



An
Bord
Pleanála

Inspector's Report

ABP-306973-20

Development	Demolition of detached domestic shed structure , construction of a new single storey detached domestic shed structure.
Location	Windermere, 17 Dalysfort Road, Salthill, Galway
Planning Authority	Galway City Council
Planning Authority Reg. Ref.	19235
Applicant(s)	Laura Barry.
Type of Application	Permission.
Planning Authority Decision	Grant Permission subject to conditions.
Type of Appeal	Third Party
Appellant(s)	Mel & Gerardine Gannon.
Observer(s)	None.
Date of Site Inspection	5 th May 2020.
Inspector	Bríd Maxwell

1.0 Site Location and Description

- 1.1. The appeal site which is quadrilateral in shape has a stated area of 0.0343 hectares and is located to the rear of established dwellings 17-19 Dalysfort Road within a well-established residential area in Salthill, Galway. The site backs onto the rear boundaries of dwellings fronting onto San Antonio Park. Access is provided via a right of way laneway from Dalysfort Road. The site is occupied by a shed structure which is located towards the southwestern end of the site and the remainder of the site is overgrown with scrub vegetation and trees. Site levels fall to the east with a significant vertical drop in the region of 2.5m at the eastern boundary with dwellings on Sant Antonio Terrace and these dwellings are a significantly lower level circa 4m relative to levels on the appeal site.

2.0 Proposed Development

- 2.1 The proposal as set out within the application involves demolition of the existing single storey detached domestic shed structure, measuring 19m² and construction of a new single storey detached domestic shed structure measuring 41m² and all associated site services and ancillary works. Application details indicate that the intended use of the shed structure is for storage and supplementary enjoyment of garden space.
 - 2.1. The initial application proposed the replacement shed to be sited towards the northern boundary of the site with a replacement boundary wall to be constructed along the southern boundary adjacent to 15 Dalysfort Road. The proposed shed is to be finished in natural stone with larch / cedar timber cladding.
 - 2.2. In response to a request for additional information by Galway City Council, the proposal was revised with two alternative options detailed. The first alternative referred to as Option A involved reorientation of the shed north south maximising the separation distance to 7m from the eastern boundary and adjacent dwellings on San Antonio Terrace. The parapet height of the building was reduced to 2.8m and toilet facility omitted.
 - 2.3. The second alternative Option B, which is noted to be the clients preference, involves the reorientation and relocation of the shed adjacent to the southern

boundary in the vicinity of the current shed location. A further amendment was made following clarification of further information with the shed size reduced to 34m²

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1 By order dated 27th February 2020 Galway City Council decided to grant permission subject to 6 conditions. Condition 2. Permission solely granted for Option A, which is to be constructed in accordance with drawings received on 6/2/20. Condition 2. Shed shall not be used for commercial purposes or for human habitation or any other purpose other than a purpose incidental to the enjoyment of the dwellinghouse.
- Condition. 4 The internal area of the shed shall have no internal partitions; bathroom facilities and it shall comprise a single open area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- 3.2.1.1 Initial Planner's report indicated no objection in principle however concerns regarding the orientation and height of the structure and its relationship to gardens and dwellings located to the east. Further information was requested incorporating reduced size and reorientation of the structure and toilet to be omitted. Following submission of additional information, the Planner expressed continued concern regarding the scale of the structure and considered Option A to be preferred proposal. Clarification of further information was requested including a reduction of scale.

Final report recommended permission subject to conditions.

3.2.2. Other Technical Reports

None

3.3. Prescribed Bodies

Irish Water no objection subject to standard conditions. Connection agreement.

3.4. Third Party Observations

3.4.1 Submission from Gerardine Gannon and Mel Gannon, 6 Antonio Park. Express concern regarding the floor level which is in excess of 4m above their home. Indicate no objection in principle however concerns arise regarding privacy, amenity and loss of light. Provision of sanitary facilities and potential use as a mews structure. Resiting of the structure to the western part of the site increases negative impacts arising.

Mary Murphy & Tomás Hardiman, 18 Dalysfort Road. Concern that the inclusion of sanitary facilities would allow for potential use as a self-contained residential unit. Note adverse impact on residential amenity and traffic impact.

4.0 Planning History

10/336 Withdrawn. Application sought permission for single storey mews dwellinghouse and associated site works.

10/182 Refusal of permission for construction of mews dwelling and associated works on lands to the rear.

09/118 Permission for development which will consist of demolition of existing substandard dwelling and the construction of new dwelling and associated site works. 17 Dalysfort Road Galway.

5.0 Policy Context

5.1. Development Plan

The Galway City Development Plan 2017-2023 refers.

5.2. Natural Heritage Designations

The site is not within a designated area.

5.3. EIA Screening

5.3.1 Having regard to the nature and scale of the development 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

The appeal is submitted by Mel and Gerardine Gannon, 6 San Antonio Terrace. Grounds of appeal are summarised as follows:

- Applicant submitted two options and stated that option B was the preferred option. This is in the general area of the present shed and does not overlook any property and would also be the appellant's preference.
- Galway City Council did not explain why option B was not acceptable.

6.2. Applicant Response

The applicant did not respond to the grounds of appeal.

6.3. Planning Authority Response

The Planning Authority did not respond to the grounds of appeal

7.0 Assessment

7.1. Having considered the application and submission and the grounds of appeal I consider that the key issues arising are those raised in the appeal relating to the siting of the structure and impact on residential amenity particularly on those dwellings on San Antonio Park to the east. The initial application proposed the

replacement shed to be sited towards the northern boundary of the site and in response to a request for additional information and particularly concerns with regard to the height of the structure relative to dwellings on San Antonio Park , the proposal was revised with two alternative options detailed. The first alternative and that permitted in the decision of the planning authority referred to as Option A involves reorientation of the shed north south with a separation distance of 7m from the eastern boundary. The second alternative Option B, which is noted to be the clients preference and also that preferred by the third party involves the reorientation and relocation of the shed adjacent to the southern boundary in the vicinity of the current shed location. Having reviewed option B, I consider that it is acceptable in terms of its visual impact and its impact on the amenities of the adjacent dwellings. On this basis I consider that this option is appropriate.

7.2 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. I recommend that permission be granted subject to the following conditions and reasons.

9.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by further plans and particulars submitted on the 16th December 2019 Option B and by the further plans submitted on 06 February 2020 Option B 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 garden building shall be used solely for purposes ancillary to the residential use of the main dwelling on the site. It shall not be used as sleeping accommodation or for any commercial purpose and shall not be let or sold independently of the main dwelling.

Reason: To restrict the use of the building in the interest of residential amenity.

3. The site shall be landscaped in accordance with a comprehensive scheme of landscaping details of which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of residential and visual amenity.

Brid Maxwell
Planning Inspector

02 June 2020