



An
Bord
Pleanála

Inspector's Report ABP-302366-18

Development	Permission to demolish an existing rear extension and construction of a new front and rear extension, new vehicular entrance and on-site parking.
Location	32 Father Burke Road, Galway.
Planning Authority	Galway City Council
Planning Authority Reg. Ref.	18/22
Applicant(s)	Owen Mac Carthaigh.
Type of Application	Permission.
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Stephen Curran.
Observer(s)	None
Date of Site Inspection	17 th of November 2018.
Inspector	Karen Hamilton

1.0 Site Location and Description

1.1. The subject site includes a single storey mid terrace dwelling which fronts onto Father Burke Road, Galway City Centre. The site is located within a residential area to the south and adjacent to Galway City Centre and Father Burke Road provides a link road between the city centre and Salthill. The area around the site is known as the Claddagh. The dwellings in the vicinity of the site are similar in style and design and on the opposite side of Father Burke Road there are two storey dwellings which vary in style and external materials. There is currently pedestrian access to the front of the site and on street parking along the front, east of Father Burke Road.

2.0 Proposed Development

2.1. The proposed development would comprise of the following:

- Demolition of existing rear extension,
- Construct a new rear extension, 49.03m²
- Construct a new front extension, 7.86m²
- Provision of a new vehicular entrance & on-site parking.

3.0 Planning Authority Decision

3.1. Decision

Decision to grant permission subject to 8 no conditions of which the following is of note:

C 8- Prior to commencement of development, revised plans shall be submitted for the written agreement of the Planning Authority showing a reduction in the width of the proposed front extension so that its northern wall shall be set back 1.5m from the boundary with No 33 Father Burke Road. The width of the front extension and roof profile shall be reduced accordingly.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the area planner reflects the decision to grant permission following the submission of further information as summarised below:

1. Liaison with Irish water in relation to the diversion of a water main through the site.
2. Submission of revised landscape proposals which are within the applicant's control and ownership.
3. Confirmation that the dwelling is to be used as a single family dwelling.
4. Submission of revised plans to accurately indicate the relationship between the existing dwelling at No 33 and the proposed boundary of No 32.
5. Confirmation the floor space figures include the removal of the existing extension.
6. Reduction in the width of the front extension setting it back from No 31 to the south

The report of the planner noted that alterations submitted with the further information moved the front extension closer to No 33 which was considered inappropriate and therefore a condition to reduce the width was included.

3.2.2. Other Technical Reports

None received.

3.3. **Prescribed Bodies**

None received.

3.4. **Third Party Observations**

Two third party submissions were received, one from the appellant and one from a resident in the vicinity of the site. The issues raised by the appellant have been summarised in the grounds of appeal, the second submission referred to the layout of the interior and considered the property was intended for Airbnb which would detract from the residential amenity of the area.

4.0 Planning History

Reg Ref No 16/307

Permission refused for a front and rear extension and new vehicular entrance for two reasons as summarised below:

1. The revised plans fail to address concerns raised in relation to No 33 Father Burke Road. The proposed rear extension by reason of its depth, height, location and orientation would constitute an overdevelopment on the site and would therefore materially contravene the provisions of the development plan.
2. The revised plans result in the majority of the front garden being hard surfaced which would contravene Policy 11.3.1 (g) car parking standards of the Galway City Development Plan 2017-2023 which states that “ *Front gardens shall not be completely dedicated to car parking. The balance of space should be suitably landscaped.*”

5.0 Policy Context

5.1. Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (DHPLG, 2018)

5.2. Galway City Development Plan 2017-2023

The site is located on lands zoned as R, residential, where it is an objective “*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*”.

Section 11.3.1 (i) Residential Extensions

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.

5.3. **Natural Heritage Designations**

The site is located 300m to the west of Inner Galway Bay SPA (004031) and the Galway Bay Complex SAC (000268).

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The grounds of appeal is submitted from the resident of an adjoining property, along the north of the site and the issues raised are summarised below:

- It is acknowledged that some of the concerns of the submission were considered by Galway Council.
- Condition No 8 requires the submission of amended designs including a reduction in the width of the proposed front extension so that the northern wall is set back by 1.5m from the boundary with No. 33 Father Burke Road.
- It is considered that the public should be afforded the opportunity to see the proposed plans prior to any grant of permission.
- The proposal to build a front extension onto a house in the Father Burke Road will set a precedent for other similar and diverse front extensions.
- There will be overshadowing and a reduction in the natural light from the extension to the front and rear.
- The planning report or a previous grant of permission (Reg Ref 16/307) has not addressed the impact from the front extension.
- The front extension is not in keeping with the simple style of the dwellings and would break up the existing building line and spoil the visual amenity of the terrace.

6.2. **Applicant Response**

A response was received from an agent on behalf of the applicant and the issues raised are summarised below:

- The Planning Authority have referred to Policy 2.7 of the development plan and decided that the proposal is not a contravention of the development plan.
- The rear extension has a floor area and height which is less than the extension previously refused (Reg Ref 16/307).
- The reasons for not permitting the extension to the front of the dwelling because other dwellings along the terrace do not have one is not accepted.
- Photographs of other similar dwellings in the vicinity with similar extensions have been submitted.
- A copy of the drawings complying with the condition have been submitted and illustrate the location of the front extension 1.5 m from the boundary with No 33.
- The sun path analysis submitted shows the extent of overshadowing with the most in early morning and late afternoon in the Autumn & winter months.
- There will be no change to the overshadowing from the rear extension.

6.3. **Planning Authority Response**

A response from the planning authority as summarised below:

- The issues raised by the appellant are noted.
- The revised proposal is considered acceptable and the rear extension was reduced in keeping with the existing dwelling and the front extension reduced 2.9m from No 31.
- The extension is similar to other granted front extensions in the vicinity including Lower Fairhill and St Dominic's Road.

6.4. **Observations**

None received.

6.5. Further Responses

6.5.1. A further response was received from the appellant in relation to the applicant's submission and the issues raised are summarised below:

- Reference to the heights and widths for a previous permission (Reg Ref 16/307) in the applicant's submission is incorrect.
- The submitted plans are the exact same dimensions as the application previously refused by the planning authority.
- The submitted photographs of examples of front extensions in the vicinity do not show the impact in the historic terraces.
- It is considered the previously permitted front extensions are inappropriate.

6.5.2. The Planning Authority have responded to state that the amended plans submitted by the applicant for the proposed front extension are considered acceptable and in compliance with Condition No. 8.

7.0 Assessment

7.1. The main issues raised in the grounds of appeal may be summarised as follows:

- Impact on Visual and Residential Amenity
- Access and Car Parking
- Drainage
- Appropriate Assessment
- Environmental Impact Assessment

Impact on Visual and Residential Amenity

7.2. The proposed development includes a front and rear extension to an existing single storey mid terrace dwelling located in a residential area adjacent to Galway City Centre. The grounds of appeal are submitted by the neighbour of the property of No 33, to the north of the site, who considers the front extension would have a negative impact on the appearance of dwelling and the terrace and that a reduction in the width, required by condition no 8, is not sufficient to prevent a negative impact on the

character of the surrounding area, known as the Claddagh. I have assessed the impact of the front and rear extension individually below.

- 7.3. Rear Extension: The existing dwelling is a modest sized cottage style dwelling with a small front and rear garden which is a characteristic of sites in the vicinity. The proposal includes the removal of the existing rear extension (c. 20m²) and the construction of a new rear extension (c. 50m²). It extends 8m from the rear building line, is set 1 m from the southern boundary, beside No 31, and 1.5m from the northern boundary, beside No 33 and has a similar pitched roof and height as the existing dwelling. Having regard to the single storey height of the rear extension, distance from the site boundaries and the remaining 50m² open space, I do not consider the rear extension would have a significant negative impact on the existing dwelling or the surrounding area.
- 7.4. Front Extension: The proposed works to the front of the dwelling include an extension and reconfiguration of the door to the south of the extension. The extension protrudes c. 1.5m front of the existing building line and is c 0.6m from the boundary north with No 33 and c. 3m from the boundary south with No 31. Condition No 8 of the permission required a reduction in the width of the proposed front extension so that the northern side is set back 1.5m from the boundary with No 33 Father Burke Road. The applicant submitted revised designs to comply with condition No 8 which the planning authority have submitted a further response to state that the revised design is acceptable. The grounds of appeal consider the front extension, including the reduction required by condition no.8, will have a negative impact on their amenity and would set an undesirable precedent for further similar developments in the vicinity.
- 7.5. Section 11.3.1 (i) of the development plan requires extensions to compliment the character and form of the existing building and have regard to its context and adjacent residential amenities. I note the limited size of the front extension and other properties both on the opposite side of the road and in the vicinity of the site which have altered facades and modest extensions to the front and I consider the extension respects the proportions of the existing dwelling and complies with the guidance of the development plan. The front extension will be set back c. 1.5m from the northern boundary and the existing mature hedging along the boundary is to be retained. Having regard to the location from the boundary, retention of the hedging I

consider the design of the extension submitted to comply with condition no 8 is appropriate and I do not consider it would not cause a significant negative visual impact on the existing dwelling or surrounding area. Furthermore, I do not consider other similar type of developments would have a negative impact on the character of the area.

- 7.6. Room Size: The proposed development includes alterations to the front and rear to increase the size of an existing two bedroom dwelling. The internal alterations include the reconfiguration of space to accommodate three bedrooms, each with a minimum width of 2.1m. Appendix 1 of the national standards for apartment developments include a minimum width requirement of 2.8m for a double room. The Galway City development plan does not include a minimum requirement for room sizes and therefore I consider the national guidelines a relevant as a best practice standard which is applicable for the assessment of minimum room sizes. Having regard to the limited size of the bedroom spaces provided I consider the proposed alterations would provide for substandard accommodation and therefore the principle of a 3 bedroom dwelling is not acceptable. In light of the assessment above in relation to the acceptability of the front and rear extensions, I consider a condition could be included in any grant of permission requiring alterations to the internal bedrooms to ensure compliance with the minimum room sizes as per the national guidelines.
- 7.7. Use: The second submission to the planning application raised concern over the potential for the use of the dwelling as an Airbnb. Condition no 3 restricts the use of the dwelling as a single family dwelling with no additional subdivision, conversion or change of use permitted and I consider this condition reasonable to prevent the use of property as a short term letting property.
- 7.8. Having regard to the pattern of development in the vicinity, the size and scale of the proposed alterations and the polices of the development plan, I do not consider the proposed development would have a significant negative impact on the existing dwelling, those dwellings in the vicinity or the overall character of the surrounding area.

Access and Car Parking

7.9. There is currently on street parking to the front of the subject site and along both sides of Father Burke Street. The proposed development includes the creation of a new vehicular entrance, 3m, to accommodate two cars within the front of the site. The existing boundary hedging is retained along either side of the site and there are no gates proposed. There are no polices in the development plan restricting the alteration of off street parking. I note other dwellings along Father Burke Road have off street parking within the front of the site and I do not consider they detract from the surrounding area. Therefore, considering the location of the site and the pattern of development in the vicinity I consider the proposed access and parking acceptable.

Drainage

7.10. Following a further information request relating to the impact on a water main at the rear of the site, the applicant confirmed liaison with the City Council Water Services, the diversion of the existing water main and the inclusion of a new service. No further details were submitted and no report was received from Irish Water. The report of the area planner refers to a verbal discussion (13th if July 2018) with the Drainage Department in relation to the further information report and it was considered the drainage solution submitted with the further information was acceptable. I note the location rear extension, submission of further information and the report of the area planner and I do not consider the proposed development would have a negative impact on the public sewerage system.

Appropriate Assessment.

7.11. Having regard to the nature and scale of the proposed development within a serviced area and separation distance 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 the conservation objectives of any European site.

Environmental Impact Assessment

7.12. Having regard to the nature and scale of the proposed development 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. I recommend that planning permission should be granted, subject to conditions, for the reasons and considerations as set out below.

9.0 Reasons and Considerations

Having regard to pattern of development in the vicinity, the nature, form and design of the proposed development, the residential conservation zoning on the site and compliance with the provisions of the Galway City Development Plan 2017-2023, in particular Section 11.3.1, residential extensions, it is considered the proposed development would not have a negative impact on the visual or residential amenity of the adjoining dwellings or surrounding area. 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 and An Bord Pleanála on the 17th of September 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. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and no additional subdivision, conversion or change

of use shall take place without a further grant of permission.

Reason: To restrict the use of the extension in the interest of residential amenity.

3. The proposed development shall be amended as follows:

(a) Internal rooms and sizes shall be reconfigured to include a reduction in bedrooms to comply with the minimum standards required in “*Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (DHPLG, 2018)*”

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity

4. Water supply and drainage arrangements, including the attenuation and 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

5. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.

Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity

Karen Hamilton
Planning Inspector

20th of November 2018