



An
Bord
Pleanála

Inspector's Report ABP301894-18

Development	Permission to erect a car port structure to front and side of existing dwelling.
Location	53 Hazelwood Grove, Taylor's Hill, Galway.
Planning Authority	Galway City Council.
Planning Authority Reg. Ref.	18/106.
Applicants	Terry and Ela Lydon.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party -v- Refusal.
Appellants	Terry and Ela Lydon.
Observers	None.
Date of Site Inspection	18 th September, 2018.
Inspector	Paul Caprani.

Contents

1.0 Introduction	3
2.0 Site Location and Description	3
3.0 Proposed Development	3
4.0 Planning Authority's Decision	4
5.0 Planning History.....	5
6.0 The Appeal	5
7.0 Galway City Council's Response to the Grounds of Appeal	6
8.0 Development Plan Provision.....	7
9.0 Planning Assessment	7
10.0 Appropriate Assessment	10
11.0 EIA Screening Determination	10
12.0 Conclusions and Recommendation.....	10
13.0 Decision	10
14.0 Reasons and Considerations	10
15.0 Conditions	11

1.0 Introduction

ABP301894-18 relates to a first party appeal against the decision of Galway City Council to issue notification to refuse planning permission for the erection of a single-storey car port structure to the front and side of an existing dwellinghouse No. 53 Hazelwood Grove, Taylors Hill, County Galway. Galway City Council in its single reason for refusal stated that the proposed development seriously detracts from the form and character of the dwelling and would adversely impact on the overall character and visual amenity of the streetscape.

2.0 Site Location and Description

Hazelwood Grove is a small urban residential estate located within a larger residential estate of Rosedale. It is located to the north of Taylors Hill Road the east of Bishop O'Donnell Road in the western environs of Galway City. Taylor Hill is an established urban residential area however, urban residential estate in which the subject site is situate is more recent in origin, dating from the 1990's. The estate comprises of approximately 55 dwellings some of which are detached incorporating similar but not identical layouts. The subject site faces northwards and is located in the south-western part of the layout. A total of four dwellinghouses face onto the small cul-de-sac area. The appeal site is the third house at the end of the cul-de-sac. The main living room serving the dwelling protrudes beyond the main building line of the house and an area to the side of the living room is currently used for off-street car parking.

3.0 Proposed Development

Planning permission is sought for a car port area to the immediate west of the main living room. The car port area is to incorporate a shallow inverted roof pitch is to be support by the existing wall of the dwellinghouse and the existing plastered boundary wall which runs along the western boundary of the site. The car port is to comprise of metal corrugated sheet roofing with cedar cladding. A gutter is to run along the valley area to the centre of the roof pitch. The car port area is to rise to a maximum height

of 3.1 metres above ground level. The lowest point of the roof pitch is just over 2.4 metres in height. The structure is to cover an area of just under 4.4 metres in width and just over 5.6 metres in depth.

4.0 Planning Authority's Decision

4.1. Galway City Council issued notification to refuse planning permission for the sole reason which is set out in full below.

1. The proposed car port structure to the front of the dwellinghouse would be out of character with the prevailing pattern of residential development in the vicinity of this site, seriously detracting from the form and character of the existing detached dwelling, and if permitted, would impact on the overall character and visual amenity of the streetscape and establish a precedent for inappropriate development at this location which would be in conflict with Policy 2.8 of the Galway City Development Plan 2017-2023. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

4.2. Documentation Submitted

4.2.1. A single page planning statement was submitted along with the planning application form and drawings. It describes the proposed car port proposal and its structure is described as "light" in terms of its construction and materials used. It is stated that the structure's configuration will not obstruct any neighbours' views or any natural light.

4.2.2. The planning report notes that the existing properties in the area are characterised by a prominent two-storey front projection with a hipped roof profile and a depth of almost 5.5 metres. The planner's report notes that the original grant of planning permission (see planning history below) includes a condition which requires that:
"no shed, store, garage or other freestanding structure other than structures applied for in this application which exceeds 9.3 metres in area and 2.5 metres external height above the highest adjoining ground level shall be erected within the curtilage of the dwellinghouse without a prior grant of planning permission".

It is noted that no other property in this part of Hazelwood Grove have added car ports or garages and therefore no precedent exists for such structures. Reference is made to Policy 2.8 of the Galway City Development Plan which seeks to protect residential amenities and the established character of the area and it is considered that the proposed garage/car port by virtue of its siting, design and materials used, represent a degrading of the character of the application property and its surroundings. Furthermore, it would set an unwanted precedent along this section of Hazelwood Grove. Therefore a refusal is recommended. In its decision dated 29th May, 2018 Galway City Council issued notification to refuse planning permission for the sole reason set out above.

5.0 Planning History

No planning history is attached. The planner's report makes reference to the parent permission Reg. Ref. 157/97 where planning permission was granted for 23 houses and associated site works in 1997.

6.0 The Appeal

- 6.1. The decision was appealed on behalf of the applicant by Planning Workshop, Planning Consultants and Sustainable Design Consultancy. The grounds of appeal describe the site and the design of the house on the subject site. The estate is described as being generously scaled suburban housing. The appellants have undertaken extensive research into car port design. The proposal does not require any additional walls but utilises the existing walls of the house in order to create roof area that "floats" above the parking area. The car port area will incorporate a beautiful cedar cladding which will not result in a heavy bulky structure. A number of 3D photomontages were submitted with the appeal.
- 6.2. The grounds of appeal go on to make reference to various statements in the planner's report and it is noted that the planner incorrectly states that the car port area would project beyond the two-storey front projection. It is stated that this is incorrect.
- 6.3. Furthermore, it is highlighted that while there are a number of materials used in the structure the prominent material to be used is cedar cladding and this does not seem

to be mentioned or assessed in the planner's report. This natural material, it is argued, blends in very well with the blockwork and will positively contribute to the proposal.

- 6.4. While the proposal might be classed as a 'car port' it could equally be classed as a canopy area over existing open space. The proposal therefore will not result in the reduction of private open space area to the front of the dwellinghouse as suggested in the planner's report. It simply places a rain screen over part of the front garden area.
- 6.5. It is not accepted that the proposed car port would represent a degrading of the character of the application property and its surroundings. It is contented that the Planning Authority assessment does not give due regard to the architectural composition and design of the proposal.
- 6.6. It is suggested that it is inappropriate to rely on a condition, which merely requires that planning permission be sought for certain classes of development which would otherwise be exempt, as justification to refuse planning permission in this instance. More flexibility should be permitted particularly as the site is not located in an architectural conservation area nor is it listed as a protected structure.
- 6.7. Furthermore, if the Board has any concerns It is suggested that planning permission could be granted for a temporary 10-year period in which the impact could be properly assessed and any undesirable precedent could be undone.
- 6.8. Finally, the grounds of appeal request that the Board give greater consideration to the design rationale behind the proposals including the materials to be used. The Board could also consider some forms of alteration by design should it deem it to be appropriate.

7.0 Galway City Council's Response to the Grounds of Appeal

- 7.1. The City Council's response which was received on 24th July, 2018 makes reference to the parent permission and in particular the condition which limits exempted development provisions and new structures in the curtilage of the site. This planning condition sought to further protect the character and appearance of the development in accordance with policy 2.8 of the Galway City Development Plan which seeks to

ensure a balance between the reasonable protection of residential amenities and the established character and the need to provide for sustainable residential development.

- 7.2. It is reiterated that the proposal would set an undesirable precedent within this development as no other property in the vicinity has such an addition in the front of the dwellinghouse. It remains the Planning Authority's decision that the proposal would detract from the character and appearance of the application property and that of its surroundings and would also be contrary to the policies and standards set out in the development plan. For these reasons the Board are requested to uphold the decision of the Planning Authority.

8.0 Development Plan Provision

- 8.1. 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 the existing residential amenity and will contribute to sustainable residential neighbourhoods.
- 8.2. Policy 2.8 of the Galway City Council Development Plan seeks to “ensure a balance between the reasonable protection of residential amenities and the established character and the need to provide for sustainable residential development”.

9.0 Planning Assessment

- 9.1. I have read the entire contents of the file, have had regard to the planning history associated with the site and have had particular regard to the issues raised in the Planning Authority's sole reason for refusal and the rebuttal of these reasons set out in the grounds of appeal. I have also visited the site and its surroundings.
- 9.2. The sole issue which the Board must determine in its ruling on the subject application and appeal is whether or not the proposed car port structure adversely impacts on the character and the visual amenities of the area by virtue of its style and design.

- 9.3. The proposed development in this instance comprises of a contemporary style car port in the front of an existing building. There can be no doubt that the car port area would be somewhat visually prominent due to its location to the front of the house. However, I would agree with the appellant, that the absence of any columns or pillars to support the proposed roof area creates the illusion of a very lightweight structure which almost floats above the entrance area to the subject site. This in my view is adequately illustrated in the photomontages submitted. In many respects the design proposal seeks to append the roof gable of the dwelling and boundary wall is not unlike an awning or canopy area to the front of the house.
- 9.4. I would also agree with the appellant on the photomontages submitted that the most prominent material visually is the cedar cladded underside of the roof area. The incorporation of the extensive wood panelling also in my view contributes to the lightweight feeling of the structure. The proposed car port area incorporates a somewhat contemporary style roof design and the use of more traditional wood cladding to the exposed underside of the roof profile creates a visually more acceptable structure in the context of the traditional development.
- 9.5. The Board will also be cognisant of the fact that there is a variety of house type in the immediate vicinity. In this regard I refer the Board to the dwelling to the immediate east which is an entirely different design to the house on the subject site. Where such a variety in design exists, it cannot be reasonably argued in my view that the proposed car port area would create an unacceptable precedent. There is no uniformity of design with all the house types within the cul-de-sac in question. There is therefore in my view more flexibility and scope to incorporate a structure such as that proposed without creating an undesirable precedent.
- 9.6. The Board will also be aware that the houses in this instance represent typical suburban type dwellinghouses which are no more than 20 years old. While located in a somewhat mature and sylvan environment, the dwellings themselves are of no outstanding architectural merit and do not incorporate or warrant any protected status in terms of their architectural integrity. There are no conservation designations relating to the subject site or its surroundings and as such a more flexible approach to any visual or architectural alterations to the dwellings in question should be permitted.

- 9.7. I would also agree with the appellants' arguments that the incorporation of a car port area will not result in any reduction in open space to the front of the dwellinghouse. The proposal will merely result in part of the open space to the front of the dwellinghouse incorporating a roof or canopy area.
- 9.8. In relation to the condition attached to the parent permission I would likewise agree with the arguments set out in the grounds of appeal. The incorporation of this condition which is referred in both the planner's report and the Planning Authority's response to the grounds of appeal, made de-exempt from planning permission the construction of certain types of structures within the curtilage of dwellinghouses, this does not in itself represent a blanket ban on the provision of any such structures. The incorporation of such a condition merely requires that certain structures which would otherwise have been exempt from planning permission now require planning permission. Any such application should be adjudicated on its merits and in accordance with the proper planning and sustainable development of the area. Any such condition does not necessarily imply that all structures/alterations/extensions proposed on sites within the estate would heretofore be refused planning permission. The incorporation of the condition restricting the exempted development provisions and the parent permission does not in any way in my opinion justify a refusal of planning permission in the case of the current application before the Board.
- 9.9. Finally, the grounds of appeal suggest that the Board could consider granting a temporary permission for a period of 10 years. The Board should in my view give serious consideration to incorporating such a condition where it is minded to grant planning permission. It is reasonable to suggest that the materials to be used particularly the incorporation of cedar cladding could fade and deteriorate over the years and could result in a structure, if not properly maintained, could adversely impact on the visual amenities of the area and for this reason could set an undesirable precedent. A 5 year or 10-year temporary permission would allow for the removal of such a structure if the Planning Authority or on appeal An Bord Pleanála deem it suitable to do so. For this reason, I recommend that the Board incorporate a condition restricting the life of the permission to a period of 10 years.

10.0 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.

11.0 EIA Screening Determination

A car port is not a class of development set out in the Planning and Development Regulations for which an EIA is required.

12.0 Conclusions and Recommendation

Arising from my assessment above I consider that the proposed development would not be seriously injurious to the visual amenities of the area and would therefore recommend that the decision of Galway City Council be overturned and that the Board grant planning permission for the proposed development in accordance with the plans and particulars lodged based on the reasons and considerations set out below.

13.0 Decision

Grant planning permission for the proposed development based on the reasons and considerations set out below.

14.0 Reasons and Considerations

It is considered that the proposed construction of a car port in the front of the dwellinghouse, subject to the conditions set out below, would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would generally be in accordance with the proper planning and sustainable development of the area.

15.0 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 required details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to the 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. Details of the materials, colours and textures of all the external finishes to the proposed car-port shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

4. This condition shall be for a period of 10 years from the date of this order. The car port shall then be removed unless prior to the end of this period permission for its retention shall have been obtained.

Reason: To allow for review of the development having regard to the circumstances then pertaining and in the interest of visual amenity.

Paul Caprani,
Senior Planning Inspector.

24th September, 2018.