



An
Bord
Pleanála

Inspector's Report ABP 302385-18

Development	Permission for Retention of Utility Shed and Permission for an extension linking the house with the utility shed incorporating it into the house and, site development works.
Location	No 86 Lurgan Park, Renmore, Galway.
Planning Authority	Galway City Council
P. A. Reg. Ref.	18/182
Applicant	John Fraser
Type of Application	Permission and Permission for Retention
Decision	Refuse Permission and Permission for Retention.
Type of Appeal	First Party X Refusal
Appellant	John Fraser
Observers	<ol style="list-style-type: none">1. Thomas and Nora Flynn, No 87 Renmore Park.2. Liam Kelly, No 85 Renmore Park.
Date of Site Inspection	23 rd October, 2018
Inspector	Jane Dennehy

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1.0 Site Location and Description

1.1. No 86 Lurgan Park is a two-storey detached house in Renmore with front and rear gardens. There is a detached structure in the south corner of the rear garden adjacent to the east and south party boundary walls with No 85 Lurgan Park and Nos 102 and 12 Lurgan Park.

2.0 Proposed Development

2.1. The application lodged with the planning authority indicates proposals for permission for retention of the shed utility area in the southern corner of the garden adjacent to the eastern boundary with No 85 Lurgan Park and, permission for construction of a linked playroom, with a stated floor area of 29.3 square metres extending along the garden adjacent to the east side boundary as far as the shed which is to be integrated as habitable space with the extension and main dwelling along with site. The depth is 13.2 metres and the height ranges from 4.3 to 4.7 metres.

3.0 Planning Authority Decision

3.1. Decision

3.2. By order dated, 24th July, 2018 the planning authority decided to refuse permission for reasons of unacceptable layout, scale, massing, and visual dominance with negative impact on the property at No 85 Lurgan Park and contravention of the land-use objective as provided for in the Galway City Development Plan, 2018-2023. (See Para 5 below.)

3.3. Planning Authority Reports

3.3.1. Planning Reports

The planning officer in his report indicated a recommendation for refusal of permission based on the reasoning attached to the decision as outlined in brief in para 3.2.1 above. Concern is expressed about potential for the extension to be

converted to a self-contained apartment the separate independence entrance door in particular being noted.

3.4. **Third Party Observations**

3.5. Observations were received from the occupants of Nos 85 and 87 Lurgan Park, the adjoining properties on the east and the west side of the application site. Both parties submitted on observations on the appeal with remarks on concerns about potential subdivision, excessive intensity of development and excessive demand for on street parking leading to hazard.

4.0 **Planning History**

4.1. There is no record of a planning history for the site according to the information available. However, it is noted in the planning officer report that the planning authority has an enforcement file relating to the property.

5.0 **Policy Context**

5.1. **Development Plan**

5.2. The operative development plan is the Galway City Development Plan, 2018-2023 according to which 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.”*

The location is also within “Existing Suburbs”.

Development management standards are set out in chapter 11. A minimum area for private open space provision equivalent to fifty percent of the gross floor area of a dwelling, subject to qualitative criteria is required.

6.0 The Appeal

6.1. Grounds of Appeal

An appeal was received from Ignatius Greaney on behalf of the applicant on 22nd August, 2018 according to which:

- The shed / utility space was constructed fourteen years ago on the assumption that it was exempt development, but the height is marginally over the limit. The use is incidental to the use of the house and would normally be considered acceptable according to the planning officer report.
- The shed/utility area and the playroom extension connecting it and the house has a total area of 50 square metres which exceeds the exempt development limit as a result of which the application has been lodged. The new build has a floor area of 28 square metres which borders on exempt development, but it was decided to apply for permission.
- There is no issue regarding open space overlooking or overshadowing. The shed height is not 4.7 metres in height. It is 4.3 metres in height and the link structure is 3.9 metres in height and the external walls are no more than 2.4 metres height.
- The door was included on the front elevation I replacement of an external side door from the kitchen allowing of access to bins and screened open are at the side. The applicant is willing to substitute a window for the door if required, by condition.
- The applicant is intending to use the entire development as a single dwelling unit and requests that is be considered on this basis.

6.2. Planning Authority Response

- 6.2.1. In a letter received form the planning authority on 19th September 2018 that the issue raised in the appeal were taken into consideration in assessment of the application and it is requested that the decision to grant p permission be upheld.

6.3. Observations

6.3.1. Thomas and Nora Flynn, 87 Renmore Park.

Mr. and Ms Flynn in their submission received on 7th September 2018 state that as the applicant, Mr Fraser is director of Fraser Building and Civil Engineering Ltd it is surprising that the shed/utility was, as stated in the appeal “*accidentally built marginally higher than exemption limit*”. Mr and Ms. Flynn believes that if the house is let on a room by room basis it is likely that the extension would also be used for additional individual rooms for letting although the application is for a playroom and utility.

6.3.2. Liam Moore, No 85 Renmore Park.

Mr Moore’s submission received on 7th September, 2018 contains his objections which can be outlined as follows:

- The house is not owner occupied, is let to five individuals and the garage has been converted to an apartment. There are no children resident at the house.
- The extension would facilitate conversion to two self-contained apartments, increasing the numbers residing at the property to seven which interferes with the character of single dwelling units in the estate.
- At present there are two curtilage parking spaces so three (residents’) cars are parked on the road in front of adjoining properties and these numbers could be increased. Mr. Flynn has difficulties with sightlines on exiting his driveway. The location is adjacent to a junction and excessive on street parking results in unsafe conditions.
- It is questionable as to whether to sewage system could serve a separate apartment or if it would affect sewage system serving adjoining properties.

7.0 Assessment

7.1. There is no objection in principle to proposed retention and use of the shed for which permission for retention is proposed, solely for the purposes of storage purposes ancillary to the residential use of the dwelling.

7.2. The issues central to the determination of the decision and considered below are:

Nature of use

Impact on Residential Amenities of adjoining property

On-Street Parking Demand.

Drainage Arrangements

Environmental Impact Assessment Screening.

Appropriate Assessment Screening.

7.3. Nature of Use.

- 7.3.1. It is not accepted that there should be a presumption against authorisation of development of a domestic extension, in principle, at the subject property having regard to some issues raised with regard to the current occupancy in the observer submissions. An extension to a dwelling may provide for additional bedroom accommodation so that a higher number of residents can be accommodated within a single dwelling unit although in many instances an extension is confined to an upgrade in quality of accommodation. The current application is for an extension providing for playroom and utility space and as proposed, additional occupancy in terms of additional bed spaces is not indicated. As such, it is implied in the application that no increase in occupancy is intended and issues as to excessive density or intensification of use therefore would not be a consideration.
- 7.3.2. However, it is agreed with the planning officer that there is potential for subdivision of the dwelling and the proposed extension into more than one independent dwelling unit although separate dwelling units are not proposed. On review of the lodged plans, the proposed extension, including the incorporation of the shed is also unacceptable having regard to the overall site layout where by the extension is shown with a separate entrance so that use of a route to access it through the existing house is not essential. The concerns of the planning officer in this regard are supported.
- 7.3.3. Furthermore, there is a lack of connectivity and integration with the existing dwelling, the door opening off the kitchen being somewhat peripheral and superficial. Should subdivision occur, providing for two independent dwelling units on the site there would be consequent implications for density based on dwelling unit numbers and for the established pattern, layout and amenities of the area. It has been noted that

separately unauthorised conversion to habitable use was subject of an enforcement file held by the planning authority.

7.4. Impact on Residential Amenities of adjoining property.

- 7.4.1. The proposed extension relative to the existing house in terms of site coverage over the entire depth of the rear garden along with the height increasing to 4.7 metres from 4.3 metres is considerable and significant. It is considered that it would give rise to an undue visual dominance and a sense of enclosure, of the property at No 85 Lurgan Park from the west side, resulting in adverse impact on residential amenity and property value at this adjoining property.

7.5. On-street Parking Demand.

- 7.5.1. It is accepted that multiple occupancy by adults potentially generates demand for multiple on street parking although some occupants could be reliant on public transport or cycle use. At the time of inspection, during an afternoon on a midweek day, it was noted that there is generous scope for on street parking in the vicinity of the site and that ample space was available ample space along the public road to cater for parking demand in connection with residential development for all road users. The contentions in the observer submissions as to excessive parking demand and obstruction of vehicular egress from adjoining driveways is not accepted.

7.6. Drainage Arrangements.

- 7.6.1. The concerns as to potential for a separate connection to the proposed extension to the public drainage network are noted. Such a proposal would be subject to the separate authorisation of consent for connection. It is not anticipated that significant impact on the availability and functioning of the water supply and drainage network would be attributable to the proposed development.

7.7. Environmental Impact Assessment Screening.

- 7.7.1. Having regard to the minor nature of the proposed development and its location in a serviced urban area, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.8. **Appropriate Assessment Screening.**

- 7.8.1. Having regard to the minor scale and nature of the proposed development and the location in a serviced urban area, 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 planning authority decision be upheld. Draft reasons and considerations follow.

9.0 **Reasons and Considerations**

- 9.1. The site is in an area 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.”* In the Galway City Development Plan, 2018-2023. It is considered that the proposed development by reason of configuration whereby it extends along the entire depth of the site behind the existing dwelling, adjacent to the eastern boundary, at a significant height ranging from 4.3 to 4.8 metres is out of character with the established pattern, layout and character of the area and would be visually obtrusive and overbearing in impact and seriously injurious to the residential amenities of the adjoining property at No 85 Lurgan Park and, would result in diminution in the quality of attainable residential amenity for the occupants of the existing dwelling. As a result, the proposed development is contrary to the development objective for the area and to the proper planning and sustainable development in the area.

Jane Dennehy

Senior Planning Inspector
16th November 2018.