



An
Bord
Pleanála

Inspector's Report ABP-304065-19

Development	Extension to rear of house, Conversion of attic space, and demolition of part of existing dwelling abutting adjacent dwelling.
Location	93 Fr Griffin Road, Galway
Planning Authority	Galway City Council
Planning Authority Reg. Ref.	18320
Applicant(s)	Maureen and Gerry Gannon
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Ann Brehony and Niall Barrett
Observer(s)	Nicola Murphy Marlene Burke
Date of Site Inspection	04/06/2019
Inspector	Gillian Kane

1.0 Site Location and Description

- 1.1. The subject site is located on the southern side of Fr Griffin Road, a mostly residential road that runs from Claddagh Quay to Salthill.
- 1.2. The site comprises a two-storey mid-terrace dwelling with off-street carparking to Fr. Griffin Road. The area slopes steeply to the south so that the houses are three-storey to the rear. Due south of the terrace is an undeveloped field. A private laneway runs between no.s 97 and 99 and provides access to the field and to the rear of no.s 97 and 91.
- 1.3. The dwelling to the east of the subject site, no. 91 appears as an infill development as it is three-storey to Fr. Griffin Road and is of a markedly different architectural style to the remainder of the terrace.

2.0 Proposed Development

- 2.1. On the 8th October 2018 planning permission was sought for an extension (33.2sq.m.) to the rear of an existing part two, part three-storey dwelling, and conversion of the attic with dormer windows.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 5th March 2019 the Planning Authority issued a notification of their intention to GRANT permission subject to 4 no. conditions. Condition no. 3 states that the attic area shall be used for storage purposes only.

3.2. Planning Authority Reports

- 3.2.1. **Planning Report:** No impacts from proposed rear extension on dwellings to the east and west. Extent of proposed box dormer at attic level is a concern. Should be omitted and replaced with rooflights. Applicant should be required to confirm that proposed room complies with building and fire regulations. Proposed development meets open space requirements. Opaque screen required on landing area of rear stairs accessing lower ground level patio area. Use of proposed flat roof should be conditioned. FI request recommended.

3.3. **Request for Further information**

- 3.3.1. On the 29th November, the applicant was requested to identify the proposed demolition works, provide for rooflights at attic level and provide for a screen around the rear landing area.
- 3.3.2. On the 18th January the applicant responded to the FI request with drawings showing the omission of the box dormer, the omission of the demolition of the master bedroom, the provision of glazed screens around the rear external stairs and a statement that the proposed attic room will be used for storage only.
- 3.3.3. The FI response was deemed significant and re-advertised.

3.4. **Reports on File following submission of FI**

- 3.4.1. **Engineer:** room which is to be used as a habitable room must comply with fire and building regulations.
- 3.4.2. **Planning Report:** Response is acceptable. Recommendation to grant permission subject to conditions.

3.5. **Third Party Observations**

Residents of 95 Fr. Griffin Road.

- 3.5.1. An objection to the proposed development was submitted by the adjoining resident at no. 95. The issues raised mirror those raised in the third-party appeal, as discussed in section 6.0 below.
- 3.5.2. Unsolicited additional information was submitted by the Applicant in relation to the objection, stating that the proposed extension was 1.8m from the rear and not the 8m stated by the objector.
- 3.5.3. The third-party responded to the UAI stating that their concerns remained valid as the proposed development overlooked their private open space.
- 3.5.4. Following the submission of FI, the third-party submitted an observation to the Planning Authority. The submission referred to the legality of the site notice and description of the proposed development.

Residents of 91 Fr. Griffin Road.

- 3.5.5. A second objection to the proposed development was submitted after the submission of FI. The objection referred to reduction in privacy from overlooking and clarity on the proposed demolition.

3.6. Prescribed Bodies

- 3.6.1. None on file.

4.0 Planning History

- 4.1.1. None on file.

5.0 Policy and Context

5.1. Galway City Development Plan 2017 – 2023

- 5.1.1. The subject site is located in an area designed Inner Residential (table 2.1) and is zoned R Residential, which has the stated 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”. Residential use is permitted in principle.
- 5.1.2. **Section 11.3.1(I)** refers to 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. **Section 2.7** of the development plan referring to the demand for extensions to existing dwellings in Inner Residential areas, states that they should “not be of such a scale that represents a major addition to, or redevelopment of the existing urban fabric.”

5.2. Natural Heritage Designations

- 5.2.1. The subject site is 0.4km north of the Inner Galway Bay SPA and Galway Bay Complex SAC.

5.3. EIA Screening

- 5.3.1. Having regard to nature of the development and the urban location of the site 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

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A third-party appeal against the decision of the Planning Authority to grant permission has been submitted by the residents of 95 Fr. Griffin Road, the dwelling to the immediate west of the appeal site. The appeal submission describes the site location and context of the terrace of dwellings on Fr. Griffin road, accompanied by photographs. The grounds of the appeal can be summarised as follows:
- The proposed rear extension will tower 2.75m above and extend 1.8m beyond the glazing on the rear elevation of the appellants property. This will cause significant shadow and result in loss of light.
 - The scale, scope and overbearing nature of the proposed development contravenes the inner residential zoning of the subject site.
 - Section 2.6 of the development plan requires that extensions must have regard to the surrounding residential amenity.
 - The subject dwelling can accept an appropriately designed and scaled extension to accommodate owner-occupier, having been rented to students for 20 years.
 - The proposed extension is the equivalent of a studio apartment, increasing the size of the dwelling by one-fifth. This would result in significantly adverse impacts on the appellants property in terms of sunlight, daylight, outlook from habitable rooms and impact on private open space.
 - The existing dwellings in the terrace slope to the south. Many of the basements are unusable due to floor to ceiling heights and flooding.
 - The proposed extension will be a protruding box cantilevered over the lower ground floor patio. The Appellants main living area will be dominated by a napped plaster block wall.
 - As the proposed extension will be over a void, the parapet wall will be 5.5m over the ground level and will impact the appellants south facing living space.

- The blank gable wall extending 1.8m will have a significant impact on the outlook from the appellants home. Photos submitted to show the outlook from the rear of the appellants home. The proximity of the proposed parapet wall to the common boundary is excessive and would result in significant loss of residential amenity.
- Precedents in the area should not have been used by the Planning Authority to grant permission as they do not consider the site specifics. The sloping nature of the subject site distinguishes the site from others.
- The Board refused permission (PL61.246809) for a first-floor extension at 32 Oakley Crescent on the grounds of height. It is submitted that the Board has considered that first-floor extensions such as the proposed extension cause serious injury to residential amenity.
- It is submitted that the Planning Authority incorrectly assesses the proposed extension as being a ground floor extension, whereas it is actually a first-floor extension due to the lower ground level. The assessment of a ground floor extension is different to that for a first-floor extension.
- Planning Regulations acknowledge that an extension to the rear of a property less than 2m from the boundary wall will require careful consideration as it is likely to cause an impact in terms of loss of residential amenity to the adjoining property. The proposed first-floor extension abuts the boundary wall.
- The proposed full height window in the extension will directly overlook the appellants ground floor private open space. The appellants extensively used private open space will be significantly damaged by the size, extent and location of the proposed glazing. As the proposed development is above a void, the legs of the extension will be visible from the appellants garden.
- The proposed development would materially contravene the zoning objective of the area as the residential amenity of the adjoining property would be damaged due to loss of daylight and sunlight. The Planning Authority's finding that the proposed development would not result in impacts is disputed.
- Daylight is diffuse light which is not reliant on orientation. A light analysis was not carried out. As no. 95 is to the west of the appeal property it will experience a loss

of morning light. The proposed development breaches the 45-degree rule of the Site Planning for Daylight and Sunlight Good Practice Guide.

- The proposed development would devalue the Appellants property.
- The applicants have not indicated that they own the plot of land to the rear of the terrace and have a way leave over the lane between no.s 97&99. It is feared the applicants will use the lane and the field to park at the rear of no. 93.
- Over-development of the appeal site may exacerbate recent flooding.
- The proposed development requires a site management plan and proposals to deal with construction traffic.
- No details for the drainage of the flat roof have been provided. Structural details for the proposed steel needed for the cantilevered extension have not been provided.
- The Board is requested to amend the proposed extension by recessing it a minimum of 2m and reducing its depth by 1m and restricting the use of the flat roof, reducing the glazed area. The Board should request a site management plan, a flood risk assessment, details of other land in the applicant's ownership and details of structural elements of the proposed development.
- Alternatively, the Board is requested to refuse permission.

6.2. Applicant Response

6.2.1. An agent for the applicant has responded to the third-party appeal. The submission addresses issues raised by the appellant and Observer during the Planning Authority assessment stage and refers to the request for and response to additional information.

6.2.2. In response to the appeal, the agent states the following:

- The appellants photographs exaggerate the impact of the proposed development.
- The proposed window size is to allow light to penetrate into the inner sitting and dining room. There is not a consistent window line along the rear elevation of the dwellings.
- No privacy issues will arise.

- The steps and balcony to the rear of no. 95 are not screened.
- The Appellants do not have a right to look into the rear garden of no. 93.
- Light shines into the appellants directly from the south. This will not be affected by the proposed development.
- The Appellant's line drawing of the proposed extension is not to scale and is not accurate.
- The proposed development complies with the development plan. Surface water from the proposed development will be discharged to the existing surface water drainage system.
- Development at no. 95 is unauthorised.
- The legal right of way and the ownership of other lands have been demonstrated to the Planning Authority.
- Construction details will be dealt with at construction stage.
- The Board is requested to grant permission.

6.3. **Planning Authority Response**

- 6.3.1. None on file.

6.4. **Observations**

Nicola Murphy, 97 Fr. Griffin Road

- Agrees with points made in third-party appeal.
- The right of way between no. 97 and 99 is shared by six houses. It is not suitable for construction traffic which may cause damage to no. 97.
- The use of the field to the rear of the terrace is questioned.
- The Observer moved her rear boundary wall to within her property to ensure the laneway was accessible by cars.
- Planning permission was refused (Planning Authority reg. ref. 18/345) for a two-storey extension to the rear of no. 111 Fr. Griffin Road on the grounds of design, height and massing be unduly dominant, failing to have regard to the existing

pattern of development and being contrary to the development plan. The proposed development should be refused permission for the same reason.

Marlene Burke, 91 Fr. Griffin Road.

- Agrees with the third-party appeal.
- The Observers property is immediately east of the appeal site. The rear wall of no. 91 is 2m forward of the appeal property.
- The proposed first floor extension and balcony will be 3.1m from the original rear of the appeal property.
- The proposed extension will tower over the boundary wall, detracting from the residential amenity and invading the privacy of no. 91.
- If there are plans to build on the boundary wall this may have a structural impact on no. 91.
- The proposed development will look directly into the living area of no. 91 and will impact light.
- The Board is requested to consider reasonable impacts or to refuse permission.

7.0 Assessment

7.1.1. I have examined the file and the planning history, considered national and local policies and guidance, the submissions of all parties and inspected the site. I have assessed the proposed development and I am satisfied that the issues raised adequately identify the key potential impacts and I will address each in turn as follows:

- Principle of development
- Impact on Residential Amenity

7.2. Principle of the Proposed Development

7.2.1. The subject site is located in an area zoned for residential development. Subject to other planning considerations the proposed development is acceptable.

7.3. Impact on Residential Amenity

- 7.3.1. The appellant's main concern appears to lie with the proposed extension of the existing kitchen – at first floor level when viewed from the rear. She states the proposed extension 1.8m beyond the existing wall will cause overlooking and overshadowing of her ground and first floor and will create a tunnel effect.
- 7.3.2. I note the staggered building line to the rear of the dwellings along this terrace. I note the balconies at first and second floor level on the rear of the Observers property to the immediate east of the subject site. Further, I note that many of the existing dwellings along the terrace have extended at ground and first floor level. The use of cantilevered first floor extensions is not usual; however, the topography of the area is such that what is ground level at the front of the house becomes first floor level to the rear. A first-floor cantilevered extension exists to the rear of no. 99.
- 7.3.3. It is considered that an extension of 1.8m from the existing building line will not have a significantly injurious effect on the adjoining dwellings, given the reactively small scale of the proposed development, the staggered building line of the terrace and the southern orientation of the dwellings. The proposed extension will not cause overlooking of the appellants property as the proposed first floor window looks directly south. A 1.8m opaque screen is proposed on the return of the external stairs.
- 7.3.4. Should the Board decide to grant permission, a condition restricting access to the flat roof should be attached. I do not agree that the proposed development needs a construction management plan or a flood risk assessment due to the small scale of the proposed development. The use of the laneway and / or the adjoining field by the applicants is outside the remit of the Board in relation to the subject appeal.
- 7.3.5. In relation to the decision of the Board to refuse permission for a first-floor extension (PL61.246809), the Board will note that the proposed first floor extension was 4m deep and would be 5m high once the permitted ground floor extension was constructed. Further the site in that case was constrained in that private open space to the rear was restricted. The Inspector considered that the proposed extension with pitched roof would create an excessive and unacceptable sense enclosure and overbearing impact on the adjoining private open space and the rear of the adjoining dwelling itself. The plot ratio of the proposed development resulted in a site that would be over developed. The subject proposed first floor extension extends 1.8m

from the rear boundary wall and continues a pattern of staggered building lines along this terrace. I am satisfied that the decision of the Board under PL61.2476809 does not form a precedent to which the Board would be bound.

7.4. Appropriate Assessment

- 7.4.1. Having regard to the nature and scale of the proposed development in a fully serviced built-up urban area, no appropriate assessment issues arise, and it is considered that 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

- 8.1.1. It is recommended that permission be granted subject to conditions for the reasons and considerations set out below.

9.0 Reasons and Considerations

- 9.1.1. Having regard to the zoning objective of the area, the design, layout and scale of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the development would not seriously injure the visual amenities of the area or residential amenity of property in the vicinity. The proposed development for which permission to retain is sought 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, 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 proposed flat roof shall not be used for recreational purposes and access shall be for maintenance purposes only.

Reason: In the interest of protecting the residential amenity of adjoining properties.

- 3 Water supply and drainage arrangements, including the 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 and to ensure a proper standard of development.

4. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission

Gillian Kane
Senior Planning Inspector

06 June 2019