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Bord  
Pleanála

## Inspector's Report ABP 301649-18.

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<b>Development</b>	A front porch extension and associated site works.
<b>Location</b>	42 Devon Park, Salthill, Co. Galway.
<b>Planning Authority</b>	Galway City Council.
<b>P. A. Reg. Ref.</b>	18/57.
<b>Applicant.</b>	Brendan O'Gorman and Sine Phelan
<b>Type of Application</b>	Permission.
<b>Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party X Refusal
<b>Appellant.</b>	Brendan O'Gorman and Sine Phelan.
<b>Observer</b>	Ger. and Nessa O'Regan
<b>Date of Inspection</b>	24 <sup>th</sup> July, 2018
<b>Inspector</b>	Jane Dennehy

## Contents

1.0 Site Location and Description .....	3
2.0 Proposed Development .....	3
3.0 Planning Authority Decision .....	3
3.1. Decision .....	3
3.2. Planning Authority Reports .....	4
3.3. Prescribed Bodies .....	<b>Error! Bookmark not defined.</b>
3.4. Third Party Observations .....	4
4.0 Planning History.....	4
5.0 Policy Context.....	5
5.1. Development Plan.....	5
5.2. Natural Heritage Designations .....	<b>Error! Bookmark not defined.</b>
6.0 The Appeal .....	5
6.1. Grounds of Appeal .....	5
6.2. Applicant Response .....	<b>Error! Bookmark not defined.</b>
6.3. Planning Authority Response .....	6
6.4. Observations .....	6
6.5. Further Responses.....	<b>Error! Bookmark not defined.</b>
7.0 Assessment.....	7
8.0 Recommendation.....	8
9.0 Reasons and Considerations.....	9
10.0 Conditions .....	<b>Error! Bookmark not defined.</b>

## **1.0 Site Location and Description**

1.1. The site which has a stated area of 395 square metres is that of one of a pair of semi-detached houses on the east side of Devon Park in Salthill which rises upslope in a north westerly direction from Lower Salthill. Most of the houses on the east side of Devon Park are in semi-detached pairs which although relatively homogenous, are not identical pairs, allowing for some variation in design detail and variation in the streetscape. The front elevations of the pair of houses at No 42 and 44 have matching projecting elements above the eaves which are conjoined at a half hip level at the centre with each house also having a niche at the entrance within which the front doors are setback from the front building line. The finished floor level is raised at No 42, to match that of the adjoining house at No 44 and to facilitate the shared and matching front elevation and roof profiles.

## **2.0 Proposed Development**

2.1. The application lodged with the planning authority indicates proposals for a single storey front porch extension 3000 m wide x 2000 m deep with an additional small projection. Internally, provision is made for a small WC which extends into the projection. The porch extension which include space which is within a niche in front of the entrance door to the house and an additional pitched roof is to be erected to the front. The application includes alterations to the ground levels at the front to facilitate access directly to the front in replacement of some steps at the side. NO 42 the house subject of the application has been altered and extended at the rear and with a setback projection to the side.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

By order dated, 23<sup>rd</sup> April, 2018 the planning authority decided to refuse permission on the basis of the reason quoted in full below.

*“The proposed porch extension to the front of the house would be out of character with the prevailing pattern and architecturally (stet) symmetry of residential development in the vicinity of the site, seriously detracting from the form and character of the existing pair of semi-detached dwellings, and if permitted, would impact on the overall character and visual amenity of the streetscape in this location. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.”*

## 3.2. Planning Authority Reports

### 3.2.1. Planning Report

The planning officer in his report note the planning history and in particular the observations on the reports of the Inspectors on the previous proposals. He considers these concerns are not addressed in the current proposal, that the dwelling and its setting and character within the semi-detached pair would be affected and that permission should be refused for the reasoning which is quoted in full above in section 3.1.

## 3.3. Third Party Observations

An observer submission was received from who have also submitted an observation of the appeal. (see para. 6.3 below.) According to the submission the proposed porch would alter the streetscape. Reference is made to the planning history.

## 4.0 Planning History

**P. A. Reg. Ref 13/249/ PL 243260:** The planning authority decided to grant permission for a rear extension and two storey porch structure at No 42 Devon Park. Following third party appeal Permission was refused for the rear extension due to serious injury to the residential amenities of No 44 Devon Park for reasons of visual intrusion overbearing and overshadowing impact due to scale, length and, in particular the height of the ground floor extension. There was no stated objection to the proposed porch extension the proposal for which was scaled back in the subsequent, different application.

**P. A. Reg. Ref. 16/225/PL 247451:** The decision to grant permission for retention of reconfiguration of a side elevation window, demolition of a garage and chimney stack and permission for a new extension to the front and rear, including new roof window to the side and front of the house, a new gate and site works and change to site levels was upheld following appeal. The proposed porch extension was excluded under Condition No 2 for reasoning relating to visual amenity.

## 5.0 Policy Context

### Development Plan

- 5.1. The operative development plan is the Galway City Development Plan, 2017-2023, (CDP) brought into effect in January, 2017. The site is subject to 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.*

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- 6.1.1. An appeal was received from Scott Tallon Walker on behalf of the applicant on 21<sup>st</sup> May, 2018 which includes some photographs and in which it is stated that the applicant party are residing as tenants at No 7 Lower Canal Road, Galway. According to the appeal there is the following planning background which has led to the current application and appeal.
- Insufficient consideration was given by the planning authority to the true context of the streetscape of Devon Park. The two houses in the pair of semi-detached houses are not identical. No 42 is downslope from No 44 and has a semi basement level and steps. There are no similar houses of pairs of houses on the street with there being many examples of different pairs of houses and detached houses. Permission has been granted for a one-off house on the same side of the road at No 32 Devon Park under P. A. Reg. Ref. 13209.

- The planning authority decided to grant permission for a rear extension and two storey porch structure at No 42 under P. A. Reg. Ref. 13/249. It was appealed (under PL 243260) following which amendments were recommended by the inspector in his report but it was decided to refuse permission for the rear extension due to height. The design as subsequently altered to reduce the length and scale and to adjust the roofscape. There was no objection to the proposed porch extension it was scaled back in the subsequent, different application.
- Following the third-party appeal against the decision to grant permission for the second proposal under P. A. Ref. Ref. 16/225 the planning authority decision to grant permission was upheld but the porch extension was excluded under Condition No 2 for reasoning relating to visual amenity.
- The current application was therefore made because the planning authority advised that an exempt development porch cannot proceed on account of the planning history. This led to the current proposal for a porch which is significantly different in design from the previous proposals.
- The decision to refuse permission is not accepted because the house is not a protected structure, Devon Park is not an Architectural Conservation Area and because the other pairs of houses on the street are in different designs to each other and are not viewed as matching pairs as many of them have had significant alterations to the front and side.

## **6.2. Planning Authority Response**

- 6.2.1. There is no submission from the planning authority on file

## **6.3. Observations**

- 6.3.1. A submission was received from Ger. and Nessa O'Regan of Skeaghbeg, Headford on 8<sup>th</sup> June, 2018 along with a copy of the appeal prepared by prepared by Scott Tallon Walker on behalf of the applicant, dated 18<sup>th</sup> May, 2018, and copies of An Bord Pleanala Orders and extracts from Inspector reports on which some extracts are highlighted.

6.3.2. It is stated that similar applications for porch development were lodged with the planning authority under P. A. Reg. Ref. 13/249 and under P. A. Reg. Ref. 16/225 which were subject to appeals.

6.3.3. According to the submission prepared by the Observer Party:

- The proposed porch does not allow for disabled access as contended by the applicant's architect because the plans indicate nine steps to the front door, changes in levels at the front of the house and, there are no references to toilet facilities at ground floor level. A suitable location would be at the side of the rear entrance which would minimise the steps required. A large extension at ground floor level was completed in early 2018 and disabled access should have been incorporated.
- Reference is also made to developments considered under PL 247451 and 243260. Direct quotations are included in the submission to support the observer party's view that the current proposal would alter the streetscape which has been described as "unique" and comprising eight pairs of semi-detached houses, none of which have been altered with a protruding porch.

## 7.0 Assessment

7.1. The claim in the appeal that the properties within the streetscape on the north east side of Devon Park within which the application site is located have variation, including some variation on the features and detail within some of the semi-detached pairs is appreciated. In the case of No. 42 the application site property and the adjoining property at No 44, owing to the variation in ground level, No. 42 has a greater number of steps to the entrance to provide for identical finished floor levels within the two properties. There is some semi basement level accommodation at No 42 although details are not available with the application. Furthermore, a rear extension with a side projecting rear side and alterations have been implemented at No 42.

7.2. Of primary significance and interest to the pair of semi-detached houses in the streetscape is the front projecting element above the eaves and ridge heights are identical and in which there is a niche at entrance level with a slightly curved feature overhead in which the front entrance doors are recessed. Although there is some

variation in the features in the streetscape and, within the pairs of houses particularly with regard to the hipped roof elements and bay windows at ground and first floor levels at some houses, there are no porch extensions at ground floor level which are forward of the front building line of the original houses. Nos 42 and 44 do not have projecting bay elements to the front façade, have strong symmetry and the niches entrances are features of particular interest in this pair of dwellings.

- 7.3. The proposed development which constitutes a porch extension, alterations to the ground levels and not least a pitched roof significantly alters the design concept and interest of the front facades of the pair of dwellings and radically erodes their symmetry. It is considered visually dominant and intrusive and as a result seriously injurious to the design characteristics and features that contribute to the integrity of the pair of semi-detached dwellings in the streetscape. It is visually obtrusive and out of character with the overall streetscape setting in which the ground floor entrance level details are low profile and which direct interests to the roof profiles and form above the ground floor levels. It is therefore considered that the planning authority decision should be upheld and draft reasons and considerations to support a decision to refuse permission are set out below.

#### 7.4. **Appropriate Assessment.**

- 7.4.1. Having regard to the scale and nature of the proposed development and to the serviced central business district location, 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 view of the foregoing, it is recommended that the decision of the planning authority to grant permission be upheld and that the appeal be rejected. Draft Reasons and Considerations and Conditions follow:



## 9.0 Reasons and Considerations

- 9.1. The proposed porch extension, having regard in particular to the proposed replacement and extension to the existing niche in which the front entrance is located within a projecting element beneath a new pitched roof and forward of the front building line of the existing pair of semi-detached houses would be visually obtrusive, out of character with and, seriously injurious to the symmetry and integrity of the existing pair of semi-detached dwellings particularly the upper façade hipped roof profile and adjoining partial hipped profile at the front above ground floor level. As a result, the proposed development would seriously injure the visual and residential amenities of the existing pair of houses and residential property in the vicinity. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

**Jane Dennehy**  
Senior Planning Inspector  
20<sup>th</sup> August, 2018.