



An
Bord
Pleanála

Inspector's Report ABP-318815-24

Development

Raising the pitched roof ridge height, providing a bedroom and bathroom, altering the existing fenestration throughout, providing additional fenestration to the south east & north west elevations and replacing the existing original asbestos roofing & wall cladding.

Location

7 Michael Killeen Park, Roundstone, Co. Galway, H91 XP8X.

Planning Authority

Galway County Council

Planning Authority Reg. Ref.

23/405

Applicant(s)

Greg and Anna Sweeney

Type of Application

Permission.

Planning Authority Decision

Refuse permission

Type of Appeal

First Party

Appellant(s)

Greg and Anna Sweeney.

Observer(s)

Alison Paterson

Date of Site Inspection

24/10/24

Inspector

Ronan Murphy

1.0 Site Location and Description

- 1.1. Michael Killeen Park is a mixed-use development incorporating commercial and residential units which is located to the south-east of Roundstone Village centre. The overall development comprised of a redevelopment of the Roundstone Dominican Monastery and the Bell Tower and boundary wall (RPS No. 685) for the Monastery remains in place as part of the development. Michael Killeen Park is on a small headland facing Roundstone Bay to the east. Roundstone National School is directly to the north of Michael Killeen Park.
- 1.2. The subject site is located at No. 7 Micheal Killeen Park. The residential element of Michael Killeen Park comprises of a cluster of dwellings set out in semi-detached pairs which are designed in a stepped fashion set around a central area of open space. No 7 Michael Killen Park is a two-storey dwelling which is attached to No. 8 Michael Killeen Park to the north. It is noted that No.8 Michael Killeen Park is taller than No. 7 Michael Killeen Park. The subject site is bound by the central open space area of the overall development to the east, the private open space of No. 6 Michael Killeen Park to the south and an external walkway which provides access to a pier to the east.

2.0 Proposed Development

It is proposed to raise the pitch roof height of an existing two storey semi-detached dwelling to provide additional space for a bathroom and bedroom at roof level. The proposal would increase the floor area of the house by 16m² from 88m² (existing) to 104m² (proposed) and would increase the height of the dwelling from 7.1m (existing) to 9.0m (proposed). It is also proposed to replace the existing asbestos cladding to the front with a coloured render finish and the asbestos roofing with a powder coated metal finish.

- 2.1. The development also includes altered fenestration throughout, including a large window within the rear elevation of the dwelling at third (attic) floor level.

3.0 Planning Authority Decision

3.1. Decision

3.1.1 The planning authority, by order dated 30 November 2023 decided to refuse planning permission for 1 No. reason as set out below:

‘The proposed development at No.7 is located within a sensitive coastal setting and forms part of the established residential development of Michael Kileen Park, the dwellings of which are orientated in a stepped manner around a central square. Noting the extent of existing and permitted development, it is considered that the subject proposal would have an adverse effect on the character and established stepped pattern of the existing development largely in part owing to the increased scale and height of the extension proposed. The proposed design solution is therefore not considered to accord with the requirements of Policy Objective UL6-Extensions to Residential Units and DM Standard 4- House Extensions (Urban and Rural) of the Galway County Development Plan by reason of the scale and height of the overall composition. Accordingly, to grant the proposed development would interfere with the character of the landscape, would detract from the visual and general amenity of the prevailing environs, would contravene materially development policy objectives and development management standards contained in the current County Development Plan, would set an undesirable precedent for future development in the area, and therefore would be contrary to the proposed planning and sustainable development of the area’

3.2. Planning Authority Reports

3.2.1. Planning Reports

There is one planning report on file. The report dated 30/11/23 notes the proposed development comprises of an extension to an existing permitted dwelling is acceptable in principle. The report notes that a number of dwellings with the Michael Kileen Park development have undergone redevelopment (including No's 4,5,6 and 8). The site is located within Coastal Landscape Area 3- Connemara Sea Lough Unit with Special Sensitivity and is within a protected focal view (viewpoint Angle Ref.10). There have

been some slight alterations to the development at this location from that which was previously refused (Reg. Ref. 22/1060). It is noted that the proposal is largely reflective of the extension carried out to the adjoining dwelling at No.8 Michael Killeen Park with regard to height and scale proposed and that elements resemble of development permitted at No's 5 and 6 Michael Killeen Park, However, noting the site context and its integral siting to the main square of the development, the planning officers report outlines concerns in relation to the extended ridge height and protrusion from the front façade, which would have a negative impact on the overall aesthetic, harmony and visual balance of this small group of open plan houses and would set an undesirable precedent for further extensions to the front of dwellings. The proposed design solution is therefore not considered to accord with the requirements of Policy Objective UL-6 and DM Standard 4 by reason of scale and height of the overall composition.

3.2.2. Other Technical Reports

- Nil

3.3. Prescribed Bodies

- No responses

4.0 Planning History

4.1 Subject land

Reg. Ref. 22/1060: Permission refused for development including a) a recessed, two storey extension to the front with a developed roof space over, b) development of the roof space to provide for a second floor, rear facing bedroom with ridge height per the adjoining dwelling, c) alteration to the existing and including additional fenestration, d) alterations to the roof profile including front facing roof lights and replacement of the existing asbestos roofing and wall cladding. Permission refused for the following reason:

The proposed development at No.7 is located within a sensitive coastal setting and forms part of the established residential development of Michael Killeen Park, the dwelling of which are orientated in a stepped manner around a central square. Noting

the extent of existing and permitted development, it is considered that the subject proposal would contribute adversely to the demise of the character and established stepped pattern of existing development largely in part owing to the increased scale and height of the extension proposed. The proposed design solution is therefore not considered to accord with the requirements of policy objective UL 6-Extensions to Residential Units and DM Standard 4- House Extensions (Urban and Rural) of the Galway County Development Plan by reason of the scale and height of the overall composition and would also potentially give rise to overlooking of private amenity space associated with the dwelling at No,5. Accordingly, to grant the proposed development would interfere with the character of the landscape, would detract from the visual and general amenity of the prevailing environs, would contravene materially development policy objectives and development management standards contained in the current County Development Plan, would set an undesirable precedent for future development in the area, and therefore would be contrary to the proposed planning and sustainable development of the area.

Michael Killeen Park

No 5 Killeen Park

Reg. Ref 20/1573: Retention planning permission granted for renovation, alterations and extension of existing dwelling house as constructed on revised site boundaries

with all associated works and ancillary services. Gross floor space of work to be retained 37.0 sqm.

Michael Killeen Park

Reg. Ref. 19/1902: Permission granted for the decommissioning and removal of the existing wastewater treatment plant and construction of a new wastewater treatment plant at Michael Killeen Park, Roundstone, Co. Galway.

No's 5 and 6 Michael Killeen Park

Reg. Ref. 15/309: Permission granted for renovation and extension of two no. houses to include the removal of walls, cladding and roofing and replacement with new rendered walls and raised natural slate roofs with roof lights; single storey extension with first floor terrace to rear of both houses with additional side extension to no. 6 and all associated site works. Gross floor space of proposed extension 100sqm.

No. 8 Michael Killeen Park

Reg. Ref. 10/188: Permission granted for a two-storey extension to existing dwelling and all ancillary works at No 8 Michael Killeen Park (gross floor space 41.83sqm)

5.0 Policy Context

5.1. Development Plan

5.1.1 Galway County Development Plan 2022-2028

The *Galway County Development Plan 2022-2028* is the operative plan for County Galway. Chapter 2 of the Development Plan sets out the core strategy for County Galway and seeks to ensure that the development objectives of the Development Plan are consistent with national and regional development objectives. Section 2.4.3 sets out the settlement hierarchy for the county. Roundstone is identified as being within Settlement Category 7 (a)- Rural Settlements. This is shown in Map 2.2 Settlement Hierarchy.

Section 2.4.13 sets out the following policy objectives for the settlement hierarchy:

Chapter 3 sets out policies in relation to Placemaking, Regeneration and Urban Living, Section 3.7.5 relates to extensions to a dwelling house and notes that alterations and extensions to existing dwelling houses within the county to improve living standards for occupants will generally be encouraged as it is a more sustainable option than a newly built structure. In addition to this, it is stated that the layout, size, and design of extensions should have regard to the character of the existing properties in the vicinity and the impact that any extension would have on residential amenity. In particular any compromise to sunlight, daylight, overshadowing or privacy should be avoided.

UL 6: To encourage sensitively designed subservient extension to existing dwelling houses which do not compromise the quality of the surrounding environment, residential amenity, or character of the surrounding area.

Chapter 8 sets out policies in respect of Tourism and Landscape.

LCM3: Consideration of landscape sensitivity ratings shall be an important factor in determining development uses in areas of the County. In areas of high landscape sensitivity, the design, and the choice of location of proposed development in the landscape will also be critical considerations.

PVSR 1: Preserve the protected views and scenic routes as detailed in Maps 8.3 and 8.4 from development that in the view of the Planning Authority would negatively impact on said protected views and scenic routes. This shall be balanced against the need to develop key infrastructure to meet the strategic aims of the plan.

Chapter 14 sets out policies in respect of Climate Change, Energy and Renewable Resources.

FL2: Comply with the requirements of the DoEHLG/OPW The Planning System and Flood Risk Management Guidelines for Planning Authorities and its accompanying Technical Appendices Document 2009 (including any updated/superseding documents). This will include the following:

- (a) Avoid, reduce, and/or mitigate, as appropriate in accordance with the Guidelines.
- (b) Development proposals in areas where there is an identified or potential risk of flooding or that could give rise to a risk of flooding elsewhere will be required to carry out a Site-Specific Flood Risk Assessment, and justification test where appropriate, in

accordance with the provisions of The Planning System and Flood Risk Management Guidelines 2009 (or any superseding document); Any flood risk assessment should include an assessment of the potential impacts of climate change, such as an increase in the extent or probability of flooding, and any associated measures necessary to address these impacts;

(c) Development that would be subject to an inappropriate risk of flooding or that would cause or exacerbate such a risk at other locations shall not normally be permitted.

(d) Galway County Council shall work with other bodies and organisations, as appropriate, to help protect critical infrastructure, including water and wastewater, within the County, from risk of flooding.

Chapter 15 sets out development management standards.

DM Standard 4: House Extensions (Urban and 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

DM Standard 63 Sustainable Design and Climate Action

Layout and building design must conform to the highest possible standards of energy efficiency. Buildings should be designed to minimise resource consumption, reducing waste, water, and energy use. Design shall optimise natural ventilation and minimise

glare and excess solar gain, avoiding large areas of glazing and providing an appropriate balance between solid and void elements.

Roof top solar panels, geothermal energy and in certain instances, wall mounted solar panels, shall be incorporated at the design stage of developments where possible. Sustainably sourced materials and existing re-used/recycled materials shall also be used where possible. Measures which will allow occupants to adapt to the impacts of climate change are promoted within developments and include natural ventilation, summer shading, openable windows, the incorporation of living green roofs and walls, planting and trees, as well as the inclusion of sustainable urban drainage systems (SuDS) and permeable surfaces in adjoining spaces. Measures to mitigate and adapt to the impacts of climate change shall be appropriate to the landscape and architectural character of an area.

Appendix 4 comprises of the Landscape Character Assessment for County Galway in which the protected landscapes and protected views are set out. View point 10 relates to Roundstone.

5.2. EIA Screening

5.2.1 The proposal comprises of an extension to an existing dwelling and does not come within the scope of EIA requirements.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 A first party appeal has been submitted by Rogers Brassil Associates Chartered Engineers on behalf of Greig and Anna Sweeney against the decision of Galway County Council to refuse planning permission. The grounds are summarised below:

- Galway County Council did not give weight to the fact that that the ridge heights of No's 7 and 8 adjoining would be exactly the same.

- Galway County Council were inconsistent in their approach having regard to the precedent established by their previous decision whereby No's 5 and 6 and No.8 have GCC approved roof-space developments.
- Galway County Council appeared to have overlooked the fact that this subject revised proposal (1) has no increase in footprint and (2) maintains the stepped front elevation which Galway City Council consider to be fundamental to the developments overall aesthetic.
- Galway County Council did not fairly take into account or ignored the fact the proposal comprises of a revised design from an application which was previously withdrawn.
- The site at Killeen Park is unusual in its origin as an essentially open-plan semi-industrial estate with on-site semi-detached accommodation in a high amenity area. As the site is located on a picturesque shoreline on the fringes of the town it has also existed as a public amenity for many generations.
- Resulting from this dual character the residential element of the site was developed as essentially open plan to the extent that there are no original high / view limiting physical boundaries between the properties to the front or the rear. As part of the originally approved development the quay wall and monastery outhouses heights were reduced in height to permit views from these shoreline dwellings.
- Recognising this fact some owners have endeavoured to create 'private' open space for themselves by means of terraces above ground level and consequently above the gaze of passing members of the public/ tourists. The relatively recent developments of No's 5 and 6 nearby illustrates this point. In this context, the considerable/ unavoidable extent of the potential for overlooking of the private open space at No.5 from the first-floor terrace of No.6 as approved by Galway County Council in 2015 (Reg. Ref. 15/309). It is submitted that with the revisions in this application that any potential for overlooking from the subject dwelling over the private open space of No.5 is considerably less than that previously approved from the first-floor terrace of No.6 adjoining No.5.

- The design takes a cue from the approved development at No's 5 and 6 and does not impinge on the privacy of either occupant of No's 5 and 8 immediately adjacent. The following design approach has been taken. It is not proposed to extend to the rear as this would block the view of the bay currently enjoyed by the residents of No.8 adjacent hence there is no increase in the footprint. The footprint will be less than the previously approved footprint for No.8. The proposed ridge height of No.7 is the same as previously approved (10/108) for No.8
- The previous application included a second-floor terrace with substantial screening from No's 5 and 8 in the form of opaque glazing and oriel windows were also proposed to limit any potential overlooking. Both have been omitted in the current application.
- The proposed works will also inter alia remove all of the original corrugated asbestos sheeting which is a blight on the development generally.
- Consultations have been undertaken with neighbours and they have instructed us to maximise our efforts at all times to respect the neighbours right to privacy and the amenity that the location of their dwellings offer.

6.2. Planning Authority Response

- No response from the planning authority on file.

6.3. Observations

An observation has been received from ETM Chartered Engineers on behalf of Alison Paterson of No. 5 Killeen Park. It is noted that the observer welcomes the renovation of No. 7 Killeen Park but is extremely concerned with the following:

- Residential amenity and privacy will be substantially reduced. The proposal will result in the side elevation of the subject property being significantly altered to include one window at ground floor level, serving a bathroom, one full length sliding open glazed door with 'step out balcony' at first floor level serving the main living quarters, two proposed opaque windows at first floor levels, All windows will overlook No. 5 Killeen Park.

- The proposed flat roof element at second floor level has the potential to allow for further overlooking.
- The balcony and flat roof will contribute to further erosion of residential amenity and privacy.
- The proposal to alter the living area from ground floor to first floor has the potential to contribute to further erosion of residential amenity and privacy.
- The alterations to the front of the house are substantial and would dilute the design integrity of the residential element at Killen Park.
- The design to the front would not be in harmony and is out of character with the existing residential element of Killeen Park.
- The design to the front of the dwelling house will result in a side elevation which will appear bulky in scale and height will be out of proportion with the existing houses.
- The appeal makes reference to planning application 15/309 (No's 5 and 6 Killeen Park). Any overlooking from the terraces has been mitigated by offset terraces and space separation.
- Separation space indicated on drawing No's 7MKP-P2, 7MKP-P3, 7MKP-4 and 7MKP-P6 is greater than that shown on the site map and site drawings.

6.4. Further Responses

No further responses received.

7.0 Assessment

7.1. Having inspected the site and reviewed the documents on file, I consider that the appeal can be addressed under the following headings:

- Material Contravention
- Principle of development
- Visual impact
- Residential amenity / overlooking

- Flooding
- Appropriate Assessment

7.2. Material Contravention

7.2.1 I draw the Bords attention to the fact that in their reason for refusal of this development, the Planning Authority has stated that the proposal would *contravene materially development policy objectives and development management standards contained in the current County Development Plan*, specifically Policy Objective UL6-Extensions to Residential Units and DM Standard 4- House Extensions (Urban and Rural).

7.2.2 In considering whether the proposed development would materially contravene the stated policies and objectives, I note in the first instance that the wording of Policy Objective UL6-Extensions to Residential Units seeks to encourage sensitively designed subservient extension to existing dwelling houses which do not compromise the quality of the surrounding environment, residential amenity or character of the surrounding area.

7.2.3 Further to this, I note that the wording of DM Standard 4 states that proposed extension 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.

7.2.4 Having considered the above, it is my opinion that the wording of both Policy Objective UL6-Extensions to Residential Units and DM Standard 4- House Extensions (Urban and Rural) is not definitive and allows for a certain level of judgement and discretion

for those assessing planning applications. While the planning authority may be of the opinion that the proposal would not comply with these objectives and standards, in my opinion it does not necessarily follow that a material contravention of the development plan would occur if planning permission were granted. Therefore, I consider that the Planning Authority has erred, and that no material contravention of the development plan arises in this instance.

7.3. Principle of Development

7.3.1 The subject land is within the village of Roundstone which is identified as being within Settlement Category 7 (a)- Rural Settlements. Policy Objective SS7 of the *Galway County Development Plan 2022-2028* notes that in the case of smaller settlements for which no specific plans are available, development shall be considered on the basis of its connectivity, capacity (including social, cultural, and economic, infrastructural and environmental capacity) and compliance with the Core Strategy and Settlement Hierarchy, good design, community gain and proper planning and sustainable development.

7.3.2 While there is no specific plan in place for Roundstone, it is considered that the extension to an existing dwelling within an established residential development in a rural village is acceptable in principle.

7.4 Visual Impact

7.4.1 The grounds of appeal states that the planning authority has not given credit for the fact that the proposed development would have the same ridge height and has the roof-space type development as previously approved at No's 5,6,7 and 8 Michael Killeen Park.

7.4.2 I am of the opinion that the planning officers report does have regard for planning precedent within Michael Killeen Park. In this regard, the planning officers report acknowledges that the proposal is largely reflective of the extension carried out at No.8 Michael Killeen Park regarding the height and scale proposed and that elements of the proposal are resemblant of the development permitted at No's 5 and 6 Michael Killeen Park. However, the planning officer does outline concerns in relation to the siting of the subject site which is integral to the central square of the development and that the extended ridge height and protrusion to the front façade would have a negative impact on the overall aesthetic, harmony and visual balance of this small group of

open plan house and as such would set a precedent for further extensions to the front of dwelling houses.

- 7.4.3 Having considered the plans submitted with this application, my site visit of the lands and the planning history for the area, I would agree with the planning officers report that there is a slightly different context between the subject land and No's 5 and 6 Michael Killeen Park. The subject land is within a more central area to the overall development, while No's 5 and 6 are slightly offset.
- 7.4.4 Notwithstanding this, I note that Section 3.7.5 of the *Galway County Development Plan 2022-2028* which relates to extensions to dwellings states that that alterations and extensions to existing dwelling houses within the county to improve living standards for occupants will generally be encouraged as it is a more sustainable option than a newly built structure. In particular any compromise to sunlight, daylight, overshadowing or privacy should be avoided. In addition to this, policy objective **UL 6** seeks to encourage sensitively designed subservient extension to existing dwelling houses which do not compromise the quality of the surrounding environment, residential amenity, or character of the surrounding area.
- 7.4.5 The proposed development would match the ridge height of the dwelling to which it is attached (No.8 Michael Killeen Park which was granted planning permission under Reg. Ref. 10/188). I would not agree with the planning officer in this case that the ridge height of the proposed development would have an impact on the visual balance of the development. It is my opinion that a matching ridge height would enhance the symmetry of this pair of dwellings.
- 7.4.5 In addition to this, the planning officers report notes that a protrusion to the front façade of the dwelling would also have a negative impact on the aesthetic, harmony, and visual balance of the area. I have inspected the drawings and am not aware of a protrusion from the front façade of the subject house as a result of the proposed development.
- 7.4.6 Having considered all of the foregoing it is my opinion that the design of the proposed development would not have an undue impact on the character of Michael Killeen Park. The height of the proposed extension is commensurate with other, previously approved developments, including the No.8 Michael Killeen Park to which the subject dwelling is attached. In addition to this, the stepped design which is a defining

characteristic of the overall development would be maintained. The design of the front of the dwelling would comply with Section 3.7.5 and policy **UL6** of the *Galway County Development Plan 2022-2028*.

7.4.6 **DM Standard 4** of the *Galway County Development Plan 2022-2028* states that proposed extension shall inter alia reflect the window proportions, detailing and finishes, texture, materials, and colour unless a high quality contemporary and innovatively designed extension is proposed. It is noted that there are fenestration alterations to the front of the dwelling. These alterations to the front of the dwelling are relatively minor, and the window proportions are acceptable and would comply with **DM Standard 4** of the *Galway County Development Plan 2022-2028* with regard to window proportions.

7.4.7 Notwithstanding this, I do have concerns in relation to the impact of the design of the proposal to the rear of the dwelling. In my opinion, the rear elevation of the dwelling is of importance as it faces towards Roundstone Bay. Map 8.2 (set out in Section 8.13.2) of the *Galway County Development Plan 2022-2028* identifies that the subject land is within a Class 3 (Special) Landscape Character Unit. Policy Objective **LCM3** highlights that the consideration of landscape sensitivity ratings is an important factor in determining development and that in areas of high landscape sensitivity, the design of proposed development in the landscape is also a critical consideration. Having considered the drawings on file and having been on site, in my opinion, the design of the proposed development presents as being overly bulky and does not have due cognisance of the landscape character in which it is located and would not comply with Policy Objective **LCM3** of the *Galway County Development Plan 2022-2028*.

7.4.8 In addition to the above, the window proportions proposed on the rear elevation would not reflect the proportions of the other dwellings within Michael Killeen Park which face towards Roundstone Bay (No's 7-10 Michael Killeen Park). The proposed windows at first and second floor levels are substantially larger than the corresponding windows to the rear of dwellings in Michael Killeen Park and this would have an unacceptable impact on the rhythm of the design of these buildings and would therefore have an unacceptable visual impact on the area. I would also have concerns that, as a result of the height and width of the window at second floor level that the that the rear element of the proposal would not appear as subservient to the existing dwelling. The rear element of the proposal therefore would fail to comply with **Policy Objective UL 6** and

DM Standard 4 of the of the *Galway County Development Plan 2022-2028* which both seek to encourage sensitively designed subservient extension to existing dwelling houses.

7.5 Residential Amenity / Overlooking

- 7.5.1 The grounds of appeal state that any potential for overlooking from the subject dwelling over the private open space of No.5 is considerably less than that previously approved from the first-floor terrace of No.6 adjoining No.5. The observer in this case has stated that all windows on the side elevation would overlook No.5 Michael Killeen Park, the proposed flat roof element at second floor level has the potential to allow for further overlooking and that the balcony and flat roof will contribute to further erosion of residential amenity and privacy.
- 7.5.2 Having inspected the drawings submitted with this application I note that there are windows proposed on the side elevation of No.7 at both ground and first floor level. These windows would face towards the boundary with No.6 Michael Killeen Park. The window at ground floor level would serve bedroom No.2 would have clear glazing and would be located in proximity to the patio area associated with No. 6 Michael Killeen Park. I would agree with the observer that there is a potential for overlooking from this window, given its proximity to the patio area of No.6 Michael Killeen Park. If the Bord was of a mind to grant planning permission, then, this matter could be dealt with by way of condition which relocates the window to a location further away from the patio area of No.6 Michael Killeen Park, of alters the window type to a high-level window or obscure glazing.
- 7.5.3 The proposed side elevation drawing shows that the windows at first floor level are proposed to be obscured by way of opaque glazing. These windows are also shown as being fixed and as such would not be openable. It is therefore my opinion that the windows on the side elevation of No.7 Michael Killeen Park at first floor level would not cause undue overlooking of the private open space of No.6 Michael Killeen Park.
- 7.5.3 The proposed development includes a step out balcony at first floor level to the rear of the dwelling. The observer has stated that the first-floor flat roof has the potential to cause overlooking. Having consulted the drawings submitted and having been on site, I note that other dwellings within Michael Killeen Park include balconies at first floor

level, including No. 5. The balcony at No.5 is far larger than the step out balcony proposed as part of this application. However, it must be noted that there is a slight contextual difference in that the balcony at No. 5 sits within the stepped design and does not protrude beyond the rear elevation of the attached dwelling (No.6 Michael Killeen Park). Further to this, from my site visit, I note that works would appear to be ongoing on the dwelling at No.10 Michael Killeen Park. These works would appear to include a ground floor rear extension and a balcony at first floor level. I am not aware of the planning status of these works. I make the Bord aware that I have undertaken a search of planning applications in Michael Killeen Park on the Galway County Council website, and I have not been able to find a corresponding planning application for these works.

- 7.5.4 The proposed stand out balcony would be set back c.1.5m from No. 8 Michael Killeen Park and c.1.5m from the boundary with No. 5 Michael Killeen Park. The standout balcony would protrude c.100mm from the rear elevation of the dwelling. While the standout balcony seeks to take advantage of the views towards the sea, I would acknowledge that the proposed development is within a residential context and that while the preservation of level of privacy is not always possible, it must be considered.
- 7.5.4 Ordinarily, there may be concerns in relation to the impact that a standout balcony at first floor level may have on the residential amenity of surrounding properties, especially way by of overlooking. However, in this case I do not have concerns in relation to overlooking. Having undertaken a site visit, I note that the design of Michael Killeen Park has an open aspect with minimal delineation of back gardens. The open space to the rear of the dwellings would have the appearance of a semi-communal open space. Given this layout, it is considered that the proposed development would not unduly affect the residential amenities of surrounding properties by way of overlooking.
- 7.5.5 Concerns have also been raised in relation to the proposed flat roof element at second floor level has the potential to allow for further overlooking. While no balcony or terrace feature is proposed, at present there is a potential for access to be gained from the proposed second floor to the roof. If the Bord is of a mind to grant planning permission, then a planning condition ensuring that the flat roof cannot be used for the purposes of a balcony or terrace or similar use without a prior grant of planning permission can provide additional assurances in respect of potential for overlooking.

7.6 Flooding

- 7.6.1 I make the Bord aware that a Minor Flood Risk Assessment has been included with the application material. This is a new issue. It would appear that the Minor Flood Risk Assessment, dated January / February 2023 was prepared in respect of a previous application on the subject land. Notwithstanding this I am of the opinion that the Minor Flood Risk Assessment can be considered to be acceptable in this case, given that the proposed development would not increase the footprint of the building, and the Minor Flood Risk Assessment relates to the site as a whole.
- 7.6.2 Clause 5.28 of *The Planning System and Flood Risk Management – Guidelines for Planning Authorities (November 2009)* relates to Assessment of minor proposals in areas of flood risk and states that ‘*applications for minor development, such as small extensions to houses, and most changes of use of existing buildings and or extensions and additions to existing commercial and industrial enterprises, are unlikely to raise significant flooding issues, unless they obstruct important flow paths, introduce a significant additional number of people into flood risk areas or entail the storage of hazardous substances. Since such applications concern existing buildings, the sequential approach cannot be used to locate them in lower-risk areas and the Justification Test will not apply. However, a commensurate assessment of the risks of flooding should accompany such applications to demonstrate that they would not have adverse impacts or impede access to a watercourse, floodplain or flood protection and management facilities. These proposals should follow best practice in the management of health and safety for users and residents of the proposal.*’
- 7.6.3 The submitted Minor Flood Risk Assessment notes that the proposed development would not impede access to the coast, flood plain or flood protection works and management facilities. The proposed development would, therefore, has a low risk of flooding. The submitted Minor Flood Risk Assessment states that the subject land is within Flood Zone C and that the relevant flood mechanism of the site is coastal flooding from Roundstone Bay to the south-east of the subject land.
- 7.6.3 The Minor Flood Risk Assessment concludes that the proposed development has a low risk of flooding having regard to Clause 5.28 of *The Planning System and Flood Risk Management – Guidelines for Planning Authorities (November 2009)* and would not have an adverse effect on the flood risk to adjacent properties. Having considered

the report I am satisfied that the proposed development would not present a flooding risk either on the site itself or on adjoining sites and would be acceptable having regard to the *Planning System and Flood Risk Management – Guidelines for Planning Authorities* (November 2009)

8.0 AA Screening

- 8.1. I have considered the proposed development in light of the requirements of S177U the Planning and Development Act 2000 as amended.
- 6.1 The proposed development is located within an established residential development in a rural village and comprises of the extension to the roof height of an existing dwelling.
- 6.2 The subject land is not located in or immediately adjacent to any European sites. The closest such sites are as set out below:

Special Protection Areas

- Slyne Head to Ardmore Islands SPA 1.59km
- Connemara Bog Complex SPA 2.85km

Special Areas of Conservation

- Cregduff Lough SAC 0.33km
- Connemara Bog SAC 1.22km
- Dog's Bay SAC 2.19km
- Rosroe Bog SAC 2.49km
- Murvey Machair SAC 5.47km
- Kilkieran Bay SAC 7.04km
- Lough Nageeron SAC 8.06km
- The Twelve Bens/ Gaurrran Complex SAC 9.37km
- Slyne Head Peninsula SAC 10.2km
- Mamturk Mountains SAC 13.55km

- 6.3 There is no hydrological connection between the site and any European sites.
- 6.4 Having considered the nature, scale, and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site.
- 6.5 The reason for this conclusion is as follows:
- The relatively small scale of the development with an established residential development.
 - The location of the development and its distance from the closest European Site.
- 6.6 I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

9.0 Recommendation

- 9.1 I recommend that planning permission be refused for the following reason.

10.0 Reasons and Considerations

1. Having regard to the sensitive location of the site, the pattern of development in the area and the scale of development proposed, it is considered that the rear elevation of the proposed extension, by reason of its design, would not appear subordinate to the existing dwelling and would not reflect the window proportions of other dwellings in Michael Killeen Park and as such would fail to achieve compliance with Policy Objective LCM3, UL6 and DM Standard 4 of the *Galway County Development Plan 2022-2028*. The proposed development would, therefore, seriously injure the visual amenities of the area and would be contrary to the proper planning and sustainable development of the area.

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.

Ronan Murphy

Ronan Murphy

Planning Inspector

6/11/24

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference			
Proposed Development Summary			
Development Address			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No			Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No		N/A	No EIAR or Preliminary Examination required
Yes		Class/Threshold.....	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No		Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____