



An
Bord
Pleanála

Inspector's Report ABP-341890-22

Development	Retain and complete rear extension to existing dwelling and new window to side elevation of this dwelling and all associated site works.
Location	17 Belsize Court, Laurel Park, Galway
Planning Authority	Galway City Council
Planning Authority Reg. Ref.	22/218
Applicant(s)	Eamon O'Halloran
Type of Application	Retention permission and permission
Planning Authority Decision	Refusal
Type of Appeal	First Party -v- Decision
Appellant(s)	Eamon O'Halloran
Observer(s)	Lee Hayes
Date of Site Inspection	9 th December 2022
Inspector	Hugh D. Morrison

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1.0 Site Location and Description

- 1.1. The site lies within the southern portion of the housing estate known as Laurel Park, which is located in Galway's northern suburbs off Siobhan McKenna Road. The address of the site is Belsize Court, the main stretch of which is a continuation of Laurel Park to the south, and the minor stretch of which is a short cul-de-sac off this continuation. This site lies towards the north-eastern corner of the junction between these two stretches. Between it and the actual junction is a strip of public open space which continues to the south-east of this junction and is overlooked by the principal elevation of the dwelling house on the site.
- 1.2. The site itself is generally rectangular in shape, although it terminates in a single point to the north. This site extends over an area of 0.0278 hectares, and it accommodates a two-storey, three-bed, semi-detached dwelling house (82 sqm) with a front and rear garden. The front garden contains a drive-in, and the rear garden contains the extension, which is the subject of the current application. The site adjoins two house plots: to the east, one which accommodates a two-storey semi-detached dwelling house at No. 18 Belsize Court, and, to the north, one which accommodates a two-storey detached dwelling house at No. 257 Laurel Park.

2.0 Proposed Development

- 2.1. The proposal would entail the retention and completion of a single storey extension (45.610 sqm) to the rear of the existing dwelling house on the site. This extension is linked to the back door of the existing dwelling house, and its footprint steps out progressively from this link as it extends northwards into the rear garden. The extension is laid out along a corridor on its western side to provide what would be two bedrooms with ensembles and a utility/laundry room.
- 2.2. The proposal would also entail the installation of a ground floor window in the side elevation of the existing dwelling house, which would serve the kitchen/dining room.

3.0 Planning Authority Decision

3.1. Decision

Planning permission was refused for the following reasons:

- 1. The development to be retained does not meet the Galway City Development Plan 2017 – 2023 requirements for the provision of an adequate area of private amenity space for the development. The proposals would therefore contravene development plan standards, and by the precedent it would create if permitted, it would seriously injure the residential amenities of the area and depreciate the value of property in the area and be contrary to the proper planning and sustainable development of the area.*
- 2. The extension, for which retention is sought, is positioned at the rear of the site with a tenuous/limited link to existing dwelling, and if permitted, the layout of the extension would facilitate its use as a self-contained unit, contrary to the established character of the area, leading to a deterioration in the residential amenity and contrary to the Galway City Development Plan 2017 – 2023 Section 11.3.1(l) “residential extensions” which states “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.”*

3.2. Planning Authority Reports

3.2.1. Planning Reports

See decision.

3.2.2. Other Technical Reports

- Galway City Council: Drainage: No objection, subject to condition.

4.0 Planning History

- 21/387: Same proposal as the current one: Refused for the same reasons as the current one.

5.0 Policy and Context

5.1. Development Plan

Under the Galway City Development Plan 2023 – 2029 (CDP), the site is shown as lying within an area that is zoned residential, wherein the objective is “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.”

Several of the development management provisions of the CDP are relevant to the current proposal. These are set out below.

Section 11.3.1(c) Amenity open space provision in residential developments: private open space

Private open space (areas generally not overlooked from a public road) exclusive of car spaces shall be provided at a rate of not less than 50% of the gross floor area of the residential unit...

The scale of proposed extensions shall ensure that an adequate level of private open space is retained on site. Outdoor private space should allow space for ancillary domestic uses such as outside dining, clothes drying, reasonable circulation and landscaping.

Consideration can be given to domestic extensions that result in less than the development plan standard of 50% of the GFA of the residential unit, where adequate level of private open space is retained on site, or on very constrained sites such as those located in the city centre...

Section 11.3.1(k) Self-contained residential units

Self-contained residential units will be considered when:

- The unit is an integral part of the main dwelling capable of re-assimilation into the dwelling. Specific prior grant of planning permission is required for consequent*
- The unit is an addition to the existing structure or a garage conversion and shall generally be located at the side as opposed to the rear garden of the existing house.*
- The floor area of the unit does not normally exceed the equivalent of 25% of the floor area of the existing house.*

- *Self-contained units will only be considered so long as the owner of the premises lives in the unit or the remainder of the premises as their main residence.*

Section 11.3.1(l) Residential extensions

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.

5.2. Natural Heritage Designations

Lough Corrib SAC & pNHA (000297)

5.3. EIA Screening

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

6.0 The Appeal

6.1. Grounds of Appeal

History

- Prior to the applicant's purchase of the dwelling house, it had been unoccupied for c. 10 years, and so it was in need of refurbishment. The rear garden was overgrown, too, and rubbish had collected therein.
- The applicant removed a large tree and ivy from the boundary wall, which abuts No. 257 Laurel Park. Such removal has facilitated the greater sun lighting of this residential property.
- The applicant discussed with the occupants of No. 18 Belsize Court his plans for the extension. They expressed concerns that the lighting of their rear garden should be respected, and that account be taken of an oil tank and burner, which is sited on their side of the common boundary. Accordingly, the single storey extension would have a low-pitched hipped roof and it is set back from this boundary.

- The design of the extension was also shaped by the need to step it back from patio doors in the rear elevation of the existing dwelling house and to allow for external access along its western side for bins.
- The impetus for the extension was the prospect of renting the dwelling house to a family of seven. While this dwelling house has three-bedrooms, one is in use as an office/study. The extension would provide a further two bedrooms.

Reason 2

- As described above, the design of the extension was shaped to ensure its compatibility with the amenities of neighbouring residential properties.
- As described above, the extension is not designed to be a self-contained unit, but one that would provide bedroom and storage space to supplement that available in the existing dwelling house. The applicant invites the City Council to undertake inspections in the future to satisfy itself that this is indeed how the extension is being used.

Reason 1

- The applicant has submitted two plans, which indicate that there is, variously, 100 sqm and 83.55 sqm of private open space on the site to the rear of the front and back building lines to the dwelling house on the site.
- The rear garden extends further to the north than comparable ones to the east and so it is capable of accommodating the extension without being out of character with the area.

6.2. Planning Authority Response

None

6.3. Observations

Lee Hayes of 257 Laurel Park

- Attention is drawn to the scale of the extension, which causes it to be visually obtrusive and unneighbourly, e.g., it invades the observer's privacy. Concern

is expressed that, were it to be acceded to, it would establish an adverse precedent for the area.

- The applicant states that the extension is needed to accommodate a large family in his rented property. Nevertheless, its design would allow it to function as a self-contained unit.
- The extension effectively negates the useability of the rear garden, as is evidenced by the occupants of the dwelling house, who use the front garden for the drying of washing.

6.4. Further Responses

None

7.0 Assessment

7.1. I have reviewed the proposal in the light of the Galway City Development Plan 2023 – 2029, the planning history of the site, the submissions of the parties and the observer, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) The use of the extension and the amenities of occupants,
- (ii) Visual and residential amenity,
- (iii) Water, and
- (iv) Appropriate Assessment.

(i) The use of the extension and the amenities of occupants

7.2. The Planning Authority's second reason for refusal draws attention to a "tenuous/limited link" between the original dwelling house and the partially constructed structure to the rear. It also draws attention to the layout of this structure, which would facilitate its use as a self-contained unit.

7.3. The applicant has responded to this reason for refusal by stating that the impetus for his development was the need to accommodate a family of seven and so extra bedroom and storage space is required to facilitate the same.

- 7.4. During my site visit, I observed that the structure in question has been constructed to wall plate level. However, notwithstanding the link shown on the submitted plans, the only physical connection between the dwelling house and this structure is a short wall with an external doorway in it. At present, this doorway links the external passageway to the side of the existing dwelling house to the residual external space beside the patio doors in the rear elevation of this dwelling house. The submitted plans show the enclosure of this link and its incorporation within the internal corridor to the structure, which would then connect with the existing back door to the dwelling house.
- 7.5. Turning to the existing two-storey dwelling house (82 sqm), it presently affords daytime accommodation on the ground floor by means of a kitchen/dining room and a sitting room and night time accommodation by means of three bedrooms. The existing dwelling house thereby displays a balance between daytime and night time accommodation.
- 7.6. Under the proposal, the development would entail the provision of two double bedrooms with ensuites. These rooms would be accompanied by a utility/laundry room and so they would effectively entail the provision of additional night time accommodation without any commensurate daytime accommodation. The structure would also be laid out to provide a lengthy corridor, which would, without explanation, be served by not one but two external doors to the external side passageway.
- 7.7. The structure would have a floorspace of 45.610 sqm, and so it would represent a major extension to the existing dwelling house. Its footprint would cover a significant portion of the rear garden and its siting would effectively leave only the most northerly portion of this garden (c. 48 sqm) as potentially useable private open space, i.e., it would enclose a small area (c. 9 sqm) only beside the aforementioned patio doors and it would create lengthy external passageways to its sides. Under Section 11.3.1(c) of the CDP, private open space is to be provided at a rate of not less than 50% of the gross floor area of a dwelling house. As extended, the applicant's dwelling house would have a gross floor area of 127.610 sqm, and so it should be accompanied by 63.805 sqm of private open space. Instead, it would be accompanied by 57 sqm.

- 7.8. Beyond the quantity of private open space, its usability and affect upon neighbours would be issues, too.
- The northern open space is triangular in shape, and it unusually “extends” into part of the space to the rear of the observer’s dwelling house at No. 257 Laurel Park. Consequently, the “point” of the triangle is adjacent to the conservatory to the rear of this dwelling house. The shape of this open space restricts its usability and its proximity to No. 257 would mean that its more intensive use would have a greater affect upon the amenities of this residential property than heretofore. This space would also be overlooked by the proposed utility/laundry room rather than a habitable space that could open out into it, as exists at present with the patio doors.
 - The open space retained by the patio doors would, due to its size and enclosed form, be of limited amenity value.

7.9. In sum, the proposal presents a scenario in which the existing balance between day time and night time accommodation would be overturned, while the amount of useable private open space would be dramatically reduced and fragmented. Internally, its layout would be curious in the prioritisation that it would afford to ancillary/circulatory spaces.

7.10. I conclude that, under the proposal, the applicant’s property would cease to provide a satisfactory standard of amenity to occupiers. I also conclude that its design and layout would depart from the norms associated with conventional domestic extensions. Ultimately, the applicant has not succeeded in allaying the Planning Authority’s concerns over its ultimate use as a self-contained unit.

(ii) Visual and residential amenity

7.11. The proposal would entail the retention and completion of a single storey extension to the rear of the existing dwelling house on the site. This extension would 12.4m long and a maximum of 5m wide. Its eaves and ridge heights would be 2.6m and 4.2m, respectively. Its roof would incorporate several hipped elements.

7.12. The extension would be setback a minimum of 1m from the site’s western boundary and a consistent distance of 0.9m from its eastern boundary. These boundaries are enclosed by means of 1.8m high boundary walls. The western boundary is also

accompanied by tree and shrub planting within the adjoining area of public open space. The north-eastern boundary with the observer's residential property at No. 257 Laurel Park is, likewise, enclosed by means of a 1.8m high boundary wall. The rear elevation of the conservatory on the back of his dwelling house lies a minimum of 11m to the north of the rear elevation of the extension.

7.13. The proposal would, as described under the second heading of my assessment, lead to an excessively sized structure within the existing rear garden. And within the suburban context of the site, this proposal would be a departure from the existing pattern of development. As described, too, under the second heading, the juxtaposition of the retained rear garden to the Observer's residential property at No. 257 Laurel Park would turn the extremity of the existing rear garden into a more intensively used space with adverse effects on the amenities of this property, in terms of noise and disturbance.

7.14. I conclude that the proposal would be incompatible with the visual and residential amenities of the area.

(iii) Water

7.15. The existing dwelling house is connected to the public water mains and the public foul and stormwater sewerage system. Under the proposal, these existing connections would continue to be utilised.

(iv) Appropriate Assessment

7.16. The site does not lie in or beside a European site. It is a fully serviced suburban site. Under the proposal, this site would be developed further to provide residential accommodation. Existing servicing arrangements would be utilised. No appropriate assessment issues would arise.

7.17. 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 refused.

9.0 Reasons and Considerations

Having regard to the residential zoning of the site in the Galway City Development Plan 2023 – 2029 and Section 11.3.1(c) of this Development Plan, the proposal would, due to its siting, size, design, and layout, lead to a preponderance of night time accommodation within the extended dwelling house and, in terms of its extent, fragmentation, and useability, the unsatisfactory provision of private open space.

Furthermore, the proposal would be an excessively sized built form, which would depart from the pattern of development in the area. Its presence would cause the northern extremity of the site to be used intensively as rear garden space with adverse effects on the amenities of the adjoining residential property in terms of noise and disturbance.

The proposal would thus fail to afford a satisfactory standard of amenity to occupiers of this dwelling house, and it would be contrary to the visual and residential amenities of the area. Consequently, it would contravene the zoning objective for the site and Section 11.3.1(c) of the Development Plan. This proposal would, therefore, be contrary to the proper planning and sustainable development of the area.

Hugh D. Morrison
Planning Inspector

20th February 2023