



An  
Bord  
Pleanála

## Inspector's Report

### ABP-309509-21

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<b>Development</b>	Construction of an external store & home office building to rear garden of existing dwelling, involving a protected structure (RPS 9116).
<b>Location</b>	No. 7 Ely Place, Sea Road, Galway.
<b>Planning Authority</b>	Galway City Council
<b>Planning Authority Reg. Ref.</b>	20309
<b>Applicant(s)</b>	Tony O'Connor
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Catherine Doyle
<b>Date of Site Inspection</b>	14 <sup>th</sup> April 2021
<b>Inspector</b>	Colin McBride

## **1.0 Site Location and Description**

1.1. The appeal site, is located a short distance to the south west of Galway City centre. The site is occupied by no. 7 Ely Place, which is a three-storey terraced dwelling with a yard area to the rear, which has access of Palmyra Place. To the north east of the site is a two-storey structure, which is in office use with a rear yard area. To the south west is no. 8 and 9, which are similar to the structure on the appeal site (three-storey). These buildings appear to be in use as apartments with an amalgamated rear area with parking and landscaping and also having access of Palmyra Place. The adjoining buildings are protected structures and the site is located within and Architectural Conservation Area.

## **2.0 Proposed Development**

2.1. Permission is sought for the construction of an external store and home office building with car port to the rear garden of an existing dwelling and all associated site works. The home office/store has a floor area of 34.6sqm and a ridge height of 5.825m, the car port has a ridge height of 4.5m.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Permission was granted subject to 8 conditions.

Condition no. 2: Restrictions on use.

Condition no. 3: Omission of metal cladding.

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

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

Planning report (26/01/21): The proposal was considered to be satisfactory in terms of land use zoning policy, design and scale, adjoining amenity, traffic safety and in the context of architectural heritage. A grant of permission was recommended based on the conditions outlined above.

### 3.2.2 Technical Reports

Heritage Officer: Concerns about demolition of existing structure to the rear and external finish material.

Transportation: Concerns raised regarding vehicular access/manoeuvrability at the rear of the site.

### 3.3. Prescribed Bodies

3.3.1 None.

### 3.4. Third Party Observations

3.4.1 One submission from Catherine Doyle, 9 Ely Place, Sea Road, Galway.

- Possible non-domestic use, use of car parking for non-domestic purposes, future subdivision of the site, overhanging gutters.

## 4.0 Planning History

18/439: Permission granted for demolition of existing self-contained unit and construction of an extension to the rear of the existing dwelling on site.

## 5.0 Policy Context

### 5.1. Development Plan

The relevant development plan is the Galway City development Plan 2017-2023.

The appeal site is zoned Residential 'R' with a stated 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'.

No. 7 Ely Place is on the Record or Protected Structures (RPS No. 9116). The site is within the Crescent/Sea Road Architectural Conservation Area.

## 5.2. **Natural Heritage Designations**

None in the vicinity.

## 5.3. **EIA Screening**

5.3.1 Having regard to nature and scale of the development, which is construction of a storage/home office and a car port, 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 third party appeal has been lodged by Daniel Melia Consulting Engineer on behalf of Catherine Doyle, 9 Ely Place, Sea Road, Galway.

- The appellant owns no.s 8 and 9 Ely Place and the upper floor of no. 10 located to the south west of the site.
- The appellant does not object to the principle of a storage shed/home office in the rear garden however has reservations about the design and scale of the current proposal.
- The appellant raises concerns regard the impact on architectural heritage noting the existing structure preserves access from Palmyra Park to Sea Road. The proposal for a building from side boundary to side boundary would create a barrier and destroy the integrity of the site. The structure should be reoriented to maintain a link/access from the rear to the front. The provision of a link under a 25m long covered walkway is not satisfactory with the appellant questioning the need for such.

- The overall footprint of the store, office and car port is 60sqm and is significant and excessive in scale for this site. The appellant considers that the proposal would have a negative impact on adjoining amenity and is excessive in scale and the removal of the covered walkway would reduce the scale of the proposed structure minimising its impact on residential amenity.
- The fact the proposal creates a barrier between the front and rear section of the site raises concern about the future use of the site and its subdivision with a separate property to the rear with access off Palmyra Park. The appellant considers that status and appearance of a single property must be maintained.
- There will be construction and maintenance issues concerning the new building due to its proximity to adjoining boundaries with concerns in relation regarding structural issue along the boundary wall and vermin issue if a gap is maintained. The structure should be reoriented on site.

## 6.2. Applicant Response

### 6.2.1 Response by MKO on behalf of the applicant, Tony & Fionna O'Connor, 7 Ely Place, Galway.

- There is no alterations to current access arrangements with pedestrian access retained from Sea Road to Palmyra Park.
- It is not accepted that the proposal would create a barrier in anyway and the scale of development is appropriate.
- The proposal would not impact on the architectural heritage status of the existing structure or structures in the adjoining area and the appellant has not demonstrated how the proposal would impact the uniqueness of the site.
- Reorientation of the structure is unnecessary and the structure is designed to maximise solar gain.
- The length of the covered walkway has no adverse impact and is a functional element.

- The design and scale of the development is considered an appropriate in the context of visual and adjoining amenities and the Architectural Impact Assessment submitted with the application assesses it as having a satisfactory impact in relation to architectural heritage.
- All precautions will be taken to prevent any adverse construction impact on the boundary wall. The proposed structure can be maintained form within the bounds of the appeal site.
- The applicant's response includes clarity about the external finishes proposed and requests that the term of condition no. 3 b, which omits the metal cladding from the design and specifies that all elevations to be rendered and roofs to have a natural slate finish. It is considered that the finish and palette proposed is appropriate in design.

### 6.3. Planning Authority Response

#### 6.3.1 Response by Galway City Council.

The issues highlighted by the appellant have been given due consideration as part of planning assessment carried out. The PA request that the Board uphold the decision to grant permission.

## 7.0 Assessment

7.1. Having inspected the site inspected the site and associated documents, the main issues can be assessed under the following headings.

Principle of the proposed development/proposed use

Design, scale, architectural heritage

7.2. Principle of the proposed development/proposed use:

7.2.1 The appeal site is occupied by no. 7 Ely Place, which is a three-storey terraced dwelling. The dwelling has a deep site with rear vehicular access off Palmrya Place. The proposal is for a store room and home office with a covered walkway to the side and a covered car port area. The proposed development is all development that is

ancillary to the main dwelling house on site and would be consistent with the residential zoning objective.

7.2.2 The appellant raises concerns regarding the potential future use of the structure proposed and possible subdivision of the site. The proposal subject to this appeal is for a storage/office/car port development within the curtilage of an existing dwelling and is development ancillary to an existing dwelling. This is what is sought and is clearly described in public notices and the plans submitted. This is the development that is being considered in this appeal and is being considered on its merits. Speculation about possible future uses is not a planning consideration and I would note that subdivision of site or provision of an independent development would be subject to a separate permission. I would also note that condition no. 2 places limits on the nature of the use and confines it to be ancillary to the existing dwelling. In the event of a grant of permission I would recommend attachment of a similar condition.

### 7.3 Design, scale, architectural heritage

7.3.1 One of the main issues in the appeal relates to the overall design and scale of the proposal in terms of its impact in terms of adjoining amenities and its impact on architectural heritage. The proposed structure has two elements, a structure housing a store room and a home office with a covered walkway providing access through the structure. The structure features a pitched roof and a ridge height 5.825m, there is a flat roof section linking this structure to a car port open on all sides and with a monopitch roof (ridge height 4.5m). The bulk of the structure spans the width of the site and is tight to the side boundary on each side. The structure is contemporary in design with external finishes including render, painted timber or metal cladding on some wall finishes and a metal clad or standing seam roof.

7.3.2 I would be of the view that the structure in terms of scale and height is modest in scale and subordinate in nature when viewed in the context of the existing dwelling on site and adjoining structures in the vicinity. The appeal site is a large site and is more than capable of integrating the structure without a significant physical or visual

impact. The back land nature of the structure and its size in comparison with existing structures on adjoining sites in particular the dwellings and structures along Ely Place mean the structure does not appear to be excessive in scale and would not be prominent or highly visible in the surrounding area. The structure is architectural in nature and appears to be a well-considered proposal in terms of its design and layout.

7.3.3 In relation adjoining amenities the proposed structure is single-storey in nature and a significant portion of the structure has open sides. The ridge height of the highest part of the structure is 5.825m, is single-storey in nature and is designed in manner that the height of the structure immediately adjoining the boundary is lower due to the pitched roof proposed and the axis on which it is arranged. I am satisfied that the overall design and scale of the structure has adequate regard to the amenities of adjoining properties and would have no adverse impact on adjoining amenities.

7.3.4 The provision of physical barrier across the site and lack of access for pedestrians from front to back is cited as a concern in terms of architectural heritage impact. The proposal is not a subdivision of the site and does provide for access through the proposed structure. Notwithstanding such I am of the view that the overall design and scale of the proposed structure is satisfactory. The proposed structure is detached from the existing protected structure on site and is modest in scale and subordinate to the existing structure as well as being located to the rear where it is not highly visible or prominent in the surrounding area, would be satisfactory in the context of the integrity and setting of the existing protected structure, the integrity and setting of adjoining protected structure and the character of the designated Architectural Conservation Area the site is located in. The applicant did submit an Architectural Impact Assessment and Archaeological and Architectural Monitoring report. These reports appear to have been prepared in relation development at the dwelling including the permitted extension currently under construction.

7.3.5 Condition no. 3 requires omission of metal cladding on the roof profile in favour of natural slates and rendering of all elevations. The finishes specified include the metal



seamed roof, render finish on the side elevations and a painted render finish or cladding approved on the other elevations. The design of the structure is contemporary in nature and I would consider that the use of a metal seamed finish on the roof is acceptable. I would recommend that any condition regarding finishes retains such but does require agreement regarding wall finishes, which is not specified clearly in the plans submitted with alternative options named for some facades.

#### 7.4. Other Issues:

7.4.1 In relation to construction impact, the proposed development is contained wholly within the applicants' site and the onus is on the applicant to construct the structure without causing damage to adjoining properties and structures. I am satisfied that appropriate construction management measures would be sufficient to ensure this. In relation to the issue of vermin, I would note that the applicants are currently extending and renovating the existing dwelling and are proposing the store/home/office building. There appears to be a clear intention of update and improve the existing structure on site for the purposes of residence and it would be in the interest of the applicants to ensure that there is no problem with vermin on the site.

### 8.0 **Appropriate Assessment**

8.1 Having regard to the nature and scale of the proposed development and its proximity 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 a grant of permission subject to the following conditions.

## 10.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development which is ancillary to the use of the existing dwelling on site, the overall design and scale, which is subordinate in scale to the existing dwelling on site and structures in the vicinity, the proposed development would be satisfactory in the context of the visual amenities of the area, the amenities of adjoining property and the character and integrity of the protected structure on site, those on adjoining sites and the Architectural Conservation Area it is located in. 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 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 development shall be as specified including the metal seamed roof. The detail of the external finishes on the walls 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. The proposed home office/store/car port extension shall be used solely for that purpose and ancillary to the use of the main dwelling.

Reason: To protect the amenities of property in the vicinity.

4. The developer shall comply with the following conservation requirements:

(a) A Conservation Architect shall be employed to devise, manage, monitor and implement the works on site and to ensure adequate protection of the adjacent protected structures and their boundaries during the course of the works.

(b) All works hereby approved shall be carried out in accordance with best conservation practice and with the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in October, 2011.

Reason: To ensure that the integrity of the adjacent protected structure is maintained and that all works are carried out in accordance with best conservation practice.

5. Site development and building works shall be carried out only between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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 amenities of property in the vicinity.

6. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall – (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including traffic management, noise, vibration and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and the amenities of the area.

8. 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. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated. Reason: In the interest of sustainable waste management.

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Colin McBride  
Planning Inspector

14<sup>th</sup> May 2021