



An  
Bord  
Pleanála

## Inspector's Report ABP-307163-20.

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<b>Development</b>	Permission for alterations and extension to house.
<b>Location</b>	No.14 Blakes Hill, Gentian Hill, Salthill, Galway.
<b>Planning Authority</b>	Galway City Council.
<b>Planning Authority Reg. Ref.</b>	2032.
<b>Applicant(s)</b>	Aideen Larke.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant with Conditions.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	John Laffey.
<b>Observer(s)</b>	An Taisce.
<b>Date of Site Inspection</b>	22/07/2020.
<b>Inspector</b>	A. Considine.

## 1.0 Site Location and Description

- 1.1. The subject site is located approximately 4.5km to the south west of Galway City, and to the west of Salthill, at Blakes Hill, Knocknacarra, Galway. Blakes Hill is a cul-de-sac road which connects to the R336 via Gentian Hill and includes a ribbon of large, detached houses, all of individual design, all located to the east of the road. The houses at the southern end of the road all have a westerly aspect looking out over Rusheen Bay to the west, and Galway Bay to the south.
- 1.2. The site has a stated area of 0.0825ha and slopes steeply upwards from the public road (west) to the rear (east). The rear of the site is stepped with an amenity level accessed from the top floor of the existing house. At the very back of the site, accessed via steep external stairs, there is a grassed area offering panoramic views over the roofs of the houses on Blakes Hill and over Rusheen Bay.
- 1.3. The existing house on the site comprises a 3-storey house with a floor area of 363.35m<sup>2</sup> and rises to a height of 10.55m. The house includes a mansard style roof with a first floor conservatory and balcony offering views over the bay. There is a garage at ground floor level and further balconies within the mansard roof serving the upper floor of the house.
- 1.4. The houses adjacent to the subject site are also 3 storey and there are a variety of designs noted on the road. The house to the north includes a wrap around first floor level terrace located immediately adjacent to the subject site.

## 2.0 Proposed Development

- 2.1. Permission is sought, as per the public notices for alterations to the elevations of the existing 3 storey dwelling, extensions to the first & second floor areas, construction of new roof, internal alterations and all ancillary site works all at No.14 Blakes Hill, Gentian Hill, Salthill, Galway.
- 2.2. The application included a number of supporting documents including as follows;
  - Plans, particulars and completed planning application form
  - Cover letter detailing the design considerations.

2.3. The proposed development will increase the floor area of the house of 126.65m<sup>2</sup>, resulting in a house with an overall floor area of 490m<sup>2</sup> on the site.

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

The Planning Authority decided to grant planning permission for the proposed development subject to 5 conditions.

#### 3.2. **Planning Authority Reports**

##### 3.2.1. **Planning Reports**

The Planning report considered the proposed development in the context of the details submitted with the application, submissions and the County Development Plan policies and objectives. The report does not include an Appropriate Assessment Screening Report.

The planning report concludes that proposed development is acceptable and the Planning Officer recommends that permission be granted for the proposed development, subject to 5 conditions. This Planning Report formed the basis of the Planning Authority's decision to grant planning permission.

##### 3.2.2. **Other Technical Reports**

**Building Control:** No objection.

##### 3.2.3. **Prescribed Bodies**

**An Taisce:** An Taisce submitted a report noting the proximity of the site to the Inner Galway Bay SPA and Galway Bay Complex SPA/pNHA. The report also noted the location of the site within 1000m buffer zone of a pNHA – a Site of Geological Heritage, Barna Drumlin Swarm. It is requested that FI be sought to address the following concerns:

- Potential impact on protected view V.5 and visual impacts associated with the proposed development.
- Overbearing on neighbouring dwellings

- Precedent set by a grant of permission in terms of height and intensification
- No Appropriate Assessment Screening has been submitted
- Issues with the proposed internal floor plan
- Lack of landscaping proposals
- No mention of lift shaft in the description of the development

#### 3.2.4. **Third Party Submissions**

There is 1 no. third party objection noted on the planning authority file from the home-owner to the north of the subject site. The issues raised are summarised as follows:

- Impact on the existing terrace to the south at first floor level which will be overshadowed by the development.
- The proposed extension will result in the overdevelopment of the site in the context of the requirements of Galway City Development Plan for amenity and plot ratio.
- The development will block light and views.
- Drawings submitted do not reflect the set back at first floor level of no. 12 Blake's Hill.
- Issues raised with accuracy and completeness of drawings submitted.
- The proposed design appears commercial, is excessively high and is out of character for the area.
- Impacts on views and property value.

The submission also notes regret that the applicant did not discuss the plans before submission to address the concerns.

## 4.0 **Planning History**

There is no recent relevant planning history pertaining to the subject site.

## 5.0 Policy and Context

### 5.1. Development Plan

- 5.1.1. The Galway City Development Plan 2017 – 2023, is the relevant policy document relating to the subject site. The site is zoned R1 Residential which has the stated objective ‘to protect residential amenity and to provide for limited associated uses’. The row of houses in which the subject site lies is surrounded by lands zoned G1 Rec Amenity, with the objective ‘to provide for recreational and amenity uses’.
- 5.1.2. Relevant policies and standards of the Galway City Development Plan 2017-2023 include:
- Policy 2.6 Established Suburbs states: Ensure a balance between the reasonable protection of the residential amenities and the character of the established suburbs and the need to provide for sustainable residential development.
  - Section 11.3 Residential Development

### 5.2. National Policy and Guidelines

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009)
- Quality Housing for Sustainable Communities, Best Practice Guidelines (2007).

### 5.3. Natural Heritage Designations

The majority of the site is not located within any designated site. The south eastern corner of the site, together with the adjacent house to the south, lie within the Galway Bay Complex SAC (& pNHA) (Site Code: 000268). The Inner Galway Bay SPA lies across the road from the site at a distance of approximately 8.5m to the west of the site.

## 5.4. EIA Screening

Having regard to nature and scale of the development, together with the nature 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

This is a third-party appeal against the decision of the Planning Authority to grant planning permission for the proposed development. The issues raised reflect those raised with the PA during their assessment of the proposed development and are summarised as follows:

- The additions to the front of the building will move the building line forward of the adjacent house and will impact on views and overshadow the existing first floor terrace.
- A shadow study is submitted to show the impact of the development on the appellants house, blocking all sunlight until late evening.
- Issues again raised in terms of the accuracy of the drawings.
- Submits that the solarium at first floor level does not have planning permission and should be removed from drawings and floor area calculations.
- The overall living space is 295m<sup>2</sup> and not 363m<sup>2</sup> as indicated as the figure given includes the existing garage and storage. The proposed increase in floor area is therefore 195m<sup>2</sup> or 66%.
- The mezzanine level is not shown in sections and no floor plan is provided.

There are a number of enclosures with the appeal.

## 6.2. Applicant Response

The first party submitted a response to the third-party appeal but it was received outside the appropriate period and was returned.

## 6.3. Planning Authority Response

None.

## 6.4. Observations

An Taisce has submitted an observation in support of the third party appeal. Issues raised relate to the increase in building height and the impact on Protected Views V.5, as well as the NHA and SAC. The development if permitted would cause significant impact due to:

- Additional height of over 2m
- Increased footprint is too intensive
- Form and structure will overbear on the surrounding natural environment and protected view.
- The structures dominance of the hilltop would be out of context with surrounding environment.

The observation includes a number of enclosures.

## 7.0 Assessment

Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the nature and scale of the proposed development and the nature of existing and permitted development in the immediate vicinity of the site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

1. Principle of the development
2. Visual and Residential Amenity Impacts

### 3. Appropriate Assessment

#### 7.1. Principle of the development

- 7.1.1. The subject site lies within a suburban residential area to the south west of Galway City, and the proposed development seeks to alter and extend an existing house which is connected to existing public services. The subject site is zoned R1 Residential in the Galway City Development Plan 2017-2023 which has the stated objective 'to protect residential amenity and to provide for limited associated uses'. There is no objection in principle to the proposed development, subject to the protection of existing residential amenity.

#### 7.2. Visual & Residential Amenity Impacts

- 7.2.1. The Board will note that the issue of visual impact is raised by the third party appellant and An Taisce. In terms of the potential visual impacts on a protected view, V.5: 'Seascape views encompassing Lough Rusheen including section of Blake's Hill, sections of Knocknacarra Road, sections of Barna Road from Knocknacarra to city boundary and including the road to Silverstrand Beach', I am generally satisfied that given the context of the site, the development will not result in any significant impacts on this view. The site itself rises steeply from west to east and the houses along Blake's Hill are all constructed and set into the hill. The views are primarily towards the water and towards Blake Hill to the south of the site.
- 7.2.2. I do note the concerns regarding the potential visual impact associated with the proposed development on the streetscape and adjacent properties. The houses on Blake's Hill are all detached and individual in their design. Many rise to three floors, and a number, including the adjacent property to the north, would appear to have attic rooms. The proposed development will certainly introduce a style, in terms of the flat roof, which is not common in this area. Overall, however I would not consider that the design proposed is unacceptable in principle.
- 7.2.3. I do have a concern in terms of the overall scale of the front elevation and in particular, with regard to the northern section which includes the mezzanine level over the proposed second floor kitchen area. The development further proposes the enclosure of the existing first floor balcony which extends the existing front wall of

the house out by approximately 2.65m from the existing front wall at upper floor levels. The City development requires that any proposed residential extension have regard to adjacent residential amenities.

- 7.2.4. The adjacent property, no. 12 Blake's Hill, lies to the north of the subject site. This property includes a wrap around terrace at first floor level which serves as private open space for the residents. The house does have additional private amenity space to the rear (east) of the house. It is submitted that if permitted, the proposed development will result in the loss of views towards Rusheen Bay and will overshadow this first floor terrace area. While I would note that the private right to views is not a planning concern, the issue of overshadowing and impact on the quality of the residential amenity space is.
- 7.2.5. The design of the proposed development includes a blank wall to the upper floors on the northern elevation. The appellant submits that the extension of the front wall of the upper floors by 2.65m will result in overshadowing of their amenity space. A shadow study was submitted to support this opinion. This study suggests that, as a result of the extension, the private amenity space will be in shadow in the afternoons, with the shadow also affecting internal rooms of their home. I am inclined to agree. Should the Board be minded to grant permission in this instance, I recommend that a condition be included to omit the incorporation of existing balcony area into newly configured bedrooms 3 and 4 at first floor level and to set back the second floor, to maintain the existing line of the front wall of the house at the upper floor levels on this side of the elevation. This will minimise the impact on the existing residential amenity of the adjacent property in terms of overshadowing and overbearing. I have no objection to the proposals regarding the proposed master bedroom extending into the area of the current sunroom.
- 7.2.6. The Board will note that the development proposes a mezzanine level over the proposed kitchen. Access is proposed via a staircase to be located along the northern wall of the second-floor kitchen. The elevation drawings suggest that there is a door from this mezzanine level to access the roof of the southern area of the building. No plans for this mezzanine level have been submitted. Should the Board be minded to grant permission in this instance, I recommend that the mezzanine level be omitted and that the overall height of the roof in the northern area of the

building be reduced to minimise the overbearing impact of the northern elevation on the adjoining residential property.

7.2.7. In addition to the above, the Board will note the other issues raised in the third-party appeal. In terms of the scale of the proposed development, if permitted, I am satisfied that the site is capable of accommodating the development, subject to the amendments recommended above. I am further satisfied that the development provides adequate private open space to service the dwelling in the form of balconies, terraces and rear garden space.

#### 7.2.8. **Appropriate Assessment**

A small area of the south eastern corner of the site, together with the adjacent house to the south, lie within the Galway Bay Complex SAC (& pNHA) (Site Code: 000268). The Inner Galway Bay SPA lies across the road from the site at a distance of approximately 8.5m to the west of the site.

Neither the applicant nor Galway City Council make reference to Appropriate Assessment. In this regard, I would note that the proposed development does not include works to virgin ground or land within the designated boundary of the SAC. In addition, I note that the site is a developed suburban residential site and that the proposed works relate to an extension of the existing structure on the site, through the incorporation of a garage and storage area into the living space as well as extending upper floors into existing balconies.

Overall, I consider it is reasonable to conclude on the basis of the information available that the proposal individually or in combination with other plans or projects, would not adversely affect the integrity of a Natura 2000 site having regard to the nature and scale of the proposed development and the receiving suburban environment and that no Appropriate Assessment issues arise. It is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European Site.

## 8.0 **Recommendation**

I recommend that planning permission be granted for the proposed development for the following stated reason and subject to the following stated conditions.

## 9.0 Reasons and Considerations

Having regard to the zoning objective for the area, the policies and objectives of the Galway City Development Plan 2017-2023, in particular Policy 2.6 Established Suburbs Section and Section 11.3 Residential Development, the design and layout of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be overbearing and visually intrusive in views from the adjoining property, would not significantly obstruct access to daylight within the internal accommodation or the private open space at the adjoining property, would not seriously injure the residential or visual amenities of the area. 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 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 development shall be amended as follows:
  - (a) the mezzanine level shall be omitted, including the access stairs and door access to the lower south roof from Mezzanine level. The roof height in the northern side of the building shall be reduced to mirror that of the southern side.
  - (b) no permission is granted to incorporate the existing balcony area on northern section of the front (western) elevation into newly configured

bedrooms 3 and 4 at first floor level or the living area at second floor level.

- (c) Access to the second floor balcony on the front (western) elevation, off the dining room shall be solely from the dining room.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of clarity, public safety and residential amenity.

3. The existing dwelling and proposed extension shall not be subdivided and shall be jointly occupied as a single residential unit.

**Reason:** In the interest of clarity and the residential amenities of the area.

4. The external finishes, including roof materials and stone shall be submitted for the written agreement of the Planning Authority prior to the commencement of any development on site.

**Reason:** In the interest of visual amenity.

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A. Considine

Planning Inspector

28<sup>th</sup> August, 2020