



An  
Bord  
Pleanála

## Inspector's Report ABP-303712-19

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<b>Development</b>	Retention Permission for removal of skylights to the front of house, b)new skylights to the front and sides of the house
<b>Location</b>	21 Manor Court, Knocknacarra, Galway. H91 AKT6
<b>Planning Authority</b>	Galway City Council
<b>Planning Authority Reg. Ref.</b>	18136
<b>Applicant(s)</b>	Maura and Tim Blanchard
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third
<b>Appellant(s)</b>	Declan and Patricia French
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	14 <sup>th</sup> May 2019
<b>Inspector</b>	Ronan O'Connor

# Contents

1.0 Site Location and Description.....	3
2.0 Proposed Development.....	3
3.0 Planning Authority Decision .....	3
3.1. Decision.....	3
3.2. Planning Authority Reports.....	3
3.3. Prescribed Bodies.....	3
3.4. Third Party Observations.....	4
4.0 Planning History.....	4
5.0 Policy and Context.....	4
5.1. Development Plan.....	4
5.2. Natural Heritage Designations.....	4
5.3. EIA Screening .....	4
6.0 The Appeal.....	4
6.1. Grounds of Appeal.....	4
6.2. Applicant Response.....	5
6.3. Planning Authority Response .....	6
6.4. Observations .....	6
6.5. Further Responses .....	6
7.0 Assessment.....	6
8.0 Recommendation.....	7
9.0 Reasons and Considerations .....	7
10.0 Conditions .....	8

## 1.0 Site Location and Description

1.1. The site is located within a suburban housing estate to the west of Galway City. On site is a detached two storey dwelling on a corner plot.

## 2.0 Proposed Development

2.1. Skylights to the front and side of the house.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. Grant permission. A condition of note is condition 2 stating the attic area is to be used only for storage purposes and the bathroom/en-suite is to be removed.

### 3.2. Planning Authority Reports

3.2.1. Planning Reports

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

- Roof light would not lead to overlooking.
- Further information requested in relation to (i) use of the attic area (ii) cross-section through the dwelling (iii) facilitating an internal site inspection.
- Further information was received on 18/12/18.
- Recommendation was to grant permission.

3.2.3. Other Technical Reports

None.

### 3.3. Prescribed Bodies

3.3.1. None.

### **3.4. Third Party Observations**

3.4.1. 1 submission received. The issues raised are covered within the grounds of appeal.

### **4.0 Planning History**

4.1.1. None.

### **5.0 Policy and Context**

#### **5.1. Development Plan**

5.1.1. The relevant plan is the Galway City Council Development Plan 2017-2023.

5.1.2. The site is zoned 'Residential with 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. The site is within an area defined as an 'Established Suburb'.

5.1.3. 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.

#### **5.3. EIA Screening**

5.3.1. The proposed development does not constitute an EIA project. Therefore no EIAR or Preliminary Examination is required.

### **6.0 The Appeal**

#### **6.1. Grounds of Appeal**

6.1.1. The grounds of appeal as submitted by the Third Party Appellants, are as follows:

- The rooflight overlooks the rear garden.
- Proposal is contrary to Section 11.3.1 of the City Development Plan as rooflights are within 3m of the boundary.
- Rooflights have materially altered the external appearance of the dwelling.
- Would set a precedent for other similar developments.
- Would have to insert blinds in the conservatory/reduce light levels
- Would have to plant trees along the boundary wall in order to provide screening.
- Diminishes value of appellant's property.
- Obscure glass would not overcome issue as window can be opened.
- Only complete removal of the window will protecting privacy.
- Board don't agree then window should be permanently closed with frosted/obscure glass.

## 6.2. Applicant Response

- Application is for the removal of skylights to the front of the house and provision of skylights to the front and sides of the existing house.
- Appellant's boundary is over 14m from the gable wall.
- Does not materially impact the appearance of the property/see ABP referral case 06.RL2284.
- Materially altering appearance is not a reason to refuse permission.
- Precedence is already set – No. 72 Manor Court – granted retention permission for 2 gable skylights.
- Skylights are common in the estate.
- Does not result in overlooking due to distance, even it was at a height suitable for looking through.
- Rear neighbours to the appellants have windows at first floor level that look directly towards the rear year and are significantly closer at 10.5m.

- Skylight is at a height that cannot be readily looked out of
- Already has a restrictor that limits its opening.
- The other skylights proposed do not result in overlooking.

### 6.3. **Planning Authority Response**

6.3.1. None.

### 6.4. **Observations**

6.4.1. None.

### 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:

- Impact on Residential Amenity
- Other Issues
- Appropriate Assessment

### 7.2. **Impact on Residential Amenity**

7.2.1. The appellant has raised the issue of overlooking/loss of privacy, namely overlooking of their rear garden area from the skylight on the western gable end of the applicant's dwelling.

7.2.2. The applicant has stated that the skylight cannot readily be looked out of and that there is a restrictor in place to limit its openable extent, and contests the claims of the appellant.

7.2.3. The skylight on the western gable end, which is the skylight that the appellant has raised concerns in relation to, serves a stairs and landing area providing access to

the attic accommodation. The skylight does not afford direct views outward and is limited in its openable extent. The appellant's rear garden is located to the 14.1m to the north-west of the appeal site, at the closest extent.

7.2.4. As such no material overlooking results from this skylight and I do not consider that a condition to obscure the glazing is justified. I also note there are numerous other examples of skylights similar to this within the estate and as such there is already a precedent for such development.

7.2.5. There is no impact on amenity from the skylights located on the front roofslope or from the skylight located on the from the eastern gable end.

### 7.3. **Other Issues**

7.3.1. I note the planning authority have imposed a condition stating the attic area is to be used only for storage purposes and the bathroom/en-suite is to be removed. The use of the attic is not under consideration in this application, and compliance with Building Regulations is not a planning matter. As such I do not consider this condition meets the criteria as set out in Section 7.3 of the Development Management Guidelines for Planning Authorities (2007), by virtue of the fact that it is not relevant to planning and is not relevant to the development to be permitted, and therefore should not be imposed in this instance.

### 7.4. **Appropriate Assessment**

7.4.1. Having regard to the nature and scale of the proposed development, insertion of skylights, and having regard to the 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.

## 8.0 **Recommendation**

8.1. Grant Permission.

## 9.0 **Reasons and Considerations**

Having regard to the provisions of the Galway City Council Development Plan 2017-2013, and to the nature, and scale of the proposed development, it is considered

that, subject to compliance with the following conditions, the proposed development would not seriously injure the amenities of the area or of property in the vicinity. 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 retained in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 18<sup>th</sup> December 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.

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Rónán O'Connor  
Planning Inspector

22<sup>nd</sup> May 2019