



An
Bord
Pleanála

Inspector's Report APB-302118-18

Development

Demolition of porch, chimney and outhouse. Construction of part single and part two storey extensions to rear, side and front to include a first floor terrace and external fire place, modifications to fenestration, modifications to the front elevation to include a single storey extension, roof canopy and bay window, three velux rooflights to the front and two to the single storey extension to the rear, garage conversion, external insulation and site works at existing house.

Location

No. 20 D'alton Drive, Salthill Galway.

Planning Authority

Galway City Council

P. A. Reg. Ref.

18/158

Applicant

John and Elaine Kelly.

Type of Application

Permission

Decision

Grant Permission

Type of Appeal

Third Party

Appellant

John Lyons and Geraldine Larkin

Date of Inspection

29th August, 2018.

Inspector

Jane Dennehy.

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1.0 Site Location and Description

The site of the proposed development has a stated area of 679 square metres is that of a semi-detached house with a flat roof garage and utility space located on the east side of Dalton Drive a *cul de sac* extending northwards from a junction with Doctor Mannix Road and Dalysfort Road to the south in the Salthill area of Galway. The site has a front curtilage on which off-site parking is available and a deep rear garden which is circa thirty-five metres in depth. The dwelling was unoccupied at the time of the inspection.

- 1.1. No 18 Dalton Drive, the adjoining dwelling in the semi-detached pair is to the south side of the application site dwelling subject of the application. There is a boundary wall circa extending the entire depth of the side boundary with the adjoining property which is circa 1.6 metres in height, along both sides of which there are some shrubs. The ground level within the rear garden of the appeal site is slightly lower than that of the appellant property at No 18.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for demolition of porch, chimney and outhouse and construction of part single and part two storey extensions to rear, side and front. The rear extension extends across the width of the main dwelling and a first-floor terrace is to be provided over the proposed flat roof in which two rooflights are also to be provided. The proposed side extension is two storey, replacing the existing garage and utility space which is to be demolished. The single storey extension to the front in conjunction with the porch extends across the width of the house and includes roof canopy and bay window and three rooflights. Provision is also made for external insulation and site works. The total stated floor area of the proposed extensions is eighty-two square metres and that of the existing house is 149 square metres.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission for the proposed development. Among the requirements of the conditions attached are:

- A requirement under Condition No 2 for omission of the removable decorative cladding element;
- A height reduction of the boundary wall beyond the rear building line of the extension to a maximum height of two metres above the level of the rear garden as shown in Drawing GL 0.29 for reasons of the protection of residential amenities under Condition No. 3 and,
- A requirement under Condition No 4 for the roof terrace, either: (a) restriction to an area shown on the first-floor plans, (b) increased height to 1.8 metres for side elevation glass balustrades or, (c) omission of the roof terrace and substitution of a window for the Master bedroom in the rear elevation with a compliance submission being required.

3.2. Planning Reports

- 3.2.1. The planning officer indicated acceptable of the proposed development subject to the requirements provided for in the conditions attached to the decision.

3.3. Third Party Observations

- 3.3.1. An objection was received from the Appellant party relate to scale, depth beyond the rear building line and height and overbearing impact on the adjoining property. Specific objections to the proposed external chimney, roof terrace and there is concern for the stability of the party wall between the two properties.

4.0 Planning History

- 4.1.1. There is no record of planning history for the site on file.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The operative development plan is the Galway City Development Plan, 2017-2023 according to which the site is zoned 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”.*
- 5.1.2. 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 John and Elaine Kelly of No 18 Dalton Drive, the adjoining property on their own behalf on 19th July, 2018. According to the appeal which includes photographs:
- The roof terrace would affect the amenity and privacy of the rear garden at their property.
 - The height of the rear extension at 3,675 above ground level adjacent to the wall and the length at 5,800 metres will result in the extension having significant impact on the amenity of the internal and external living areas of their property. There will be loss of daylight to the main living area at the rear of their property and the overhearing and dominant scale will affect visual and residential amenity.

6.2. Applicant Response

A submission was received from ‘DMVH’ on behalf of the applicant on 13th August, 2018. According to the submission:

- The existing dwelling is outdated and in poor repair. It needs refurbishment and modernisation and the design focuses on providing additional

accommodation that is sympathetic to the neighbouring dwellings and established development in the area in which there are extensions similar to the proposed development. In this regard reference is made to permitted developments at No 6, 7, 8, 11, 15 and 38 Dalton Drive in respect of which details are provided.

- Massing studies were carried out to establish the lowest height possible for the proposed rear extension, which is north of the rear garden area of the appellant property at No 18. A ceiling height of 2,580 mm as proposed matches that of the existing house, and the finished floor level is also the same.
- The rear extension is moderate in scale in views from the rear and the contention as to overbearing and dominant scale in the appeal is not accepted. There is precedent for two storey rear extension at No 22 Dalton Drive, and elsewhere. This extension has little or no overshadowing impact. It is 500 mm beyond the building line of the single storey rear extension proposed for No. 20.
- It is the applicant's intention to omit the proposed roof terrace in entirety and substitute a window for the master bedroom in the rear elevation. This is the option provided for under condition No 4 (c) attached to the planning authority decision.

6.3. Planning Authority Response

There is no submission from the planning authority on file.

7.0 Assessment

- 7.1. The objections of the appellant party relate to the proposed roof terrace and to the proposed rear extension, not the entirety of the proposed development. Other than agreement with the planning officer that the proposed decorative removable metal cladding would have negative visual impact and is unsuitable, there is no objection to the other extensions and front elevation treatment of the proposed development.

- 7.2. The dispute over the proposed roof terrace is resolved in that the applicant's agent has provided a written undertaking to omit it in entirety from the proposed development. For the purposes of clarity, an appropriate revised condition, in which the requirements of Condition No 4 (a) and (b) are omitted and those of (c) are retained can be included if permission is granted.
- 7.3. With regard to the proposed rear extension, it is noted that the appellant party's property is to the south side of the application site. It is considered that the rear garden has the capacity to accept the proposed rear extension despite the considerable size in floor area and in volume or mass, extending across to the either width of the house and by a distance of five and a half metres beyond the existing rear building line.
- 7.4. With the restrictions on the height above ground level specified under Condition No 3 attached to the planning authority decision being applied, it is considered that the proposed extension can be constructed, within the footprint as proposed without undue adverse impact on the amenities of the appellant property reason of visual obtrusiveness or obstruction of access to daylight to the interior or external space. The height restriction, notwithstanding the depth is such that undue overbearing impact or sense of enclosure to the rear of that property would not occur. In this regard the considerable depth of the rear gardens of both properties is also of note.
- 7.5. **Appropriate Assessment.**
- 7.6. Having regard to the scale and nature of the proposed development and to the serviced inner suburban 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. Given the foregoing it is recommended that the planning authority decision be upheld and, that permission should be granted on the basis of the reasons and considerations and conditions set out below.

9.0 Reasons and Considerations

- 9.1. Having regard to the site configuration and considerable depth of the existing rear gardens of the existing and adjoining property, and to the height of the proposed single storey rear extension, it is considered that the proposed development would not be overbearing and visually intrusive in views from the adjoining property, would not obstruct access to daylight within the internal accommodation or the private open space at the adjoining property, would therefore not seriously injure the residential amenities of the adjoining property and would 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 in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The development shall be amended as follows:
 - (a) The first-floor roof terrace over the flat roof extension to the rear shall be omitted in entirety. A window shall be inserted in the rear elevation for the first floor Master Bedroom.
 - (b) The wall for the proposed extension which extends beyond the rear building line shall not exceed a maximum height of two metres above the existing ground level within the rear garden, indicated on Drawing No G: - 0.29
 - (c) The decorative removable metal cladding for the front elevation shall be omitted in entirety.

(d) The bathroom windows at first floor level shall be in obscure glazing and shall have top hung pivot openings only.

Prior to the commencement of the development revised plan, section and elevation drawings shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of the protection of visual and residential amenities of the area.

3. The external finishes, including roof materials shall be the same as those of the existing dwelling in respect of colour and texture.
4. **Reason:** In the interest of visual amenity.
5. The existing dwelling and proposed extension shall not be subdivided and shall be jointly occupied as a single residential unit.

Reason: In the interest of clarity and the residential amenities of the area.

Jane Dennehy
Senior Planning Inspector
31st August, 2018.