



An  
Bord  
Pleanála

## Inspector's Report ABP-314391-22

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<b>Development</b>	Changes to planning permission 21/35 which consist of increased footprint of rear extension on ground floor and wider dormer to rear.
<b>Location</b>	26 Riasc Na Ri, Ragoon Road, Galway
<b>Planning Authority</b>	Galway City Council
<b>Planning Authority Reg. Ref.</b>	22/149
<b>Applicant(s)</b>	Amanda & Frank Daly
<b>Type of Application</b>	Retention permission
<b>Planning Authority Decision</b>	Grant, subject to 8 conditions
<b>Type of Appeal</b>	Third Party -v- Decision
<b>Appellant(s)</b>	Mary McKearney
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	9 <sup>th</sup> December 2022
<b>Inspector</b>	Hugh D. Morrison

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## 1.0 Site Location and Description

- 1.1. The site is located in the Riasc na Ri housing estate, which lies in the north-western outskirts of Galway City. This housing estate is accessed off the western side of Bothar Stiofain, a north/south road, which runs between Ragoon Road and the Western Distributor Road. The Gateway Retail Park lies on the eastern side of this road.
- 1.2. The site is situated at the northern end of Riasc na Ri beyond a green and adjoining the rear gardens to a pair of semi-detached dormer bungalows at Nos. 41 & 42 Linn Bhui, the neighbouring housing estate, to the east north-east. To the north north-west, lies a wooded area, which adjoins a cluster of new dwelling houses further to the north-west.
- 1.3. The site itself is of regular shape and it extends over an area of 0.0383 hectares. This site accommodates a semi-detached dormer bungalow, No. 26, which is served by an open plan front garden with a drive-in, a side passageway, and a rear garden. The dormer bungalow adjoins another dormer bungalow, No. 25, to the west south-west. The entire eastern boundary of the site is enclosed by means of a wall that separates the two adjoining housing estates. The northern boundary is enclosed by means of exposed rock and a boundary wall above and the common boundary with No. 26 is denoted by means of a wall, too.

## 2.0 Proposed Development

- 2.1. Under the proposal, changes to the development permitted under application 21/35 are proposed for retention. These changes pertain to the single storey rear extension and the rear dormer. They can be summarised as follows:
  - The permitted rear extension would have been virtually the full width of the dwelling house and it would have had a consistent depth of 3350mm. Under the changes that have been made, during the construction phase, the depth of the majority of the extension is 3580mm, with the western portion increasing to 5200mm, over a width of 3600mm. (The remaining width is 5500mm). The fenestration in the western portion has changed from a pair of

windows to one window in the rear elevation and one window in the return garden elevation. An extra rooflight has also been installed.

- The permitted rear dormer would have had a width of 3295mm, and it would have had a four-light window. This dormer would have been installed over the western portion of the rear roof plane and it would have been accompanied over the central and eastern portions by two rooflights. During the construction phase, the width of the dormer increased to 7600mm. The fenestration changed to a two-light window in the western portion and the omission of the two rooflights in favour of a single light and two light windows in the central and eastern portions.

2.2. Under the proposal the original floorspace of the dwelling house of 136 sqm has increased by 45 sqm to 181 sqm.

### 3.0 Planning Authority Decision

#### 3.1. Decision

Permission was granted, subject to 8 conditions, the second of which states the following:

*Within one month of the final grant of this permission the applicant is requested to submit for the agreement of the Planning Authority revised drawings showing either of the following alterations. The alterations hereby approved shall be carried out within 3 months of this written agreement.*

*Either*

*The new rear master bedroom dormer windows shall incorporate a 1.5m deep obscure glazed fin/screen from the rear face of the dormer on its north eastern edge for the full height of the dormer window. This shall be maintained permanently.*

*The rear master bedroom window shall be fitted with and permanently maintained in obscure glass with only a top hung opening section or if a wider opening is required for emergency purposes/escape purposes only it shall be hinged on the north eastern edge.*

*Reason: To ensure that the development is carried out in accordance with the permission and that effective control is maintained.*

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

The case planner recommended a split decision, i.e., retention permission for the rear extension and refusal for the rear dormer, on the grounds of visual obtrusion and being out of character with the predominant roofscape. The senior executive planner overruled the recommendation of refusal and recommended retention permission, subject to the above cited Condition 2.

### **3.2.2. Other Technical Reports**

None

## **4.0 Planning History**

21/35: Construction of a single storey rear extension and rear dormer and all associated works: Permitted.

## **5.0 Policy and Context**

### **5.1. Development Plan**

The Galway City Development Plan 2017 – 2023 was the operative CDP when the Planning Authority made its decision on the current application. Under this CDP, the site was shown zoned “residential”, wherein the objective was “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.”

Section 11.3.1(l) addressed residential extensions. It stated that “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.”

The Galway City Development Plan 2023 – 2029 is now adopted and it came into force on 4<sup>th</sup> January 2023. This Plan retains the zoning and the zoning objective of its predecessor for the site. Section 11.3.1(l) is likewise carried over.

## 5.2. Natural Heritage Designations

- Lough Corrib SAC (000297)
- Galway Bay Complex SAC (000268)
- Inner Galway Bay SPA (004031)

## 5.3. EIA Screening

The proposal relates to domestic extensions, which are not a class of development that is subject to EIA.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The appellant, Mary McKearney, resides at 43 Linn Bhui to the north-east of the site. Ronnie Lally, who resides at 44 Linn Bhui, has written a letter of support for her appeal. (His letter of objection is appended to the submitted grounds of appeal).

- The appellant draws attention to the addendum planning report, which overruled the case planner's recommendation that the retention of the rear dormer be refused. This report does not state the reasons why the senior executive planner disagreed with the objections raised by the appellant and her neighbour, Ronnie Lally. It therefore falls short of the standard for decision making set out in the case of *Balz v An Bord Pleanala* (2019).
- The appellant queries why Building Control and the Fire Officer were not consulted on the current application, as has happened with comparable applications. She reminds the Board of the need to consider this application on a *de novo* basis.
- The appellant draws attention to the parent permissions, which were granted at appeal, for the two adjoining housing estates Riasc na Ri (285/97 & PL61.106984) and Linn Bhui (287/97 & PL61.106981). These permissions authorised the construction of dormer bungalows, which have dormers on the front and rooflights to the rear, thereby safeguarding neighbour privacy.

- The appellant draws attention to two comparable proposals for the addition of dormers to the detached dwelling house at 6 Linn Bhui, which were both refused at appeal (PL61.246914 & ABP-300125-17) on the grounds of overlooking, visual obtrusion, and out of character with the predominant roofscape. The current proposal is on a semi-detached dwelling house, and it is larger. Consequently, it has a greater impact.
- The appellant expresses the view that Section 34(13) of the Planning and Development Act, 2000 – 2022, relates only to questions of land ownership. She draws attention to examples of applications, which were the subject of further information requests with respect to meeting the requirements of the building regulations. She also draws attention to Condition 2(b) of the Planning Authority’s permission, which refers to “emergency purposes/escape purposes”. Consequently, the appellant critiques aspects of the proposal under the building regulations.
- The enlarged rear dormer is visually obtrusive, incongruous, overbearing, and out of character with surrounding dwelling houses. Advice on dormers from South Dublin County Council is cited, which is not reflected in this dormer. Furthermore, Condition 2(a) of the Planning Authority’s permission, which refers to a 1.5m high screen would only add to the dormer, thereby accentuating its obtrusiveness and overbearing nature.
- The aforementioned Condition acknowledges the problem of overlooking and loss of neighbour privacy. In this respect, the appellant draws attention to her kitchen window which is in the exposed side elevation of her semi-detached dwelling house and from which the applicant’s dormer is visible. This window and the private garden areas to the side and rear of her dwelling house would be overlooked. Likewise, windows in the rear elevation to the dwelling house at 42 Linn Bhui and its rear garden would be overlooked, and, if the residentially zoned lands to the rear of the site are developed, then they, too, would be overlooked.
- The dormer overshadows a first floor rooflight to the west in the rear roof plane of the dwelling house at 25 Riasc na Ri and the rear gardens to

adjacent dwelling houses to the east at 42 & 43 Linn Bhui. If permitted, it will establish an adverse precedent.

- The appellant draws attention to the following conditions attached to the permission granted to application 21/35, which do not appear to have been complied with:
  - Condition 3, which refers to finishes. While the applicant's unsolicited additional information does refer to these, this additional information is not cited in Condition 1 of the Planning Authority's permission granted to the current application. Furthermore, the roof tiles to the dormer do not appear to match those on the host rear roof plane.
  - Condition 6 removes the normal exemption given to domestic sheds. The applicants have a shed in their rear garden and so the Board needs to determine whether it is exempted development or not.
  - Condition 7 relates to the need to agree the details of a soakaway system. While the applicants have referred to the specification of a SuDS system, no details have been submitted prior to the commencement of construction.
  - Condition 8(iv) refers to the submission of a construction and demolition waste management plan. Again, this plan does not appear to have been submitted.

In the light of the above non-compliance, the Board will need to consider if the development to date is unauthorised and if the submitted retention application addresses all the outstanding matters of non-compliance. In this respect, the Board's decision on ABP-305463-19 is instructive.

- The submitted plans continue to omit any reference to the finishes that would be applied to the dormer. As the application is for retention, these finishes should be stated.
- The size/scale of the proposal is such that it will devalue adjoining residential properties.
- The case planner considered that the dormer contravenes Section 11.3.1(l). The senior executive planner did not refute this view, which the appellant



shares. A comparable proposal and set of circumstances pertained in the case of PL06D.246737, which the Board refused on the grounds that it would materially contravene the relevant Development Plan. Where a grant involves a material contravention, procedures under Section 34(8)(d) of the Act pertain: the Planning Authority did not activate these procedures.

## 6.2. Applicants Response

The applicants respond to the appellant's grounds of appeal as follows:

- That the case planner's recommendation was overruled by his senior executive planner was entirely within order, as the Planning Authority is a hierarchical organisation. In doing so the senior executive planner did interact with the overlooking concern of neighbours and he came to a reasoned conclusion in this respect.
- The parent permission for Riasc na Ri did not preclude rear extensions or rear dormers. Given the need for the consolidation of urban areas, the case for such extensions and dormers is now greater than it was hitherto. The appellant did not object to application 21/35, under which the principle of a rear dormer was established. The dormer proposed for retention is not significantly larger than that which was permitted. Given the secluded context of the site, it would be neither overbearing nor would it lead to overshadowing. Obscure glazing to the secondary master bedroom window would obviate any overlooking.
- The situation at 6 Linn Bhui is distinguishable from that of the site insofar as the rear elevation of this dwelling house directly overlooks adjoining rear gardens and it is visible from public vantage points in surrounding streets. Precedent exists in the wider area for rear dormers, e.g., under permitted application 13/377 at 25 Cloch Ard.
- The applicants' architect has submitted a letter, which is appended to their response. This letter confirms that the dormer would comply with the building regulations.

- The applicant's critique that the dormer is overbearing fails to acknowledge the permitted dormer. Her reliance upon advice from South Dublin County Council is mis-placed. Condition 2(b) should be omitted, and Condition 2(a) retained, i.e., reliance on an external screen would be inappropriate when obscure glazing can be specified.
- Any consideration of overlooking needs to factor-in the overlooking that could arise from the previously permitted dormer. At issue is any increase in overlooking from this baseline. The applicants consider that this would be negligible. In this respect, any oblique views from the secondary master bedroom into 42 & 43 Linn Bhui would be obviated by the specification of obscure glazing.
- Any consideration of overlooking needs to factor-in the overshadowing that could arise from the previously permitted dormer. Insofar as the increase in the dormer has occurred to the east, any overshadowing to the west is unaffected. To the east, the fact that the dormer is low slung and stepped-in from the gable means that no appreciable overshadowing of the adjoining residential property at 42 Linn Bhui would arise. Any concern over precedent needs to be viewed in the context of the site's secluded position.
- For the avoidance of doubt, the applicants reiterate that the dormer finishes would be pale off-white/pale blue cladding and dark grey/black roof. The applicants consider that these finishes would comply with Condition 3 of the permission granted to application 21/35.

Condition 6 is relevant from the date of the permission's implementation. The shed in the rear garden predates such implementation, as is evident from its presence on the originally submitted plans.

Conditions 7 and 8(iv) were not raised as issues by the Planning Authority. If the Board is so minded, then they can be re-attached under any retention permission.

- While the finishes were omitted from the submitted plans, they were the subject of unsolicited information.

- The question of devaluation is set aside as the rear extension would not be visible from adjoining residential properties and the rear dormer would be compatible with the amenities of these properties.
- The dormer would not materially contravene the CDP as Section 11.3.1(l) is a guideline rather than an objective. Furthermore, as a guideline it addresses domestic extensions generally, rather than dormer extensions specifically. In this respect, it is distinguishable from the relevant CDP under PL06D.246737.

Applying Section 11.3.1(l) in the light of the permitted dormer, the dormer proposed for retention is not inconsistent with the envisaged character and form of the applicants' dwelling house.

### **6.3. Planning Authority Response**

The Planning Authority draws attention to the addendum planning report in which the senior executive planner set out his view that, due to the combined height of the embankment and wall to the rear of the site, no direct overlooking would arise, and, subject to Condition 2, oblique overlooking of 42 & 43 Linn Bhui could be satisfactorily addressed. In view of the appellant's critique of Condition 2(b), the Planning Authority requests that the Board consider omitting it and retaining Condition 2(a), i.e., the specification of obscure glazing to the bedroom window nearest to Nos. 42 & 43.

### **6.4. Observations**

None

### **6.5. Further Responses**

None

## **7.0 Assessment**

- 7.1. I have reviewed the proposal in the light of the Galway City Development Plan 2023 – 2029, relevant planning history, the submissions of the parties, and my own site

visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Preliminary considerations,
- (ii) Visual and residential amenity, and
- (iii) Appropriate Assessment.

**(i) Preliminary considerations**

- 7.2. The appellant raises a number of matters which relate to the Planning Authority's decision on the current application, conditions attached to the permission granted to application 21/35, and compliance with the building and fire regulations. I will discuss each of these matters in turn.
- 7.3. The case planner for the current application recommended that the retention of the enlarged dormer be refused. He was overruled by the senior executive planner, who recommended that retention permission be granted, subject to Condition 2, which specified two alternative means of mitigating any overlooking from the master bedroom window. The applicant states that there is nothing untoward in how the Planning Authority's decision came to be made. The appellant expresses concern that the senior executive planner's addendum report did not fully engage with all the points raised by objectors. The Planning Authority has responded by stating that the issue of overlooking was fully discussed. The appellant states that the Board needs to consider the proposal on a *de novo* basis.
- 7.4. I note the exchanges of the parties summarised above. I note, too, that as my assessment is on a *de novo* basis any need to take a view on the adequacy or otherwise of the Planning Authority's reports does not arise.
- 7.5. The permission granted to application 21/35 was subject to several conditions. The appellant draws attention to some of these as follows:
- Condition 3 states that "The external finish and roof colour shall match those of the existing dwelling." The appellant observes that finishes were not cited on the submitted plans under either 21/35 or the current application. However, they were cited under unsolicited additional information that the applicants submitted by way of response to the appellant's letter of objection at the application stage of the current application. Thus, the dormer would be

panelled with the same panelling exhibited by the original front dormers to the applicants' dwelling house, only the colour would be either "a very pale off-white or pale blue" as the existing white is unavailable. The roof would be dark grey or black in colour to match the colour of the tiles exhibited by the original front dormers.

Condition 3 cites as its benchmark the "existing dwelling". Given this benchmark, an explicit submission on finishes is not "needed" to achieve compliance. Nevertheless, the unsolicited information has stated what the finishes would be and, during my site visit they were in-situ.

- Condition 6 removes the normal exemption given to domestic sheds. The appellant, therefore, queries whether the shed in the applicants' rear garden needs express permission. The applicants have responded by stating that this shed predates the implementation of the permission granted to application 21/35 and, in this respect, they draw attention to its depiction in the existing plans of their dwelling house, which were submitted as part of application 21/35.
- Conditions 7 and 8(iv) stated that, "prior to the commencement of development", details of a soakaway and a project construction and demolition waste management plan should be agreed in writing. The appellant draws attention to the absence of agreements in these respects. The applicants have drawn attention to the fact that these conditions were not raised as issues by the Planning Authority, and they have invited the Board to re-attach them under any retention permission.

The appellant invites the Board to take a view on whether the above non-compliance renders the permitted development unauthorised. The Board's decision on ABP-305463-19 is cited in this respect. However, this case related to the proposed use of a building, which, as it was already occurring, should have been for its proposed retention. The current case involves the retention of a rear extension and a rear dormer, both of which have been enlarged from what was previously permitted. The matters raised by Conditions 7 and 8(iv) would be capable of being re-conditioned if the Board is minded to grant.

- 7.6. The appellant has critiqued the enlarged dormer on the basis that it may not comply with the building and fire regulations. In this respect, she expresses concern that Building Control and the Fire officer were not consulted on the application. She also expresses the view that questions addressed by these regulations are properly material planning considerations, as Section 34(13) of the Act relates only to questions of land ownership.
- 7.7. The applicants have responded to the appellant's concerns by submitting a letter from their architect, which expresses the view that the enlarged dormer would be compliant with the building regulations.
- 7.8. Beyond statutory consultees, a planning authority has discretion upon whom it chooses to consult on applications. Insofar as other codes are concerned, the appellant's interpretation of Section 34(13) is too tightly drawn. The advice of Section 7.8 of the Development Management Guidelines is relevant insofar as the requirements of other codes are, generally, not the prerogative of the planning system to uphold. Where concerns arise, the option of drawing an applicant's attention to the need for compliance with other codes should be pursued, either by notes attached to any permission or an accompanying letter.
- 7.9. I conclude that the preliminary matters raised by the appellant do not impede the Board from assessing/determining the current application/appeal in the normal manner.

**(ii) Visual and residential amenity**

- 7.10. Under the proposal, retention permission is sought for the enlargement of a rear extension and a rear dormer to the applicants' dwelling house. Permission was granted to application 21/35 for a rear extension and a rear dormer and so what is at issue is the enlargement of each that has occurred during the construction phase. The former is largely uncontentious, as it has involved the deepening of the western portion of the rear extension and associated revisions in fenestration. The western portion is adjacent to the common boundary with 26 Riasc na Ri, where a rear extension of comparable depth already exists. The latter is contentious and so I will discuss it below.
- 7.11. As permitted, the rear dormer would have been sited on the western portion of the rear roof plane. It would have replaced one of three rooflights and it would have had

a four light bedroom window. As enlarged, the rear dormer has been extended across almost the entire width of the rear roof plane, i.e., by 4305mm, from 3295mm to 7600mm. Its height and depth effectively replicate what was permitted. The other two rooflights have been replaced and it has three windows, i.e., a two light bedroom window, in place of the permitted four light bedroom window, to the west, a two light bedroom window to the east, and a single light en-suite window between them. The enlarged dormer facilitates the specification of a larger master bedroom with an en-suite.

- 7.12. The appellant draws attention to the original design of the adjoining Riasc na Ri and Linn Bhui housing estates, which entailed the extensive construction of dormer bungalows with dormer windows on front roof planes and rooflights on rear roof planes. Consequently, rear gardens enjoy a high degree of privacy. She also draws attention to the dormer bungalow at 6 Linn Bhui, which was the subject of two refusals by the Board for rear dormers (PL61.246914 & ABP-300125-17) on the grounds of overlooking, visual obtrusion, and being out of character with the predominant roofscape. These decisions establish a precedent. Furthermore, the dormer bungalow at 6 Linn Bhui is detached, whereas the applicants' one is semi-detached. Correspondingly, a greater impact again arises.
- 7.13. The applicants respond by stating that precedent exists for the dormer insofar as one was permitted under 21/35 and, elsewhere, at 25 Cloch Ard one was permitted and constructed for a two-storey dwelling house under 13/377. They state that, as their site is more secluded than that of 6 Linn Bhui, the Board's previous decisions do not relate to comparable situations.
- 7.14. The appellant critiques the dormer on the grounds that it adversely impacts upon the visual and residential amenities of the area. Specifically, she considers that it is obtrusive, incongruous, overbearing, and out of character with surrounding dwelling houses and so it would contravene Section 11.3.1(l) of the CDP. She further cites the advice of South Dublin County Council on dormers, which she considers to be representative of practice countrywide. She also considers that it leads to overshadowing and when occupied would lead to overlooking and a loss of neighbour privacy. The resulting impact upon amenity would devalue adjoining residential properties.

- 7.15. The applicants respond by emphasising that the dormer is simply an enlargement of one that is already permitted. Insofar as the enlargement has occurred in an easterly direction the impact upon the adjoining residential property to the west at 26 Riasc na Ri is effectively the same with respect to its physical presence and any overlooking. Overshadowing would be identical. They draw attention to the absence of objection and indeed support that has been expressed in writing by their neighbours at 26 Riasc na Ri. They also draw attention to the set back of the dormer from the eastern side elevation of their dwelling house and the consequent limited shadow line that it would cast onto the neighbouring residential property at 42 Linn Dhui. Consequently, any increase in overshadowing would not be appreciable.
- 7.16. Turning to overlooking, the applicants again emphasis that a degree of overlooking would occur under the permitted dormer and that any increase would be nullified by the proposed mitigation measures for the master bedroom window. In this respect, they express a preference for the option under the Planning Authority's Condition 2(a) for obscure glazing.
- 7.17. I will comment on the above exchanges in reverse order.
- 7.18. In relation to overlooking, I note that the master bedroom window would afford oblique views into the appellant's residential property at 43 Linn Bhui and that these views would be of her side and rear gardens. There would also be a line of sight over c. 28m between this window and a kitchen window in the side elevation of the appellant's dwelling house. However, this line of sight would be at an acute angle, and so any loss of privacy in practise would be slight. Furthermore, the presence of deciduous trees and shrubs along the southern boundary of 43 Linn Bhui would afford screening. I note, too, that the master bedroom window would afford oblique views into the north-western corner of the rear garden at 42 Linn Bhui. Given these observations, the need to mitigate overlooking from the master bedroom window arises. Normally, habitable rooms should be served by clear glazed windows. However, the window in question is a secondary one to the master bedroom and so the specification of obscure glazing would be in order. As all parties have expressed a preference for this measure over that of a privacy screen on the eastern side of this window, I consider that, if the Board is minded to grant, it should be conditioned.
- 7.19. In relation to overshadowing, I concur with the applicants' commentary.



7.20. In relation to the visual impact of the dormer, Section 11.3.1(l) of the CDP is of relevance with its emphasis on design that complements the character and form of the host dwelling house within its context. The applicants' dwelling house has two front dormers of modest size, each of which has two light windows and each of which is finished in white panelling under a tiled double pitched. Insofar as the permitted dormer would have been of limited size and sited over the western portion of the rear roof plane, it would have complemented the character and form of the host dwelling house. It would also have resembled the dormer cited by the applicants at 25 Cloch Ard. By contrast, the enlarged dormer would be more than double the size of the permitted one and it would extend over almost the entire width of the rear roof plane. While the advice of South County Dublin is inadmissible, the need for dormers to be subsidiary to their host roof planes arises from the application of Section 11.3.1(l) to the applicants' dwelling house. Likewise, while I concur with the applicants that the contravention of this Section would not amount to a material contravention of the CDP, it nonetheless should be complied with.

7.21. The parties have debated the relevance of the Board's previous decisions with respect to 6 Linn Dhui. I note the striking similarity between the dormers proposed for the rear roof plane of the dwelling house at 6 Linn Dhui and the enlarged dormer on the applicants' dwelling house. I note, too, that their contexts are different. The rear elevation of 6 Linn Dhui is highly visible from adjacent dwelling houses to the north-east and south-east and so the proposed dormers would have been conspicuous. By contrast, the current application site is relatively secluded. It is enclosed to the north north-west by an embankment with a wall on top of it and trees beyond. To the west south-west, views from the rear garden at 26 Riasc na Ri are constrained by the presence of a rear extension to the dwelling house at this address. To the east north-east, the site is enclosed by means of a wall between the applicants' rear garden and the adjoining rear garden at 42 Linn Dhui. Views from ground floor windows in the dormer bungalow at this address would feature the side elevation of the enlarged dormer. This elevation is foregrounded in comparison with the equivalent elevation on the permitted dormer and so it is more prominent. As discussed above under overlooking, views of the dormer are available from the appellant's residential property and to a lesser extent from that of her neighbour's at 44 Linn Dhui. Consequently, the dormer's above cited contravention of Section

11.3.1(l) would be visible, albeit not to the same extent as would have arisen at 6 Linn Dhui.

- 7.22. Apart from the excessive size of the enlarged dormer, its external design is unsatisfactory, as the windows are of different sizes and their siting, and the accompanying void-to-solid ratio, is ungainly. The permitted dormer was well proportioned, and it would have “sat well” with the permitted rear extension. While this dormer would sit less well with the enlarged rear extension, the resulting offset relationship between them would be legible only from within the applicants’ rear garden.
- 7.23. I am conscious that in the future the Riasc na Ri and Linn Dhui housing estates are likely to be the subject of proposals for rear dormers and so the Board’s decision on the current application will establish a precedent. The refusal of this application would send a signal that Section 11.3.1(l) of the CDP is applicable even in circumstances of relative seclusion. By contrast, if it is granted, then uncertainty will result as to how secluded a residential property needs to be before a dormer of comparable size can be deemed to be acceptable.
- 7.24. I conclude that the proposal would contravene Section 11.3.1(l) of the CDP and so it would be incompatible with the visual amenities of the area.

#### **(iv) Appropriate Assessment**

- 7.25. The site is neither in nor beside a European site. The project is for the retention of an enlarged domestic extension and dormer to a fully serviced suburban dwelling house. No Appropriate Assessment issues would arise.
- 7.26. Having regard to the nature, scale, and location of the proposal, it is concluded that no Appropriate Assessment issues arise as the proposal 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. That the proposal be the subject of a split decision with retention permission being granted to (i) below and refused to (ii) below.

(i) Changes to planning permission 21/35 which consist of increased footprint of rear extension on ground floor, and

(ii) Changes to planning permission 21/35 which consist of wider dormer to rear.

## 9.0 (i) Reasons and Considerations

Having regard to the Galway City Development Plan 2023 – 2029 and the planning history of the site, it is considered that, subject to conditions, the increased footprint of the rear ground floor extension to the dwelling house would fulfil the residential objective zoning of the site and be compatible with the visual and residential amenities of the area. No Appropriate Assessment issues would arise. The retention of the increased footprint would, thus, accord with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The development shall be retained in accordance with the plans and particulars lodged with the application, as augmented by the unsolicited additional information submitted on the 11th day of July 2022, 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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>Prior to the recommencement of development, a scheme shall be submitted to and agreed in writing with the Planning Authority for the provision of a surface water soakaway within the site.</p> <p><b>Reason:</b> In the interest of orderly and well-planned development.</p>

3.	<p>Prior to the recommencement of development, a construction and demolition waste management plan shall be submitted to and agreed in writing with the Planning Authority.</p> <p><b>Reason:</b> In the interest of orderly and well-planned development.</p>
4.	<p>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.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
5.	<p>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 the recommencement 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.</p> <p><b>Reason:</b> 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.</p>

## 11.0 (ii) Reasons and Considerations

Having regard to Section 11.3.1(l) of the Galway City Development Plan 2023 – 2029 and the pattern of development in the area, it is considered that the retention of the wider dormer to rear of the dwelling house would, due to its size and ungainly design, overwhelm the rear roof plane and, as such, fail to complement the character and form of the host dormer bungalow. The retention of the wider dormer would thus contravene Section 11.3.1(l) and so be seriously injurious to the visual amenities of the area. It would also establish an adverse precedent for large rear dormers within the area. Consequently, the retention of the wider dormer would be contrary to the proper planning and sustainable development of the area.

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Hugh D. Morrison  
Planning Inspector

10<sup>th</sup> January 2023