



An
Bord
Pleanála

Inspector's Report ABP-302221-18

Development

Permission for 1) construction of extension to the rear and to the side, 2) Alterations which includes the upgrading and alterations to the existing windows and doors, internal changes, and provision of external insulation, 3) widening of vehicular to a maximum of 3.0m and all associated services.

Location

11 Whitestrand Park, Salthill, Galway.

Planning Authority

Galway City Council

Planning Authority Reg. Ref.

18/110

Applicant(s)

Ellen Kelly

Type of Application

Permission

Planning Authority Decision

Grant permission

Type of Appeal

Third Party

Appellant(s)

1. Gerry and Bernie O'Connor and James Burns
2. Maria and Michael Lee

Observer(s)

1. George Thompson
2. Francisco Nuevalos and Caitriona Hickey Nuevalos and Desmond and Kathleen Hickey

Date of Site Inspection

2nd October 2018

Inspector

Ronan O'Connor

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	4
3.3. Prescribed Bodies	5
3.4. Third Party Observations	5
4.0 Planning History.....	5
5.0 Policy Context.....	5
5.1. Development Plan.....	5
5.2. Natural Heritage Designations	6
6.0 The Appeal	6
6.1. Grounds of Appeal	6
6.2. Applicant Response	7
6.3. Planning Authority Response.....	8
6.4. Observations	8
6.5. Further Responses.....	9
7.0 Assessment.....	9
8.0 Recommendation.....	12
9.0 Reasons and Considerations.....	12
10.0 Conditions	12

1.0 Site Location and Description

- 1.1. The site is located within a residential estate, Whitestrand Park, and on site is a two-storey semi-detached structure on a corner plot. There is an existing single storey extension to the rear.

2.0 Proposed Development

- 2.1. Permission for 1) construction of extension to the rear and to the side, 2) Alterations which includes the upgrading and alterations to the existing windows and doors, internal changes, and provision of external insulation, 3) widening of vehicular to a maximum of 3.0m and all associated services.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Grant permission. Conditions of note include condition no. 2 which requests details of additional privacy measures for the ground and first floor shower windows.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the planning officer reflects the decision of the planning authority. Points of note are as follows:

- Notes previous refusals on site.
- Revised proposal has removed the self-contained element.
- Proposed development would respect the character of the dwelling and its surroundings.
- No loss of residential amenity.
- Sufficient private open space.

- Further information was requested in relation to (i) revised roof design (ii) reconfiguration of windows (iii) clarify width of vehicular access (iv) details of the proposed external insulation.
- Following receipt of further information, the planning officer recommended a grant of permission subject to conditions.

3.2.2. Other Technical Reports

3.2.3. None.

3.3. Prescribed Bodies

3.3.1. None.

3.4. Third Party Observations

3.4.1. A number of objections were received at planning application stage. The issues raised are covered within the grounds of appeal.

4.0 Planning History

17/285 – Refuse – Two extensions one of which was to be used as a self-contained unit, alterations, widening of entrance – for one reason related to the excessive floor area, contrary to Development Plan provisions for self-contained units.

5.0 Policy Context

5.1. Development Plan

Galway City Council Development Plan 2017-2023

The site is zoned 'Low density residential' with an objective to provide for low-density residential development which will ensure the protection of existing residential amenity. It is with an area defined as an 'Established Suburb' within the CDP. Relevant policies and objectives of the Galway City Council Development Plan 2017-2023 include:

Chapter 11 – Land Use Zoning Objectives and Development Standards and Guidelines including 11.3 Residential Development.

5.2. Natural Heritage Designations

5.2.1. None. Inner Galway Bay SPA and Galway Bay Complex SAC are located 250m to the south of the site.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. Two no. appeals have been received and are detailed below.

1. Gerry and Bernie O'Connor (18 Whitestrand Park) and James Burns (17 Whitestrand Park)

- Overdevelopment of the site.
- Larger than the application which has been refused.
- Set up can be easily altered to give applications their preference to independent living.
- Conditions are open to interpretation/would like to have seen landscaping plans prior to grant.
- South-eastern elevation of the extension is too close to appellant's boundary wall/ground floor windows on extension 1 overlook several properties and encroach onto the public footpath.
- Condition 6 is inappropriate/planner had concerns regards to the future of the unit.
- Development is not in keeping with the neighbourhood/will set a precedent.
- Will have a negative effect in relation to traffic management, safety and on-street parking.

2. Maria Lee and Michael Lee (10 Whitestand Park)

- Refer to previous refusal/note current application is for a larger area/Galway City Council has not taken this into account.
- Conflicting floor area figures in the planner's report.
- Applicant did not properly deal with the request for further information/clarification of further information.
- Conditions imposed are unclear and open to interpretation/no input into the final decision.
- Do not object to an application that would comply with the requirements of the Development Plan.

6.2. Applicant Response

6.2.1. The First Party response to the two no. Third Party Appeals is summarised below:

- This application is substantially different to the previously refused application in that it does not contain a self-contained unit.
- Proposal is not restricted to 25% of the original floor area as required under standard 11.3.1.
- Condition 2 (privacy to shower room windows) is within the normal remit of the Planning Authority/Very limited number of solutions available.
- Proposed landscaping condition (Condition 3) would make a minor impact on the overall development/any landscaping will be adding to the existing mature landscaping.
- Condition 6 is to ensure that the property will remain in operation as one unit.
- Procedural queries in relation to the making of a joint appeal when original submissions were made individually.
- In relation to overdevelopment, proposal meets the requirement in relation to 50% open space under Section 11.3.2 (a) of the City Development Plan.
- Section 11.3.2 of the City Development Plan states that increased densities in the established suburbs may be appropriate.

- In relation to a possible self-contained unit it has always been the intention to occupy the dwellinghouse with members of their family only.
- Family only has 1 car/Adequate provision for 3 cars on the site/will not contribute to on-street parking.
- Family currently in overcrowded inappropriate rental accommodation.
- Complies with Development Plan standards in relation to open space.
- Applicant's mother and sister have needs which require this accommodation – supporting details are included with the appeal submission.

6.3. Planning Authority Response

6.3.1. None.

6.4. Observations

6.4.1. Two no. observations have been received and are detailed below.

1. George Thompson, 9 Whitestrand Park

- Overdevelopment of site
- Impact on structure integrity of home
- Impact of construction
- Impact on daylight and sunlight from the two-storey extension/rear extension.
- Strong possibility of site being utilised as multiple separate apartment like homes.
- Impact on on-street parking.

2. Francisco Nuevalos and Caitriona Hickey Nuevalos (22 Whitestrand Park) and Desmond and Kathleen Hickey (20 Whitestrand Park)

- Will set a precedent to build over-sized extensions.
- Bigger than previously refused application.

6.5. Further Responses

6.5.1. None.

7.0 Assessment

7.1. The following assessment covers the points made in the appeal submissions, and also encapsulates my *de novo* consideration of the application. The main planning issues in the assessment of the proposed development are as follows:

- Principle of Development
- Design/Visual Impact/ Development Plan Standards
- Residential Amenity
- Parking/Traffic Issues
- Appropriate Assessment
- Environmental Impact Assessment

7.2. Principle of Development

7.2.1. The site is zoned 'Low density residential' with an objective to provide for low-density residential development which will ensure the protection of existing residential amenity. Residential development is compatible with this zoning objective, therefore the proposed development is acceptable in principle subject to the considerations below.

7.3. Design/Visual Impact/Development Plan Standards

7.3.1. Section 11.3.1(l) of the Development Plan notes that the design and layout of extensions to houses should complement the character and form of the existing building, having regard to its context and adjacent residential amenities.

7.3.2. I have had regard to the revised drawings as submitted at further information stage, on the 8th June 2018, which detail a revised roof profile as well as details of the external insulation proposed.

7.3.3. The proposal is for a two-storey side extension which also projects beyond the existing rear elevation, and for a single storey extension to the rear. The site benefits from a relatively large plot, and can accommodate a relatively large extension. The

two-storey side/rear extension is set back from the front elevation, reducing its overall dominance. The single storey rear extension is appropriate in scale and will have limited visibility from the streetscape.

- 7.3.4. In relation to the cited concerns regarding overdevelopment of the site, the Development Plan notes that the scale of proposed extensions shall ensure that an adequate level of private open space is retained on site. In this instance there remains sufficient garden space to the front, rear and side of the extended dwelling.
- 7.3.5. Concerns were also raised that the proposal is larger in floor area than the previously refused application for extensions, to be used as self-contained unit. Development Plan policy 11.3.1 (k) 'Self Contained Residential Units' stipulates that applications for self-contained units should not be greater than 25% of the floor area of the original dwelling house, and the proposal was refused as the floor area of the self-contained unit exceeded this limitation. As no self-contained unit is proposed under this application, this particular restriction on floor area is no longer applicable.
- 7.3.6. Having regard to the large plot area, and to the established character of the area, the proposal is acceptable having regard to the design and visual impact.

7.4. Impact on Amenity

- 7.4.1. No. 9 Whitestrand Park is located to the north-west of the appeal site and an observation on the appeal has been received from the occupier of this property. There is an existing single storey extension located close to the boundary with No. 9. It is proposed to construct a replacement single storey extension close to the boundary. I do not consider that this would have a material impact on the amenity of No. 9, having regard to the fact it is replacing an existing extension, and it is single storey in nature. While the two-storey side and rear extension will be visible from No. 9, it is sufficiently set back from the boundary so as to ensure no impact on daylight/sunlight, or overshadowing will result.
- 7.4.2. In relation to construction impacts, these are temporary in nature and a condition can be imposed limiting the day and times of construction works.
- 7.4.3. I note the planning authority had concerns with the privacy, or lack thereof, of the shower room windows to the front, at ground and first floor levels. A condition was imposed to ensure that privacy measures were put in place. This should be re-imposed in this instance.

7.4.4. The proposal is sufficiently set back from other residential properties, including that of the appellants' at No.'s 10, 17 and 18 Whitestrand Park, and the observers at No's 20 and 22, so as to ensure no impact on any other residential property will result. I note that overlooking was raised as a concern by an appellant. I do not consider that overlooking will result from the development as all of the proposed windows are either sufficiently set back from surrounding properties or do not face towards surrounding properties.

7.5. Parking/Traffic Issues

7.5.1. Concerns in relation to the impact of the proposed development on on-street parking have been raised by the appellants' and the observers on the appeal. The drawings do not detail the number of car parking space to the front but it appears that there is sufficient room for 2 no. car parking spaces, as is the case with the existing dwelling. This is sufficient to serve the extended dwelling and the proposal should not contribute materially to on-street parking pressure.

7.5.2. As detailed at further information stage, the width of the proposed entrance is 3m. This is in line with Development Plan Standards.

7.6. Other Issues

7.6.1. Future Use - Concerns have been raised in relation to the potential future use of the property, namely that it may become two or more self-contained units. This is not what is proposed under the current application, and in any case a standard condition can be imposed ensuring that the property remains in use as a single residential unit.

7.6.2. Structural Issues - Concern has been raised in relation to impacts on structural stability of the neighbouring property at No. 9 Whitestrand Park. This issue is covered by other legislative codes.

7.6.3. Conditions - Concerns have been raised in relation to the lack of input into the final details of the landscaping scheme and the proposals for privacy measures for the shower room windows. However, these type of conditions are standard and I do not consider that the surrounding residents will be disenfranchised should these details be requested by way of condition, as per the decision of the planning authority.

7.7. Appropriate Assessment

7.7.1. Having regard to the nature and scale of the proposed development, the construction of extensions to an extension dwelling, within a serviced area, and having regard to the separation distance to the nearest European sites (Inner Galway Bay SPA and Galway Bay Complex SAC are located 250m to the south of the 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 the conservation objectives of any European site.

7.8. Environmental Impact Statement

7.8.1. Having regard to the nature and scale of the proposed development, the construction of extensions to an extension dwelling, and having regard to the separation distance to the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

8.0 Recommendation

8.1. Grant permission.

9.0 Reasons and Considerations

Having regard to the zoning objective for the site, the pattern of development in the vicinity and the policies of the current Galway City Council Development Plan 2017-2023, it is considered that the proposed development would not detract from the character of the area, would not seriously injure the residential or visual amenity of the area and would not materially impact on on-street parking pressure on surrounding streets. 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, as amended by the further plans and particulars submitted on the 8th day of June 2018, 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. Prior to the commencement of development, details of appropriate measures to ensure the privacy of the shower room windows at ground and first floor levels should be submitted to the planning authority for approval in writing.

Reason: To ensure the privacy of occupiers of the dwelling house.

3. Prior to the commencement of development, details of the landscaping scheme for the appeal site, including hedging or tree planting along the front and side boundary of the site shall be submitted to the planning authority for approval in writing. The landscaping of the site shall be implemented prior to the two storey extension being first occupied, or as otherwise agreed in writing by the planning authority. Any trees/planting failing within the first five years shall be replaced.

Reason: In the interest of visual amenity.

4. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall be erected on the site without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the extended dwelling and in the interest of the amenities of the area.

5. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension 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.

6. The external finishes of the proposed development shall match those of the existing dwelling.

Reason: In the interest of visual amenity.

7. Any alterations to public services, public areas or utilities necessitated by the development shall be carried out at the developer's expense having firstly obtained the agreement in writing of Galway City Council or other bodies responsible for such areas or utilities, before any alterations are carried out.

Reason: In the interest proper planning and sustainable development of the area.

8. Surface water run-off associated with this development shall not be permitted to discharge onto the public road or footpath.

Reason: In the interest proper planning and sustainable development of the area.

9. The site works and building works required to implement the development shall only be carried out between 07.00 hours and 18.00 hours, Monday to Friday and between 08.00hours and 14.00 hours on Saturdays and not at all on Sundays or Bank Holidays.

Reason: To safeguard the residential amenities of the surrounding area.

Rónán O'Connor
Planning Inspector

05th November 2018