



An  
Bord  
Pleanála

## Inspector's Report

### ABP-310808-21

<b>Development</b>	Permission for development which will consist of extension and renovation of existing and end-of-terrace dwelling, including associated site works
<b>Location</b>	22 O' Conaire Road, Shantalla, Galway H91 RDT0
<b>Planning Authority</b>	Galway City Council
<b>Planning Authority Reg. Ref.</b>	21123
<b>Applicant(s)</b>	Anne Carzy & William Greene
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant with conditions
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Anne Carzy & William Greene
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	12 <sup>th</sup> November 2021
<b>Inspector</b>	Mary Crowley

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## 1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 0.01788 ha is located at the intersection of O'Conaire Road and McDara Road in the inner city residential area of Shantalla, in the Townparks area of Galway City and in close proximity in the cite centre core. The area of Shantalla is not located in an Architectural Conservation Area. It is stated that the houses in the area were developed by the Local Authority in various phases between the 1940s and 1950s with built form typically consisting of hipped end rows of terraced 2 storey houses located along grids of intersecting and parallel streets. This resulted in a variety of site configurations and building arrangements. A set of photographs of the site and its environs taken during the course of my site inspection is attached. These serve to describe the site and location in further detail.

## 2.0 Proposed Development

- 2.1. Permission is sought for the development of an extension (40.5 sqm) and renovation of existing and end-of-terrace dwelling (66.8 sqm), including associated site works. The application was accompanied by a Shadow Study.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. Galway City Council issued a notification of decision to grant permission subject to 9 no conditions. Condition No 2 is relevant to this appeal as follows:

**Condition No 2** – *Prior to the commencement of development, a revised site layout plan and elevations shall be submitted in which, the front elevation ground floor element shall be omitted and a porch area shall be retained around the front entrance doorway. All details shall be to the written agreement of the Planning Authority.*

**Reason:** *In the interest of the proper planning and sustainable development of the area.*

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

- The Case Planner recommended that permission be granted subject to condition including a requirement that the front elevation ground floor element be omitted and a porch area be retained around the front entrance doorway. The notification of decision to grant permission issued by Galway City Council reflects this recommendation.

#### 3.2.2. Other Technical Reports

- None

### 3.3. Prescribed Bodies

- None

### 3.4. Third Party Observations

- 3.4.1. There are 4 no observations recorded on the planning file from (1) Bernadette Browne, (2) Ann Mannion, (3) Paulette Mannion and (4) Ken Walsh. The issues raised relate to height, scale and mass of the proposed scheme, no boundary details / heights provided, design out of character with the area, overlooking of adjoining properties, loss of light and overshadowing and the front porch would breach the established building line.

## 4.0 Planning History

- 4.1. The following planning history at the site has been made available with the appeal file. There is no evidence of any appeal at this site.

- **Reg Ref 20/304** – Permission was refused for the extension and renovation of existing end of terrace, including associated site works for the following 2 no reasons:
  - 1) *The proposed first floor rear extension by its design, scale, massing and proximity to adjacent boundaries and by virtue of its impact on adjoining properties is such that it has poor contextual reference which if constructed*

*would result in a structure that would be an overbearing feature, detracting from the residential amenity and the existing built form at this location, contrary to the development plan and the proper planning and sustainable development of the area.*

2) *The proposed development by reason of its excessive length positioned beyond the front building line, by itself or by the precedent it would create, would if permitted, be out of character with the prevailing pattern and architectural symmetry of residential development. It would therefore seriously injure the residential amenities and depreciate the value of property in the area by virtue of its location and would therefore be contrary to the proper planning and development of the area.*

- **Reg Ref 20/123** – Permission granted for (1) a 3m wide vehicular access, (2) 1 no off streetcar parking space to front garden, (3) associated alterations to front boundary wall and public footpath subject to 3 no generally standard conditions.

## **5.0 Policy Context**

### **5.1. Development Plan**

- 5.1.1. The operative plan for the area is the **Galway City Development Plan 2017-2023**. The appeal site is zoned R1 Residential where the objective it is *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.*

### **5.2. Natural Heritage Designations**

- 5.2.1. The site is not located within a designated Natura 2000 site.

### **5.3. EIA Screening**

- 5.3.1. Having regard to the nature of the development comprising a residential extension in a built up area zoned for residential development where public water mains and sewerage are available the need for environmental impact assessment can be excluded at preliminary examination and a screening determination is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

6.1.1. The first party appeal against Condition No 2 only has been prepared and submitted by RG Greene & Associates Consulting Engineers and may be summarised as follows:

- Condition No 2 would result in the omission of the ground floor front extension and would result in floor area reduction of 9.1m<sup>2</sup> from the 40.5m<sup>2</sup> floor space of the proposed works, representing an extension 22% smaller than is currently sought under existing entrance door.
- Considerable mitigation measures have already been applied to this and the other elements of the proposed development through pre-planning consultations, the further information response of the previous application (20/304) and the current applications proposals (21/123). Further reductions to the floorspace will have undue impact on the dwelling's suitability for the continuation of family use into the future.
- The proposed ground floor front extension does not project beyond the established building line on the terrace as set by the existing front extension of the directly adjoining property at 21 O'Conaire Road
- The precedent of a front extension across a significant width of the front elevation of a terraced style dwelling has been established in the area of Shantalla and other inner residential areas. Appendix A of the appeal provides a detailed schedule of similar development in the area that have been granted planning permission.
- The front garden open space of the site is not overtly impacted by this element; under these proposals the open space area to the front of the dwelling would be reduced from 105.7m<sup>2</sup> to 75.3m<sup>2</sup>.
- This element is set back from the front boundary; the main elevation of the ground floor extension (in line with the neighbouring extension) is set back 3.7m and the canted elevation is located 6.7m from the facing boundary on the corner.

- Further mitigation of this development would functionally compromise the internal dimension required for a kitchen and dining area suitable for sustained family use into the future.
- The contemporary design is not out of keeping with other nearby extensions in close proximity such as 42 McDara Road located 30m away.
- The plot ratio of the proposed development is in keeping with the prevailing plot ratios of the area. Table provided.
- A shadow study has demonstrated how this north facing element does not unduly increase the amount of shadow cast to adjoining properties and public space.

## 6.2. Planning Authority Response

6.2.1. None

## 6.3. Observations

6.3.1. None

## 6.4. Further Responses

6.4.1. None

## 7.0 Assessment

- 7.1. Further to my examination of the planning file and the grounds of appeal that relate to one condition only i.e. Condition No. 2 of the notification of decision of the planning authority to grant permission, and having assessed the documentation and submissions on file, I consider it is appropriate that the appeal should be confined to this single condition. Accordingly, I am satisfied that the determination by the Board of this application as if it had made to it in the first instance would not be warranted and that it would be appropriate to use the provisions of Section 139 of the 2000 Act in this case.
- 7.2. Condition No 2(a) requires that *the front elevation ground floor element shall be omitted and a porch area shall be retained around the front entrance doorway*. The

applicant in their appeal submits that any further reduction in the floor space would have an undue impact on the dwelling suitability for the continuation of the house for family use and that previously recommended mitigation measures have been applied in the current proposal.

7.3. The proposed works are well considered and respectful of the traditional character of the main house and the overall area. I am satisfied that the scale and design of the works will not overwhelm or dominate the original form or appearance of the parent building and that the use of materials are compatible with the original house and surrounding area. It is therefore recommended that Condition No 2 be omitted.

7.4. For clarity and completeness, I have had due regard to the provisions of the Habitats Directive and conclude that having regard to the source-pathway-receptor model along with the nature of the proposed development I would not consider that an NIS or Appropriate Assessment is necessary in this case.

#### 7.5. **Conclusion & Recommendation**

7.6. Having regard to the nature of the condition the subject of the appeal and based on the reasons and considerations set out below, I am satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and recommend that the said Council be directed under subsection (1) of section 139 of the Planning and Development Act, 2000 to **OMIT** Condition Number 2.

### 8.0 **Reasons and Considerations**

8.1. Having regard to the zoning objective for the area as set out in the Galway City Development Plan 2017-2023, the established pattern of development in the area and the nature, scale and design of the proposed ground floor front elevation it is considered that, the proposed development would not seriously injure the established character or visual amenities of the parent dwelling or of properties in the vicinity and would therefore be in accordance with the proper planning and sustainable development of the area.



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**Mary Crowley**

**Senior Planning Inspector**

**13<sup>th</sup> December 2021**