



An
Bord
Pleanála

Inspector's Report

ABP-318927-24

Development	Permission to demolish existing extension to dwellinghouse, to construct a new extension and all associated site works and services.
Location	86 Father Burke Road, The Claddagh, Galway City, H91 WV9R
Planning Authority	Galway City Council
Planning Authority Reg. Ref.	2360098
Applicant(s)	Ann Smyth.
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Ann Murphy
Observer(s)	None
Date of Site Inspection	08/07/2024
Inspector	Darragh Ryan

1.0 Site Location and Description

- 1.1. The existing mid terrace dwelling is located at Fr Burke Road Galway city. The site is located towards the south of Fr Burke Road where it joins with Grattan Road, east of Salthill Promenade and west of Galway City Core. Grattan Terrace is across the road and Grattan Park housing estate is to the rear of the properties Fr Burke Road looks onto Galway Bay at Mutton Island.
- 1.2. The area is characterised by terrace dwellings, some of which have been extended to the front and rear in recent years. A large number of properties have single storey and two storey extensions to the rear of properties at this location. There are low boundary walls between dwellings with front boundaries removed along the western side of the road to make way for off street car parking. There is a large element of on street car parking along the road.
- 1.3. 86 Fr burke Road is a mid-terrace dwelling with long narrow private rear gardens, with a drop in levels moving to the rear of the plots. The site area .0383ha.

2.0 Proposed Development

- 2.1. The applicant seeks permission for the following:
 - Demolish existing single storey rear extension (34.10sqm)
 - Permission to construct new part single storey and part two story extension to rear of existing dwelling house (70.90sqm)
 - The two storey element projects to the rear building line of the dwelling by 3.4m and extends to 5.5m in height -a flat roof structure. First floor area of extension is 19.3sqm
 - The single storey element extends to the rear building line by 9.3m, extending to a height of 4.7m- flat roof structure. The ground floor of extension is 51.6sqm

3.0 Planning Authority Decision

3.1. Decision

The planning authority issued a decision to grant permission subject to 12 conditions. The conditions of note include:

C2 – details of materials and finishes shall have nap plaster and metal trims. Roof tiles shall match the roof tiles of the existing dwelling.

C3 The side screens to the edges of the terrace shall be erected prior to occupation of the extension.

C5 The roof of the extension hereby granted shall be designed so that the eaves do not overhang the adjoining property and such that water run off does not flow into the adjacent property

C7 – Surface water shall be managed on site and discharged through a suitably designed soakaway.

C9 – The developer shall submit for the written agreement of the Planning Authority a landscaping scheme which shall include details for hard and soft landscaping.

C12 – The proposed attic area shall be used as a storage area only and shall not be used as a bedroom or habitable room

3.2. Planning Authority Reports

3.2.1. Planning Reports

There is a single planning authority report on file which can be summarised as follows:

- An extensive site history has been provided including adjacent sites.
- Development is acceptable in principle – DM standards needs to be met.
- The proposed 2-Storey extension will not have a detrimental impact on the residential/general amenity of adjoining properties. There are no concerns in respect of direct overlooking, even taking account of the height of the proposed partly 2-Storey extension to the rear of this property. The main living

area is on the ground floor with glazing directly to the rear only which shall prevent any overlooking concerns. The proposed bedrooms on the first floor have glazing to the rear elevations which again shall not result in any overlooking concerns. The proposed partly 2-Storey, partly single storey extension will not have a detrimental impact on the residential/general amenity of adjoining properties.

- The dwelling on the adjoining site have single storey extensions to the rear of the property. With regards to overshadowing given the orientation of the dwellings and sites along Father Burke Road, it was considered that the proposed development would not overshadow the property on the adjoining site to the south with very limited overshadowing of the adjoining property to the north.

3.2.2. Other Technical Reports

- Active Travel – no objection
- Environment/ Flood Relief – no objection

3.3. Prescribed Bodies

None

3.4. Third Party Observations

There is one third party submission on file as follows:

- The section and elevational drawings fail to indicate the levels of the proposed structure and this has made the assessment of impacts unclear.
- The drawings of the roof and rooflights are misleading and contradicting.
- Rainwater run-off has not been considered for the proposed development and would run off into the adjoining property to the north.
- The drawings of the rear elevation are confusing.
- The proposed extension would impact on daylight of the adjoining property. Overshadowing of adjoining property to the north at No. 85 given that the proposed ground and first floor extensions are on the south side of garden

serving No. 85 and would impact on daylight into living spaces and garden amenity space and in turn devalue the property.

4.0 Planning History

Existing Site

- PA reg ref 03/491 – Permission granted to Mr Gerry Daniels on the 29/08/03 for the construction of a single storey extension to rear of existing dwelling

Properties to the north

- PA reg ref 23/60021 – Permission granted to Aine and Patrick Madden of No 73 Burke Road for the construction of a two storey extension to the rear of existing building.

5.0 Policy Context

5.1. Development Plan

Galway City Development Plan 2023 – 2029

5.1.1. Zoning Objective R - To provide for residential development and for associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods

5.1.2. DM Standard 11.3.1 (d) Overlooking

- Residential units shall generally not directly overlook private open space or land with development potential from above ground floor level by less than 11 metres minimum.
- In the case of developments exceeding 2 storeys in height a greater distance than 11 metres may be required, depending on the specific site characteristics.
- With regard to domestic extensions, architectural resolutions to prevent overlooking may be considered, where the linear 11m standard is marginally less, and the overlooking impact is reduced through design.

- 5.1.3. 11.3.1 (l) Residential Extensions - The design and layout of extensions to houses should complement the character and form of the existing building, having regard to its context and adjacent residential amenities

5.2. **Natural Heritage Designations**

5.3. **Natural Heritage Designations**

Inner Galway Bay SAC – 100m to the south

Lough Corrib SAC – 1km to the east

5.4. **EIA Screening**

See completed form 2 on file. Having regard to the limited nature and scale of the proposed development, 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**

This is a third-party appeal against the decision of Galway City Council to grant permission

Invalid Application- Inadequate Information

- The sections and elevations provided fail to provide an accurate representation of levels to allow for a full assessment of potential impacts.
- Side elevation drawing (file 5) fails to indicate roof lights that area indicated on the plan drawing (file no 4)
- Roof lights are also not indicated on the rear elevation although the phot sample suggest they are set into upstands.

- The section (file 6) taken through the roof lights (along the centre of the roof) show the roof as flat or a terrace while the side elevation (file 5) clearly shows it sloped.
- Rear elevation clearly shows a rear parapet or guardrail or alternatively the roof runs into first floor windows. The drawings are contradicting and misleading. It could be interpreted as having a balcony or terrace overlooking rear gardens.
- Rear elevations are confusing and inconsistent with the plans. The zinc clad ground floor with mono pitch roof appears to completely cut off the first-floor windows

Overshadowing

- The proposed ground and first floor extensions are on the south side of my garden and particularly the ground floor proposal will significantly impact the quality of day light both in my living spaces and in the garden amenity area. This will significantly impact my enjoyment of the garden.

Devaluation

- The scale and mass of the proposed extension will, because of its impact through overshadowing, have a significant impact on the value of my property, if it is permitted as it is currently proposed.

Inconsistencies in the Determination

- Condition 1 requires the development be built as per the drawings this is clearly neither possible or something that can be checked while such confusion and conflicting information is on the drawings
- Condition 2 refers to roof tiles to be agreed – this is not clear as the proposal consist of flat roof structures
- Condition 3 refers to side screening of terrace , it is not clear if this a reference to the first floor roof terrace or rear raised terrace. These terraces will directly overlook my amenity area.

6.2. Applicant Response

The agent for the applicant has responded to each aspect of the appeal as follows:

- The drawings are clearly labelled, and all finished floor levels are clearly marked.
- The roof lights are all clearly shown on the section.
- There is no balcony proposed on any flat roof area.
- The surface water from the flat roofs will be directed to the rear of the property and disposed of in soak pits in a large rear garden space
- Regarding overshadowing – the two storey element projects about 3.4m from the rear of the property and the remainder of the extension is single storey. There will be impact on neighbouring property or amenity space. The extensions are designed so as to not have an impact on amenity of neighbouring properties
- The proposed extensions will not devalue property in the area. A number of properties in the area have been extended in the same manner. Some extensions are three storey high. House in Fr Burke Avenue have large rear gardens and the original houses need to be upgraded and modernised.
- The inconsistencies in the determination are with respect to the addition of roof tiles to be agreed with planning authority. This is in error as these are flat roof extensions. The screens are related to the lower outdoor decking only. There are no roof top terraces. The lower decking area is 1.5m below boundary wall between the two properties.

6.3. Planning Authority Response

None

6.4. Observations

None

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including the appeal, and having inspected the site and having regard to the relevant local policy guidance, I consider the main issues in relation to this appeal are as follows:

- Design/ Impact on Residential Amenity
- Other Issues
- Appropriate Assessment

7.2. Design/ Impact on Residential Amenity.

- 7.2.1. The applicant proposes the demolition of an existing rear single-storey extension, which was constructed under the 2003 planning permission. This extension projects approximately 7.8 meters from the rear of the existing property, with varying heights up to a maximum ridge height of 4.8 meters.
- 7.2.2. The proposed new extension will comprise both two-storey and single-storey elements. The two-storey section will extend 3.4 meters from the rear of the property and reach a height of 5.5 meters from the existing ground level. This section will provide larger first-floor bedroom spaces, including an ensuite and a walk-in wardrobe in the master bedroom. It is noteworthy that this portion does not extend beyond the single-storey extension of the appellant's property, and the appellant has not raised any amenity concerns regarding this section of the extension.
- 7.2.3. The proposed single-storey extension will extend approximately 9.3 meters from the rear property line of the existing dwelling. The internal floor level of this extension will range from 10.09 meters to 9.64 meters. It will project approximately 3.9 meters beyond the appellant's existing extension and will have a height of 5.7 meters from the ground level of 8.34 meters. The appellant has expressed concerns about a potential loss of amenity due to overshadowing from this extension. Although no shadow analysis has been conducted for the proposed extension, it is considered that any overshadowing would not exceed the existing conditions on site. The proposed single-storey element, while extending further than the current extension (approx. 1.5m) the proposal only differs in height by approx. 300 millimetres.

- 7.2.4. Given the considerations of overshadowing, the information supplied demonstrates a balance between protecting neighbouring residential amenity and achieving good quality design. Section 3.7 of the Galway City Development Plan emphasizes that while the protection of existing residential amenity and character is a priority, it must be balanced with opportunities for sustainable, high-quality regeneration and appropriately scaled infill development. The proposal, as submitted, aligns with these principles, and the potential overshadowing falls within acceptable limits for an urban site.
- 7.2.5. The appellant has also raised concerns regarding the potential loss of privacy due to possible overlooking. Specifically, there are concerns that the flat roof areas could be used as terrace spaces. However, there is no evidence to suggest that these flat roof areas are intended for such use, as there is no apparent access to these roofs. The proposed terrace area is located at the very rear of the extension, with a finished floor level (FFL) of 10.09 meters, consistent with the existing extension. From this point, the garden steps down, and the FFL of the decking is positioned 1.5 meters below the boundary wall. To maintain privacy, 1.8-meter privacy screens are proposed. In my assessment, the potential for overlooking from the proposed development is not substantially greater than the current situation on the site. Therefore, I do not concur with the assertion that the proposed development would significantly compromise the privacy and amenity of neighbouring properties.

7.3. Other Issues

Inadequate Drawings/ Inconsistencies in the Planning Application

- 7.3.1. The applicant has stated that the application should be invalidated and that inadequate information (drawings) have been supplied with the application to make a valid application and a full assessment of the application. It is put forward that the drawings as submitted lack clarity and conflict with each other. Having consulted Article 23 of the Planning and Development regulations I am satisfied that sufficient information has been supplied with application to make a complete assessment of all issues. The drawings submitted with the application include:
- 23(1)1 Is the name & full address of person who prepared drawings on them?
- Yes

- 23(1)b Is the scale stated on all drawings & is it correct when measured? - Yes
- Drawings must be no less than 1:200 & text must be legible - Yes- Drawings shown 1:100 and Site Layout 1:250
- 23(1)f Are principal dimensions shown on drawings & are they in metric? - Yes
- 23(1)f Is the overall height shown on elevations or the cross section? - Yes
- 23(1)e Are plans & elevations coloured or marked to identify existing & proposed? - Yes
- 23(1)h Is the north point shown on all plans – Yes

The drawings as provided are clear and legible and in accordance with Article 23 of the Planning and Development Regulations. I consider that sufficient information has been supplied to make an assessment of all pertinent issues with respect to this Planning application.

7.3.2. Devaluation of properties

Based on the details provided by the applicant and the general character of the area, I do not consider the proposal as presented will result in a devaluation of appellants property. Properties along Fr Burke Road have been extended in a similar fashion in the past, with examples provided in the planning history outlined in Section 4 above. The extent and massing of the proposed extensions are in keeping with the existing development pattern and character of the area. As discussed in Section 7.3, the extent of the extensions do not present significant concerns regarding overshadowing and the potential for overlooking as a result of the proposed development is minimal. Therefore, I am satisfied that the proposal as presented would not result in the devaluation of the appellant's property.

7.3.3. Surface Water

The applicant has clarified that surface water will be managed entirely on-site using soakaways. Given the significant rear garden space, there are adequate opportunities for the effective management of surface water. Additionally, it has been demonstrated that there will be no overhanging of water receptacles onto the appellant's property, and all elements of the extensions will be retained within the applicant's own red line boundary. Furthermore, I note Condition 5 as recommended by the planning authority, which specifies that there shall be no overhanging as a result of the proposed extension. I consider this condition appropriate for inclusion in the event that a grant of permission is recommended.

8.0 AA Screening

- 8.1.1. I have considered the construction of a residential development in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located Inner Galway Bay SAC & Lough Corrib SAC – 1km from the subject site

- 8.1.2. The proposed development comprises:

- Demolition of existing extension 34sqm
- Extension to dwelling 70.90sqm

- 8.1.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- The proposed works are limited in scale and located with an existing Residential estate on zoned lands within the Galway City Boundary. The existing dwelling connects into the public sewer. There are no impacts/effects predicted in this regard.
- Due to the distance of the site and intervening land uses from any SAC and SPA, no impacts/ effects are predicted in this regard.
- There are no identifiable hydrological/ecological connector pathways between the application and the SAC or SPA. This combined with the distance and built up intervening environment between the application site and the SAC & SPA removes any

potential connector/receptor pathways. Therefore no impacts/effects are predicted.

I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

Having regard to the above it is recommended that permission is granted based on the following reasons and considerations and subject to the attached conditions.

10.0 Reasons and Considerations

The proposed development as set out complies with Section 11.3.1 (i) of the Galway City Development Plan namely in that the design and layout of the proposed extensions complement the character and form of the existing building and have regard to its context and adjacent residential amenities. It is considered that, subject to compliance with the conditions set out below, the proposed development would not be seriously injurious to the amenities of the area or the residential amenities of properties in the vicinity. The proposed development would, therefore be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars received by An Board Pleanála on the 25th of January 2024 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. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the proposed development shall be used solely as ancillary to the adjoining use on site (as specified in the lodged documentation), unless otherwise authorised by a prior grant of planning permission.

Reason: In the interest of clarity

3. Prior to completion of the proposed extension and use of terrace area , the proposed side screens shall be erected in accordance with the plans and particulars submitted with the application. Photographic detail of these completed works shall be submitted for the written agreement of the planning authority.

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

4. All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties. Surface water shall discharge to a suitably designed soakaway in the rear garden.

(b) No part of the development including rainwater goods shall overhang any adjoining property.

Reason - In the interest of proper planning and orderly development

5. The developer shall ensure that all construction activity within this site shall comply with the following:
 - i. All construction activity shall be restricted to the following:
 - Between 0800 hours and 1800 hours Monday to Friday

- Between 0900 hours and 1300 hours Saturday unless otherwise agreed in writing with Galway City Council.
 - No works shall take place on Sundays, Bank Holidays or Public Holidays.
 - The site may be opened 30 minutes prior to the above outlined times in order to facilitate the arrival of workers, however no activity shall take place during this time.
 - Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority.
- ii. In the event that rock breaking is required on the site, a schedule of works including mitigating measures and the hours and days of operations shall be submitted for the agreement of the Planning Authority in writing.
 - iii. Any alterations to public services, public areas or utilities necessitated by the development shall be carried at the developers expense having firstly obtained the agreement in writing of Galway City Council or other public bodies responsible for utilities.
 - iv. All works shall be carried out in accordance with the requirements for "Site Development Works for Housing Areas" as issued by the Department of the Environment, Heritage and Local Government unless required otherwise by Galway City Council in which case Galway City Council Standards apply.

Reason: In the interest of residential amenity and the proper planning and sustainable development

6. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
 - a) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

- b) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels.
- c) Off-site disposal of construction/demolition waste
- d) Details of how it is proposed to manage excavated soil.
- e) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the Planning Authority. The developer shall provide contact details for the public to make complaints during construction and provide a record of any such complaints and its response to them, which may also be inspected by the planning authority.

Reason: In the interest of amenities, public health and safety

7. Prior to the commencement of development, the developer shall submit and agree in writing with the Planning Authority a landscaping scheme. The scheme shall include details of the materials for all hard and soft areas and the location, numbers and species of all existing and new planting (this should be from a range of native species). The scheme when approved shall be carried out within the first planting season following the commencement of development unless otherwise agreed in writing with the Planning Authority.

Reason: To provide for an acceptable standard of development and in the interest of visual amenity.

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.

Darragh Ryan

Planning Inspector

26th of July 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	318927 - 24		
Proposed Development Summary	Construction of an extension to existing dwelling house		
Development Address	86 Fr Burke Road, The Claddagh, Galway City		
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	X
		No	
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			
No	X		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			
Yes		Class/Threshold.....	Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No		Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	318927-24	
Proposed Development Summary	Construction of extension to existing dwelling	
Development Address	86 Fr Burke Road, The Claddagh, Galway City	
The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The proposed development is on a brownfield site on a .0383ha site on zoned land. The proposed development is not exceptional in the context of existing environment.</p> <p>The proposed development will not result in the production of any significant waste, emissions or pollutants.</p>	No
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>No. The site area is .038ha.</p> <p>There are no other developments under construction in proximity to the site. All other developments are established uses.</p>	No

<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>No. The proposed development is not within a designated Natura 2000 site.</p> <p>There are no other locally sensitive environmental sensitivities in the vicinity of relevance.</p>	<p>No</p>
<p style="text-align: center;">Conclusion</p>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p>		

Inspector: _____

Date: _____

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)