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## Inspector's Report ABP 314068-22.

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<b>Development</b>	New Porch to existing house with an invalid access to the existing house and a side extension with access from the house and living area for invalid persons and an access to the main house facilities.
<b>Location</b>	No 143 Wellpark Grove, Wellpark, Galway.
<b>Planning Authority</b>	Galway City Council
<b>P. A. Reg. Ref.</b>	22/79
<b>Applicant</b>	Anthony Griffin
<b>Type of Application</b>	Permission
<b>Decision</b>	Grant Permission.
<b>Type of Appeal</b>	Third Party X Grant
<b>Appellant</b>	Wellpark Grove Residents Association.
<b>Date of Site Inspection</b>	12 <sup>th</sup> September, 2022
<b>Inspector</b>	Jane Dennehy

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## 1.0 Site Location and Description

- 1.1. No 143 Wellpark Grove is a detached two storey house with front and side which has a stated floor area of one hundred square metres. There is hard and soft landscaping and a small rear garden with a garage to the rear side of the dwelling. It is on the south west side of Wellpark Grove and a short distance from a junction with Wellpark Road. Similar dwellings are located on the opposite side of Wellpark Grove, landscaped open space is to the south east and semi-detached houses along Cul Ard are located to the south and west of the application site.
- 1.2. There is a similar dwelling (No 144) to the north west side which also has a garage to the rear side adjacent to and matching garage on the application site. Each garage has a stated floor area of 20.77 square metres with an entrance from the front.

## 2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicate proposals for erection of a porch to existing house incorporating access to the existing house and a side extension with access from the house and living area for persons with a disability and, an access to the main house facilities. The side extension which has a stated floor area of 22.56 square metres is stepped forward of the front building line infills the space as far as the rear building line of the dwelling between the existing side elevation and the party boundary between the two properties. The porch to the front entrance has a stated area of 2.7 square metres.
- 2.2. A request for additional information was issued on 18<sup>th</sup> May, 2022 to which a response was lodged on 27<sup>th</sup> May, 2022 comprising revised drawings in which amenity areas are indicated along corresponding calculations having regard to the standards with section 11.3.1. (c) of the CDP. The response also indicates internal partitions (unauthorised development) within the garage structure removed. Their removal is a requirement under Conditions attached to a prior grant of permission under P.A. Reg. Ref. 18/79. (Details are set out under section 4 (Planning History) below.

## 3.0 Planning Authority Decision

### 3.1. Decision

By order dated, 16<sup>th</sup> June, 2022 the planning authority decided to grant permission. In addition to conditions of a standard nature, Condition No 2 contains the requirement that the dwelling be occupied solely as a single dwelling unit.

### 3.2. Planning Authority Report

The planning officer further to issue of a request for additional information and lodgement of a response, indicated satisfaction that the application documentation is consistent with condition Nos 1 and 2 of the prior grant of permission under P. A. Reg. Ref. 18/79 (see planning history section 4 below) an that private amenity space at circa sixty square metres would be adequate having regard to section 11.3.1. (c) of the CDP. He is satisfied those residential amenities at adjacent properties would be affected.

### 3.3. Third Party Observations

An objection was lodged by the appellant party in which concerns raised include that of adverse impact on the character of the estate, potential for undesirable precedent, loss of vehicular and pedestrian access to the dwelling and insufficient private open space.

## 4.0 Planning History

**P. A. Reg. Ref. 17/160:** - An application for demolition of the garages at No 143 and No 144 Wellpark Road was withdrawn prior to determination of a decision.

**P. A. Reg. Ref. 18/79:** Permission was granted for demolition of the garages at No 143 and for construction of a new garage along with reinstatement boundary walls. According to the planning officer's report there is a current enforcement file open with the planning authority due to non-compliance with Condition No 1 with requirements for compliance with the application drawings and Condition No 21

which the use of the garage is restricted to that which is incidental to the residential use of the dwelling with commercial use and human habitation not being permissible.

## 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.”*

Wellpark Established Neighbourhood Suburb. According to section 2.6 it is the policy of the planning authority to ensure a reasonable balance between protection of residential amenity and character of the established suburbs and the need to provide for sustainable residential development. it is the policy of the planning authority to ensure that new development of an infill nature does not represent a major addition to existing development and respects the existing pattern, scale and proportion of existing buildings, mass, building lines and height.

## 6.0 The Appeal

6.1. An appeal was lodged by Mary O’Sullivan on behalf of the Wellpark Grove Residents Association on 12<sup>th</sup> July, 2022. According to the appeal and/or the attached copy of the objection lodged with the planning authority: -

- As both No 143 and the adjoining property at No 144 Wellpark Grove are in the same ownership the applicant could seek to implement a similar development at No 144 particularly as he has already constructed garages for both properties. Such a development would be unacceptable to the appellant party.
- The proposed development would if permitted set undesirable precedent.
- The proposed development would eliminate pedestrian access to the dwelling and leave no vehicular or pedestrian access on the driveway. The

provision for wheelchair parking is inaccurate and emergency vehicles access would be hindered.

- Private open space has been used by the garages. It is not evident that the required twenty-five square metres is at the rear of the house.
- The public sewer at the front would be compromised.
- in which it is stated that that there is no objection in principle to development of an extension, but the proposed development is not acceptable.

## 6.2. Applicant Response

A submission was received from the applicant's agent on 10<sup>th</sup> August 2022 according to which

- The application is not a proposal for overdevelopment. It is the applicant's intention to provide accommodation along with amenities for a person with a mobility impairment.

## 6.3. Planning Authority Response

There is no submission from the planning authority on file.

## 7.0 Assessment

7.1. Further to review of the floor plans, it is not apparent that the proposed development which it is stated in the application is intended to facilitate and be at a standard that is suitable for independent living by a person with a mobility impairment, in terms of access, circulation of a wheelchair if required, and bathroom facilities. In the event of positive consideration of the proposed development in all other respects, it would be advisable for clarification by way of further information to be sought from the applicant by way of section 131 notification. The observations of the appellant party with regard to the vehicular and pedestrian facilities and parking are noted in this regard.

7.2. There is a uniform house type along both sides of the road with a well set back, strongly defined front building line with the exception of the existing dwelling on the

application site which is slightly stepped back. A strong feature significant separation distance between the dwelling footprints with hard standing to the side which is slightly greater between No 143 and 144 than between the other dwellings.

Nevertheless, it is considered that the proposed infill at the side as far as the party boundary along the entire depth of the dwelling and incorporating the forward projection, in conjunction with the proposed porch which results in a stepped front building line for the dwelling, is unacceptable. The proposed roof profile for the extension with the slopes facing toward the road frontage is a conspicuous infill insertion and is incompatible with the gable fronted profile to the front of the shallow pitched roofs the original dwellings.

7.3. With regard to the standards in Section 11.3.1. (c) of the CDP an adequate quantum of private open space is provided with the development in place at sixty-one square metres in a triangular shape to the rear of the dwelling. The quantum which is also consistent with a requirement for space at least fifty percent of the total floor area of the dwelling exclusive of the garage. The attainable amenity potential would be somewhat constrained by the enclosure created by the garage structure and block walls and shadowing effect.

7.4. Clearly irrespective of whether the adjoining property at No 144 is in the ownership of applicant or a third party, positive consideration of the current proposal would set an established precedent for a similar infill extension development as far as the party boundary and onto the side elevation wall of the proposed extension at No 143. The concerns of the appellant party are considered reasonable in this regard.

Furthermore, precedent would be set for further similar infill resulting in significant change to the original and established characteristics of homogeneity in the layout of the estate and house type.

#### 7.5. **Environmental Impact Assessment.**

7.5.1. 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.

## 7.6. **Appropriate Assessment.**

- 7.7. 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.

## 8.0 **Recommendation**

- 8.1. Given the foregoing, it is recommended that the appeal be upheld, that the planning authority decision to grant permission be overturned and permission be refused based the Reasons and Considerations and Conditions set out below. However, if it is decided that permission should be granted, it is recommended that conditions with requirements for restriction of the use of the garage structure and for the dwelling and extension to be operated as a single dwelling unit be attached.

## 9.0 **Reasons and Considerations**

Having regard to the Galway City Development Plan 2015-2021 according to which the site location is within the Wellpark Established Neighbourhood Suburb. A Neighbourhood Residential Area and subject to a zoning objective for residential development it is considered that the proposed development and, to the established pattern and character of development in the area would not seriously injure the residential and visual amenities of development in the area and would set undesirable precedent for further similar development. As a result, the proposed development would be contrary to the proper planning and sustainable development of the area.

**Jane Dennehy**

Senior Planning Inspector

27<sup>th</sup> September, 2022.