



An
Bord
Pleanála

Inspector's Report

ABP-311649-21

Development	Alterations and extension to dwelling house and all associated site works
Location	Knockanima, Loughrea, Co. Galway
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	211369
Applicant(s)	Rosalie Murphy & James Finnegan
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Mr. & Mrs. T. Mc Donnell
Observer(s)	None
Date of Site Inspection	10 th March 2022
Inspector	Ian Campbell

1.0 Site Location and Description

- 1.1. The appeal site is located on the eastern side of Lake Road/R351, approximately 0.6 km south of the centre of Loughrea. Lough Rea (water body) is located to the west of the appeal site, on the opposite side of Lake Road/R351.
- 1.2. The area is characterised by detached dwellings of varying design on large plots. The dwellings are set back from the road with long front gardens. The area is suburban in character. The adjoining sites to the north and south accommodate bungalows.
- 1.3. The appeal property is a storey and a half, detached dwelling with a stated floor area of c. 181 sqm. The front elevation of the appeal property faces west, towards Lough Rea. The appeal property has a substantial front and rear garden. There is a garage structure to the rear/east of the appeal property. Site boundaries comprise a stone wall to the front of the site, a c. 0.9-metre-high rendered wall along the side/southern site boundary, increasing in height to c. 2 metres towards to the rear of the appeal property, and a c. 1.5-metre-high wall along the northern site boundary.

2.0 Proposed Development

- 2.1. The proposed development comprises extensions at ground and first floor level to the front and rear of the dwelling. A first-floor balcony is proposed to the front elevation. A covered patio area, consisting of a single wall with a glass windbreak is also proposed to the front of the dwelling. Based on the drawings submitted I note that the proposal also includes a patio area to the rear/east of the dwelling; soakaways; minor alterations to ground levels to the front of the site; and the removal of internal walls to facilitate the proposed development.
- 2.2. The overall floor area of the proposed extension(s) is stated as being c. 63 sqm.
- 2.3. Material finishes to the dwelling are indicated as nap plaster and stone for the external walls, blue/black, dark grey or brown roof slate/tile.
- 2.4. The proposed development results in a minor reduction in the overall ridge height of the dwelling, from 8.106 metres to 8.073 metres. The proposal entails an increase in the eaves level of the dwelling, reflecting the changing of the dwelling from a dormer dwelling to a two-storey dwelling. The existing centrally positioned pitched roof feature on the front façade of the dwelling is being altered to a wider projection.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a Notification of Decision to Grant Permission on the 20th September 2021, subject to 6 no. conditions. These conditions are standard in nature and refer to issues including, finishes, surface water and construction management.

Condition No. 5 specified that the southern boundary of the balcony and patio area comprise obscure composition, details of which are to be agreed with the Planning Authority prior to commencement of development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer includes the following comments;

- Noted that the ridge height of the proposal does not exceed the existing dwelling.
- Noted that the proposal assimilates with the area.
- Noted that the proposal is respectful of the building line at this location.
- Noted that the proposal will not adversely impact on the sunlight and daylight provision of the environs.
- The report of the Planning Officer recommends a grant of permission consistent with the Notification of Decision which issued.

3.3. Prescribed Bodies

None received.

3.4. Third Party Observations

The following is a summary of the main issues raised in the third-party observation received by the Planning Authority;

- Concerns in relation to the impact of the proposed development on the residential amenity of the property to the south of the appeal site, specifically in relation to overbearance and overlooking from the proposed balcony.
- Concerns in relation to the impact of the proposed covered patio area on the residential amenity of the property to the south of the appeal site.
- Proposed development will breach the building line at this location, will adversely impact the visual amenities of the area, and will create a precedent for similar forms of development in the area.
- A condition attached to the grant of permission authorising the appeal property (see PA Ref. 34719) stipulated that the front wall of the dwelling be erected along a line that will retain the existing building line in the area. All subsequent residential development in the vicinity has respected this building line.
- Concerns in relation to the scale, bulk and mass of the proposed development, particularly in the context of the proximity of the appeal property to adjoining properties.
- The drawings submitted with the application do not indicate the full extent of the proposal, including the two chimneys which are proposed to be removed, the change in roof pitch or the removal of dormers. A more accurate description of the proposed development would be 'part demolition of habitable house and removal of existing roof'.
- A structural report should have been submitted demonstrating that the dwelling can facilitate the extent of works proposed.

4.0 Planning History

Appeal Site

PA Ref. 34719 – permission granted for a house.

5.0 Policy Context

5.1. Development Plan

5.1.1 The Galway County Development Plan 2015 – 2021 is the relevant development plan.

Section 3.5.3 states *'the construction of extensions to existing houses will be encouraged generally as it usually provides a less resource intensive method of expanding living space than building a new structure. Primarily the design and layout of extensions should have regard to the amenities of adjoining properties, particularly as regards sunlight, daylight, overshadowing and privacy'*.

The Galway County Development Plan does not have any land-use zonings. Where settlements have a Local Area Plan (LAP), specific land-use zonings are provided in the applicable LAP.

The Draft Galway County Development Plan 2022-2028 is currently at material amendments stage and is due to be adopted by the middle of May 2022, coming into effect 4 weeks after.

5.1.2 The relevant LAP is the Loughrea Local Area Plan 2012 (extended until 2022). The appeal site is zoned (R) 'Residential (Existing)', with a stated objective 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'*.

5.2. Natural Heritage Designations

- Lough Rea SAC (Site Code 000304), c. 35 metres west of the appeal site.
- Lough Rea SPA (Site Code 004134), c. 35 metres west of the appeal site.
- Lough Rea pNHA (Site Code 000304), c. 35 metres west of the appeal site.

5.3. EIA Screening

The proposed development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended) and therefore is not subject to EIA requirements.

6.0 The Appeal

6.1. Grounds of Appeal

This is a third-party appeal on behalf of Mr. & Mrs. T. Mc Donnell, Crannog, Lake Road, Loughrea, Co. Galway, against the decision of Galway County Council to grant permission for the proposed development. The grounds of appeal can be summarised as follows:

- The Planner's report does not indicate that the submission received by the Planning Authority was fully considered.
- The Planner's report did not include PA Ref. 34719, which pertains to the appeal site.
- The Planner's report did not address overshadowing or privacy issues.
- The proposed development would breach the established building line. The existing building line was established in July 1980 (under PA Ref. 34719). It is requested that those elements which breach the building line (that being, the front dining room extension, the first-floor balcony and the support structure to the roof of the covered patio area) be omitted in order to protect the appellant's

existing amenities, particularly as regards sunlight, daylight, overshadowing and privacy.

6.2. Applicant Response

The applicant's response can be summarised as follows:

- The appeal property is a family home and the proposal seeks to accommodate the applicant's family, including three young children.
- The existing house makes poor use of space. The existing roof design severely restricts the use of the first-floor area. The proposed development uses the footprint of the existing dwelling.
- The proposed development does not entail raising the existing ridge level. The proposal entails the raising of the wall plate/eave to allow for an increase in floor area at first floor level.
- There is a varied mix of house designs with several instances of two storey houses adjacent to single storey houses along Lake Road. The houses are located on their own sites.
- Permission was granted under PA. Ref. 12/853 for a new two storey dwelling on Lake Road, adjacent to a single storey dwelling.
- A number of dwellings along Lake Road have balconies and the proposed development would not be out of character in this regard.
- The appeal property is located north of the appellant's property and therefore the proposed development will not give rise to issues of overshadowing.
- There is no established building line on Lake Road. The dwellings are set back a substantial distance from the road. The proposed extension projects 1130 mm from the front of the dwelling whereas the dwelling to the left is 2500 mm forward of the applicant's dwelling, therefore no breach of the building line occurs.
- The proposed extension to the front does not overbear the adjoining property. The proposed front extension does not project forward of the adjoining house.

- The proposed development does not overlook the adjoining property. The balcony is screened with obscure glass and does not result in overlooking. The extension at ground floor level is merely a covered patio area with a low flat roof. The appellant's property is positioned forward of the applicant's existing living room and does not give rise to privacy issues.

6.3. Planning Authority Response

None received.

7.0 Assessment

7.1 I consider the main issues in the assessment of this appeal are as follows:

- Impact on Residential Amenity.
- Impact on Visual Amenity.
- Other Issues.
- Appropriate Assessment.

7.2 Impact on Residential Amenity

7.2.1 The third-party raises concerns in relation to the impact of the proposed development on the residential amenity of the property to the south. Regarding amenity issues, the concerns raised by the third-party primarily relate to overshadowing, overbearance and overlooking. Whilst not raised in the appeal, the provision of private amenity space is also a relevant issue. I will assess each in turn.

Overshadowing

7.2.2 The third-party expresses concerns that the proposed front extension/dining room annex and the covered patio area would result in overshadowing of the property to the south. The proposal entails the infilling of a void area with a c. 4.3 metres projection, and beyond this the provision of a covered patio area, comprising a glass windbreak structure extending a further 3 metres along the southern site boundary. The extension

and covered patio are positioned c. 0.9 metres off the southern site boundary, with a further separation of c. 2 metres between the side wall of the appellants' property and the party boundary. Overall, I note that the proposed ground floor extension and the covered patio structure will project c. 5 metres beyond the front wall of the appellants' property. Noting the extent to which the proposed ground floor extension and the covered patio area will extend beyond the front wall of the property to the south, to the separation distance between both properties, of c. 3 metres, to the height of the extension and covered patio structure at c. 3.5 metres and to the position of the appeal property north of appellants' property, I do not consider that the proposed ground floor extension and covered patio area would result in any significant overshadowing of the property to the south.

7.2.3 I do not consider that the proposed first floor extension, accommodating the master bedroom, would give rise to any significant overshadowing of the property to the south given that it is broadly in line with the front wall of the appellants' property.

7.2.4 The appellant states that the proposed development would also result in a loss of sunlight/daylight to the property to the south. I note that when the 45° test is carried out in accordance with BRE 209 'Site Layout Planning for Daylight and Sunlight, a Guide to Good Practice', Second Edition, 2011, the closest window of the property to the south is outside the 45° intersect on plan and elevation and as such the proposed development will not result in any significant degree of overshadowing.

7.2.5 I do not consider that the proposed extension of the rear wall of the dwelling at first floor level gives rise to any realistic potential for significant overshadowing, having regard to the extent to which it projects, the distance to appellants' property and given that the rear of the appellants' property extends beyond the rear wall of the appeal property.

Overbearance

7.2.6 Regarding overbearance, noting the extent of ground floor extension and patio structure at the interface with the appellants' property, that being c. 5 metres, and to the distance between the proposal at this location and the southern site boundary and the appellants' property, and noting the height of the ground floor extension and patio

structure, I do not consider that the proposed development would result in any significant negative overbearance on the property to the south.

7.2.7 I do not consider that the proposed extension of the rear wall of the dwelling at first floor level gives rise to any realistic potential for overbearance, having regard to the extent to which it projects, the distance to appellants' property and given that the rear of the appellants' property extends beyond the rear wall of the appeal property.

Overlooking

7.2.8 The third-party raises concerns in respect of the potential for overlooking of their property to occur arising from proposed development. The elements of the proposal which give rise to this concern appear to relate to the proposed ground floor extension and covered patio area at the interface with the southern site boundary and the first-floor extension and proposed first floor balcony. I do not consider that the proposed balcony would result in a significant degree of overlooking over and above that which currently exists from the first-floor windows serving the appeal property, which I note serve bedrooms. Additionally, I note that the southern elevation of the proposed balcony comprises obscure glazing and the Planning Authority have also attached a condition requiring this, in addition to the provision of opaque screening to the southern elevation of the patio. I would concur with the requirement for screening to serve the southern elevation of the balcony and the patio in order to protect the residential amenity of the property to the south and, subject to its provision, I do not consider that the balcony or patio would result in any significant negative impacts on the property to the south arising from overlooking. I recommend that a condition requiring the provision of obscure glazing to serve the southern elevation of the balcony and the patio should be attached for the reasons outlined above.

7.2.9 I note that the windows of the first-floor rear elevation of the proposed extension closest to the appellants' property serve an en-suite and bathroom. Subject to a planning condition stipulating that these windows are fitted with opaque glazing, I do not foresee any significant negative impacts from overlooking on the property to the south.

7.2.10 I note that the property to the north of the appeal property have not submitted an observation to the Planning Authority nor appealed the decision of the Planning Authority to the Board. In assessing the proposal I have however considered the

potential impact of the proposed development on this property. Noting the scale of the proposed development and the separation distance between the proposed extension(s) and the northern site boundary, which at the closest location is c. 4 metres, I do not consider that the proposed development would have a significant negative impact on the residential amenity of the property to the north, in the context of overshadowing, overbearance or overlooking.

Private Amenity Space

7.2.11 Regarding private amenity space, neither the Galway County Development Plan 2015-2021 nor the Loughrea LAP 2012 (as extended) provide quantitative private open space requirements relevant in the context of the current proposal, with requirements applying to multi-unit developments only. The proposed development potentially results in an increase in the number of bedspaces within the dwelling, from 4 no. to 5 no., if the room at ground level annotated as 'bedroom/playroom' is considered as a bedroom. I note that the appeal property will be served by a significant area of private amenity space, located to the front and rear of the dwelling. On this basis I consider that an adequate quantum of private amenity space remains to serve the appeal property.

7.3 Impact on Visual Amenity

7.3.1 The proposal entails alterations to the dwelling, changing from a dormer dwelling to a two-storey dwelling. There is an appreciative difference between the height of the appeal property and the dwelling to the south, however, as the proposed development does not entail any increase in the overall height of the dwelling, I do not consider that the proposal would be incongruous at this location. I note that property in the vicinity of the appeal site have no discernible uniformity and there is a significant variation in architectural styles, and instances where two storey dwellings sit alongside bungalows. I also note the detached nature of the dwellings and the significant setback between the dwellings and the public road along Lake Road and I consider that this provides scope for variation in house design/style. Regarding the proposal for a balcony to the front of the appeal property, I note that a dwelling to the south of the appeal site has a balcony situated to the front, availing of the view of Lough Rea.

Having regard to the forgoing, I do not consider that the proposal would be out of keeping with the character of the area or have a significant impact on visual amenity.

7.3.2 The third-party raises concerns in relation to the building line, specifically that the proposed development would result in a breach of the building line at this location. I do not consider that there is a defined, established building line at this location and I would concur with the Planning Authority in relation to this issue. I note that Lake Road curves at a location south of the appeal site. The dwellings are also set back from the road to different extents. I also note that the property to the north of the appeal site projects beyond the appeal property. Furthermore, the extent to which the proposed front extension(s) project beyond the front wall of the existing dwelling are not significant in the context of the set-back between the appeal property and Lake Road.

7.3.3 The appellants make reference to a condition attached under PA Ref. 34719, which provided that *'the front wall of the proposed house shall be erected along a line that will retain the existing building line in the area and the exact position shall be laid down by the Planning Authority'*. I do not consider that this condition places a prohibition on any subsequent application for an extension to the front of the dwelling, nor do I consider that the proposed development would result in a contravention of such condition. Furthermore, I do not consider that the extension at the southwest corner of the dwelling would result in a breach in a building line, should one be considered to exist, given that it is single storey in nature.

7.4 Other Issues

7.4.1 Whilst raised in the submission to the Planning Authority but not in the appeal submission, the third-party raises issues in relation to the adequacy of the development description contained in the site notice, and to the adequacy of the drawings submitted. In terms of procedural matters, I note that this was deemed acceptable by the Planning Authority and I am satisfied that this did not prevent the concerned party from making an observation. The above assessment represents my *de novo* consideration of all the planning issues material to the proposed development.

7.4.2 The third-party raises issues in relation to how their submission was considered by the Planning Authority. I do not consider this issue to have a bearing on the appeal and as stated above my assessment represents a *de novo* consideration of all the planning issues material to the proposed development.

7.4.3 The third-party also raises the omission of reference to a historic planning permission on the appeal site in the report of the Planning Officer. I have conducted a planning history search using Galway County Council's website and have identified this permission and I have based my assessment on the information before me. The issue of the front building line is addressed under paragraph 7.3.3.

7.4.4 I note that house extensions are exempt from development contributions under the Galway County Council Development Contribution Scheme 2016, effective from 1st August 2019.

7.5 Appropriate Assessment

Having regard to the nature and limited scale of the proposed development, to the existing developed and serviced nature of the site and the lack of a hydrological or other pathway between the site and European sites, it is considered that no Appropriate Assessment issues arise and that the proposed development would not be likely to have a significant effect either individually or in combination with other plans or projects on any European site.

8.0 Recommendation

Having regard to the above it is recommended that permission is granted based in the following reasons and considerations and subject to the attached conditions.

9.0 Reasons and Considerations

Having regard to the residential land use zoning of the site, to the prevailing pattern and character of existing development in the vicinity and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the development would not seriously injure the residential or visual amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out 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 with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.</p> <p>Reason: To restrict the use of the extension in the interest of residential amenity.</p>
3.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the detailed requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
4.	<p>External finishes shall be as indicated on Drawing 05 and Drawing 06, submitted to the Planning Authority on the 27th July 2021, unless otherwise agreed in writing with the Planning Authority prior to commencement of development. The stone on the front/west elevation shall comprise natural stone.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>The southern elevation of the covered patio to the front of the property shall comprise obscure glazing.</p> <p>Reason: In the interest of residential amenity.</p>
6.	<p>A 1.5-metre-high opaque glass screen shall be provided for the first-floor balcony.</p>

	Reason: In the interest of residential amenity.
7.	The windows serving the en-suite and bathroom at first floor level on the rear extension shall be fitted and permanently maintained with obscure glazing. Reason: In the interest of residential amenity.
8.	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.

Ian Campbell
Planning Inspector

11th April 2022