



An
Bord
Pleanála

Inspector's Report ABP-314992-22

Development	Dwelling house, domestic garage, wastewater treatment plant, and all associated facilities.
Location	Killaan, Woodlawn, Ballinasloe, Co. Galway
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	22/706
Applicant(s)	Patricia & Damien Cogavin
Type of Application	Permission
Planning Authority Decision	Grant, subject to 13 conditions
Type of Appeal	First Party -v- Condition 2
Appellant(s)	Patricia & Damien Cogavin
Observer(s)	None
Date of Site Inspection	8 th December 2022
Inspector	Hugh D. Morrison

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 and Context.....	4
5.1. Development Plan.....	4
5.2. Natural Heritage Designations	5
5.3. EIA Screening	5
6.0 The Appeal	5
6.1. Grounds of Appeal	5
6.2. Planning Authority Response	6
6.3. Observations	6
6.4. Further Responses.....	6
7.0 Assessment.....	6
8.0 Recommendation.....	8
9.0 Reasons and Considerations.....	8

1.0 Site Location and Description

- 1.1. The site is located on the northern side of that portion of the R348 which runs between Kilconnell and New Inn to the north of the M6. It is situated in a position to the east of both the junction between the R348 and the R359 and Killaan Cemetery. This site lies within gently undulating farmland, which is punctuated along the public road network with one-off dwelling houses.
- 1.2. The site itself is of rectangular shape and it extends over an area of 0.2022 hectares. It presently forms part of a field with a gated access off the R338. The site is of mounded form with a flat top and sloping sides to the north and to the east.

2.0 Proposed Development

- 2.1. Under the proposal, the site would be developed to provide a four-bed dwelling house with a floorspace of 203.66 sqm. The main body of this dwelling house and its centrally sited gabled feature on its front elevation would be of two-storey form, while a gabled return would be of single storey form. The dwelling house would be sited in the south-western quadrant of the site, and it would be accompanied by a freestanding garage.
- 2.2. The site would be accessed from the R348, and its grounds would be laid out to provide a driveway/parking area and a continuous garden. Water would be supplied via a connection to the local group water scheme, and waste water would be handled by means of a packaged treatment system and a soil polishing filter, which would be laid out in the north-western quadrant of the site.

3.0 Planning Authority Decision

3.1. Decision

Planning permission was granted, subject to 13 conditions, including the following one, which is the subject of the current appeal:

2. The double storey protruding gable feature to the front elevation shall be reduced to single storey.

Reason: In the interest of visual amenity.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Under further information, the applicant was requested to, amongst other things, “redesign the central add-on on the façade elevation as a single storey feature for further consideration in the context of the CDP’s Policy Objective RH 9.”

The applicants declined to undertake the redesign requested, as they consider that their proposal accords with the vernacular form of a modern rural dwelling, of which numerous examples have been permitted in the County, including for a site opposite the current application site.

3.2.2. Other Technical Reports

None

4.0 Planning History

- Site: None.
- Opposite the site to the south: 07/563: Dormer bungalow: Permitted.
- Opposite the site and further to the south-west: 15/1277: Two-storey, gable-fronted, dwelling house: Permitted, and built.

5.0 Policy and Context

5.1. Development Plan

Under the Galway County Development Plan 2022 – 2028 (CDP), the site is shown as lying within a structural weak area for the purposes of rural housing. Policy Objective RH 3 is applicable to applicants in this area. It is also shown as lying within Zone 1, wherein the landscape sensitivity is category 1 “low”, i.e., unlikely to be adversely affected by change.

Policy RH 9 addresses design guidelines and 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.

5.2. Natural Heritage Designations

None

5.3. EIA Screening

While the proposal is for a dwelling house, the appeal relates only to a feature of this dwelling house and so in its own right it is not a class for the purpose of EIA.

6.0 The Appeal

6.1. Grounds of Appeal

The applicants have appealed the second condition attached to the Planning Authority's permission for their proposal. They begin by explaining that "The design of the front elevation of the dwelling is balanced by the provision of a two-storey protruding central bay to the front. This feature is proposed to be dressed in stone effect cladding and incorporates a main entrance door and sidelights. The feature also generates landing space at first floor level adjacent to the bedroom doorways."

The applicants proceed to cite the following grounds of appeal:

- The reduction of the two-storey gable feature to a single storey one would detract from the appearance, style, and balance exhibited by the design of the front elevation.

- Neither the case planner’s original nor supplementary reports make the case for the revision, which was the subject of a further information request and, which is now the subject of Condition No. 2.
- The applicants reiterate their explanation for not acceding to the Planning Authority’s requested revision at the further information stage.
- The case planner did not engage with the aforementioned explanation and so exception is taken to the attachment of Condition No. 2 to the permission granted.

6.2. Planning Authority Response

None

6.3. Observations

None

6.4. Further Responses

None

7.0 Assessment

- 7.1. The applicants have appealed Condition No. 2 attached to the Planning Authority’s grant of permission to their application. Under Section 139 of the Planning and Development Act, 2000 – 2023, where a condition only is appealed, the Board has the discretion to determine such appeals without undertaking a *de novo* assessment of the entire proposal. In this case, Condition No. 2 pertains to a revision in a design feature of the proposed dwelling house only, and so I consider that the Board should exercise its discretion to determine the appeal against this Condition under Section 139.
- 7.2. Condition No. 2 raises an aesthetic question as to whether a two-storey or single storey central feature on the front elevation of the proposed dwelling house would be appropriate, i.e., it is essentially a question of visual amenity.

- 7.3. The proposed dwelling house would be sited in a position towards the southern boundary of the site with the R348. Its front elevation would address this regional road, and so it would be publicly visible.
- 7.4. The Planning Authority cited Policy Objective RH 9 in its request for further information. This Policy Objective cites the Design Guidelines for the Single Rural House (2005), which appear as an appendix to the CDP. It specifically states that “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” will be encouraged. In this respect, the Guidelines advocate the specification of simple built forms, which reflect the rural vernacular, and the place of massing in relieving the scale of new buildings.
- 7.5. While I accept that a single storey front porch would be more in keeping with the local vernacular, critically, the Planning Authority has accepted the proposed dwelling house in all other respects. This dwelling house would have a strongly symmetrical front elevation with evenly spaced and aligned windows on either side of the central feature. This feature serves to provide a focal point to the elevation. It would project forward of the remainder of the front elevation and it would be distinctive in its style of openings and in its stone clad finish. Consequently, it would relieve the mass and, thereby, the scale of the elevation.
- 7.6. The applicants contend that the reduction of the central feature would unbalance the front elevation of the proposed dwelling house. I note that the width of this feature is continuous with the width of the hallway at ground floor level and the landing at first floor level. I note, too, that its reduction to a single storey feature would cause it to appear squat and so out of proportion with its host elevation. I, therefore, take the view that this feature is an integral element of the design of the dwelling house and that its proposed reduction in height would result in the creation of an ungainly feature.
- 7.7. The applicants draw attention to the incidence of gabled features on the front elevations of dwelling houses that have been permitted under the Guidelines, which were originally published in 2005. Two examples of permitted applications for dwelling houses with gabled front features exist within the vicinity of the site, i.e., 07/563 to the south and 15/1277 to the south-west.

- The former was for a dormer bungalow. Its three front dormer windows would have been gabled and its roofline would have been an intricate one. Ultimately, this permission was not implemented.
- The latter was for a two-storey dwelling house with a front gabled two-storey element. This dwelling house is now *in-situ*.

The applicants ask why exception has been taken to their proposal, when a two-storey front gabled element exists as part of a recently constructed dwelling house nearby.

7.8. I am not aware of any material change of planning circumstances that would justify the approach that the Planning Authority is adopting in the current case from those that would have pertained when 15/1277 was granted, i.e., the same Guidelines were in operation with respect to the design of rural dwelling houses, as are in operation now.

7.9. I conclude that the omission of Condition No. 2 would serve the aesthetics of the dwelling house that has in all other respects been permitted by the Planning Authority and so such omission would be in the interests of visual amenity.

8.0 Recommendation

8.1. That the Planning Authority be directed to omit Condition No. 2, which it has attached to the permission granted to application 22/706.

9.0 Reasons and Considerations

Having regard to Policy Objective RH 9 of the Galway County Development Plan, the overall design of the proposed dwelling house, and the pattern of house designs in the area, it is considered that Condition No. 2 attached by the Planning Authority to the permission granted to application 22/706 should be omitted as this Condition would lead to an ungainly front feature on the proposed dwelling house, which would be out of proportion with its host elevation. Such omission would thus be in the interest of visual amenity and so it would accord with the proper planning and sustainable development of the area.

Hugh D. Morrison
Planning Inspector

20th February 2023