



An
Bord
Pleanála

Inspector's Report

ABP-305731-19

Development	Change of house and garage plans to those granted under Pl. Ref. No. 15/1618.
Location	Lisheenkyle West, Oranmore, Co. Galway.
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	19/881
Applicant(s)	Darragh Conlon
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First Party
Appellant(s)	Darragh Conlon
Date of Site Inspection	15 th January 2020
Inspector	Colin McBride

1.0 Site Location and Description

1.1. The appeal site, which has a stated area of 0.2408 hectares, is located to the east of Ornamore, a short distance north of Athnery Golf Club and to the south west of the junction of M6 and M18. The appeal site is part of an existing field (grazing lands) on the southern side of a lower category county road. The appeal site is flat and is located at a lower level than the public road. The appeal site has existing hedgerow along its northern and eastern boundaries. To the south and west are the lands part of the field the site is taken from and to the east is agricultural land similar in nature. On the opposite side of the road are existing detached dwellings.

2.0 Proposed Development

2.1. Permission is sought for a change in house and garage plans to those granted under Pl. Ref. No. 15/1618. The proposed dwelling has a floor area of 235.7sqm and the garage has a floor area of 45.6sqm. The dwelling is a part single-storey party two-storey dwelling with a ridge height of 7.935m and external finishes consisting of smooth render with some portions in stone and blue/black slates on the roof. The detached garage is located to the front of the dwelling. The plans were revised in response to further information with the main changes being a reduction in the level and size of windows on the eastern elevation.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 16 conditions. Of note is the following condition...

Condition no. 7: The proposed garage shall be located behind the rear building line of the proposed dwelling-house. Reason: In the interests of the proper planning and sustainable development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning report (30/07/19): Further information required including measures to deal with concerns regarding overlooking of adjoining properties due the number of upper floor windows.

Planning report (26/09/19): The revised plans were considered acceptable in the context of the visual amenities of the area and the amenities of adjoining properties. A grant of permission was recommended based on the conditions outlined above.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

None.

4.0 Planning History

4.1 15/1618: Permission granted for construction of a dwelling house, garage, wastewater treatment system and all associated site works.

5.0 Policy Context

5.1. Development Plan

The relevant development Plan is the Galway County development plan 2015-2021. The site is located in a rural area. The site is in a Class 1 Landscape inside the Galway Transportation and Planning Study Area.

Galway County Council, Design Guidelines for the Single Rural House.

5.2. Natural Heritage Designations

5.2.1 None in the vicinity.

5.3. EIA Screening

5.3.1 Having regard to the nature and scale of the development which consists of the construction of a dwelling and associated site works, 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 first party appeal has been lodged Darragh Conlon, Lisheenkyle West, Oranmore, Co. Galway.

- The appeal relates to the imposition of condition no. 7 requiring relocation of the garage to behind the rear building line of the proposed dwelling.
- It is noted that the dwelling is designed and orientated in a manner to maximise solar gain and such is in accordance with the Galway County Council planning guidelines for rural housing.
- It is considered that the relocation the garage to the rear of the site would impact upon solar gain and reduce the safety of the amenity area to the rear by generating traffic as well as visual amenity due to the increased level of hardstanding that would be required. It is considered that the design of the dwelling and garage as proposed is in keeping with the rural character of the area.
- The appellant notes that condition no. 7 should be omitted and its application is not in accordance with the proper planning and sustainable development of the area.

6.2. Planning Authority Response

6.2.1 No response.

7.0 Assessment

7.1 At the outset, I wish to point out that following consideration of the documentation on the appeal file and the site location and context, I am satisfied consideration of the proposal on a de novo basis, (that is as if the application had been made to the Board in the first instance), is unwarranted and that it is appropriate to determine the appeal in accordance with the provisions of Section 139 of the Planning and Development Act, 2000 as amended. Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

Condition no. 7.

7.2 Condition no. 7:

7.2.1 Condition no. 7 states that...

7. The proposed garage shall be located behind the rear building line of the proposed dwelling house.

Reason: In the interest of proper planning and sustainable development.

The proposed dwelling is an L-shaped dwelling with single-storey portion running on an east west axis and a two-storey portion running on a north south axis. The design of the dwelling although contemporary takes cues from vernacular designs in terms of being a design featuring a cluster of structures, providing for structures that have a single room depth, having a traditional pitch and using external finishes in keeping with vernacular rural structures. One of the structures is a single-storey garage located to the front of the dwelling and at a right angle connected by a covered section. Although forward of the building line of the main dwelling, the garage is well integrated into the design and contributes to the clustered arrangement of the dwelling. I would consider that the design proposed has regard to the principles of the Galway County Council, Design Guidelines for the Single Rural House. The garage structure itself is subordinate to the main dwelling in scale but integrates well due to having a similar roof pitch and external finishes. I would consider that the

overall visual impact of the design as proposed is acceptable in the context of the visual amenities of the area.

7.2.2 The appellant notes that the design has been carried out to maximise solar gain and the southerly orientation of the rear elevation and that moving the garage to the rear would interfere with such solar gain as well entail an increased level of hardstanding to facilitate vehicles accessing the garage to the rear of the site. These are valid points and regardless of such, the overall design as proposed is of a good standard with adequate regard to the relevant design guideline and there is no good reason or logic to relocating the garage structure to the rear of the site. In this regard I would consider that the condition is unduly onerous and would recommend that condition no. 7 be omitted.

8.0 Recommendation

8.1 I recommend that condition no. 7 be omitted.

9.0 Reasons and Considerations

Having regard to the nature of the conditions the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to REMOVE Condition No. 7., and the reasons therefor.

(a) Having regard to overall design and the fact such has adequate regard to the Galway County Council, Design Guidelines for the Single Rural House and the visual amenities of the area, the subordinate scale of the proposed garage relative to the proposed dwelling and its contribution to the clustered layout of structures proposed, it is considered that the imposition of a condition relocating the garage is unwarranted.

Colin McBride
Planning Inspector

21st January 2020