



An
Bord
Pleanála

Inspector's Report ABP-309631-21.

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| Development | Amendments to a previously granted permission to include a third floor to house. |
| Location | 23 an Maolan, Forramoyle East, Barna, Co. Galway. |
| Planning Authority | Galway County Council. |
| Planning Authority Reg. Ref. | 20/2003. |
| Applicant(s) | Patrick & Sharon Gillespie |
| Type of Application | Permission. |
| Planning Authority Decision | Grant. |
| Type of Appeal | Third Party |
| Appellant(s) | Sean Murray |
| Observer(s) | None. |
| Date of Site Inspection | 26/05/2021. |
| Inspector | A. Considine. |

1.0 Site Location and Description

- 1.1. The subject site is located within a newly developed residential estate to the north western of Barna in Co. Galway. The wider estate is currently under construction and the subject house lies within the initial phase of the development. Access to the estate is via the L5387-15 local road which runs in a north westerly direction from the crossroads in Barna, approximately 650m from the village.
- 1.2. The site has a stated area of 0.0234 ha and is occupied by an existing 2 storey semi-detached house. The existing house has a stated floor area of 131.05m². The existing house is occupied and connected to public services.

2.0 Proposed Development

- 2.1.1. Permission is sought, as per the public notices for permission for amendments to previously granted planning permissions ref. 17/1314, 18/1527 at No. 23 an Maolán, Forramoyle East, Barna, Co. Galway. Amendments to include;

Addition of a third floor to house no. 23 (B3 Type) along with associated roof lights within previously granted house geometry.

Gross floor space of proposed works: 158.44 sqm. Gross floor space of work to be retained: 131.05 sqm, all at No. 23 An Maolan, Forramoyle East, Barna, Co. Galway.

- 2.2. The proposed development will result in the creation of an additional ensuite bedroom within the converted attic space with a floor area of 27.39m². The proposed development will also result in the inclusion of two rooflights to the rear elevation, and two to the front elevation.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant planning permission for the proposed development subject to 2 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, planning history, internal technical reports, third party submissions and the County Development Plan policies and objectives. The report also includes a section Appropriate Assessment.

The planning report concludes that proposed development is acceptable, noting that the external modifications will not alter the development from that previously permitted and will not detract from the visual or residential amenity of the area. The Planning Officer recommends that permission be granted for the proposed development.

This Planning Report formed the basis of the Planning Authority's decision to grant planning permission.

3.2.2. Other Technical Reports

TII: Submitted a report advising no comments.

3.2.3. Third Party Submissions

There is 1 no. third party objection/submission noted on the planning authority file. The issues raised are summarised as follows:

- The development does not comply with the requirements of the Bearna Local Area Plan with regard to the proposed addition of 3rd floor.
- Issues in relation to site coverage and a two storey maximum as stipulated in the LAP.
- The development if permitted would set an undesirable precedent for future developments in the outer village area.
- The approval under 17/1314 is already at variance with the LAP.
- The original approval was given under 17/1314 and 18/1527. Submitting applications separately fails to give a full picture of the collective impact of the individual proposals.

- Questions the credibility of the new owners tolerating works being done and questions if the works have been carried out without permission.
- There are 24 houses in this part of the overall development and applications have been lodged for 10 of them, with 6 approved and 1 withdrawn.

4.0 Planning History

The following is the relevant planning history pertaining to the subject site:

PA ref 16/1767: Permission refused by the PA for the construction of 46 houses due to inadequate design and layout.

PA ref 17/1314: Permission granted by the PA for a total of 48 houses – parent permission for the An Maolan residential development.

PA ref 18/1527: Permission granted by the PA for minor amendments to permission 17/1314.

PA ref 19/1749: Permission granted for minor amendments to 10 houses previously granted.

PA ref 20/1482: Permission granted for addition of a third floor to No. 32 An Maolan along with associated roof lights.

5.0 Policy and Context

5.1. Development Plans

5.1.1. The Galway Development Plan 2015 – 2021, is the relevant policy document relating to the subject site. The site is located within the settlement boundary area of Bearna under the Bearna Local Area Plan 2015-2021 and has the associated objective LU2 – Residential afforded to it.

5.1.2. The subject site is located on Residential (Phase 1) zoned lands and the Objective LU2 – Residential seeks ‘to promote the development of appropriate and serviced lands to provide for high quality, well laid out and well landscaped sustainable residential communities with an appropriate mix of housing types and densities, together with complementary land uses such as community facilities, local services

and public transport facilities, to serve the residential population of the area. Protect existing residential amenities and facilitate compatible and appropriately designed new infill development, in accordance with the proper planning and sustainable development of the area.'

5.1.3. Section 3 of the LAP deals with Development Guidelines.

5.2. **Natural Heritage Designations**

The site is not located within any designated site. The closest Natura 2000 site is the Galway Bay Complex SAC (& pNHA)(Site Code: 000268) which is located approximately 1.9km to the east of the site.

5.3. **EIA Screening**

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

6.1.1. This is a third-party appeal against the decision of the Planning Authority to grant planning permission for the proposed development. The grounds of appeal reflect the same comments as raised to the Planning Authority during its assessment of the proposed development and are summarised as follows:

- The development does not comply with the requirements of the Bearna Local Area Plan with regard to the proposed addition of 3rd floor.
- Issues in relation to site coverage and a two storey maximum as stipulated in the LAP.
- The development if permitted would set an undesirable precedent for future developments in the outer village area.

- The approval under 17/1314 is already at variance with the LAP.
- The original approval was given under 17/1314 and 18/1527. Submitting applications separately fails to give a full picture of the collective impact of the individual proposals.
- There are 24 houses in this part of the overall development and applications have been lodged for 10 of them, with 9 approved and 1 withdrawn.

A list of all relevant applications for permission for similar amendments to houses is presented with the appeal.

6.2. **Planning Authority Response**

None.

6.3. **First Party Response to Third Party Appeal**

The applicant has submitted a response to the third-party appeal suggesting that the appellant appears to have issues with the developer. It is submitted that the applicants are a family and the house the subject of this appeal is their private home. The decision to apply for permission to repurpose the attic into a bedroom was informed by the needs of the family and the likelihood of continued working from home post COVID. The neighbours came together to work on three parallel applications to minimise costs and to ensure all applications were in order.

The issues raised in the appeal are responded to as follows:

- The increased height and widths referred to are not relevant as the proposed development relates to an attic conversion which remains within the geometry of the previously permitted house.
- Other than the inclusion of roof lights, there will be no changes.
- The issues raised in relation to maximum site coverage and plot ratio are not relevant.
- The objection raised in relation to the Bearna LAP and the design of the overall development is not relevant as the application is a single unique application from the homeowners and not the developers of the site.

- Precedent has been set with the granting of permission for similar approvals for attic conversions.
- Issues raised in relation to the overall development are not relevant.

It is submitted that the appeal is flawed and the opposition to the proposed development is not supported by fact. It is requested that permission be granted for the proposed development.

6.4. **Observations**

None.

7.0 **Assessment**

Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the planning history, 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. Design & Residential Amenity
3. Other Issues
4. Appropriate Assessment

7.1. **Principle of the development**

7.1.1. The proposed development seeks to essentially convert an existing attic to accommodate an additional ensuite bedroom within the private house. The site is located within an existing residential estate, part of which is currently under construction and the house comprises a semi-detached house which is occupied. The site is located within the boundary of the village of Bearna and is zoned for residential purposes.

7.1.2. In this regard, I have no objection to the proposed development in principle.

7.2. Design & Residential Amenity

- 7.2.1. The Board will note that the third party has raised concerns in terms of the proposed development, as well as other similar proposals within the An Maolan estate. It is submitted that the proposed addition of a third floor does not comply with the requirements of the Bearna LAP and issues are raised in the context of site coverage.
- 7.2.2. I would note that the subject house as permitted under PA ref. 17/1314, provided for a semi-detached two storey, 4 bedroomed house with an overall floor area of 131.05m². The plans for the house provided for an attic space with a ceiling height of 2.5m and a floor area of 27.39m².
- 7.2.3. The proposed development will result in no additional structures being erected on the site with the only design element changes comprising the inclusion of roof lights to the front and rear. I note that a number of other properties in the vicinity of the site have carried out these same amendments and I have no objection to the proposal as presented.
- 7.2.4. In terms of residential amenity, I am satisfied that the conversion of the attic will not result in any significant impact on the adjacent properties.

7.3. Other Issues

7.3.1. Water Services

Having regard to the nominal scale of the proposed attic conversion, I am satisfied that there are no issues relating to the provision of water services arising.

7.3.2. Roads and Traffic

There are no issues arising in terms of roads and traffic.

7.3.3. Other Third-Party Issues

The Board will note that the third-party appeal raises concerns in terms of the wider development permitted under PA ref. 17/1314, which he perceives not to be in compliance with the Bearna LAP. In addition, concerns are raised in terms of the

number of houses within the estate seeking to convert the attics. I have considered the planning history of the overall estate and am satisfied that permission has been granted for the development as constructed and under construction at the site.

Regarding the issue of the number of planning applications made to convert attics, this is not a matter for the Board.

7.3.4. Development Contribution

Having regard to the Galway Council Section 48 Development Contribution Scheme, Part 4 of the Scheme, revised August 1st 2019, deals with exemptions for the payment of development contributions including:

House extensions and domestic garages/sheds shall be exempt from Development Contributions.

There is no development contribution payable in this instance.

7.4. Appropriate Assessment

7.4.1. The site is not located within any designated site. The closest Natura 2000 site is the Galway Bay Complex SAC (& pNHA)(Site Code: 000268) which is located approximately 1.9km to the east of the site.

7.4.2. Overall, I consider it is reasonable to conclude on the basis of the information available and the fact that the proposed development does not include any works to virgin ground, 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 separation distances involved to adjoining Natura 2000 sites. It is also 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 pattern of permitted development in the area, to the provisions of the Galway County Development Plan 2015-2021 and the Bearna Local Area Plan 2015-2021, and to the layout and design as submitted, the Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of adjoining properties and 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. All other relevant conditions attached to the parent permission, PA ref. 17/1314 refers, shall be strictly adhered to.

Reason: In the interest of clarity.

A. Considine
Planning Inspector
15th June 2021