



An
Bord
Pleanála

Inspector's Report ABP 313654-22

Development	Demolition of existing single store extension and store, and construction of two storey and single store rear extensions, internal alterations, and ancillary site works.
Location	No 3 Lenaboy Avenue, Salthill, Galway.
Planning Authority	Galway City Council.
P. A. Reg. Ref.	22/50.
Applicant	Eoin de Faoite and Naomi Cavanagh
Type of Application	Permission
Decision	Grant Permission
Type of Appeal	First Party X Conditions
Appellant	Eoin de Faoite and Naomi Cavanagh
Date of Site Inspection	12 th September, 2022
Inspector	Jane Dennehy

Contents.

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	3
3.1. Decision	3
3.2. Planning Authority Reports	4
4.0 Planning History.....	4
5.0 Policy Context.....	4
5.1. Development Plan.....	4
5.2. Grounds of Appeal	4
6.0 Assessment.....	5
7.0 Recommendation.....	7
8.0 Reasons and Considerations.....	7
9.0 Revised Condition.....	7

1.0 Site Location and Description

- 1.1. The application site which has a stated area of 0.016 hectares is that of a two storey three bay four-bedroom house on a relatively shallow plot facing directly onto the street frontage. The existing building which is unoccupied has a single rear extension and store and rear gardens. It has a stated floor area of 124.65 square metres.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for demolition of the existing extension, refurbishment of the existing building to be retained and construction of a single storey extension and a master bedroom extension at first floor level along with internal alterations allowing for four larger bedrooms at first floor level and ensuite bathroom facilities. The first-floor extension over the ground floor storey extension which has a rear elevation window is flat roofed with a parapet height of six metres and it has a stated floor area of eleven square metres.
- 2.2. The total stated floor area of existing structures is 124.65 square metres which is reduced to 99.79 square metres to be retained further to demolition of existing structures. The the total floor area to be retained in conjunction with the new build is stated to be 149.30 square metres.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission for the proposed development. Under Condition No 2, the appealed condition, there is a requirement for the first floor (master bedroom) extension to be omitted for reasoning based on overlooking and excessive mass and scale. Under Condition No 5 exempt development entitlements are removed. The other conditions are of a general nature.

3.2. Planning Authority Reports

- 3.2.1. The planning officer noted a four metres separation distance between the rear elevation and the rear boundary and similar limited depths to the adjoining properties on Lenaboy Avenue. He therefore indicated concerns as to potential for overlooking and as to adverse impact on residential amenities by reason of the scale and mass at first floor level. A grant of permission as recommended and Condition No 2 for omission of the first-floor extension was attached. The ground floor extension and remaining private open space provision on the site was considered adequate and acceptable by the planning officer.

4.0 Planning History

There is no record of planning history for the application site.

5.0 Policy Context

5.1. Development Plan

The operative development plan is the Galway City Development Plan, 2017-2023 according to which the site is subject to the zoning objective R: *“To provide for residential development and for associated support development which ensures protection of existing residential amenity and contribute to sustainable residential neighbourhoods.”*

According to section 11.3.1 (I) Extensions should be of a design and form to complement the character of the existing building and the context of adjacent residential amenities.

5.2. Grounds of Appeal

An Appeal against Condition No 2 was lodged by the applicant’s agent on 26th May, 2022 and some photographs and drawings are included. It is stated that the effect of the omission under Condition No 2 is the exclusion of the bedroom and this is not acceptable having regard to the applicant’s accommodation requirements.

According to the appeal:

- The first-floor extension was carefully designed so that it can have no overlooking and overshadowing impact. As the rear gardens are north and northeast facing and are therefore shaded by the two storey pitched roofs of the house on Lenaboy Avenue.
- A similar development at No 10 Lenaboy Avenue was permitted under P.A. Reg. Ref. 20/05. The planning officer remarked in his report that as the extension proposed for that property would have caused overlooking but it would contribute to habitation and maintenance of the property, an older building, and some mitigation, in obscure glazing could be provided, he therefore deemed the proposal acceptable. There are first floor balconies at Nos 1 and 2 Lenaboy Avenue, the balcony of the latter overlooking the application site. There is similar development at No 7 Lenaboy Avenue.
- Positive outcomes for the proposal are the bringing the dilapidated dwelling back to contemporary and energy efficient standards and reoccupation which benefits the village of Salthill and sustainable development. It is requested that the condition be omitted.

5.3. Planning Authority Response

There is no submission from the planning authority on file.

6.0 Assessment

- 6.1. Further to review of the application and the appeal, it is concluded that *de novo* consideration, that is, as if the application had come before the Board in the first instance is unwarranted and that the appeal against the condition can be determined in accordance with the provisions of section 139 of the Act.
- 6.2. The issue to be considered is as whether the first-floor level master bedroom within the proposed development is acceptable having regard to the interest of the proper planning and development of the area, and, to this end, in particular, the protection of residential amenities of adjoining properties having regard to potential for overlooking.
- 6.3. With regard to the permitted development under P. A. Reg. Ref. 20/5 at No 10 Lenaboy Avenue to which reference is made in the Appeal it is noted the planning

officer in his report observed that there are substantial extensions to the south and north sides and considered the design proposed to be acceptable. As the planning officer considered that the proposed extension would contribute to the continuation of habitation and maintenance of an older dwelling, he considered that opaque/obscure glazing of the first-floor windows up to 1.8 metres over the finished floor level would be acceptable, notwithstanding a shortfall in the standard requirement for separation distances from boundaries of eleven metres.

- 6.4. It is reasonable that this permitted development having regard to the observations in the assessment by the planning officer be taken into consideration although it is considered that, for the current proposal, the overall development either with or without the first-floor master bedroom extension delivers a single dwelling of significant size which provides for high standard internal accommodation and high quality attainable residential amenity, notwithstanding the relatively shallow depth of the rear private open space provision. As such the first-floor extension is not considered to be essential to the achievement of the future habitable use and maintenance of the dwelling.
- 6.5. It is considered that the master bedroom window would be acceptable having regard to protection of the residential amenities of the area, subject to a reduction in size, restriction to a top hung opening only and use of opaque or obscure glazing. It is also recommended that the size not exceed 1500 mm x 1500, the size proposed being 2000 mm x 1500mm. These requirements can be addressed by way of a revised condition in replacement of Condition No 2 attached to the planning authority decision.
- 6.6. The planning history for No 7 Lenaboy Avenue also referred to in the appeal as being of relevance in justifying the current proposal is confined to the 1970s. The planning history is confined to planning applications lodged during the 1970s.
- 6.7. It is noted that the application drawings do not include a roof plan for the proposed extension which appear to be flat roofed and as to whether it might be intended to include provision for any overhead rooflights.
- 6.8. **Environmental Impact Assessment.**
 - 6.8.1. Having regard to the nature of the proposed development and its location removed from any sensitive locations or features, there is no real likelihood of significant

adverse effects on the environment. The need for environmental impact assessment can therefore be excluded at preliminary examination and a screening determination is not required.

6.9. Appropriate Assessment.

- 6.9.1. Having regard to the scale and nature of the proposed development and to the location removed from any European Sites no Appropriate Assessment issues arise. The proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

7.0 Recommendation

- 7.1. It is recommended that the planning authority determination the decision in accordance with the provisions of section 139 of the Planning and Development Act, as amended and that the planning authority be directed to omit Condition No 2 and to attach a Revised Condition.

8.0 Reasons and Considerations.

It is considered that subject to compliance with the requirements for amendments to the rear elevation window in the first floor master-bedroom extension, having regard to the established character and pattern of development in the area the proposed development would not seriously injure the residential amenities of adjoining developments by way of undue overlooking and would be in accordance with the proper planning and sustainable development of the area.

9.0 Revised Condition

The first-floor master bedroom extension shall be modified so that the rear elevation window is reduced to a maximum size to 1500mm x 1500 mm, has a top hung pivot opening only, and is fitted with obscure glazing. Prior to the commencement of the development, the applicant shall submit and agree in writing with the planning authority, a revised plan, section, and elevation drawing showing these details and prior to occupation of the dwelling, a

certified photograph of the proposed rear elevation of the with the master bedroom window in place.

Reason: In the interest of the protection of residential amenities of adjoining properties.

Jane Dennehy
Senior Planning Inspector
19th September, 2022.