



An  
Bord  
Pleanála

## Inspector's Report ABP-300137-17

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<b>Development</b>	Retention of changes to a garage and extension currently under construction for dwelling granted permission under Reg Ref 08/152.
<b>Location</b>	Annagh East, Co. Galway
<b>Planning Authority</b>	Galway County Council
<b>Planning Authority Reg. Ref.</b>	17/1233
<b>Applicant(s)</b>	John Mc Guire.
<b>Type of Application</b>	Retention
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Derek Walsh
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	07 <sup>th</sup> of February 2018.
<b>Inspector</b>	Karen Hamilton

## 1.0 Site Location and Description

1.1. The subject site contains a large one-off rural dwelling, located along a small access laneway, south-east of the L-2117 County Galway. The subject site is central in a row of five one-off rural dwellings which is a characteristic of the surrounding area. The site contains a bungalow style dwelling, private laneway, large front and rear gardens and construction for a rear two storey extension to the rear, granted under Reg Ref 08/152 has been stopped. There is a large storey and garage along the eastern boundary.

## 2.0 Proposed Development

2.1. The proposed development is for retention of the following:

- Elevation changes to the rear of a dwelling:
  - Large window to the rear of the first floor extension ( south),
  - Ground floor rear (south east) the double doors have been changed into a large window,
  - Change in the position of the windows along the north-east elevation which include a dormer.
- First floor of a garage (60m<sup>2</sup>) and elevation changes.

## 3.0 Planning Authority Decision

### 3.1. Decision

Decision to grant permission subject to 7 no conditions of which the following are of note:

C 2- No permission shall be granted or implied for the dormer to the north east elevation of the domestic extension and the applicant shall submit details of the removal and replacement with a Velux window, and amended drawings with 8 weeks of the grant of permission.

C 3- No permission shall be granted or implied for the first floor windows on the front and rear of the garage and the applicant shall submit amended drawings with a timeline indicating the removal of these windows.

C 4- The garage shall only be incidental to the enjoyment of the dwelling.

C 5- The upper floor Velux windows (as per condition no 2) on the north east elevation shall be obscure glazing.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The report of the area planner reflects the decision to grant permission for the proposed development and refers to the following:

- Based on the scale and use of the proposed garage, which differs on site to the submitted drawings, there is concern the garage will be used as a small residential unit.

#### **3.2.2. Other Technical Reports**

No reports.

### **3.3. Prescribed Bodies**

None requested.

### **3.4. Third Party Observations**

One submission was received from the resident of the adjoining property and the issues raised are summarised in the grounds of appeal.

## **4.0 Planning History**

### **Reg Ref 13/389**

Extension of duration of Permission granted for changes to garage and extension currently under construction as previously granted under 08/152 until 09<sup>th</sup> of June 2018.

## **Reg Ref 08/152**

Permission granted for construction of a two storey extension to the rear of an existing dwelling house, construction of a domestic garage, a front porch and replace an existing septic tank with effluent treatment system and polishing filter and condition No 8 required the bathroom window (dormer) along the north-eastern boundary to be fitted with frosted glass only.

## **5.0 Policy Context**

### **5.1. Galway County Development Plan 2015-2021**

The site is located in a Class 4 (Special) designated rural landscape with the townland of An tEanach Thoir.

#### **DM Standard 6: Assimilation of Development into Landscape**

Development should be sensitive to the site and the surrounding character of the area.

### **5.2. Natural Heritage Designations**

The site is located c 200m south east of the Lough Corrib SAC and Lough Corrib SPA.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The grounds of appeal are submitted from the resident of the property adjoining the site and the issues raised are summarised below:

- There are a significant amount of omissions and inaccuracies on the submitted drawings which does not show the full extent of the works.
- There is a structural steel frame constructed and connected to the south east elevation which will be used as a balcony which will have a significant impact

on the residential amenity. The response to the further information request states that it will be a pergola, which is incorrect.

- The drawings indicate a window on the south east elevation although this will clearly be a door to give access to the balcony
- There is an existing glazed patio door which overlooks the adjoining property which has not been indicated on the drawings and not referred to in the planner's assessment.
- The drawings do not illustrate the first floor of the garage which is an additional 60m<sup>2</sup>.
- The planner requested the removal of the first floor of the garage which was overruled by the Senior Planner.
- The application for retention fails to address condition No 5 of the original permission requiring the treatment system to comply with the EPA Standards and the proposed development will lead to water pollution.

## 6.2. Applicant Response

A response from an agent on behalf of the applicant has been submitted and is summarised below.

- The proposed structure to the rear is for a pergola and not a balcony as suggested.
- The first floor window was considered by the planner and it is argued that it is smaller than the original granted under 08/152.
- The submission refers to a patio door not shown on the drawings which form part of the original dwelling in 2002 which is shown on an updated drawing as part of the submission to the Board.
- The intermediate floor in the garage is used for storage and a children's play area and not habitable space as suggested.
- There is no overlooking onto any properties
- The submitted planning application is to regularise the works undertaken.

- It is requested the conditions of the planning authority are reconsidered by the Board in particular the removal of the dormer window which serves a bathroom and those windows to the front and rear of the garage as they do not cause any overlooking.

### 6.3. **Planning Authority Response**

None received.

### 6.4. **Observations**

None received.

## 7.0 **Assessment**

7.1. The main issues of the appeal can be dealt with under the following headings:

- Impact on Residential and Visual Amenity
- Appropriate Assessment

### **Impact on Residential and Visual Amenity**

7.2. The proposed development is for the retention and completion of changes to a rear two storey extension and a garage granted under a previous permission 08/152 which received an extension of duration (Reg Ref 13/389) until June 2018. The grounds of appeal consider the proposed changes will have a negative impact on the residential amenity of the adjoining properties.

7.3. Rear extension: The previous permission (08/152) included a two storey rear extension (c. 110m<sup>2</sup>) and a single storey garage (c 60m<sup>2</sup>). The two storey extension is the same floor area as previously granted and changes include alterations to the size of the windows on the ground floor along the east and west to accommodate larger windows. The window to the rear, south, of the ground floor is to be replaced with double doors. The two rear windows on the first floor, south, are changed for one larger window.

7.4. The alterations to the ground floor are not visible from the front of the existing dwelling or the adjoining dwellings and are in keeping with the overall design of the

dwelling and I do not consider they will have a negative impact on the residential or visual amenity of the surrounding area.

- 7.5. The grounds of appeal are concerned the first floor rear window will be converted to a door for access to a balcony over an additional ground floor extension. I note there is additional block and steel work on site as part of the works which are not included on the submitted plans, the applicant states it will be a pergola on completion. Based on the orientation of the proposed first floor window, south, I do not consider there would be any overlooking onto the adjoining properties although I do consider a balcony would have a detrimental impact on the residential amenity of that property to the south west. I consider a condition restricting the inclusion of a door and use of the first floor as a balcony would prevent any negative impact on the adjoining property.
- 7.6. Garage: The garage permitted in Reg Ref 08/152 was single storey and c 60m<sup>2</sup>. The garage as constructed is c. 132m<sup>2</sup> and is a storey and half. The grounds of appeal refer to the condition on the initial planners report requesting the removal of the first floor of the garage which was removed prior to the Final Decision.
- 7.7. The site is 0.23 hectares with large front and rear gardens. The additional floor space will be used for storage/ playroom and Condition no 4 required the use to be incidental to the enjoyment of the dwelling, which I consider reasonable. The additional changes to the first floor include a large window to the front, north west, and rear, south east. The garage is located c 16m south west of an adjoining property and will not cause any overlooking and there are no dwellings to the rear, south east of the site. The additional height for the first floor garage (c.0.5m) will not cause any overbearing on the adjoining property and I do not consider the garage has a negative visual impact on the surrounding area.
- 7.8. Therefore, having regard to the size of the site and the rural characteristics of the area, the use of the garage and the distance from any adjoining properties, I do not consider the garage would have any negative impact on the amenities of the residents of the adjoining properties or a negative visual impact on the surrounding area.

## **Appropriate Assessment**

7.9. The site is located 200m from the edge of the Lough Corrib SAC (00297) and Lough Corrib SPA (004042) of which many of the features of interest are linked to good water quality. The proposed development includes the retention changes to a previously permitted two storey rear extension and garage, permission for an upgrade of the waste water treatment system was granted under the previous permission Reg Ref 08/152, which I consider reasonable. Therefore, having regard to the nature and scale of the proposed development, the conservation objectives of and distance from the European sites, it is reasonable to conclude that 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 the conservation objectives of any European site.

## **8.0 Recommendation**

8.1. I recommend that planning permission should be granted, subject to conditions, as set out below.

## **9.0 Reasons and Considerations**

Having regard to the size, location and design of the proposed development, the previous grant of permission, the size and location of the site and the policies and objective of the Galway County Development Plan 2015-2021, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the residential or visual amenities of those residents in the existing or the adjoining dwellings. 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 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 out in accordance with the agreed particulars.

**Reason:** In the interest of clarity

2. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted under planning register reference number 08/152, and any agreements entered into thereunder.

**Reason:** In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. The dormer window on the eastern elevation shall be glazed with obscure glass.

**Reason:** To prevent overlooking of adjoining residential property

4. The external finishes of the proposed extension, including roof tiles/slates, shall be the same as those of the existing dwelling in respect of colour and texture.

**Reason:** In the interest of visual amenity

5. The proposed window on the first floor southern elevation shall not include or be used as a door for any purpose. There shall be no access onto the roof of any rear extension or permission for a rear balcony.

**Reason:** To prevent overlooking of adjoining residential property

6. The garage shall be used solely for the purposes incidental to the enjoyment of the dwelling and shall not be used for habitable purposes,

housing of animals or commercial purposes. The existing dwelling and garage shall be jointly occupied as a single residential unit and 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.

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Karen Hamilton  
Planning Inspector

12<sup>th</sup> of February 2018