



An
Bord
Pleanála

Inspector's Report ABP-311602-21

Development	Retention of house as constructed to include increase in soffit and ridge height. Associated site works.
Location	25A Greenfields Road, Newcastle, Galway
Planning Authority	Galway City Council
Planning Authority Reg. Ref.	21252
Applicant(s)	Michael Mullaney
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Michael Mullaney
Observer(s)	Susan Thornton
Date of Site Inspection	12 th November 2021
Inspector	Colin McBride

1.0 Site Location and Description

- 1.1. The site, with a stated area of 0.0198ha was formerly the side garden of no. 25, which is a two-storey semi-detached dwelling. The appeal site is occupied by a recently constructed three-storey dwelling with the second floor in the roof space and a dormer projection on its rear roof plain. To the south west is no. 25 and to the north east is no. 23a, which is a two-storey detached dwelling that was built in the side garden of no. 23. To the south east and backing onto the rear boundary of the site is no. 11 Sylvan Avenue, which is a two-storey detached dwelling.

2.0 Proposed Development

- 2.1. Permission is sought for retention of a dwelling house as constructed to include minor increase in soffit and ridge height and minor elevation alterations. The main change is an increases in ridge height and level of soffit and fascia, change to the window on the side elevation at second floor level, altered external finish on the dormer projection and altered window size of the main faced of the dormer element.

3.0 Planning Authority Decision

3.1. Decision

Refused based on one reason...

1. It is a policy of the Development plan to protect and enhance the urban design quality of existing areas, as highlighted in the following Galway City Council development plan 2017-2023 Section 11.3.1 (I) 'residential extensions' states "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", while Section 8.7 of the Galway City Council Development Plan 2017-2023 states that "Good urban design within Galway City seeks to reinforce the distinctive character of the city by ensuring a high quality built environment through good place making and the creation of sustainable neighbourhods". The development, if retained as constructed, by virtue of the increase in overall height, would result in poor contextual reference to and adversely impacting upon the

prevailing pattern and character of existing dwellings within this estate and other residential development in the vicinity of this site. This is contrary the requirements/conditions of the permitted development, PL.Ref.No.18/344, the above outlined Development Plan policies and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning report (15/09/21): The alterations were considered to be out of character with the pattern and scale of development and contrary Development plan policy. Refusal was recommended based on the reason outlined above.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

3.4.1 Submission were received from...

Susan Thornton, 12 Sylvan Avenue, Fairlands Park, Newcastle, Galway.

Raphael Ruane, 11, Sylvan Avenue, Fairlands Park, Newcastle, Galway.

- Excessive ridge height, out of character with surrounding area, overbearing impact in particular the rear dormer, failure to maintain building line, no frosted glass at dormer level and different finishes that that previously approved.

4.0 Planning History

ABP-303867-19 (18/344): Permission granted for retention and permission: (a) Retention of changes to house, (b) Retention of existing house on revised site boundaries (c) construction of a house on the remainder of the site.

5.0 Policy Context

5.1. Development Plan

The relevant document is the Galway City Council Development Plan 2017-2023. The site is zoned 'R' Residential – 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.

Relevant policies and standards of the Galway City Development Plan 2017-2023 include:

Policy 2.6 Established Suburbs 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 Residential Development

- Section 11.3.1 Residential Development – Outer Suburbs.
- 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 (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.”

5.2. Natural Heritage Designations

Lough Corrib SAC (site code 000297) is located 0.5km to the east of the site.

5.3. EIA Screening

The proposed development is of a class but substantially under the threshold of 500 units to trigger the requirement for submission of an EIAR and carrying out of EIA. Having regard to the nature of the development, which is on zoned serviced land in an urban area, connected to existing services and the absence of features of ecological importance within the site, I conclude that the necessity for submission of an EIAR and carrying out of EIA can be set aside at a preliminary stage

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal has been lodged by Michael Mullaney. The grounds of appeal are as follows...

- The appeal outlines the background of the case and that the applicant/appellant discussed the changes in an attempt argue they were not material changes and such was disregarded. The applicant/appellant is disappointed with the decision to refuse and was attempting regularise the development.
- It is noted that the Development Plan sections quoted in the refusal bear no relation to the proposal and relate to extensions.
- The ridge height is 164mm higher than permitted and arose due to inconsistent in plans. The dwelling is constructed as per the plans and the

changes to the finishes of the dormer are due to lack of availability of metal cladding due to supply shortages (Covid-19).

- It is noted that the principle of the development is accepted and the changes are minor in nature and there are examples of variations in height and materials in through the city. The proposal would not be out of character and is satisfactory in design and scale.

6.2. Planning Authority Response

6.2.1 No response.

6.3. Observations

6.3.1 An observation has been received from Susan Thornton, 12 Sylvan Avenue, Fairlands, Newcastle, Galway.

- The observer states that the permitted development (ABP-303867-19) constituted overdevelopment of the site, allow for overlooking of private amenity space and failure to provide adequate separation distance contrary to Development Plan policy. The constructed dwelling on site is not in compliance with the permitted development and is excessive in height, deviates from the established building lines and is out of character at this location.
- The observer notes that the height of the structure cannot accommodate three floors in compliance with building regulation requirement for floor to ceiling heights of 2.4m.
- The proposal is considered to be contrary development plan policy in terms of impact on visual amenity, residential amenity and provision of the level of private amenity space. The proposal would set an undesirable precedent and the observer cites a number of cases refused that are relevant to this case.

7.0 Assessment

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

Design and scale, pattern of development

- 7.2 Design and scale, pattern of development:

- 7.2.1 The proposal entails retention of a dwelling as constructed. The dwelling was permitted under ABP-303867-19 (18/344) and the approved dwelling is a three-storey dwelling with the second floor in the roof profile and dormer window on the rear roof plane. The dwelling has been constructed on site however deviates from the permitted plans. The changes would appear to be a higher ridge height including higher soffit and fascia by 164mm, an altered layout at second floor level with changes to the size of windows on the side elevation and on the rear of the dormer and a change of the finish of the dormer window from a profiled metal cladding to a render finish to match the dwelling.

- 7.2.2 Permission was refused on the basis that the alterations would have an adverse visual impact, be out of character with existing development and have an overbearing impact. The existing dwellings along Greenfields Road are two-storey, semi-detached dwellings featuring pitched roofs and there is a slight fall in ridge heights moving north-east due to a fall in levels along the road. The dwelling constructed does not deviate significantly from the overall scale and design permitted under ABP-303867-19 (18/344), the dwelling permitted already features a slightly higher ridge height than the existing dwelling at no. 25 (appeal site is subdivided from this dwelling). I would consider that the increase in ridge and soffit level by 164mm does not have a significant or adverse visual impact with the dwelling constructed sufficiently in keeping with the scale and character of existing dwellings in the area and the pattern of development. I would disagree that the proposal would be contrary the Development plan policy sections quoted and that the design and scale of the dwelling as constructed has sufficient regard to the visual amenity of the area and the amenities of adjoining properties.

7.2.3 In relation to the dormer window on the rear, such is in keeping with the scale of the dormer permitted, however the use of render to match the external wall of the dwelling instead of profiled metal cladding has resulted in such having a more prominent visual impact. In addition the smaller window on this dormer has also had the effect to make it a more prominent element. There is a dormer window of comparable size on a dwelling to the south west, however it has a profiled metal cladding finish and has a less prominent visual impact. I would recommend a grant of permission, however I would be of the view that it is appropriate to apply a condition requiring use of profiled metal cladding on the dormer structure on the rear roof plane to reduce its quite prominent visual impact. I would also note that the provision of the window on the gable at second floor level is different and is no longer a bathroom window with obscured glazing. I would recommend that this window be fitted with obscure glazing and such should be attached as a condition.

7.2.4 In relation to the observation I would note that the footprint and building lines of the dwelling is in keeping with that previously permitted. In relation to floor to ceiling heights the permitted dwelling features three floors and issues concerning compliance with building regulations are not a planning consideration and governed by separate regulation. I am satisfied that subject to condition the proposed development is acceptable in regards to the visual amenities of the area and the amenities of adjoining properties, and would be acceptable in the context of the proper planning and sustainable development of the area.

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, the overall design and subject to condition, the proposed development would be satisfactory in the context of the visual amenities of the area and the amenities of adjoining property and the character. 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. This permission does not include the shed proposed in the development description with no plans submitted for such.

Reason: In the interest of clarity.

2. The following amendment shall be made.

(a) The dormer projection on the rear roof plane shall be clad in profiled metal cladding as per the design specified under ABP-303867-19 (18/344).

(b) The window on the gable at second floor level shall be fitted with obscure glazing and maintained permanently as such.

Reason: In the interest of 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 the commencement of development, the developer shall secure an Exemption Certificate under Section 97 of the Planning Act 2000 (As amended).

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000 (As amended) and the Planning and Development Amendment Act 2002.

5. 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.

Colin McBride
Planning Inspector

03rd December 2021