



An
Bord
Pleanála

Inspector's Report ABP-305364-19

Development	Window and door amendments to the sides and rear elevations and construction of a covered terrace to rear of house.
Location	61 Threadneedle Road, Salthill, Galway.
Planning Authority	Galway City Council
Planning Authority Reg. Ref.	19178
Applicant(s)	Pat & Barbara Sheehan.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Pat & Barbara Sheehan.
Observer(s)	None.
Date of Site Inspection	28 th November 2019.
Inspector	Brid Maxwell

1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 645sq.m and is located at 61 Threadneedle Road in Salthill. The site is occupied by a detached dwelling in residential use. The dwelling is constructed on sloping ground and incorporates an independent one bed apartment at lower ground floor level which is accessed from the southern side elevation. An independent dining lounge area at lower ground level is accessed from the rear of the building. The main dwelling has four bedrooms at ground floor level and to the rear its connection to the rear garden is via a small landing and stairs. Residential dwelling sites adjoin to the north south and east with a new dwelling currently under construction on the more elevated site to the north. Jesus and Mary Secondary School and Saint Enda's College are located opposite Threadneedle Road to the west.

2.0 Proposed Development

- 2.1. The proposal as set out involves permission for window and door amendments to the sides and rear elevations and construction of a covered terraced 22sq.m to the rear of the existing dwelling.
- 2.2. The proposal essentially seeks to provide a terrace area at ground floor kitchen level with relocated access stairs to the lower garden level. The design involves a concrete platform with steel / concrete uprights and a glazed pergola frame covering the space above. A screen wall 1.8m in height is proposed to the northern side of the structure with 1.1m high boundary to the remaining terrace area. Windows and door amendments to the northern and southern side elevations as well as provision of patio doors to the rear elevation accessing the proposed terrace. Alterations are proposed to the front driveway to create a more level ground surface.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1 By order dated 12th August 2019 Galway City Council issued notification of its decision to refuse permission for the following reasons:

The Galway City Development Plan 2017-2023, Section 11.3.1(d) requires that “Residential units shall not directly overlook private open space or land with development potential from above ground level by less than 11metres minimum”. The proposed development cannot meet the above policy /standard development plan requirements, and if permitted, would give rise to undue overlooking of adjoining properties thus detracting from the residential amenity contrary to the proper planning and sustainable development of the area.

With regard to the ‘Pergola’ structure to be erected over the terrace area, the Galway City Council Development Plan 2017-2023 Section 11.3.1(1) Residential Extensions states “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.” In this case the proposed development would be contrary to the above outlined policies and objectives of the Development Plan, as its height and scale, along with the materials proposed, are excessive and inappropriate. If permitted, the structure would be injurious to residential amenity and the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planner’s report notes concern with regard to proximity to adjoining boundaries. Wall to prevent overlooking not considered appropriate and scale and design of the proposed pergola considered out of character. Refusal was recommended.

3.2.2. Other Technical Reports

None

3.3. Prescribed Bodies

No submissions

3.4. Third Party Observations

Submission from Cormac Small, 63 Threadneedle Road notes concern with regard to impact on no 62 arising from overlooking loss of privacy / amenity / daylight. Details inadequate with regard to stormwater disposal and screening details. Vertical dimension on patio over ground level is unclear and drawings do not include contiguous elevations.

4.0 Planning History

01/127 Permission granted for retention of change of use of basement area of residence from approved apartment to childminding service for up to six children and for use of rear garden as playground. Condition 2 required that childminding use be discontinued and entire property to revert to use as a single family dwellinghouse or dwelling and lower ground floor apartment prior to 1st June 2004 unless permission for retention for a further period is granted.

255/96 Permission granted for variation of dwellinghouse and construction of flat use of part of the premises as a self-contained flat. Condition 1. *“Permission for use of part of the premises as a self-contained flat shall apply only so long as the owner of the premises lives in the proposed flat or the remainder of the premises as a main residence otherwise the entire premises shall be used as a single dwelling unit.”*

Adjoining site 63 Threadneedle Road

18/178 *Extension of duration on PL Ref 13/94 for development comprising demolition of existing two storey with attic level accommodation house and outbuildings and the construction of a new two storey with attic level accommodation house.*

13/94 *Permission for demolition of existing two storey with attic level accommodation house and outbuildings and the construction of a new two storey with attic level accommodation house*

5.0 Policy Context

5.1. Development Plan

The Galway City Development Plan 2017-2023 refers.

5.2. Natural Heritage Designations

None

5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale of the proposed development and to the nature of the receiving environment, 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 The appeal is submitted by Gormancad Limited on behalf of the applicants

- Kitchen window on gable currently less than 11m from the boundary. Proposal reduces its size and adds another window into space to increase privacy and preventing overlooking.
- The proposal is a simple raised covered terrace to accommodate a level access to the rear garden area with steps from terrace to garden.
- The proposal is to the rear garden and not visible and cannot be out of context to neighbouring houses.
- The terrace design is in keeping with the materials of the existing masonry construction pillars with render to the screen walls along with a simple glazed roof (pergola) covering the external space.

- Notably amendments to driveway to the front have not been addressed in reasons for refusal.

6.2. Planning Authority Response

The Planning Authority did not respond to the grounds of appeal.

7.0 Assessment

- 7.1. As regards the principle of development, the site is zoned R1 Residential. The objective “To protect the residential amenities and to provide for limited associated uses.” I consider that the principle of the proposed development involving construction of a terrace to the rear of the existing dwelling which is intended to enhance the established residential use on the site is acceptable in principle and in accordance with the Z2 zoning objective.
- 7.2. As regards the design detail of the proposal I note that the proposed terrace structure is set back 3.5m from the common boundary and overlooking to the north is mitigated by way of construction of a 1.8m high screen wall. On the issue of the level of the terrace and height of the pergola structure, I consider that the proposed height is appropriate to the context and will not be visually dominant. I note the scale and height of the dwelling under construction on the adjoining site to the north and I consider that the proposal will not be unduly visually dominant and is appropriate in this context. Overshadowing is not considered to be significant. As regards external finish a render finish is proposed in keeping with the existing dwelling. While the pergola cover is an atypical addition, I am satisfied that given its scale it will not have a significant negative impact on adjacent residential amenity. As regards amendments to window design to the northern elevation it is noted that the proposal replaces one existing window with two high level windows and in this regard, I consider that increased overlooking does not arise. On balance I consider that the benefits arising in terms of the improvement to residential amenity on the appeal site

is appropriately balanced against the protection of established adjacent residential amenity.

- 7.3. As regards comments regarding detail on drawings these are noted, however I consider that adequate details have been provided to enable full assessment of the development.
- 7.4. As regards proposed driveway amendments details with regard to retaining boundary treatment are unclear this matter can be addressed by way of condition.
- 7.5. Having regard to the nature and scale of the proposed development and the nature of the receiving environment, and proximity to the nearest European Site, 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. Having regard to the foregoing I recommend that permission be granted based on the following reasons and considerations and subject to conditions.

9.0 Reasons and Considerations

Having regard to the scale and nature of the proposed development and to the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or property in the vicinity and would be in accordance with the provisions of the Galway City Development Plan 2017-2023. The proposed development would therefore, be in accordance with the proper planning and sustainable development of the area.

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 external finishes of the proposed terrace wall shall be the same as those of the existing dwelling in respect of colour and texture. Samples of the proposed materials shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. Measures for the retaining structure to the proposed driveway amendment shall be submitted to and agreed in writing with, the planning authority prior to the commencement of development.

Reason: To facilitate the protection of trees in the interest of visual amenity.

4. 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.

Bríd Maxwell
Planning Inspector

6th December 2019