



An  
Bord  
Pleanála

## Inspector's Report ABP-314817-22

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<b>Development</b>	Construction of a conservatory on either side of the front door of the existing dwelling house, extension of the first floor within the existing footprint, and provision of an attic office and children's playroom in new roofspace.
<b>Location</b>	Tooreeny, Moycullen, Co. Galway
<b>Planning Authority</b>	Galway County Council
<b>Planning Authority Reg. Ref.</b>	22/926
<b>Applicant(s)</b>	Evin Power
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refusal
<b>Type of Appeal</b>	First Party -v- Decision
<b>Appellant(s)</b>	Evin Power
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	8 <sup>th</sup> December 2022

**Inspector**

Hugh D. Morrison

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## 1.0 Site Location and Description

- 1.1. The site is located 435m to the south-west of that portion of the N59 which runs between Galway City and Moycullen. This site lies within lands that rise gently to the south and it is situated towards the north-western end of a row of 9 no. dwelling houses, which are all accessed off the north-eastern side of the L5376. This local road rises gently as it passes the site in a south-easterly direction.
- 1.2. The site is of rectangular shape, and it extends over an area of 0.2004 hectares. This site accommodates a three-bed dormer bungalow (173 sqm), which is sited in the south-western portion of the site and towards its north-western boundary. This dormer bungalow faces south south-west/north north-east, and it is accompanied by a freestanding garage adjacent to its easternmost corner. The site is accessed at a central point on its frontage with the local road. Its boundaries are denoted by means of walls, fences, and hedgerows.

## 2.0 Proposed Development

- 2.1. The existing dwelling house on the site is a dormer bungalow. Its principal elevation comprises a gable fronted porch with windows on either side and dormer windows above these windows. Under the proposal, the dormer bungalow would be expanded upwards into a two-storey dwelling house with a second floor in its roofspace. Specifically, the following works would be undertaken:
  - At ground floor level, the living and dining rooms would be extended to the front by a total of 10.2 sqm. These extensions are referred to as conservatories by the applicant and their front elevations would align with the front elevation of the existing porch. They would be enclosed by means of lean-to roofs, which would be returned along the side elevations of the dwelling house to their mid-points.
  - At first floor level, the footprint of the existing ground floor would be extended upwards by means of vertical walls. A consistent floor-to-ceiling height would be created thereby at first floor level. Consequently, the existing bedrooms would each be extended, and a loggia would be added above the porch. An extra 18.6 sqm of floorspace would be provided thereby. Externally, the loggia

would be stone faced and it would terminate in a gable that would rise above the eaves line. The first floor would be finished in render, and it would incorporate a gable on the left-hand side of the front elevation, which would rise from the eaves line to the ridgeline of the raised roof.

- Within the roofspace, a study and children's playroom would be provided over a new floorspace of 25 sqm. These rooms would be served by 5 no. rooflights, i.e., a pair to the front and 3 no. to the rear. The roofspace would be asymmetrical insofar as the north-western end would incorporate the above cited front gable and a hip to the rear and the south-eastern end would have a straight gable.

In total, the proposal would result in an additional 53.8 sqm of floorspace.

- 2.2. At the appeal stage, the applicant revised his proposal to show a lower ridge line and correspondingly lower front gables, i.e., this line would be reduced by 0.885m, from 8.770m to 7.885m. Consequently, the proposed accommodation in the roofspace would be omitted.

### 3.0 Planning Authority Decision

#### 3.1. Decision

Planning permission was refused for the following reason:

*Having regard to the design, scale and massing of the proposed development located within a rural landscape with sensitivity rated as special, it is considered that the proposed development would result in a dominant and overbearing built form that would not fit appropriately or integrate effectively into this rural location.*

*Furthermore, the proposed development would create a house type would be contrary to the design principles set out in Galway County Council's "Design Guidelines for the Single Rural House", and would contravene materially Policy Objective RH 9, Policy Objectives LCM 1 and LCM 2 and DM Standard 4 contained in the Galway County Development Plan 2022 – 2028.*

*Accordingly, to grant the proposed development would interfere with the character of the landscape, would detract from the visual amenity of the area, would militate against the preservation of the rural environment, would contravene materially a development policy*

*objective and a development management standard in the current County Development Plan, would set an undesirable precedent for similar future development in the area, and therefore would be contrary to the proper planning and sustainable development of the area.*

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

See decision

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

None

### **4.0 Planning History**

- 99/461: Dwelling and WWTS: Permitted.
- 02/363: Dwelling and WWTS (varied from 99/461): Permitted.
- 15/1202: Dwelling and WWTS (on revised site): Permitted.

### **5.0 Policy and Context**

#### **5.1. Development Plan**

Under Map 4.2 of the Galway County Development Plan 2022 – 2028, the site lies within the following zones:

- Zone 2: The Galway County Transport and Planning Study (GCTPS), which is an area under strong urban influence for the purpose of assessing applications for rural dwelling houses,
- Zone 4: Landscape Sensitivity Category 3 “Special”, i.e., the Landscape Character Type Lake Environs and the Landscape Character Unit 4b Lower Corrib Environs, and
- Zone 5: An Gaeltacht Area.

Policy Objective RH 9 addresses design guidelines. It states the following:

*It is a policy objective of the Planning Authority to have regard to Galway County Council's Design Guidelines for the Single Rural House with specific reference to the following:*

- a). It is the policy objective to encourage new dwelling house design that respects the character, pattern and tradition of existing places, materials and built forms and that fit appropriately into the landscape;*
- b). It is the policy objective to promote sustainable approaches to dwelling house design and encouraging proposals to be energy efficient in their design and layout;*
- c). It is the policy objective to require the appropriate landscaping and screen planting of proposed developments by using predominately indigenous/local species and groupings.*

Policy Objectives LCM 1 & 2 address the preservation of landscape character and landscape sensitivity classification. They are set out below:

*Preserve and enhance the character of the landscape where, and to the extent that, in the opinion of the Planning Authority, the proper planning and sustainable development of the area requires it, including the preservation and enhancement, where possible of views and prospects and the amenities of places and features of natural beauty or interest.*

*The Planning Authority shall have regard to the landscape sensitivity classification of sites in the consideration of any significant development proposals and, where necessary, require a Landscape/Visual Impact Assessment to accompany such proposals. This shall be balanced against the need to develop key strategic infrastructure to meet the strategic aims of the plan.*

Development Management Standard (DMS) 4 addresses house extensions (urban and rural). It is set out below:

*Proposed extensions shall:*

- In general, be subordinate to the existing dwelling in its size, unless in exceptional cases, a larger extension compliments the existing dwelling in its design and massing;*
- reflect the window proportions, detailing and finishes, texture, materials and colour unless a high quality contemporary and innovatively designed extension is proposed;*

- *not have an adverse impact on the amenities of adjoining properties through undue overlooking, undue overshadowing and/or an over dominant visual impact; and*
- *carefully consider site coverage to avoid unacceptable loss of private open space.*

## 5.2. Natural Heritage Designations

- Lough Corrib SAC & pNHA (000297)
- Lough Corrib SPA (004042)
- Ballycurke Lough pNHA (000228)
- Moycullen Bogs NHA (002364)

## 5.3. EIA Screening

The proposal is for a domestic extension, which is not a class or type of development for the purpose of EIA.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

Design, scale, and massing

- By way of response to the Planning Authority's critique of his proposal, the applicant has submitted revised plans that show a reduction in the height of the ridgeline by 0.885m and the omission of the 25 sqm of accommodation in the attic space.
- The reduction in height would mean that the proposed ridgeline would align with that of the neighbouring dormer bungalow to the south-east, while the north-western roof end of the dwelling house would continue to present to the adjacent bungalow as a sloped surface.
- The neighbours on either side of the site did not object to the original proposal, only the Planning Authority, and so the Board is asked to consider this revised proposal.



### House typography

- The originally proposed house type was for two-storeys with a second floor in the attic. The revised house type is for two-storeys only, and so it avoids any precedent for the original taller house type.

### Pre-planning consultation

- While the applicant sought a pre-planning consultation, one was not forthcoming. If one had been held, he would have sought to follow any guidance given.

### Regarding the sensitive character of the landscape

- Contrary to the case planner's report, the site does not lie in, as distinct from near to, Moycullen Bogs NHA. Concern is expressed that the misreading in this respect may have led to the proposal being more rigorously assessed than is warranted.
- Attention is drawn to Map 4.2 of the CDP, which shows the site as lying within Zone 4. Within this Zone, landscape sensitivity categories of 2 – 4 exist. Advice on residential development is the same for sites in categories 2 & 3. The site should therefore be regarded as being in category 2 rather than 3. This advice states that development is "restricted to essential residential needs of local households". The applicant's household is from/involved in the locality of the site and the proposal is prompted by the quest to meet its essential needs, i.e., as revised, extra floorspace to better use existing rooms, and improved lighting of these rooms.

### Policy objectives cited in the refusal

- RH 9

With respect to item (a), the proposal would incorporate the use of locally sourced natural stone, and, as revised, it would be respectful of the massing of dwelling houses in the vicinity.

With respect to item (b), the proposal would incorporate sustainable features such as additional/larger windows and an air-to-water heat pump.

With respect to item (c), the proposal would be landscaped.

- LCM 1

The revised proposal should be reviewed under this policy objective.

- LCM 2

See comments made under the heading “Regarding the sensitive character of the landscape”.

- DMS 4

With respect to item (1), the proposal should be categorised as an amendment or alteration of the existing dormer bungalow, rather than an extension. Consequently, this item would not be that applicable.

With respect to item (2), existing openings would be utilised, and good alignment would be achieved between windows.

With respect to item (3), the proposal would be designed to minimise overshadowing of the adjacent bungalow to the north-west and the siting of the dormer bungalow is such that overshadowing of the adjacent elevated dormer bungalow to the south-east only occurs for short periods in the year.

With respect to item (4), under the proposal, the footprint of the dormer bungalow would only increase marginally and so the dwelling house on the site would continue to be served by ample private open space.

## 6.2. **Planning Authority Response**

None

## 6.3. **Observations**

None

## 6.4. **Further Responses**

None

## 7.0 Assessment

7.1. I have reviewed the proposal in the light of the Galway County Development Plan 2022 – 2028, 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,
- (iii) Water, and
- (iv) Appropriate Assessment.

### **(i) Preliminary considerations**

7.2. The applicant has corrected any suggestion that the site lies within, as distinct to being near to, Moycullen Bogs NHA. I concur with his commentary in this respect.

7.3. On the basis of Map 4.2 of the CDP, the applicant challenges the need for his site to be regarded as lying-in category 3 as distinct from category 2 for the purposes of landscape sensitivity. However, this Map provides an overview, which should be read in conjunction with the Landscape Character Assessment (LCA) of the County, which is in Appendix 4 to the CDP. Map 3 of this LCA shows the site as lying within category 3 “special”.

### **(ii) Visual and residential amenity**

7.4. The applicant’s residential property is one of nine that form a row of one-off dwelling houses along the north-eastern side of the accompanying local road, which rises at a gentle gradient in south-easterly direction. The applicant’s property is the penultimate one at the north-western end of this row. It comprises a dormer bungalow, which is sited towards the south-western corner of the site, and which is accompanied by continuous grounds to the front, sides, and rear. The principal elevation of this dormer bungalow addresses the local road and is largely symmetrical with a gabled front porch, windows on either side and dormer windows above these windows.

7.5. The applicant has submitted cross sections of five residential properties, i.e., the applicant’s, the ones on either side of the applicants, and two more further to the

south-east. The dwelling houses comprised in each of these properties display a variety of sizes, shapes, and designs. Working along the row from west to east, these dwelling houses are as follows: a bungalow with a front gabled element, the applicant's dormer bungalow, a dormer bungalow with a two-storey front gabled element, a part single/part two-storey dwelling house with front gabled elements, and a split-level dwelling house with upper and lower ground floors.

- 7.6. Clearly, the applicant's dwelling house is typical of those within its context, insofar as it exhibits a mixture of suburban, e.g., its design, and rural traits, e.g., the finishing materials to its walls. Given this baseline, I consider that the application of the CDP's "Design Guidelines for the Single Rural House", which seek to promote the traditional local vernacular, needs to be informed by what is already in-situ.
- 7.7. During my site visit, I observed that with the maturing of landscaping to the above cited residential properties, the collective visibility of the dwelling houses is limited and so the key relationships "on the ground" are those between the applicant's dwelling house and those on either side.
- 7.8. Under the applicant's revised plans, the ridgeline of the proposed roof would be reduced in height to coincide with the ridgeline of the adjacent dormer bungalow to the south-east. The pitch of this roof would ease correspondingly and so the proposed front gabled elements would be less strident and so in proportion with the overall composition of the principal elevation.
- 7.9. Under the applicant's revised plans, the front gabled element would be retained on the left-hand side of the principal elevation and so the north-western side elevation would continue to present as a sloping plane with a hip to its rear. The height of the eaves line of this elevation would coincide with that of the ridgeline of the adjacent bungalow to the north-west and so this elevational treatment would be more neighbourly than a traditional straight gable would be.
- 7.10. The Planning Authority critiqued the design, scale, and massing of the proposal within its landscape setting. I consider that this critique has been overcome by the applicant's revised proposal. I consider too that this proposal would be appropriate to its landscape setting, insofar as this setting is shaped, too, by the existing row of dwelling houses described above.

7.11. I conclude that the proposal, as revised, would be compatible with the visual and residential amenities of the area.

**(iii) Water**

7.12. The applicant's dormer bungalow is connected to the public water mains. Waste water is handled on-site by means of a conventional septic tank system and surface water drains to a soakaway. Under the proposal, these arrangements would persist.

**(iv) Appropriate Assessment**

7.13. The site is neither in nor beside a European site. The development is for the expansion of an existing dwelling house only. All existing servicing arrangements would be maintained. Accordingly, no appropriate assessment issues would arise.

7.14. Having regard to the nature, scale and location of the proposed development, the nature of the receiving environment, and the proximity to the nearest European site, it is concluded that no Appropriate Assessment issues arise as 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**

That permission be granted.

## **9.0 Reasons and Considerations**

Having regard to the Galway County Development Plan 2022 – 2028 and the pattern of development on the site and its vicinity, it is considered that the proposal would, subject to conditions, be compatible with the visual and residential amenities of the area. No water of appropriate assessment issues would arise. The proposal would thus accord with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on the 12<sup>th</sup> day of October 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>Details of the materials, colours, and textures of all the external finishes to the proposal shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
3.	<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>

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Hugh D. Morrison  
Planning Inspector

17<sup>th</sup> February 2023