10.2. **Overlooking**

- 10.2.1. I note that the Board specifically referred to the issue of overlooking in its reason for refusal under PL61.246914. In order to address this issue, the applicant in this instance has proposed to reduce the overall size of the windows and, perhaps more importantly, has sought to recess the windows into the structure in order to reduce the potential for oblique views from the dormer windows in side gardens particularly into the side of garden of No. 3 to the north-east and the adjacent dwelling No. 7 to the south. Notwithstanding these alterations, the proposed windows directly overlook the house to the immediate east - No. 1 Bothaír Stiofaín. The windows in this instance also introduce an element of overlooking at first floor level into the rear garden of No. 1 Bothaír Stiofaín which heretofore did not exist as the bathroom window at first floor level incorporates obscure glazing.
- 10.2.2. Notwithstanding the above point, I note that the separation distance between the rear elevation of No. 1 Bothaír Stiofaín and the proposed dormer windows is in excess of 26 metres which is beyond the traditional 22 metre separation distance which is deemed to be adequate for opposing first floor windows. I would be reluctant to refuse planning permission specifically in relation to the issue of overlooking of the rear garden of No. 1 Bothaír Stiofaín as this would in my view prohibit the potential of any development at first floor level incorporating windows in the rear elevation. I consider that adequate separation distances exist between the dwellings in question to ensure that development could possibly take place at first floor level while complying with the traditional separation distance of 22 metres which is referred to in the Guidelines for Planning Authority on Sustainable Residential Development in Urban Areas.

10.2.3. The observation submitted also makes reference to the overbearing nature of the proposed development. While I have argued above that the proposed extension because of its size and scale is visually inappropriate, I do not consider that it can be reasonably argued that the proposal results in a development which is overbearing in the context of surrounding development. The proposed extension does not extend the footprint of the building nor does it raise the overall height of the building. While it is in my opinion, a visually incongruous insertion within the rear pitch of the dwelling, it does not result in a structure that would have a detrimental impact or indeed significant impact in terms of being overbearing due to excessive height and scale. The proposed extension is 3 metres in height and does not break the ridgeline of the existing dwellinghouse. Furthermore, it is located in excess of 15 metres from the residential dwellings to the north and east. The overall extension proposes to increase the floor area of the dwelling by a mere 4.5 metres. For these reasons I do not consider that the proposed dormer extension to the rear of the dwelling will have a visually overbearing or over dominant impact on surrounding residences.

11.0 Conclusions and Recommendation

Arising from my assessment above I consider the proposed development to be contrary to the proper planning and sustainable development of the area and I therefore recommend that the decision of Galway City Council in this instance be upheld.

12.0 Appropriate Assessment

Having regard to the nature and scale of the proposed development and nature of the receiving environment together with the proximity to the nearest European site, 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.

13.0 Decision

Refuse planning permission based on the reasons and considerations set out below.

14.0 Reasons and Considerations

1. It is considered that the proposed development would seriously injure the visual amenities of the area by reason of the size and scale of the dormer element projecting from the rear roofplain and would be visually obtrusive and out of character with the predominant roofscapes in the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Paul Caprani,
Senior Planning Inspector.

13th March, 2018.