



An  
Bord  
Pleanála

## Inspector's Report

### ABP-319420-24

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<b>Development</b>	Change of house design and associated site works.
<b>Location</b>	Knockanima, Loughrea, Co. Galway
<b>Planning Authority</b>	Galway County Council
<b>Planning Authority Reg. Ref.</b>	2460022
<b>Applicant(s)</b>	David Barrett
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	David Barrett
<b>Observer(s)</b>	Ann and Liam McDermott
<b>Date of Site Inspection</b>	24/10/24
<b>Inspector</b>	Ronan Murphy

## **1.0 Site Location and Description**

- 1.1. The subject land is a predominantly square shaped parcel of land with a stated area of 0.509ha. The site is located c. 0.5km to the east of the centre of Loughrea and is accessed off the L-42135. The subject site is located at an elevated located c.0.3km to the east of Lough Rea.

At present there is an existing split level 1970's detached dwelling which has pitched roof and external veranda to the rear. The existing dwelling on the land has a stated internal floor area of 201m<sup>2</sup>.

The subject site is bounded by vacant land to the west and south. The subject land abuts 'The Starling Centre' which is a community facility run by the Brothers of Charity with St. Brendan's National School further to the north of the site. On the opposite side of the road to the east there is a housing estate known as Mount Pleasant which comprises of two storey detached dwellings.

The topography of the site and the surrounding area is elevated where the land generally slopes up from north and west in an easterly / south-easterly direction. In this regard while it is noted that the subject land is at an elevated position from the lands to the west and north, the lands to the east / south-east, an area known Mount Pleasant are at a higher elevation than the subject land.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises of the change of a house design from that permitted under Reg. Ref. 21/1476 and Reg. Ref. 22/60244. Vehicular access to the proposed development would be from the minor road (L-42135) to the east of the site.
- 2.2. The proposed dwelling would be split level with an internal area, as shown on the submitted floor plans of 549m<sup>2</sup> and a maximum height of 7.01m. The proposed dwelling would have a clay facing brick and natural timber cladding finish with a flat roof.
- 2.3. The proposed dwelling would comprise of five double bedrooms, an open plan kitchen / dining / living room, a separate lounge, playroom, bathrooms, stores, utility rooms and garage.

## **3.0 Planning Authority Decision**

### **3.1 Decision**

- 3.1.1 The planning authority by order dated 6/3/24 decided to refuse planning permission for 1 No. reason as set out below:

*The subject site is located within a View Angle with panoramic views of Lough Rea to the west. Noting the visual sensitivity of this landscape and the policy objectives of the extant Galway County Development Plan 2022-2028, the proposed development by reason of its design solution is not considered in accordance with DM Standard 8 of the Galway County Development Plan 2022-2028 by reason of its scale, massing, bulk and configuration. In this regard the planning authority is not satisfied that the proposed development would effectively assimilate into this sensitive urban setting. It is considered that the proposed development would result in a built form that would not fit appropriately or integrate effectively into this rural location, would contravene materially DM Standard 8 contained in the Galway County Development Plan 2022-2028. Accordingly, to grant the proposal would interfere with the character of the landscape, would detract from the visual amenity of the area, would mitigate against the preservation of the environment, would materially contravene an objective and a development management standard contained in the current county development plan and would be contrary to the proper planning and sustainable development of the area.*

### **Planning Authority Reports**

#### **3.2 Planning Reports**

There is one planning report on file. The report dated 5/3/24 notes that the principle of the development is considered acceptable having regard to the current draft zoning of the site and the applicant being granted permission on the site before for modifications of the existing dwelling house on site. The report notes that the site is elevated in the landscape and that there is an existing split level 1970's detached dwelling on the site. The planning officer outlines that the proposed modifications to that previously

permitted include for a reduction in floor area and elevational modifications and that the design is very similar in style and scale to that previously permitted. Notwithstanding this, the planning officers report states that the scale, mass, bulking and configuration of the change of house design is not considered in accordance with the receiving landscape located within a Viewpoint Angle, in particular with regard to the east and west elevations which are considerably extended.

### **3.3 Other Technical Reports**

None

### **3.4 Prescribed Bodies**

None

### **3.5 Third Party Observations**

A third-party observation has been received from the owners of No. 14 Mount Pleasant, Ann and Liam McDermott.

## **4 Planning History**

### **4.5 Subject land**

**Reg. Ref. 22/60244:** Permission granted for modifications to a previously approved dwelling house (PI Ref. 21/1476) to include a reduction in floor area, elevational changes and associated site works. This proposal related to alterations to a permitted replacement dwelling (Reg. Ref. 21/1476) which comprised of a split level modern designed flat roofed dwelling with a maximum parapet height of c. 8.1m and a floor area of 725m<sup>2</sup>.

**Reg. Ref. 21/1476:** Permission granted for the demolition of an existing substandard dwelling house, the construction of a replacement two storey dwelling house and all associated site works including revised boundaries. The permitted replacement

dwelling was a split-level dwelling with a contemporary design with a flat roof and a maximum parapet height of c. 7.53m with a floor area of 790m<sup>2</sup>.

**Reg. Ref. 21/461:** Permission granted for extension and elevational changes to an existing dwelling house and all associated site works including revised boundaries. This proposal included a flat roofed extension to the rear of the existing dwelling. The permitted extension had a height of 7.23m and the overall dwelling had a combined floor area of 602m<sup>2</sup> (existing area and extension area)

**Reg. Ref. 20/303:** Permission granted for retention for the construction of a dwelling house, site access and all associated site services on revised site boundaries.

## **5 Policy Context**

### **5.5 Development Plan**

#### **5.5.1 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. Loughrea is identified as being within Settlement Category 4 Self Sustaining Town. This is shown in Map 2.2 Settlement Hierarchy.

A growth strategy is set out for Self-Sustaining Towns in Section 2.4.8 which states that the growth strategy for both Gort and Loughrea is to consolidate their designation as Self -Sustaining Town's and continue to support expansion of their employment base. In addition, residential development will be facilitated that will support the sustainable growth of the towns.

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

**SS4:** Support the development of Gort and Loughrea as *Self Sustaining Towns* as outlined in the Core Strategy and Settlement Hierarchy in order to improve local

employment, services, and sustainable transport options in order to become more self-sustaining settlements.

**Chapter 3** sets out polies in relation to Placemaking, Regeneration and Urban Living

**UL2:** To comply with the principles of good placemaking in delivering residential developments within the towns and villages of the county.

**UL3:** To promote a mix of house types and sizes that appeal to all sectors of the community and contribute to a healthy neighbourhood

**Chapter 7** sets out policies in relation to infrastructure, utilities and Environmental Protection.

**WS 7:** Require that new development proposals would ensure that there would not be an unacceptable impact on water quality and quantity including surface water, ground water, designated source protection areas, river corridors and associated wetlands.

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

Section 8.13.1 relates to Landscape Character. Map 8.1 identifies Loughrea as an Urban Environs Landscape.

Section 8.13.2 relates to Landscape Sensitivity. Map 8.2 identifies Loughrea as an Urban Area.

**LCM 1:** Preserve and enhance the character of the landscape where, and to the extent that, in the opinion of the Planning Authority, the proper planning and sustainable development of the area requires it, including the preservation and enhancement, where possible of views and prospects and the amenities of places and features of natural beauty or interest.

**LCM 2:** The Planning Authority shall have regard to the landscape sensitivity classification of sites in the consideration of any significant development proposals and, where necessary, require a Landscape/Visual Impact Assessment to accompany such proposals. This shall be balanced against the need to develop key strategic infrastructure to meet the strategic aims of the plan.

**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.

Section 8.13.3 relates to Protected Views. Map 8.4 shows Viewpoints 40 and 41 within or close to Loughrea.

**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 15** sets out development management standards.

### **DM Standard 1: Qualitative Assessment-Design Quality, Guidelines and Statements**

The main requirement for a qualitative assessment regarding development in towns and villages shall have regard to the following inter alia:

- Placemaking
- Context
- Design Quality
- Built Form

### **DM Standard 36: Public Water Supply and Wastewater Collection**

All new developments will be required to utilise and connect to the public water and wastewater network, where practicable. Applicants who need to get a new or modified connection to public water supply or wastewater collection infrastructure must liaise with Irish Water.

### **DM Standard 46: Compliance with Landscape Sensitivity Designations**

Subject to the provisions of the plan but in particular the settlement policies of Chapters 2, 3 & 4 and the consequent restriction on development in rural areas, the control of permissible development shall be in accordance with the policies as they relate to the four sensitivity classes of landscape in Section 8.13.2 of this plan.

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

### **Loughrea Local Area Plan 2024-2030**

I make the Bord aware that since the initial assessment of the proposed development, the *Loughrea Local Area Plan 2024-2030* was formally made by the Elected Members of the Loughrea Municipal District on the 15th of July 2024. However, on the 22nd of August 2024, the Minister of State for Local Government and Planning issued a 'Notice of Intention to Issue a Direction' to the Planning Authority under Section 31 of the Planning and Development Act, 2000 (As Amended) ('the Act'). The Draft Direction concerned the zoning of one parcel of land in the town. The Draft Direction did not relate to the subject land.

Public consultation on the Minister's Notice of Intention to Issue a Direction for a period of 2 weeks was carried out between Thursday 29th August to Thursday 12th September 2024.

Map 1A of the *Loughrea Local Area Plan 2024-2030* shows that the subject lands are within the 'Residential Existing Zone.'

Section 2.2 of the *Loughrea Local Area Plan 2024-2030* relates to residential development and notes that Galway County Council's primary aim concerning residential development is to deliver high-quality, sustainable living environments which are attractive, safe, and vibrant and meet the needs of the residents and the community.

Residential lands have been included in a phasing scheme. Phase 2 lands are not generally developable within the plan's lifetime, and phase 1 lands are promoted for immediate development.

Section 4.0 of the *Loughrea Local Area Plan 2024-2030* sets out policy objectives with the following being relevant to the proposed development:



**LSST 36 High Quality, Contextually Sensitive Design:** Ensure that new developments are responsive to their site context and in keeping with the character, heritage, amenities, environment, and landscape of the area. New development proposals will be required to complement the existing character of the area in terms of scale, height, massing, building line, urban grain and definition and through high quality design proposals for buildings/structures/shop fronts, the use of high quality, appropriate materials and the provision of appropriate signage, lighting, landscaping proposals and other such details.

**LSST 41** Protect the landscape character, values, sensitivities, focal points, and views in the Plan Area.

a) Ensure that new developments are responsive to the high and special sensitivity of the Lough Rea Lake and surrounds, to the moderate sensitivity of the elevated lands to the east of the town and to any other elevated sites, visually vulnerable areas, or locally important townscape contexts.

b) Require Visual Impact Assessment for developments with potential to impact on areas of significant landscape character, value, or sensitivity, including both urban and natural features, such as Lough Rea, significant townscapes and historic buildings, as appropriate.

c) Prohibit development that will block or interfere with a significant focal point or view. Where it is considered that a development may impact on focal points or views, have regard to the significance of any such impact and any appropriate mitigation measures that should be incorporated.

## **5.6 EIA Screening**

5.2.1 Having regard to the nature and scale of the proposed development and the nature of the receiving environment, 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 stage, and a screening determination is not required.

## **6 The Appeal**

### **6.1 Grounds of Appeal**

A first party appeal has been submitted by Enviroplan Consulting Limited on behalf of David Barrett against the decision of Galway County Council to refuse planning permission. The grounds are summarised below:

- The development site is not located within a designated view which is supported by any planning policy / objective. This is confirmed by the newly launched Co. Galway Pre-Planning Enquiry System. This report confirms that there is no '*scenic route*' adjacent to the site or within 500m of the site. It also confirms that there is no '*Scenic Viewpoint*' on site or within 500m of the subject site. The Planning Authority's reference to the site being located within a view angle with panoramic views of Lough Rea is entirely subjective and should be dismissed.
- Notwithstanding this the appellants submit that given the existing dwelling on the land, the permissions on the site, the residential zoning of the land, the R-Residential (Phase 1) zoning provisions of the Draft LAP and the mature vegetation between the country road and the lakeshore that the proposed development would not adversely affect any perceived 'panoramic views' from the public realm at this location.
- Site is not located within a designated sensitive visual landscape. This is highlighted in the 'Pre-Planning Report'. This report confirms that the subject land is within an '*Urban Landscape Sensitivity*' area and within an '*Urban Environs Landscape Classification Area*'. In any case, the subject land has an existing house, is zoned residential and has the benefit of an extant planning permission for a larger and higher dwelling house. In this context the visual / landscape sensitivity concerns of the Planning Authority can be dismissed.
- The Planning Authority has referred to DM Standard 8 as a basis to refuse the proposed development. However, DM Standard 8 is a guideline which comes under the heading of rural housing, it is irrelevant to the assessment of the

subject application on Residential zoned lands within the settlement of Loughrea.

- The Planning Authorities recommendation to refuse on the basis of a 'Rural Housing' design is contradicted by the planning officers report which recognises the 'Urban' location of the subject land and states that the land is *brownfield at present and is located within the settlement boundary of Loughrea*, in various parts of the report.
- The Planning Authority's concerns in relation to '*scale, massing, bulk and configuration*' is contradicted on page 5 of the Planners Report which states that the '*principle of development is considered acceptable having regard to the current draft zoning of the site and the applicant being granted planning permission on the site before for modifications of the existing house on site*'
- The decision to refuse is inconsistent with previous decisions to grant planning permission for larger house designs on the site.
- The proposed scale, massing bulk and configuration of the proposed change of house plan compared to the existing house and the previously approved was demonstrated in the visual impact assessment which accompanied the application. This assessment demonstrated that the change of house design provides for a more appropriate visual integration at this location compared to previously approved permission on the site.
- Subject site is in an urban location and is not subject to any specific objectives relating to 'sensitive urban setting' in the County Development Plan, the previous LAP of the new LAP.
- Given that the lands about a R-Residential (Phase 1) the subject site will become in time become an urban infill site.
- Subject site not a rural location and the proposal would not interfere with the character of the landscape.
- The replacement of an outdated dwelling house with an energy efficient architecturally designed house is consistent with the proper planning and sustainable development of the area in this case.

- RPO 3.8 of the Regional Spatial and Economic Strategy for the Northern and Western Regional Assembly This set out support for *'the design of new / replacement / refurbished dwellings to high energy efficiency standards that fully avail of renewable technologies, maximise solar gain utilising modern materials and design practices*. The high-quality design of the proposed replacement house will facilitate high energy efficiency standards, as well as achieving modern NEZB requirements. As such the principle of the proposed house replacement is entirely consistent with Regional Planning Policy and sustainable development.
- The house of the observer is at an elevated location and is unlikely to be adversely affected by the proposed development, moreover under planning law the observers are not entitled to a view.

## **6.2 Planning Authority Response**

- There is no response from the planning authority.

## **6.3 Observations**

6.3.1 An observation has been submitted by Michael Mc Gowan and Associates on behalf of Ann and Liam Mc Dermott. The points are summarised below:

- The scale and form of this proposed building failed to adequately connect with or reinforce the existing urban form and character of this elevated, established residential zone.
- The proposed design and bulk of this building would create an overly dominant and incongruous development.
- The design fails to provide an appropriate transition in scale to the existing established residential developments and would have an overbearing impact and result in undue overlooking of adjacent residential properties.
- The proposed volume and mass and excessive scale and prevailing horizontal parapet building height would be out of character in the outer suburbs in the externally elevated site as would be viewed from all roads.

- The proposed building is out of character with the existing, could negatively affect the landscape and charisma of the neighbourhood. This proposed project could seriously injure the visual amenity of the of this elevated local residential area on the outskirts of town and would significantly detract from the visual amenities of the area and seriously injure the existing residential homes in the area.
- The height of the proposed building is not reduced from the existing dwelling on the land.
- The horizontal roof parapet span of 37.6m compared to the existing house width of 16.7m is more than double and would be greater than the wingspan of a Boeing 737 plane.
- The proposal would be overly dominant and incongruous due to its excessive scale, volume, mass and prevailing horizontal roof parapet into the skyline.

#### **6.4 Further Responses**

- No further responses received.

### **7 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
- Protected Views / Landscape Sensitivity
- Residential Amenity / Visual impact / Precedent
- 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 DM Standard 8- Site selection and design.

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 DM Standard 8 provides guidance in relation to assessing rural housing. The subject land is within the development boundary of Loughrea and is zoned existing residential in the *Loughrea Local Area Plan 2024-2030*. I do not believe the subject land could be reasonably described as rural and therefore it is my opinion that DM Standard 8 does not apply to the subject land. 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**

The subject land is within the development boundary of Loughrea which is identified as being within Settlement Category 4 Self-Sustaining Towns. Policy Objective **SS4** of the *Galway County Development Plan 2022-2028* states that there will be support for the development of Loughrea as a Self-Sustaining Town in order to improve local employment, services and sustainable transport options in order to become more self-sustaining settlement. In addition to this, Section 2.4.8 of the *Galway County Development Plan 2022-2028* states that residential development will be facilitated that will support the sustainable growth of the town.

7.3.1 The subject site is identified as being within the development boundary of Loughrea in Map 1A of the Loughrea Local Area Plan and is shown as being within the R-Residential Existing Zone.

3.2 It is considered that a change of house type on land which is zoned for residential purposes is acceptable in principle, subject to normal planning considerations which will be considered below.

### **3.3 Protected Views**

3.3.1 The grounds of appeal state that the subject land is not within a Protected View as set out in the *Galway County Development Plan 2002-2008*. The grounds of appeal further state that notwithstanding the absence of a statutory 'protected view' that given the presence of an existing dwelling on the land, extant planning permissions on the land

the zoning of the land and extent mature vegetation at the boundaries of the site, that the proposed development would not adversely affect any perceived 'panoramic views' from the public realm at this location.

3.3.2 Appendix 4 of the *Galway County Development Plan 2022-2028* comprises of the Landscape Character Assessment for County Galway in which the protected views are set out. The purpose of Appendix 4 is to assist in establishing policies and objectives for the *Galway County Development Plan 2022-2028*. Viewpoints 40 and 41 are relevant to Loughrea. Viewpoint 40 is angled in an easterly direction from Corry's field and the focus of this angle is Loughrea Town. Viewpoint 41 is angled in a north-westerly direction from the swimming area carpark and shore footpaths of Lough Rea and is focused on the expanse of Lough Rea as well as the backdrop of Loughrea Town and the wooded hills. The subject land is not shown to be within either of the protected views in Loughrea as set out in Appendix 4 of the *Galway County Development Plan 2022-2028*.

3.3.3 Section 8.13.3 of the *Galway County Development Plan 2022-2028* relates to Protected Views and Scenic Routes. Map 8.4 shows Protected Views. Viewpoints 40 and 41 are shown on this map. However, I make the Board aware that the viewpoints on map 8.4 are slightly different to those shown in Appendix 4, with both viewpoints on Map 8.4 being larger and overlapping. The relief of map 8.4 does not provide as much detail as the maps in Appendix 4 and therefore it is difficult to make out what areas are included within the protected view. Having regard to the foregoing, I would rely on the description of the view set out in Appendix 4 which states ' *The focus of this view is the expanse of Lough Rea as well as the backdrop of Loughrea Town and the wooded hills*' Given the description of the view set out in Appendix 4, which seeks to protect views of Lough Rea and its backdrop comprising of Loughrea Town, I would agree with the appellant that the subject land is not within a 'Protected View'.

3.3.4 The grounds of appeal state that the subject land is not located within a sensitive visual landscape and that under the provisions of the County Development Plan and that the only designated Landscape Sensitivity Areas which have associated policies / objectives are Class 1-Low, Class 2 High, Class 3 Special and Class 4 Iconic. There are no 'Urban' landscape policies, instead urban development proposals would refer to the settlement policies and/or zoning objectives.

- 3.3.5 Appendix 4 'Landscape Character Assessment' of the *Galway County Development Plan 2022-2028* sets out the landscape areas of the county. The purpose of Appendix 4 is to assist in establishing policies and objectives for the *Galway County Development Plan 2022-2028*. I note that Map 01 of Appendix 4 identifies Loughrea as being within an *Urban Environs Landscape*. This is further shown in Map 2.3.7 'Urban Environs Landscape Type' I further note that Map 2.3.4 of Appendix 4 does not include Lough Rea in a *Lake Environs Landscape Type*.
- 3.3.6 Following on from Appendix 4, Section 8.13.1 of the *Galway County Development Plan 2022-2028* sets out Landscape Character for County Galway and Map 8.1 shows that the subject land is within an 'Urban Environs' area. Section 8.13.2 of the *Galway County Development Plan 2022-2028* sets out Landscape Sensitivity and Map 8.2 shows that the subject land is within 'Urban area' and is not within one of the four separate Landscape Character Units.
- 3.3.7 Having considered Appendix 4, Sections 8.13.1 and 8.13.2 of the *Galway County Development Plan 2022-2028*, I would agree with the appellant in this case that subject land is not located within a sensitive visual landscape. I am of the opinion that Loughrea is identified as an 'Urban Environs' and is not included in one of the four separate landscape character units as set demonstrated above.
- 3.3.8 I would also agree that, in the *Galway County Development Plan 2022-2028* the only designated Landscape Sensitivity Areas which have associated policies / objectives are Class 1-Low, Class 2 High, Class 3 Special and Class 4 Iconic. I was unable to find any specific 'Urban' landscape policy in the *Galway County Development Plan 2022-2028*.
- 3.3.9 Having considered all the foregoing, I am satisfied that the subject land is not within a sensitive landscape and is not included within any protected view or view angle.

### **3.4 Residential Amenity/Visual Impact / Precedent**

- 3.4.1 The ground of appeal states that the Planning Authority's recommendation to refuse planning permission is inconsistent with its previous decisions to grant planning permission for larger houses on the site and that the proposed scale, massing, bulk and configuration of the proposed change of house plan compared to the existing house and that previously approved was demonstrated in the Visual Impact Assessment which accompanied the application.



- 3.4.2 The third-party observation states that the proposed building fails to provide an appropriate transition in scale to the existing established residential building and would have an overbearing impact and result in undue overlooking of adjacent residential properties. In addition to this the third-party observer states that the volume, mass, excessive scale and prevailing horizontal parapet building height would be out of character with the area which is an outer suburb area and is out of character with the area would significantly detract from the visual amenities of the area and would injure the existing residential homes in the area.
- 3.4.3 The third-party observer also highlights concerns relating to parapet span of the proposed development. The observer states that the horizontal span at 37.6m is more than double the span of the existing house. The observer is of the opinion that the proposed development would be overly dominant and incongruous due to its excessive scale, volume, mass and prevailing horizontal roof parapet height into the skyline. The third-party observer has requested that, should the Bord decide to grant planning permission, then the parapet level be reduced down by 1.5m.
- 3.4.4 I note the concerns of the third-party observer in relation to the design of the proposed development in terms of scale, volume and mass. I have considered the material on the file, including the Visual Impact Assessment, the planning precedent of the site and undertaken a site visit. In terms of design and the integration of the proposed development into the wider area, I am of the opinion that the main issue to be considered is how the altered design of the proposed development would sit on the site, having regard to its elevated position. While there is precedent for a modern split-level house on the site, the length and height of the design has been altered from the previously approved development. The table below provides a synopsis of all the developments which have been approved on the subject land. Front elevations of each of the proposed / permitted developments are shown in Appendix 1.

	Height	Width	Floor area
Existing	7.5m	17.5m	201m <sup>2</sup>
<b>Proposed</b>	<b>7.1m</b>	<b>34.3m</b>	549.1m <sup>2</sup>
Reg. Ref. 22/60244	8.1m	27.395m	725m <sup>2</sup>
Reg. Ref. 21/1476	7.53m	25.5m	790m <sup>2</sup>

Reg. Ref. 21/461	7.23m	22.3m	602m <sup>2</sup>
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**Table 1: Development synopsis**

- 3.4.5 I do acknowledge that the design of the proposed development is different to the other dwellings in the area (within the Mount Pleasant estate to the east of the site) in that the proposal is a modernist, flat roofed, split-level dwelling. **Policy Objective UL3** of *The Galway County Development Plan 2022-2028* seeks to promote a mix of house types that appeal to all sectors of the community and contribute to a healthy neighbourhood.
- 3.4.6 As can be seen from Table 1 above, the proposed development would be c. 7.05m longer than the permitted dwelling on the land at upper ground floor level. In this regard the northern arm of the proposed development has been increased in length from that permitted. This alteration in design must be given careful consideration in terms of how this would integrate in terms of both the abutting properties and the character of the area in general. While I note that the northern arm of the upper ground floor would be longer than the developments previously granted planning permission., the proposed development would be appropriately set back from the boundaries of the land. In this regard, the proposed development would be set back c. 21.9m from the rear (western) boundary of the land, c. 24m from the side (northern) boundary of the land and c. 8.6m from the side (southern) boundary of the site. In addition to this, the proposed development would be set back c. 19.6m from the front (eastern) boundary of the land. I consider these setbacks to be acceptable. In addition to this, it is noted that both side boundaries (northern and southern) are heavily vegetated, and this vegetation is shown on the site plan as being retained.
- 3.4.7 I note the concerns of the third-party observer in relation to the height of the proposed development. In this regard, I note that the dwelling proposed in this application would have a height from ground level of c.7.1m with a flat roof. The height of the proposed development is lower than previously permitted development on site and would be, in fact, lower than the existing dwelling on the land and this element of the proposed development is acceptable. I note the request of the third-party observers to reduce the parapet height by 1.5m. While this could be considered by the Board, I am of the opinion that such a reduction would unduly affect the residential amenity of the future residents of the dwelling and as such would not be appropriate in this case.

- 3.4.8 Having considered all the foregoing, I would agree with the appellant in this case, that the proposed development would be similar to that previously granted planning permission on this site and it is my opinion that the proposed dwelling would sit comfortably on the site and while the design of the dwelling is contemporary it would contribute to the character of the area. The design of the proposed development which includes high-quality material and glazing is acceptable. I would not agree with the third-party observer in this case that the proposed development would be overly dominant and incongruous or that the proposal would have an excessive scale and volume which would not provide an appropriate transition in scale. Having regard to the overall reduction in height of the proposed development from that permitted, the set back of the proposed development from the boundaries of the site and the highly vegetated northern and southern boundaries of the site which are to be retained, I am of the opinion that the massing and design of the proposed dwelling would be appropriate to the site, would not have an overbearing impact on the surrounding properties and would provide for an appropriate transition in scale.
- 3.4.9 With regard to overlooking the drawings submitted with the application shows windows are located on all elevations at upper ground floor level from an inspection of the elevation drawings, all windows would be floor to ceiling. In addition to this there are balconies at upper ground floor level to the rear (west) and sides (south, north) of the proposed dwelling. As previously described the subject site is in an elevated position from those to the north and west.
- 3.4.10 I do not have any concerns relating to overlooking from the windows / balconies on the western or southern elevation of the proposed development. The southern boundary is slightly elevated from the subject land and is heavily vegetated. The site to the west is undeveloped.
- 3.4.11 The elevation to the north includes a balcony to which wraps around the dwelling to connect with the balcony on the western elevation. Given the site contours, this balcony would be at an elevated position from the site to the north. Ordinarily this maybe cause overlooking of the adjacent site to the north. However, in this case, I am of the opinion that no undue overlooking would be caused for the adjoining property to the north as the balcony would be set back c.24m from the northern boundary of the land. In addition to this, the balcony would face towards the front of the community building to the north of the site which is a car parking area and front garden. This area

would not have as high an amenity value as open space to the rear of the building. In any case, it is noted that the northern boundary is heavily vegetated with tall evergreen trees.

3.4.12 I am satisfied that the proposed development would not lead to undue overlooking of adjacent sites. Having considered all the foregoing, I would not agree with the third-party appellant that the proposed development would have an undue impact on adjacent residential properties by way of undue overlooking.

### **3.5 AA Screening**

3.5.1 I have considered the proposed development in light of the requirements of S177U the Planning and Development Act 2000 as amended. The proposed development is located within the development boundary of Loughrea. The proposal comprises of the construction of the change of house design and associated site works.

6.1 The subject land is not directly adjacent to a European site. The closest such site to the appeal site is the Lough Rea SPA and the Lough Rea SAC both of which are located c. 0.3km to the west of the site. it is noted that there is no hydrological connection between the site and either the Lough Rea SPA or Lough Rea SAC. In this regard, all surface water, effluent and greywater generated on site is required to be discharged to the Uisce Eireann Sewerage Network.

6.2 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. The reason for this conclusion is as follows:

- The relatively small scale of the proposal; and
- The location of the development and its distance from the closest European Site.

6.3 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.

## 4 Recommendation

4.1 I recommend that permission be granted.

## 5 Reasons and Considerations

5.1 Having regard to the planning history of the site and the reduction in height and floor area of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of adjoining properties or the visual amenities of the area, would not be prejudicial to public health or adversely affect the environment, and would be in accordance with the proper planning and sustainable development of the area.

## 6 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 received by the planning authority on the 12<sup>th</sup> day 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. The development shall comply with the conditions of the parent permission Reg. Ref.22/60244 unless the conditions set out hereunder specify otherwise. This permission shall expire on 14/11/2026.

**Reason:** In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. Drainage arrangements including the attenuation and disposal of surface water surface water shall comply with the requirements of the relevant section of the Council for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

**Reason:** In the interest of public health and surface water management

4. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.

5. Prior to the commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

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

6. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.

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

7. Site development and building works shall be carried out only between the hours of 0700 to 19.00 Mondays to Friday inclusive, between 0800 to 14.00 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.

8. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000 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.

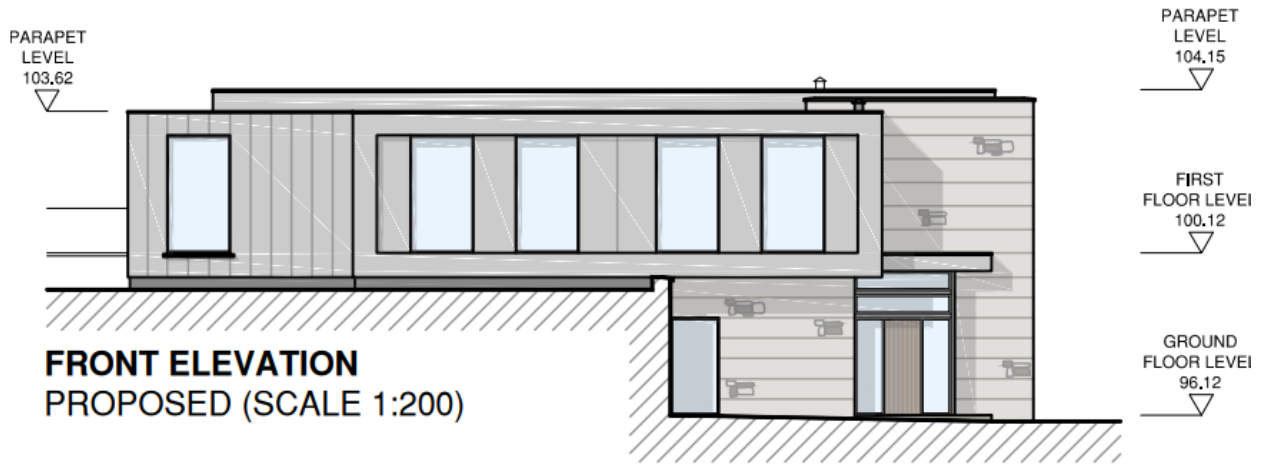
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Ronan Murphy  
Planning Inspector

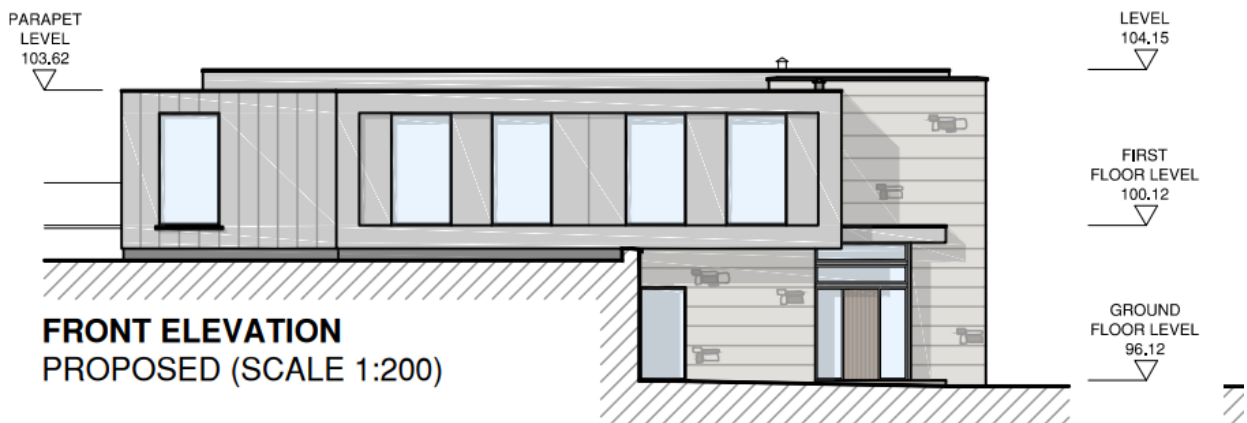
18 November 2024



**Appendix 1**  
**Elevations**  
**Reg. Ref. 21/1476**



**Reg. Ref. 22/60244**



**Reg. Ref. 24/6022 (Current Application)**



## Appendix 2 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	<b>ABP-319420-24</b>		
<b>Proposed Development Summary</b>	Change of house design and associated site works		
<b>Development Address</b>	Knockanima, Loughrea, Co. Galway		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	
		<b>No</b>	No further action required
<b>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?</b>			
<b>Yes</b>		Class.....	EIA Mandatory EIAR required
<b>No</b>			Proceed to Q.3
<b>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]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
<b>No</b>		N/A	No EIAR or Preliminary Examination required
<b>Yes</b>		Class/Threshold.....	Proceed to Q.4

**4. Has Schedule 7A information been submitted?**

<b>No</b>		<b>Preliminary Examination required</b>
<b>Yes</b>		<b>Screening Determination required</b>

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_