



An
Bord
Pleanála

Inspector's Report ABP-315478-23

Development

Change of house type to that permitted under 20/249 for the construction of a part two-storey/part single storey, six-bed dwelling house, domestic garage, entrance gates, and all associated landscaping and ancillary site works.

Location

Lakeview Hill, Barnacrany, Bushy Park, Galway.

Planning Authority

Galway City Council

Planning Authority Reg. Ref.

22/271

Applicant(s)

Donna Costello

Type of Application

Permission

Planning Authority Decision

Grant, subject to 2 conditions

Type of Appeal

Third Party -v- Decision

Appellant(s)

Raymond Carroll

Observer(s)

None

Date of Site Inspection

11th May 2023

Inspector

Hugh D. Morrison

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1.0 Site Location and Description

- 1.1. The site is located on Lakeview Hill, a cul-de-sac of mainly new dwelling houses, off the Moycullen Road (N59). This cul-de-sac lies in the furthest north-western outskirts of Galway City. It rises at gentle/moderate gradients in a south-westerly direction, and it affords views to the north over Lough Corrib. To date, 9 no. new dwelling houses have either been completed or are nearing completion. The majority of these dwelling houses exhibit strikingly contemporary designs, and they are sited on generous plots, which are largely open behind low-rise front boundary walls.
- 1.2. The site itself lies at the crest of the cul-de-sac: beyond it, the cul-de-sac's gradients level-off. This site is of regular shape, and undulating form. At present it is vacant and overgrown with vegetation. The site extends over an area of 0.4146 hectares, and it is set back from the cul-de-sac behind a communal area of open space to the north and a landscaped area to the west. The remaining south-western, south-eastern, and north-eastern boundaries, variously, abut a house plot upon which a new dwelling house is nearing completion, further vacant and overgrown land, and the appellant's residential property. The enclosed site boundaries are denoted by timber post and rail fences, apart from the north-eastern one, which is denoted by a hedgerow.

2.0 Proposed Development

- 2.1. Under the current application, a change of house type to that which was previously permitted on the site is proposed. This dwelling house would be sited in the northern portion of the site. Its principal elevations would face north and south, and it would be of elongated two-storey form under a mono-pitch roof with parapets. Its south-eastern and south-western corners would have single storey returns with balconies on top of them. Short and long balconies would be provided on the northern elevation, too. Finishing materials would comprise natural stone, white and buff coloured render, and standing seam metal cladding. These materials would distinguish the forms employed in the overall design. The dwelling house would afford five-bed/10-person accommodation over a floorspace of 651.37 sqm.
- 2.2. The proposed dwelling house would be accompanied by a freestanding double garage and store (49.50 sqm), which would be sited towards the easternmost corner

of the site. The entrance from the cul-de-sac would be from the north-west, and a reinforced grass paved driveway would lap around the southern perimeters of the site to serve the garage.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to 2 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The case planner notes the variety of designs exhibited by dwelling houses on Lakeview Hill, and so he raises no objection to the change in design and materials of the currently proposed dwelling house for the site. He notes, too, that the separation distance between this dwelling house and the appellants' one would, under CDP standards, be ample.

3.2.2. Other Technical Reports

- Galway City Council
 - Drainage: No objection.
 - Transportation: No objection.

4.0 Planning History

Wider site

- **06/920**: Construction of initial road and junction with N59, amongst other things: Permitted.
- **12/326**: Construction of road, which serves the current application, and foul water connection to public sewer in Dangan Heights, amongst other things: Permitted.

Site

- **13/372:** Construction of two-storey five-bed dwelling house (391 sqm): Permitted, and permission extended under 18/153 until 11/03/24.
- **19/250:** Construction of part single storey/part two-storey five-bed dwelling house (357 sqm) and garage (52 sqm): Permitted
- **20/249:** Material alterations to 19/250: (i) set the dwelling house 3m further back from the road, (b) reduce its floorspace to 320 sqm and the garage to 38 sqm, and (iii) make associated changes to window configurations: Permitted.

5.0 Policy and Context

5.1. Development Plan

The Planning Authority (PA) made its decision on the current application on 10th November 2022. The Galway City Development Plan 2023 – 2029 came into effect on 4th January 2023. Accordingly, the PA's decision was made under the Galway City Development Plan 2017 – 2023. I will set out below the equivalent/relevant provisions of the two CDPs for ease of reference.

Former CDP

The site was shown zoned LDR (Figure 11.22), wherein the objective is “To provide for low-density residential development which will ensure the protection of existing residential amenity.”

Current CDP

The site is shown zoned R2, wherein the objective is “To provide for sensitive residential infill where such infill will not have an impact on the environmental and visual sensitivities in the area, including those in particular the subject of Policy 5.2 and where such infill can be assimilated satisfactorily through design, layout and amenity impact in a manner that does not detract from the character of the area.”

(Policy 5.2 addresses protected spaces: sites of European, national and local ecological importance).

Both the former and the current CDP's show Moycullen Road (N59) as it passes Lakeview Drive as being the subject of a view and prospect (Linear protected view V.10. of the River Corrib).

5.2. **Natural Heritage Designations**

- Lough Corrib SAC and pNHA (000297)
- Lough Corrib SPA (004042)

5.3. **EIA Screening**

Under Items 10(b)(i) and (vi) of Part 2 of Schedule 5 to Article 93 of the Planning and Development Regulations, 2001 – 2023, where more than 500 dwelling units would be constructed and/or where an urban site of more than 10 hectares would be developed, the need for a mandatory EIA arises. The proposal is for the development of 1 dwelling on a 0.4146-hectare site. Accordingly, it does not attract the need for a mandatory EIA. Furthermore, as this proposal would fall well below the relevant thresholds, I conclude that, based on its nature, size, and location, there is no real likelihood of significant effects upon the environment and so the preparation of an EIAR is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

Raymond Carroll & Gloria Maguire of Lakeview Hill

- The dwelling house now proposed for the site would be 11m from the boundary with the appellants' residential property, whereas the previously permitted dwelling houses would have been 25.9m (13/372) and 31.8m (20/249) from this boundary. Such proximity would combine with the scale of this dwelling house (42m long, 15m wide, and 8m high) to impact upon the appellants' residential amenities.

- Compared to the appellants' dwelling house the first-floor level and parapet level of the proposed dwelling house would be 2.3m higher than the existing eaves and 3.6m higher than the existing ridgeline.
- In the light of the foregoing, the proposed dwelling house would lead to overlooking and a loss of privacy. Overshadowing would occur, too, e.g., in winter during the afternoon and in summer during the late afternoon and evening. The appellants' plan to install solar panels on their southerly roof plane. Such overshadowing would affect the viability and efficiency of such solar panels.

The proposed dwelling house would be out of character with other dwelling houses on Lakeview Hill and it would fail to "sit into the landscape". This dwelling house would be visible from the N59 and Lough Corrib.

The appellants suggest that the proposed dwelling house be re-sited 10m further away from the boundary with their residential property.

6.2. Applicant Response

The applicant outlines how pre-application discussions occurred with the appellants. She understood that they had no objection to the emerging proposal. However, during the application stage, essentially the concerns encapsulated in the grounds of appeal were expressed. The applicant responds to these concerns as follows:

- Attention is drawn to the siting of the proposed dwelling house, which would parallel the northern boundary of the site, which does not abut any residential property. Accordingly, the openings in and the balcony on this elevation would not lead to overlooking.
- The minimum separation distance between the eastern elevation of the proposed dwelling house and the site's boundary with the appellants' residential property would be 11m. This elevation would not contain any habitable room windows and it would not be accompanied by any patios. Consequently, there would be no overlooking of/loss of privacy at this property.

- The proposed dwelling house would lead to only a marginal increase in the overshadowing of the appellants' residential property compared to that which arises at present due to boundary treatments. Any additional loss of light would be limited, and it would not be continuous throughout the day.

The appellants suggested increase in the separation distance between the proposed dwelling house and the boundary in question was considered by the applicant. However, it was set aside, as the CDP only requires a 1.5m clearance distance and so that proposed would be over 7 times this figure. Furthermore, the narrow plan design of the proposed dwelling house and accompanying flat roof would limit its height. While it would be sited at a higher level than the appellants' dwelling house, this would simply follow the pattern of dwelling houses at Lakeview Hill, which is composed of house plots on a slope that rises in a southerly direction.

6.3. Planning Authority Response

None

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, the planning history of the site, 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) The principle of development,
- (ii) Visual and residential amenity,

(iii) Water, and

(iv) Appropriate Assessment.

(i) The principle of development

- 7.2. Under the CDP, the site is zoned R2, wherein the objective is “To provide for sensitive residential infill where such infill will not have an impact on the environmental and visual sensitivities in the area, including those in particular the subject of Policy 5.2 and where such infill can be assimilated satisfactorily through design, layout and amenity impact in a manner that does not detract from the character of the area.” (Policy 5.2 addresses protected spaces: sites of European, national and local ecological importance). Accordingly, there is no in principle land use objection to the development of the site for residential use.
- 7.3. The planning history of Lakeview Hill indicates that it is being progressively developed to provide dwelling houses on individual plots. Each recent dwelling house exhibits a unique design, which gives expression to contemporary modernist architecture. The developed house plots are relatively open in form and so these dwelling houses are, for the most part, clearly visible from the adjacent cul-de-sac, which initially rises up from the N59 before plateauing out. Where the cul-de-sac crests an area of communal open space has been formally laid out with a stone terraced seating area set against the backdrop of a row of conifer trees. The site adjoins this communal area to the south, and so the proposed dwelling house would be visible in the background.
- 7.4. The cul-de-sac known as Lakeview Hill affords access to the site from the N59. It comprises a carriageway with footpaths on either side and streetlighting. Accordingly, satisfactory access to the site is available.
- 7.5. The planning history of the site is as follows:
- Under 13/372, the permitted dwelling house would be sited centrally within the site. This five-bed dwelling house would comprise two-storeys, and it would be of split-level form. Its floorspace would be 391 sqm and its lower and upper ground floor heights would be 66m and 68.80m OD. Its eaves and ridge heights would be 70.86 and 74.36m OD.

- Under 19/250, the permitted dwelling house would be sited mainly in the western half of the site. This five-bed dwelling house would be part single storey/part two-storeys, and it would have a wrap around layout. Its floorspace would be 357 sqm and its ground and first floor heights would be 66.85m and 69.7m OD. Its eaves and ridge heights would be 72.385m and 73.685m OD.
- Under 20/249, alterations to the dwelling house permitted under 19/250 were permitted. These would include siting the dwelling house more centrally, i.e., 3m further away from the cul-de-sac to the west, and reducing its floorspace to 320 sqm.

7.6. The above cited permissions remain extant and so there is ample precedent for siting a dwelling house on the site.

7.7. I conclude that there is no in principle land use objection stemming from either the CDP or the planning history of the site to its development for residential use.

(ii) Visual and residential amenity

7.8. Under the current proposal, a five-bed dwelling house would be sited in the northern portion of the site. This dwelling house would comprise two storeys with single storey returns at either end of its elongated form, i.e., the two-storey portion would be 39.54m long. Its floorspace would be 651.37 sqm and its ground and first floor heights would be 67.75m and 71.05m OD. Its main parapet height would be 75.32m OD.

7.9. If the current proposal is compared with its predecessors, then its siting, size, including its height, and design would differ.

- It would be sited across the northern portion of the site, and, as acknowledged, under the first heading of my assessment, it would spread out as a backdrop to the communal area to the north of the site. Consequently, this dwelling house would be prominent on approach along the cul-de-sac from the north, from where it would appear on the local skyline. Views from the N59, insofar as they would be available at all, would include the context of existing dwelling houses on the cul-de-sac. Longer distance views from the vicinity of Lough Corrib would in addition include the backdrop of rising lands to the south.

- Its floorspace size would be substantially greater than the other permitted dwelling houses for the site. The applicant’s design statement indicates that the dwelling house would rest on top of the undulating topography of the site and its strong linear form, which would include elevations that terminate in parapets, would have a “calming effect” upon the same. The other permitted dwelling houses would have lower finished floors levels, but as they would have pitched roofs, their heights would not be so dissimilar to that of the proposed dwelling house.
- Its design would be strikingly contemporary. Its linear form would entail a narrow plan, and the specification of a variety of finishing materials to distinguish the different forms comprised in the design and the specification of extensive glazed openings would combine to relieve the mass of the dwelling house.

7.10. Other recent dwelling houses at Lakeview Hill are of contemporary design, too. The location of the site at the crest of the cul-de-sac and behind the communal area of open space serve to ensure that it occupies a central position within the emerging overall residential development. The proposed dwelling house would thus be a dramatic focal point to this development, which would resonate well with the formal layout of the communal area and complement the existing/emerging modernist architecture of the other recent dwelling houses round and about.

7.11. The appellants draw attention to the fact that the proposed dwelling house would not “sit into the landscape” and that it would be sited closer to their residential property to the north-east than the other permitted dwelling houses for the site. Consequently, they express concern that this dwelling house would be overbearing, and it would lead to overshadowing and overlooking. They request that the proposed dwelling house be re-sited 10m further to the west.

7.12. The applicant has responded by stating that, while the proposed dwelling house would be sited in a higher position than the appellants’ dwelling house, such siting would be typical of house plots on the cul-de-sac, which rise in elevation to the south-west. She also draws attention to the separation distances of 11m and more that would occur between the eastern side elevation of this dwelling house and the common boundary with the appellants’ residential property. This elevation would be

narrow, and it would not contain habitable room windows. The main northern and southern elevations would be orientated so as not to overlook this property. She states that any increase in overshadowing would, given the existing wall and hedgerow along the common boundary, be marginal and confined in its duration. She also states that this wall and hedgerow would be retained and reinforced.

- 7.13. I note from the proposed site plan (drawing no. PL-03) that the appellants' dwelling house would lie to the north-east of the proposed dwelling house, where the closest separation distance would be 23.5m. This two-storey dwelling house is sited at a lower level than the proposed dwelling house. Its pitched roof has eaves and ridge heights of 68.72m and 72.2m OD, whereas the corresponding proposed parapet height would be 75.325m OD. Its presenting rear elevation faces south south-west and so it would not directly correspond with the two-storey eastern side elevation (8.205m wide) of the proposed dwelling house. The wall and hedgerow along the common boundary would partially screen the presence of this elevation, and so it would not be unduly overbearing. Such screening would be augmented by the applicant's undertaking to reinforce this boundary with further planting. Such reinforcement should be conditioned.
- 7.14. Likewise, any additional overshadowing would be minor, and it would mainly affect the rear garden. While the two-storey eastern side elevation of the proposed dwelling house has no habitable room openings, the accompanying single storey return would have one narrow ground floor habitable room window and its roof would be used as a balcony. I consider that a privacy screen should be erected along the exposed eastern edge of this balcony to ensure that overlooking would not occur from it. Such a screen should be conditioned.
- 7.15. I conclude that, subject to the specification of a privacy screen to the exposed side of the proposed south-eastern balcony, the proposed dwelling house would be compatible with the visual and residential amenities of the area.

(iii) Water

- 7.16. Under the proposal the dwelling house would be connected to the public water mains and wastewater sewer in the existing cul-de-sac known as Lakeview Hill. Surface water run-off from the roofs of the dwelling house would be directed to 3 no. on-site soakaways. The on-site access arrangements would entail a gravel parking area

adjacent to the front door of the dwelling house, and a driveway to the garage in the easternmost corner of the site, which would be finished in reinforced grass paving. These permeable surface treatments would allow for surface water infiltration of the ground.

- 7.17. The OPW's flood maps do not show the site as being the subject of any identified flood risk.
- 7.18. I conclude that the proposal would raise no water issues.

(iv) Appropriate Assessment

- 7.19. The site is neither in nor near to any European site. The nearest such sites are the Lough Corrib SAC and SPA, which lie 0.9km or more away to the north-east. The site is a suburban house plot on an existing fully serviced cul-de-sac. I am not aware of any source/pathway/receptor routes between the sites and these sites. Accordingly, no Appropriate Assessment issues would arise.
- 7.20. Having regard to the nature, scale, and location of the proposal, the nature of the receiving environment, and the proximity of the nearest European sites, 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 permission be granted.

9.0 Reasons and Considerations

Having regard to the Galway City Development Plan 2023 – 2029 and the emerging pattern of residential development at Lakeview Hill, it is considered that, subject to conditions, the proposed change of house type on the site would fulfil the R2 zoning objective for the site in the Development Plan. This dwelling house would be compatible with the visual and residential amenities of the area. It would thus accord with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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>Reason: In the interest of clarity.</p>
2.	<p>Except insofar as they are modified by the conditions set out below, the development shall be carried out in accordance with the conditions attached to the planning permission granted to application reg. no. 19/250.</p> <p>Reason: In the interest of clarity.</p>
3.	<p>The proposed development shall be amended as follows:</p> <p>The entire exposed eastern side of the balcony over the playroom shall be enclosed by means of a privacy screen to a height of 1.8m above the floor level of the balcony.</p> <p>Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development.</p> <p>Reason: In order to safeguard residential amenity.</p>
4.	<p>Prior to the commencement of development, a landscaping scheme for the planting of indigenous tree and hedge species along the north-eastern boundary of the site shall be submitted to, and agreed in writing with the Planning Authority. This scheme shall be implemented no later than the first available planting season following the substantial completion of the development.</p> <p>Any trees which die, are removed or become seriously damaged or diseased, within a period of 5 years from being planted shall be replaced</p>

	<p>within the next available planting season with others of similar size and species, unless otherwise agreed in writing with the Planning Authority.</p> <p>Reason: In the interest of visual and residential amenity.</p>
5.	<p>Prior to the commencement of development, the developer shall pay to the planning authority a financial contribution of €63,045 (sixty-three thousand and forty-five euro) 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 commencement 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>Reason: 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>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Hugh D. Morrison
 Planning Inspector

20th July 2023