



An  
Bord  
Pleanála

## Inspector's Report ABP 300577-18

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<b>Development</b>	Dwelling, entrance and associated site development and services work
<b>Location</b>	Site adjacent to No 56 Maunsells Park, Maunsells Road, Galway.
<b>Planning Authority</b>	Galway City Council
<b>P. A. Reg. Ref.</b>	17/282
<b>Applicant</b>	Peter Coyne and Laura Burke.
<b>Type of Application</b>	Permission
<b>Decision</b>	Refuse Permission.
<b>Type of Appeal</b>	First Party X Decision to Refuse
<b>Appellant</b>	Peter Coyne and Laura Burke.
<b>Observer</b>	<a href="#">Click here to enter text.</a>
<b>Date of Site Inspection</b>	17 <sup>th</sup> April, 2018
<b>Inspector</b>	Jane Dennehy

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## **1.0 Site Location and Description**

1.1. The site has a stated area of 237 square metres and formed from the side garden of a large detached two storey house on the west side of Maunsells Park, a residential development on the west side of Maunsells Road. It is a narrow strip of land with a depth of thirty-two metres and a width of seven metres according to the lodged plans. To the south side is the public open space serving Ard Na Coille, a *cul de sac* residential development that is accessed through Maunsells Park. Residential development in Beechmount and Cedarwood and Rivendell are located to the west and south west side.

## **2.0 Proposed Development**

2.1. The application lodged with the planning authority indicates proposals for construction of a detached dwelling with a stated floor area of 160.4 square metres on the site. The proposed internal habitable accommodation is provided at basement level, ground floor level and at attic level. The footprint at ground level over a semi basement level indicated on the site layout plan provides a depth of seventeen metres and a width of five metres inclusive of a covered deck. A steeply sloped roof with a high ridge at 7.4 metres and low eaves height is indicated along with a finished floor level which is the same as the level of the existing house and similar roof ridge heights is also indicated. One on site car space is to be provided to the front and a small rear garden is to be provided at the rear A shadow study is included with the application.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

By order dated, 30<sup>th</sup> November, 2017, the planning authority decided to refuse permission on grounds that the proposed development in design is incompatible with the established pattern and symmetry of development, is seriously injurious to residential amenities, depreciates property values and, is in contravention of the

policies and standards for areas within “Established Suburbs” as set out in section 2.6 of the Galway City Development Plan, 2017-2023 and the requirement within section 8.7 for good urban design and reinforcement of the distinctive character of the city with a high quality built environment, good placemaking and sustainable neighbourhoods.

## **Planning Authority Reports**

### **Planning Reports**

- 3.1.1. The planning officer in his report notes the established design characteristics of the development in the area and considers the proposed development with a blank front facing gable and ‘non-standard’ roof profile and multiplicity of windows at two levels is incompatible with scale and proportions of the building in the immediate city. He considers that the proposed development erodes the distinctive character by unsympathetic design. He concludes that the proposed development is therefore contrary to the development plan policy objectives which are referred to in the Reason attached to the decision to refuse permission.

### **Other Technical Reports**

- 3.1.2. The report of Irish Water indicates that the proposed development may impinge on Irish Water assets or the area around them.

### **Third Party Observations**

- 3.1.3. Objections lodged with the planning authority indicated concerns as to adverse impact on residential and visual amenities and established character of the area, traffic generation and demand for parking in the area, obstruction and hazard on the public road close to the entrances to the existing and proposed dwellings and loss of trees and vegetation.

## **4.0 Planning History**

**P. A. Reg. Ref 08/132:** Permission was previously granted for a house, new entrance and associated site development and services work on the application site. An extension to the duration of the grant of permission was authorised under P. A. Reg. Ref. 13/56. Development on foot of the grant of permission under P. A. Reg.

Ref. 08/132 was not commenced. Permission for the formation of the site by way of subdivision of the gardens of the existing dwelling was granted under P. A. Reg. Ref. 08/109.

**P. A. Reg. Ref. 08/378/PL 61. 230589:** The planning authority decision to refuse Permission for alterations to and changes to the permitted development to increasing the floor level from 109 to 140 square metres and including two additional attic level bedrooms, a raised ridge level with Velux and gable windows at attic level was upheld following appeal.

- 4.1. Prior successful applications of a minor nature relating to the existing dwelling under, P. A. Reg. Ref. 07/756, P. A. Reg. Ref. 01/212 and, P. A. Reg. Ref. 92/241 are noted in the planning officer report.

## 5.0 Policy Context

### 5.1. Development Plan

The operative development plan is the Galway City Development Plan, 2017-2023 according to which the site is in a location subject to the zoning objective: “R: *To provide for residential development and for associated support development, which ensure protection of existing residential amenity and contributes to sustainable residential neighbourhoods.*”

The location also comes within the “*Established Suburbs*” in which, according to section 2.6 infill development should have regard to the existing fabric and layout and to the scale and proportions of buildings, building lines, massing and heights.

Section 8.7 provides for achievement of good urban design.

Development Management standards and guidance are set out in chapter 11.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. An appeal was received from Brendan McGrath and Associates on behalf of the applicants on 3<sup>rd</sup> January, 2018. Attached in appendices are a statement on design rationale by John O'Reilly, Architect, drawings and photographs.

6.1.2. According to the Appeal, the decision to refuse permission is solely related to design issues which are addressed in the design related appendices. It is submitted that:

- The principle of subdivision of the site and for construction of a detached house on the site and connections to services in the road to the front has been established and is not at issue. (P. A. Reg. Refs. 03/132 and 08/109 refer.) The three-bedroom house is contemporary in design and the footprint is similar to the previously permitted two-bedroom house.
- There is a clear case for additional development in established suburbs and the current proposal is consistent with the design policy in Section 2.6 of the development plan. It has close relationship to the physical fabric of Maunsells Park in respecting the building lines and heights and design. It respects physical parameters although of different appearance to the previously permitted design.
- With regard to Section 8.7 of the development plan, the Taylor's Hill is not a regeneration area although the policy statement as to good urban design has a wider application. The proposed development is entirely consistent with the design in approach and philosophy of the development plan in section 8.7 of which there are references to the Urban Design Manual and other guidance documents. The rationale for refusal in the reasoning with regard to the development plan is lacking.
- Two of the twelve criteria in the Urban Design Manual, (context and distinctiveness) are cited in the reason for the decision to refuse permission.
- With regard to context the degree of uniformity in Maunsells Park was exaggerated in the planning authority decision. At Taylors Hill there is a level of uniformity in house type and style but varied topography, dense vegetation

cover and an irregular road pattern. The proposed contemporary design enhances the streetscape and addresses the park at the boundary enlivening views and access from the south which is in marked contrast the existing situation (Photo 2 appendix 2 refers.)

- With regard to distinctiveness, the area is not an Architectural Conservation Area with a distinct historic fabric. The view in the planning officer report as to erosion of distinctive character of the area, a residential suburb is inappropriate. Distinctiveness is addressed from a broader perspective in the Urban Design Manual and refers to a positive addition to the locality and making the most of opportunities of the existing buildings landscapes creating a memorably layout and successful exploitation of views into an out of the site.
- The physical parameters of the layout of the estate are respected in the application with the striking contemporary design which accentuates the distinctive character of Maunsells Park, Rivendell and Ard No Coille which are clustered around the open space.
- With regard to public realm and detailed design, as provided for in the Urban Design Manual, in contrast to the planning officer view as to negativity, the proposed design optimises the southerly aspect of the site in creating the strong relationship between the house and adjacent park. (Photos on Page 8 of Appendix 2 refer.)
- In the concluding remarks it is submitted that there is scope for high quality bespoke design solutions for infill in established suburbs as part of the natural evolution of house design in a city.

6.1.3. According to the accompanying submission of Mr. O'Reilly the proposed development accords with the policy and objectives of section 2.6 and section 8.7 of the Galway City Development plan 2017-2023. It is stated that:

- The internal living accommodation is at a raised half level with glazing to the south because there is severe overshadowing by trees and planting. It will provide a view over the trees to the open space The front elevation is discrete whereas the “park-side elevation is obscured by the heavy panting on the boundary.

- The building lines, ridge height and front rooflines of No. 56 Maunsells Park are followed and permission was previously granted for a similar footprint. (P. A. Reg. Refs. 13/56 and 08/132 refer.)
- There are houses of various sizes and styles and with varying materials and finishes in Maunsells Park and the proposed house is a modest sized addition which is retrained with a smooth plaster finish and dark grey zinc roof.

## 6.2. Planning Authority Response

There is no submission from the planning authority on file.

## 7.0 Assessment

7.1. It is acknowledged that there have been prior grants of permission for subdivision of the site of the original dwelling and, for a detached dwelling on the appeal site although no dwelling has been constructed. The policies and objectives within the current development plan, adopted in 2017 do not indicate any reasoning for a departure, in principle from this position of acceptance of an additional dwelling on the site as formed by way of the previously permitted subdivision.

7.2. It is therefore agreed with the applicant's agent that the issues central to the determination of a decision regarding the current proposal are confined to design issues because the reasoning provided by the planning authority for the decision to refuse permission relates to the proposed design, profile, mass and form. However, these issues are considered below followed by comments on issues relating to traffic congestion and parking which were raised in the third-party observations submitted to the planning authority at application stage.

### **Design, Profile and Massing**

7.3. The site location is slightly elevated above the level of the open space to the south which it overlooks. At present the existing development, positioned inside the boundary hedge and trees is not overly dominant and is compatible with the parkland which it overlooks and, the surrounding development. It would be essential that any new development, irrespective of the design and materials and finishes, is inconspicuous and low profile so that the amenities and features of the open space,



which has a high-quality parkland setting with several mature trees as the central and prominent element of the residential estate is not detracted from and undermined. It should be noted in this regard, that in principle there is no objection in principle to consideration of a complementary contemporary design.

- 7.4. Development within St Maunsells Park and the adjoining developments surrounding the parkland is recognisably homogenous in characteristics while allowing for some variation in individual features and materials.
- 7.5. There is no objection to the proposed footprint, (at ground level) although due to the confined nature of the site it would be recommended, should permission be granted, that exempt development entitlements be removed by condition should development with a similar footprint be permitted.
- 7.6. There is no objection in principle to use of high quality materials and finishes and high quality contemporary design, provided that at minimum satisfactory integration into the existing residential estate can be achieved. Ideally an improvement or enhancement would be desired, having regard to the provisions of section 2.6 for “Established Suburbs” of the development plan and other provisions referred to in the documentation available in connection with the application and the appeal.
- 7.7. The current proposal is for a dwelling with habitable accommodation at three levels, the lowest level being semi basement level and the top level being semi attic/dormer in which the applicant’s accommodation requirements are provided for with a roof ridge height that does not exceed the ridge height of the existing adjoining dwelling. However, the south facing, steeply sloped roof profile is very considerable in bulk and mass. It is therefore visually dominant and conspicuous and, does not satisfactorily integrate with or enhance the lower lying parkland setting or existing surrounding development. Instead, it is intrusive and incompatible and it detracts from the parkland setting and the established, relatively homogenous established streetscape character within the existing development. Furthermore, the distribution and variation in glazing especially above the eaves exacerbates the visual dominance and obtrusiveness. It would be inappropriate to place reliance on the trees and vegetation and supplementary screen planting as an ameliorative measure, although it is agreed that the visual impact would be softened somewhat by the existing boundary treatment. It is considered that there is no scope for minor

modifications that would address these concerns which could appropriately be addressed by condition

7.8. Separately, it is considered that the massing, steep roof profile, extent of glazing to the rear façade and the decking would be seriously injurious in impact on the residential amenities of No 4 Rivendell and to a lesser extent Nos 1-3 due to the proximity of the somewhat dominant structure, creation of sense of enclosure and perceptions of overlooking.

7.9. There is no objection to the front elevation, contrary to the view of the planning officer, subject to the materials and finishes being satisfactory. If permission is granted, it is considered that a condition should be attached with a requirement for a compliance submission, to include so as to ensure satisfactorily assimilation into the streetscape especially with regard to the proposed zinc roof.

#### **7.10. Traffic Congestion and Parking**

7.10.1. It has been noted that issues relating to traffic congestion, hazard near the vehicular entrance and excessive demand for parking have been raised as a major objection within the submissions lodged by third parties with the planning authority at application stage. However, further to the site inspection and consideration of the nature of the proposed development, that is a single dwelling unit with one surface level off street car parking space it is not accepted that there is any substantive evidence to support these claims. It is considered that the proposed development does not give rise to concerns as to obstruction, congestion and, hazardous conditions attributable to use of the entrance and demand for on street parking by future occupants and visitors to the proposed development.

#### **7.11. Appropriate Assessment.**

7.12. Having regard to the location of the proposed development which is for a single dwelling unit adjacent to existing residential development on zoned lands in an area which is serviced. it is considered that no appropriate assessment issues arise. The proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 8.0 Recommendation

- 8.1. In conclusion, while it is considered that the site has capacity to accept a modest, low profile detached dwelling it is recommended that the planning authority decision to refuse permission for the current proposal be upheld on the basis of the draft Reasons and Considerations which follow:

## 9.0 Reasons and Considerations

The site of the proposed development which is located within “*Established Suburbs*” according to the Galway City Development Plan, 2017-2023 is in a mature residential area in Taylors Hill and it overlooks a centrally located parkland surrounded by established residential development. It is considered that the proposed development, by reason of significant massing and the prominent steep roof profile between the ridge to eaves especially to the south, overlooking the parkland below, and, in addition, the extent and distribution of fenestration especially above the eaves, the proposed development would be visually obtrusive and conspicuous, dominant and overbearing and would seriously injure the visual amenities of views across and, from the parkland setting as a result of which it would be out of character and incompatible with the existing established pattern of development in the area. Furthermore, the proposed development, due to the proximity, massing and extent of glazing facing west would give rise to overbearing impact, sense of enclosure and sense overlooking resulting in serious injury to the residential amenities to the adjoining property at No 1 Rivendell.

The proposed development would therefore be contrary to the provisions of section 2.6 the Galway City Development Plan 2017-2023 according to which new development proposals for infill in “*Established Suburbs*” should have regard to the existing pattern of development plots blocks, streets and spaces to the scale and proportion of existing buildings, building lines, massing and height of buildings in relation to the street and would be contrary to the development objective: “R” which provides for residential development which ensures protection of existing residential amenities and contribute to sustainable residential neighbourhoods and the would seriously injures the residential amenities of adjoining properties. The proposed

development would therefore be contrary to the proper planning and sustainable development of the area.

**Jane Dennehy**  
**Senior Planning Inspector**  
**23rd April, 2018.**