



An  
Bord  
Pleanála

## Inspector's Report

### ABP-315680-23

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<b>Development</b>	Construct a second floor flat roof extension to back of house.
<b>Location</b>	Ballydavid South, Athenry, Co. Galway, H65 KH72.
<b>Planning Authority</b>	Galway County Council
<b>Planning Authority Reg. Ref.</b>	2260482
<b>Applicant(s)</b>	Julian Drapiewski.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party versus Grant of Permission.
<b>Appellant(s)</b>	Andrea Doyle.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	22 June 2023.
<b>Inspector</b>	Stephen Rhys Thomas

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## 1.0 Site Location and Description

1.1. The site is located at the entrance to the Pairc na Ri housing estate at the northern edge of Athenry. Pairc na Ri is accessed from the R347 road that accesses the north of Athenry and the subject site is located on a short cul-de-sac at the entrance to the estate. The appeal site comprises the middle house of three detached two storey dwellings, numbers 1 and 2 have two storey rear returns. The houses are of a contemporary design with render and stone cladding finishes. Each house has a front and rear garden with in-curtilage car parking.

## 2.0 Proposed Development

2.1. The development proposed is as follows:

- Construct a second floor flat roof extension to the back of the existing dwelling house, to comprise a large box dormer attic extension that spans the entire rear facing roof slope,
- convert the existing attic store room in to a bedroom.

Further information and clarification of further information was sought and the responses of the applicant do not change the design and layout of the development proposed.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. The planning authority issued a notification to grant permission subject to five conditions, most are standard in nature, however, condition 3 restricts windows in the extension/bedroom to obscure glazing only.

### 3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Authority decided to grant permission subject to conditions, the basis of their decision can be summarised as follows:

- Site location, description of development and land use zoning detailed.
- Further information (FI) was requested to ascertain the use of the existing store shed in the rear garden and to submit an overlooking analysis.
- Clarification of FI was requested in relation to the use of the shed structure, additional photographs are required.
- Permission was granted in accordance with the recommendation of the Planner.

### 3.2.2. Other Technical Reports

None found on file.

### 3.3. Prescribed Bodies

None found on file.

### 3.4. Third Party Observations

A single submission was received with issues that are reiterated in the grounds of appeal.

## 4.0 Planning History

### 4.1. Subject Site:

PA ref: 1780- permission REFUSED for a change of use of existing store shed to fully serviced granny flat and planning permission GRANTED to construct first floor extension to back of existing dwelling house installing a velux window.

## 5.0 Policy Context

### 5.1. Development Plan

#### **Galway County Development Plan 2022-2028**

Chapter 15 - Development Management Standards DM 4 – House Extensions (urban & rural).

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.

### **Athenry Local Area Plan 2012-2022**

The lifespan of the Athenry LAP 2012-2018 was extended for a further five years (i.e. up to and including 22<sup>nd</sup> May 2022).

## **5.2. Natural Heritage Designations**

None relevant to this urban site.

## **5.3. EIA Screening**

- 5.3.1. Having regard to the nature and scale of the proposed development, comprising a domestic extension, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. The appellant, of 3 Bothrin Ri, has appealed the decision of the planning authority to grant permission, the grounds of appeal can be summarised as follows:

- The house at number 2 has already been extended (PA reference 17/80) and the proposal will amount to over development of the site. The existing two storey extension immediately adjoins the garden and results in overshadowing.
- The raised roof level of the attic disrupts the roofline and will present a three storey building out of character with others. The guidelines for residential extensions in the development plan will be contravened.
- The condition that relates to obscure glazing in the attic extension will be useless in preventing overlooking when the windows are open.
- The shed in the rear garden is being used for habitation. There is not enough rear garden amenity space because of the over development.
- A business is run from the house/shed and this causes disruption.
- Rear garden privacy will be lost.
- Overshadowing will occur.
- Set a poor precedent in the area.
- The planning authority did not allow submissions on the further information received.

The appeal includes photographs to show the existing situation on site.

### 6.2. Applicant Response

None.

### 6.3. Planning Authority Response

None.

#### 6.4. **Observations**

None.

## 7.0 Assessment

7.1. The main issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Residential Amenity
- Visual Amenity
- Other Matters
- Appropriate Assessment

### 7.2. Residential Amenity

- 7.2.1. The appellant is concerned that the proposal to convert the attic and create a third floor to the rear of the dwelling will impact upon their residential amenity by way of overlooking, overbearing appearance and overshadowing. The planning authority shared some of these concerns and attached a condition to the permission that required the windows in the dormer to be obscured glazing, condition 3 refers.
- 7.2.2. The applicant received planning permission to erect a first floor flat roofed extension to the rear of their dwelling, PA ref 17/80 refers. This extension has been constructed and is in use. The applicant proposes to erect a large box dormer to the rear roof slope and provide an attic bedroom with two windows overlooking the rear garden. The dormer extension will rise from the rear elevation walls of the house and read as a three storey house from the rear. The current County Development Plan provides broad advice in relation to domestic house extensions, DM Standard 4 refers. From a residential amenity perspective, I will address each of the appellant's concerns, as follows:
- 7.2.3. Overlooking – the appellant is concerned that the proposed dormer extension will provide the opportunity to overlook their garden and even with obscure glazing fitted, when windows are open the threat remains. Firstly, I note that the rear elevation of the original house already has a first floor bedroom window with a view to the north east, its view towards the appellant's rear garden is blocked by the new two storey extension now in place. The first floor rear windows of housing to the north east



already overlook rear gardens. The existing first floor return will serve to block some views from the attic extension. But arguably, the nearest window would present opportunities to overlook the rear garden belonging to the applicant. In most other circumstances, the addition of a second floor window over an existing first floor window would not be cause for concern. However, in this instance, the appellant has enjoyed some amount of privacy because of the first floor return constructed by the applicant and which does not have a rear facing window. Ordinarily, I would conclude that an additional window at a similar distance but at a greater height would cause no greater impact than the window below at first floor level. I do not think that the planning authority's solution to insist on obscured glazing is appropriate. However, I am satisfied that the omission of the southernmost window in the box dormer would alleviate concerns of undue overlooking and a resized and centrally positioned remaining window would allow sufficient light to the proposed second floor bedroom.

- 7.2.4. Overbearing appearance – the applicant is concerned that the proposed development will tower over their property and be unbearable. The proposed development will take place within the footprint of the existing house. An existing two storey rear return has already been constructed and the proposed development would lie beyond that structure. I am satisfied that the proposed development is sufficiently removed from the appellant's rear garden and because of its position beyond an existing two storey return will not cause an adverse impact.
- 7.2.5. Overshadowing – the applicant fears that because the proposed development will result in a three storey building that it will overshadow their garden and impact their residential amenities. The appeal site is located to the north west of the appellant's property and the development will alter the roof profile from a slope to a flat roof. Given the orientation of the appeal site to the north west of the appellant's rear garden I am satisfied that for most of the day during most of the year the rear garden will still receive sufficient amounts of direct sunlight so as not to produce a perceptible impact. In this instance, I am satisfied that a detailed shadow analysis is not necessary, as the proposed development will lie to the north and west of the appellant's property.

7.2.6. On balance, I am satisfied that the residential amenities as currently enjoyed by neighbouring property would not be adversely impacted by the development as proposed and amended by a condition to omit a window and centralise the other.

### **7.3. Visual Amenity**

7.3.1. The appellant is concerned that the proposed box dormer will be visually obtrusive and would be contrary to the guidelines for house extensions, that they have enclosed with their appeal. The planning authority have no similar concerns and no changes to the design of the dormer extension have been recommended. I note that the extract that the appellant has chosen to submit may refer to Appendix 17 of the Dublin City Development Plan 2016. The current Galway County Development Plan does not include such prescriptive advice, but DM Standard 4 refers to a general approach to house extensions and I am satisfied that this advice has been broadly followed.

7.3.2. In any case, I note that the appeal site is not a protected structure and the housing estate is not an Architectural Conservation Area, there are no particular designations that seek to protect the architectural character of the area. In fact, the estate is relatively new in terms of construction and the house designs are such that adaptations would not necessarily detract from the visual quality of the area. The houses in the area are either detached or semi-detached on large gardens and this provides the scope for additions large or small. The existing house has already been extended by a first storey return, number 1 to the north east exhibits a similar development. The addition of a box dormer to the rear elevation will change how the house is viewed from the rear but will not affect things views from the street, to any great degree.

7.3.3. I am satisfied that the provision of a second floor bedroom by the addition of a large box dormer will improve the living accommodation at the appeal site. I do not agree that the visual amenities will be upset, as the character of the area is that of new housing where contemporary extensions are feasible without damaging the quality of visual amenities in the area as they currently exist.

### **7.4. Other Matters**

7.4.1. Use of Shed – The appellant has raised concerns that the shed in the back garden is being used for habitation and that the remaining garden space is not sufficient. There

are also concerns that the use of the shed is for a business that is being run from the property. The appeal before the Board concerns a dormer extension to the attic, there is no mention of any other development sought. I note that a previous planning application for the site was subject to a split decision and the proposal for a granny flat in the rear garden was refused by the planning authority, PA ref: 1780 refers. The applicant has included drawings of a shed to demonstrate that it falls within exempted development dimensions. Information on the planning file show that the issue of the shed and its use was addressed by way of further information and clarification of further information. No further action is required of the Board on this matter. However, if the appellant is concerned about a use that may be unauthorised then that is a matter between them and the planning authority.

7.4.2. Procedural Issues – the appellant outlines how they were unable to make submissions in relation to the further information received and this denied them the opportunity to dispute and correct matters. I note that further information and clarification of further information was sought by the planning authority. The information was submitted by the applicant, though the appellant is not satisfied that a technical analysis of overlooking was submitted. I find that the applicant has submitted a variety of material, including a layout with annotated dimensions and photographs in response to the planning authority's requests. The planning authority would seem to be satisfied with the material submitted and granted permission. The submission of further information was not advertised by public notice and this would not be unusual for a domestic extension proposal and I am satisfied that the planning authority followed correct procedures and came to a conclusion based on all the information before them. The appellant has outlined their concerns about the development in the grounds of appeal, and I too am satisfied that there is sufficient material before the Board to come to a decision.

## 7.5. **Appropriate Assessment.**

7.5.1. Having regard to the minor nature and scale of the development under consideration, the site location within an existing built-up area outside of any protected site, the nature of the receiving environment, the availability of public services, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the development

would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

## **8.0 Recommendation**

- 8.1. Having regard to the above assessment, and based on the following reasons and considerations, it is recommended that permission be granted subject to conditions.

## **9.0 Reasons and Considerations**

Having regard to the pattern and character of existing development in the area, the design and scale of the development proposed, and the provisions of the Galway County Development Plan 2022-2028 and Athenry Local Area Plan 2012-2022, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in accordance with the zoning objective for the site, would not detract from the visual amenity of the area, and would not seriously injure the residential amenity of surrounding properties. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **10.0 Conditions**

1. 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 submitted on the 25<sup>th</sup> day of August 2022 and the 3<sup>rd</sup> day of December 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.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

- (a) The two windows on the attic box dormer extension shall be omitted and replaced by a centrally located single window no greater than 2 (two) metres in overall length.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential amenity.

3. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

4. Site development and building works shall be carried out only between the hours of 0700 and 1800 from Mondays to Fridays inclusive, between 0800 and 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.

Reason: In order to safeguard the residential amenities of property in the vicinity.

5. All necessary measures shall be taken by the Developer and Contractor to avoid conflict between construction traffic/activities and traffic/road users, particularly pedestrians, during construction works.

Reason: In the interest of the proper planning and sustainable development of the area.

6. 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 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. 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.

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.

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Stephen Rhys Thomas

Senior Planning Inspector

5 July 2023