



An  
Bord  
Pleanála

## Inspector's Report ABP-308300-20

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<b>Development</b>	Demolition of flat roof and renovation of dwelling and construction of 2 detached dwellings
<b>Location</b>	11 Arbutus Avenue, Renmore, Galway.
<b>Planning Authority</b>	Galway City Council
<b>Planning Authority Reg. Ref.</b>	20202
<b>Applicant(s)</b>	Michael Mullaney
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refusal
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Michael Mullaney
<b>Observer(s)</b>	Paul McCarthy & Anne Joyce McCarthy, Christy Kearns, Helen Bohan, Sean & Patricia Murphy, John & Bridie Murphy,

John & Agnieszka Currie,  
Daniel Finnerty,  
Seán Boyle,  
Desmond & Mary Kelly,  
Patricia Cunningham

**Date of Site Inspection**

04/12/20

**Inspector**

Adrian Ormsby

## 1.0 Site Location and Description

- 1.1. The site is located in an established residential area in Renmore, Galway City, approximately 1.7 km east of Galway City Centre. The site has a stated site area of 0.08 ha.
- 1.2. The site is on the junction of Arbutus Avenue and Whitethorn Close. Arbutus Avenue is a link style road that connects four cul de sac roads and other parts of the overall Renmore area. Whitethorn Close is one of the cul de sacs and serves ten existing houses, four of which are on the same side of the subject application site. The level of this cul de sac rises noticeably from west to east.
- 1.3. The site includes 11 Arbutus Avenue which is a two storey, standard pitch, semi-detached house with a single storey, flat roofed, front and side annex. No. 11 is one of four houses between two cul de sac roads. These houses are two pairs of semi-detached houses facing directly onto Arbutus Avenue. To the side of the house there is a large side garden that extends around Whitethorn Close and is c. 45m deep. The house at No. 11 is orientated north west and fronts a public path, the road and a very large area of public open space.
- 1.4. The site is bounded to the public path and road by a very low boundary wall and mature hedgerow that restricts visibility into the site. The rear boundary of the site is also a high, mature hedgerow and there is a boundary wall to the side of No. 1 Whitethorn Close. There is an existing vehicular entrance to the site from Arbutus Avenue.

## 2.0 Proposed Development

- 2.1. The proposed development comprises-
  - Demolition of single storey side annex (30 sq.m) and alterations to front porch
  - construction of single storey extension and dormer roof extension 49.5sq.m
  - Sub-division of existing site
  - Construction of 2 no. detached dwellings consisting of-
    - 1 no. two and a half storey detached house (192.5 sq.m), access off Arbutus Avenue

- 1 no. two storey house detached house (127 sq.m) with access off Whitethorn Close

### 3.0 Planning Authority Decision

#### 3.1. Decision

The Planning Authority decided to Refuse Permission on the 16-09-20 for the following reason-

*‘The site is located within the ‘Established Residential Area’, where it is the policy of the Galway City Development Plan 2017-2023 that infill housing and extensions ‘should not be of such a scale that represents a major addition to or redevelopment of the existing urban fabric. In this respect, infill development will have regard to the existing pattern of development, plots blocks, streets and spaces. Infill development will also have regard to the scale and proportion of existing buildings, building lines, massing and height of buildings in relation to the street’.*

*The proposed development when taken with the existing house would involve overdevelopment of the site and by reason of its design and position beyond the established building lines, overshadowing and overlooking of proposed dwellings resulting in poor quality functional private open space for future residents of the development, would if permitted, be significantly out of character with the prevailing pattern and architectural symmetry and layout of residential development resulting in substandard development, seriously injuring the amenities of the site and adversely impacting upon the residential amenities of the area. The proposed development would therefore be contrary to policies of the current City Development Plan and the proper planning and sustainable development of the area.*

## 4.0 Planning Authority Reports

### 4.1. Planning Reports

The recommendation of the Planning Officer (signed the 15-09-20) reflects the decision of the Planning Authority.

The following is noted from the report:

- The proposed development represents a significant intervention into the existing urban fabric and pattern of development.
- It is clear the proposed development is not in keeping with the prevailing well-defined pattern of development and streetscape, which is characterised by two-storey semi-detached conventional housing. This pattern is quite strong in its expression and defines the distinctive streetscape and character of Renmore neighbourhood.
- The proposal represents a significant departure.....with gable ended singular dwellings, one of which is three storey and the other displaying an L-shaped configuration.
- Proposed houses 11A and 11B do not adhere to the established building line with 11A approx. two metres forward along Arbutus Avenue
- The quantum of development raises concerns in relation to overlooking, overshadowing and the quality of private amenity space for future residents.
- There possibility to achieve sensitively designed infill development on the site, however the proposal represents significant overdevelopment of this site.
- The proposed rear elevation box window at attic level of No. 11 and 11A, windows on the southern-eastern elevation first and second floors would not comply with the overlooking standard of the CDP.
- The proposal appears to comply with private amenity space standards, although it is considered that the open space calculated for 11A includes areas open to public view and defined as private amenity space. The qualitative aspect of the private open space to two new dwellings is questioned and will be significantly overshadowed on summer and autumn evenings

- 11B does not achieve the required minimum separation distance between dwellings of 1.5m

#### 4.2. Other Technical Reports

- Transport and Infrastructure- No objection subject to condition
- Climate Change & Environment- No objection subject to standard waste management/waste disposal conditions.

#### 4.3. Prescribed Bodies

- None

#### 4.4. Third Party Submissions

13 submissions were received. The main planning issues raised are also those raised in the Observations received on the appeal as set out in section 7.3 below.

### 5.0 Planning History

This Site-

- 82/316- Attic Conversion, grant, 02/08/1982

Nearby Site-

- 04824- Retention of an existing dwelling house and granny flat extension to the rear, permission for new attached house and entrance at 19 Arbutus Avenue, grant, 16/02/2005.

### 6.0 Policy Context

#### 6.1. Ministerial Guidelines

6.1.1. The following section 28 guidelines are considered relevant-

Sustainable Residential Development in Urban Areas (2009)- Section 5.9 Inner suburban/infill:

*“(i) Infill residential development – In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.”*

## **6.2. Galway City Development Plan 2017-2023 (GDP)**

6.2.1. Zoning- The subject site is zoned R with an 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.”*

Section 11.2.8 details-

“Uses which are compatible with and contribute to the zoning objective, for example:

- Residential’

Table 2.1 of the GDP identifies- ‘*Indicative Neighbourhood Areas in Galway*’ and Renmore is identified within an ‘*Established Suburb*’. Section 2.6 of the GDP deals with Established Suburbs and states-

*‘It is the priority of the Council to ensure that new development will not adversely affect the character of these areas. Infill should not be of such a scale that represents a major addition to, or redevelopment of, the existing urban fabric. In this respect, infill development will have regard to the existing pattern of development, plots, blocks, streets and spaces. Such development will also have regard to the scale and proportion of existing buildings, building lines, massing and height of buildings in relation to the street.’*

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.’*

*Encourage additional community and local services and residential infill development in the established suburbs at appropriate locations....*

*.....'*

Section 11.3 sets out General Development Standards and Guidelines for Residential Development and section 11.3.2 deals with Established Suburbs and refers back to the standards for Outer Suburbs (11.3.1). The following standards are particularly relevant-

#### Section 11.3.1 (c) Amenity Open Space Provision in Residential Developments

*'Private open space (areas generally not overlooked from a public road) exclusive of car spaces shall be provided at a rate of not less than 50% of the gross floor area of the residential unit.....*

*The scale of proposed extensions shall ensure that an adequate level of private open space is retained on site.'*

#### Section 11.3.1 (d) Overlooking

- *'Residential units shall not directly overlook private open space or land with development potential from above ground floor level by less than 11 metres minimum.*
- *In the case of developments exceeding 2 storeys in height a greater distance than 11 metres may be required, depending on the specific site characteristics.'*

#### Section 11.3.1 (f) Distance between Dwellings for New Residential Development.

- *The distance between side gables and side boundaries of dwellings shall normally be a minimum of 1.5 metres.*

#### 11.3.1(i) 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.*



### 11.3.2 (a) General

- *In the interests of sustainability and urban design, higher densities may be appropriate when new residential development or commercial/community development has regard to the prevailing pattern, form and density of these areas.*

## 6.3. Natural Heritage Designations

6.3.1. The site is-

- c. 165m north east of the Galway Bay Complex SAC (000268)
- c. 320m north west of the Inner Galway Bay SPA (004031).

6.3.2. The site is 165m north east of the Galway Bay Complex (000268) pNHA.

## 6.4. EIA Screening

6.4.1. Having regard to the nature and small scale of the proposed development it is considered that 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.

## 7.0 The Appeal

### 7.1. Grounds of Appeal

One first party appeal has been received. The grounds of appeal can be summarised as follows

- The applicant wishes to reinforce the key planning points made in the planning report accompanying this application.
- The scheme fully aligns with national policy in terms of qualitative and quantitative standards.
- This is a large site with ample room to accommodate two units.

- The physical footprint of 11 Arbutus Avenue will be reduced as part of this development.
- It cannot be argued that there is no place for modern interventions, creating visual interest. The design approach respects the existing character of the area while making a modern intervention.
- No breach of any standard has been cited by the planning authority.
- No adjoining residential property would be unduly affected.
- Galway City Council has permitted many infill homes which breach established building lines without having an undue impact on residential amenity. The corner unit creates a strong build edge which in turn sets the parameters along the established line of Whitethorn Close.
- As outlined in the planning report '4' house types are proposed, catering for a mix of households and tenure. This section goes on to reference 'bungalow' and 'Athlone'. The approach is consistent with local and national policy.
- The proposal is aligned with the NPF, national standards and is efficient use of brownfield lands.
- The Planning Authority has assessed the application in a manner that conflicts with the NPF.

## 7.2. Planning Authority Response

- None received.

## 7.3. Observations

Ten observations were received from Paul McCarthy & Anne Joyce McCarthy, Christy Kearns, Helen Bohan, Sean & Patricia Murphy, John & Bridie Murphy, John & Agnieszka Currie, Daniel Finnerty, Seán Boyle, Desmond & Mary Kelly and Patricia Cunningham. The issues raised by the observers included the original submissions and are grouped and summarised as follows-

- Non-compliance with National and Local Policy. The proposal breaches provisions and standards of the Galway City Development Plan. The NPF is an inappropriate reference document.
- Overdevelopment- Quantity of private open space below requirements.
- Impact on Visual Amenity and Character of the area. The proposal will be visually dominant by reason of scale, design, density, bulk, height, and separation distances between houses. The proposal will breach building lines along Arbutus Avenue and Whitethorn Close. Building line reference is taken from single storey porches rather than main dwellings and proposed new dwellings are less than 3m from Whitethorn Close. Dormer roof extension is obtrusive.
- Impact on Residential Amenity from the proposed extension and other works to 11 Arbutus Avenue and from proposed dwellings 11A and 11B including Noise, privacy, quality and quantity of private open space, provision of amenity space to front of 11B, overlooking, overshadowing, Lack of windows and natural light to 11B
- Precedents sited in application and appeal. Some infill developments in the area respect the building line, height and character of the area. The precedents provided in the appeal are not comparable to the subject site.
- Traffic concerns, increased volume, location of entrances and turning manoeuvres, increased demand for on street parking.
- Omissions, inaccuracies and discrepancies on documentation and drawings.
- The existing sewer line runs through the site and isn't referenced in the application.
- Devaluation of property in the area.

## 8.0 Assessment

### 8.1. Main Issues

8.1.1. I have examined the application details and all other documentation on file, including all of the submissions and observations received in relation to the appeal. I have inspected the site and have had regard to relevant local/regional/national policies and guidance. I consider that the main issues for this appeal are as follows-

- Principle of Development
- Impact on Residential Amenity
- Impact on Visual Amenity and Character of Area
- Access, parking and road safety.
- Other Matters
- Appropriate Assessment

### 8.2. Principle of Development

8.2.1. The site is zoned 'R' Residential with an 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"*.

8.2.2. Residential development is a use which is compatible with and contributes to the zoning objective as per section 11.2.8 of the Development Plan.

8.2.3. Table 2.1 of the GDP identifies the application site and Renmore within an *'Established Suburb'*. Policy 2.6 of the GDP seeks to 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. It also encourages residential infill development in appropriate locations.

8.2.4. Having regard to the above zoning and policy, the proposed development is considered acceptable in principle.

### 8.3. Impact on Residential Amenity

8.3.1. The Planning Authority considers that the development would result in overshadowing and overlooking of the proposed dwellings resulting in poor quality functional private open space for future residents of the development which would seriously injuring the amenities of the site and adversely impacting upon the residential amenities of the area.

8.3.2. The applicant contends that the proposed development accords fully with the design parameters of the City Development Plan.

#### 8.3.3. *Overshadowing*

The applicant has submitted a shadow analysis drawing with the application showing the impacts of overshadowing from the proposed development on April 15<sup>th</sup>, July 15<sup>th</sup> and September 15 over three different times of the day. Having reviewed this and considered the context and orientation of the site I am satisfied the proposed development will not overshadow any existing or proposed house to such an extent that would warrant refusal.

#### 8.3.4. *Overlooking*

The planning authority's concerns in this regard appear to refer to overlooking of the proposed dwellings. In my opinion the only area that could be considered overlooked would be the private amenity space to house No. 11B from the first floor and roof level extension of existing house No. 11. The rear garden depth of No 11 is shown as 11m and as such I am satisfied that this is a sufficient distance to prevent undue overlooking in this context.

Concerns have also been raised in the submissions and observations in relation to overlooking of neighbouring property from the roof level extension of No 11. The proposed roof extension faces directly to the proposed rear garden of No. 11. I accept there will be some diagonal views from the proposed roof extension. However, I do not consider they will lead to undue overlooking that would impact upon privacy and residential amenity in this context.

First floor windows on the north east elevation of proposed house No. 11A are over a stairwell and to a bathroom. They will face on to the side gable of existing house No.

11. First and second floor windows on the south east gable are 9.9m from the site boundary and will not lead to overlooking of private amenity space.

There is only one window above ground floor to the rear or side elevation of proposed house No. 11B. This window is over a stairwell. As such I am satisfied there are no concerns of overlooking from proposed house No. 11B.

#### 8.3.5. *Private Amenity Space*

Section 11.3.1 (c) of the GDP sets standards for private open space and states a rate of not less than 50% of the gross floor area of the residential unit. It also requires an adequate level of private open space is retained on site for proposed extensions.

##### *No 11 Arbutus Avenue.*

The overall development involves the subdivision of the site and leads to a significant reduction in private open space to the existing house No. 11. The existing house and its proposed extensions will have a floor area of 164.5 sq.m and 80 sq.m of private open space. I am satisfied that this is an adequate level of private open space and is of sufficient quality for the existing house at No 11.

##### *No 11A*

This house will have a floor area of 192.5 sq.m and the application proposes 99 sq.m to the south east of No. 11A. The front elevation of this house is indicated as facing Whitethorn Close and as such the private open space can be considered to the south east side of the proposed house. The dual aspect design of the house is noted in this context. The site layout drawing indicates a 1.8m high wall enclosing the private amenity space along Whitethorn Close. The size and quality of this area of private amenity space is considered acceptable.

##### *No.11B*

This house will have a floor area of 127 sq.m and the application proposes 70 sq.m to the rear of No. 11B. This space will have an irregular shape ranging from 5.33m to 8.85m in depth. It is located wholly to the rear and north side of the house. Having considered the orientation and functionality of this private amenity space, I note the provision does meet the Development Plan Standard and as such it is considered acceptable.

I note many of the submissions and observations raise concerns in relation to the proposed use of the front of this house as amenity space. I have no residential amenity or other concerns in relation to the use of space to the front of house for purposes ancillary to a house.

#### 8.3.6. *Other Residential Amenity Matters*

- It is considered that concerns raised in relation to noise can be reasonably addressed by a condition in relation to working hours and days.
- Large windows are provided to the first floor and bedrooms of proposed houses No. 11A & 11B and as such there are no concerns in relation to access to natural light and quality of bedrooms.
- The drawings show proposed house No. 11B set back 0.85m from its site boundary with No. 1 Whitethorn Close. This leg of the 'L' shaped house maintains the building line with Whitethorn Close. I am satisfied there are no concerns in relation to overbearing and the breach in development plan standard of 1.5m is minor in this context.

#### 8.3.7. *Conclusion*

In my opinion the proposed development will not create overshadowing or overlooking of the two proposed houses or of adjoining property to the existing house at No. 11. The proposal provides acceptable levels of private open space for the existing house and for future residents of the two proposed houses. I am satisfied the proposed development is not overdevelopment or substandard and would not negatively detract from or injure the residential amenities of the area.

### 8.4. **Impact on Visual Amenity and Character of Area**

- 8.4.1. The Planning Authority considers the proposed development by reason of its design and position beyond the established building lines (and other reasons) would if permitted, be significantly out of character with the prevailing pattern and architectural symmetry and layout of residential development
- 8.4.2. The applicant contends the site provides ample room to accommodate two units, creating a strong sense of character and community. The appellant argues there is

room for modern interventions, creating visual interest and that the design approach respects the character of the area while making a modern intervention.

8.4.3. *No 11 Arbutus Avenue*

The application proposes works to existing house No. 11 which includes the demolition of the existing side (30 sq.m) and raising the front porch from 2.62m to 3.425m. The demolition of the side annex facilitates the provision of a new house in the side garden. The works to the front porch would not detract from the visual amenity or the character of the area.

8.4.4. The application proposes a 17.5 sq.m single storey extension to the rear of the house along the boundary with No. 13 Arbutus Avenue. This extension will be 3.275m high and will have a flat roof. The works also include a 32 sq.m dormer roof extension. This extension is located in the roof pitch to the rear of the house, is below the main roof ridge and is c. 5.2m wide and 2.5m high. The extension will facilitate a bedroom and en-suite with windows to each room. It is to be finished in select metal cladding.

8.4.5. In terms of visual amenity and character of the area I have no concerns in relation to the single storey extension to the rear. However, I consider the roof level dormer extension to be excessive in scale and would dominate the rear roof slope. It would be visually obtrusive from the private open space of adjoining and neighbouring properties. Should permission be granted I recommend a condition be attached reducing the size and scale of the roof extension.

8.4.6. *No 11A and 11B*

The application proposes two houses in the side garden of the house at No. 11 Arbutus Avenue. Both houses are orientated towards the cul de sac known as Whitethorn Close. No. 11A is a two and a half storey, narrow plan house with a ridge height of 9.73m. No. 11B is a two storey, narrow plan and almost 'L' shaped house with a ridge height of 8.18m. Both houses are generally simple designs with contemporary features. In terms of design I have no concerns.

8.4.7. *No 11A*

Arbutus Avenue has an established building lines that is clearly demarcated by the main two storey blocks of houses with single storey protrusions. Proposed house No.



11A appears to have taken its building line reference from the single storey protrusions along Arbutus Avenue. The side gable elevation of No. 11A has been designed to provide a dual aspect and active elevation to Arbutus Avenue. However, in my opinion No. 11A would clearly breach the established building line of Arbutus Avenue and would have a negative visual impact.

8.4.8. Existing house No. 11 has a stated ridge height of 8.21m. Proposed house 11A has a stated ridge height of 9.73m. Drawing RSA-020/25/06 shows the ridge of 11A to be 0.47m higher than No.11 and this is due to the lower ground and finished floor level of 11A.

8.4.9. The proposed height of 11A, its gable elevation to Arbutus Avenue and its window to the second floor are all clearly not in keeping with existing two storey and standard pitch roof houses on this road. Given the sites prominent location on the junction of Arbutus Avenue and Whitethorn Close, the proposed height of 11A, the second floor element and the clear breach in the existing building line along Arbutus Avenue it is my opinion the proposed house No. 11A would have a negative visual impact and would be out of character with the area. Furthermore, and as discussed in section 8.4.12 below the proposed height of No. 11A would not continue the stagger of heights along the northern side of Whitethorn Close and as such would detract from the visual amenity and character of Whitethorn Close.

8.4.10. *No. 11B*

The established building line along the northern side of Whitethorn Close is clearly demarcated by the four existing two storey houses No's 1, 3, 5 & 7. Proposed house No. 11B is designed in an almost 'L' shape. One leg of the 'L' maintains the existing building line of Whitethorn Close and the other leg protrudes forward with an angled gable so as to enclose, frame and stagger the building line along the northern side of Whitethorn Close. This will then facilitate the provision of No. 11A along the cul de sac to the west of No. 11B.

8.4.11. Proposed house No. 11B has a stated ridge height of 8.18m. Drawing RSA-020/25/06 shows the ridge of No. 11B to be the same ridge level as No. 11A and c.1.38m below the height of No. 1 Whitethorn Close to the east. There is a clear staggering in house heights on the northern side of Whitethorn Close and as such the height of 11B is considered acceptable.

8.4.12. As discussed in section 8.4.9 above, proposed house No. 11A has a ridge height of 9.73m and a ridge level in keeping with proposed house No. 11B. The proposed roof level of No 11B and the existing houses on Whitethorn Close are noticeably staggered from a west to east direction. In this context it is considered the height and roof level of proposed house No. 11A would detract from the visual amenity along Whitethorn Close and as such would be out of character with the area.

#### 8.4.13. *Boundary Treatment*

The application proposes 1.05m high timber fin style fencing from the southern vehicular entrance pier of No. 11 A along the sites boundary to the eastern gable of the house No. 11A. Some drawings provide for a pedestrian access of Whitethorn Close. This fencing is also proposed to the front of the house No.11B save the area provided for its vehicular entrance. This fencing is not in keeping with the character of the area where low walls are prevalent and as such would have a negative visual impact.

The application proposes a 1.8m high wall enclosing the private amenity space of house No. 11A. It is noted the site layout drawing also shows an elevation drawing for the wall at 2m.

#### 8.4.14. *Conclusion*

As highlighted above, I have significant concerns relating to visual amenity and how the proposed development impacts upon the character of the area. These concerns relate to the height of proposed house No. 11A, its second floor element and its breach of the existing building line to Arbutus Avenue. I also have concerns over the proposed boundary treatment to Whitethorn Close.

Notwithstanding these concerns, the site is located on residentially zoned lands and the proposal is not, in my opinion, overdevelopment or substandard. In this regard it is recommended that a condition be attached to amend the development as follows-

- The second floor to 11A and side gable windows shall be omitted.
- The height of 11A shall be 8.18m high in keeping with No. 11B.
- The first floor and roof eaves of the side gable facing west shall be set back in line with the first floor and eaves of the existing house at No. 11 Arbutus Avenue.

- A single storey annex to side gable of 11A shall be in line with the single storey annex to the front of No. 11 Arbutus Avenue.
- The existing low boundary wall shall be retained or replaced (but no higher) in lieu of the timber fin fencing and that all areas of private open space shall be enclosed by a 1.8m high capped and rendered wall.

In my opinion these amendments will provide for appropriate infill development on zoned lands, while significantly reducing the visual impact of No. 11A which is sited on the prominent corner of Arbutus Avenue and Whitethorn Close. The amendments will ensure consistency in scale of the development while facilitating a staggered roof level to Whitethorn Close as one moves from west to east and will be in keeping with the general character of the area.

#### **8.5. Access, parking and road safety.**

- 8.5.1. The observers have raised a number of concerns generally relating to increased volume of traffic, location of entrances and turning manoeuvres, increased demand for on street parking and pedestrian access to Whitethorn Close.
- 8.5.2. The application proposes alterations to the existing entrance of No. 11 Arbutus Avenue to facilitate two car parking spaces. The application also proposes two new entrances for the two new houses, each with two car parking spaces. The provision of parking for each house is considered reasonable in this context. Concerns relating to parking on the public road, parking close to junctions and restricting such parking are matters for Galway City Council and/or the Gardai and not the Board.
- 8.5.3. The entrance for No. 11A is located onto Arbutus Avenue and will be to the side of the house. This entrance is located close to the junction with Whitethorn Close. Given the low volumes of traffic entering the site to No. 11A and using this junction, the potential for traffic safety issues are not considered significant. I have no concern in relation to a separate pedestrian entrance onto Whitethorn Close.
- 8.5.4. The entrance for No. 11B is located at the south east corner of the site on to Whitethorn Close and c. 35m east of the junction with Arbutus Avenue. Given the low volumes of traffic entering 11B and using the cul de sac the potential for traffic safety issues are not considered significant.

## 8.6. Other Matters

- 8.6.1. Concerns raised in relation to the location of the existing public sewer within the site can be addressed by way of a condition.
- 8.6.2. I note the concerns raised in respect of the devaluation of neighbouring property. However, having regard to the assessment and conclusion set out above in sections 8.3 and 8.4, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

## 8.7. Appropriate Assessment

- 8.7.1. Having regard to the nature and scale of the proposed development within an urban area connecting to public drainage and the distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site

## 9.0 Recommendation

- 9.1. I recommend that planning permission should be granted, subject to conditions as set out below.

## 10.0 Reasons and Considerations

- 10.1. Having regard to the provisions of the Galway City Development Plan 2017-2023, the existing pattern of development in the area, and the nature and scale of the proposed development, 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 the property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with 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. Prior to the commencement of development on site the developer shall submit for the written agreement of the Planning Authority revised drawings showing the following-
  - a. The roof level dormer extension to No. 11 Arbutus Avenue shall be amended as follows-
    - i. It shall be set back c.1m into the roof space so as to be no higher than 2m.
    - ii. it shall be 3.5m wide.
    - iii. it shall be located centrally in the roof.
  - b. The second floor and side gable windows to No. 11A shall be omitted.
  - c. No. 11A shall be 8.18m high in keeping with the height of No. 11B.
  - d. The first floor and roof eaves of the side gable of No. 11A, facing north west shall be set back in line with the first floor and eaves of the existing house at No. 11 Arbutus Avenue.
  - e. A ground floor protrusion to the north west side of No. 11A shall be set in line with the single storey annex to the front of No. 11 Arbutus Avenue.
  - f. The proposed timber fin fencing as shown on drawing RSA-020/25/02 shall be omitted. The existing low boundary wall shall be retained, or

replaced with a new wall no higher than the existing wall, in lieu of the timber fin fencing.

g. All areas of private open space shall be enclosed by a 1.8m high capped and rendered wall including to Whitehorn Close unless otherwise agreed with the Planning Authority.

h. Details of the materials, colours and textures of all the external finishes to the proposed dwelling(s) and extensions.

Reason: In the interest of residential and visual amenity.

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.

4. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

Reason: In the interest of public health.

5. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority.

Reason: In order to safeguard the [residential] amenities of property in the vicinity.

6. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to

commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

7. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the Planning Authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the Planning Authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

8. 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 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.

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Adrian Ormsby  
Planning Inspector

16<sup>th</sup> December 2020