



An
Bord
Pleanála

Inspector's Report

ABP 319572-24

Development	Retention of increased height of outbuilding granted permission under Ref No 21/74
Location	Ardigoole, 186 Upper Salthill, Salthill. Galway.
Planning Authority	Galway City Council
Planning Authority Reg. Ref.	2460034
Applicant(s)	Alan Brogan
Type of Application	Retention
Planning Authority Decision	To Refuse Permission
Type of Appeal	First Party
Appellant(s)	Alan Brogan & Lynne O'Loughlin
Observer(s)	Frank & Mary D'Arcy
Date of Site Inspection	August 29 th , 2024
Inspector	Breda Gannon

1.0 Site Location and Description

- 1.1. The site is located at 186 Upper Salthill Road, to the west of Galway city. It accommodates an end of terrace two-storey house with a number of extensions to the rear. An outbuilding with a timber clad finish and a green roof has been provided along the southern site boundary to the rear. The rear of the site wraps around the rear of the adjacent property which is currently vacant and undergoing renovation. Further to the rear, a scheme of new houses has been completed fronting onto Lenaboy Gardens. Ground levels fall significantly from the front of the site at Salthill Road Upper to the rear at Lenaboy Gardens.
- 1.2. Salthill is a popular tourist destination and the site lies in close proximity to the seafront and promenade. The area is one of mixed uses including commercial and residential.

2.0 Proposed Development

- 2.1. The proposal seeks the retention of increased building height to an outbuilding to the rear of the house. The outbuilding which was granted planning permission under Reg Ref No 21/74 had a stated height of 2.3 meters and the stated current height is 3.0m resulting in a difference in the permitted height of 0.7m.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to refuse permission for the development for one reason as follows:

'The proposed development by its height, length, scale, massing and proximity to adjacent boundaries and by virtue of its impact on adjacent properties or by the precedent it would create if permitted, would be out of character with the prevailing pattern and character of the existing dwellings and other residential development in the vicinity of the site. The development would therefore seriously injure the residential amenity and depreciate the value of property in the area by virtue of its

location and would therefore be contrary to the proper planning and sustainable development of the area’.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning officers report notes that the permitted outbuilding (21/74) had a height of 2.33m. The applicant increased the height of the structure by 0.75m to 3.05m meters. The site to the south is at a lower level (c 0.70m) creating a height of 3.78 when viewed from the south.

Due to the position of the outbuildings to the north of properties to the south, overshadowing is not expected to be an issue. The increase in the height of the structure appears to be the result of the creation of a green roof to the top of the structure. This combined with the difference in levels of the site results in a height closer to 4m when viewed from the south, which is of concern. It is considered that the overall length of the building in combination with the increase in height results in a development which impacts adversely on the property to the south and retention should be refused.

3.2.2. Other Technical Reports

Active Travel: No objection.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

A submission received from Frank & Mary D’Arcy who reside at 190 Salthill Road Upper is summarised as follows:

- The structure is over 3m in height when viewed from their property, where prior to construction there existed a fence which was approximately 1 meter in height.

- The structure is interfering with their panoramic views of the area and reduces light to the property.
- Impacts on their residential amenity of the property.
- Devaluation of property.

4.0 Planning History

21/74: Permission granted for the conversion of 38 sq.m of semi-basement to a habitable space and the extension of the semi-basement by 6.5 sq.m.

20/109: Permission granted on appeal (ABP 307826) for the retention of works comprising rear ground floor extension, storage semi basement and patio timber deck structure and fencing.

5.0 Policy Context

5.1. Development Plan

The operative development plan is the **Galway City Development Plan 2023-2029**. The site is located in an area zoned 'R' with the following objective:

'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'.

5.2. Natural Heritage Designations

The site is not located within any designated site. There are a number of European sites within 15km. Those within the development plan boundary include the following:

- Galway Bay Complex SAC.
- Inner Galway Bay SPA.
- Lough Corrib SAC.
- Lough Corrib SPA.

5.3. EIA Screening

- 5.3.1. Having regard to the nature of the development proposed for retention and the absence of any significant environmental sensitivity in the vicinity of the site, 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

- The height difference on the planning application drawings (21/74) was an honest mistake by the applicant's architect. The height of 2.3m applied for would have been woefully inadequate to accommodate the requirements of the outbuildings. The current height of 3m is near the minimum required for a sedum roof built to the required standards (internal height of 2.4m and the roof build up of 600mm, including insulation, decks, covers and upstand).
- The outbuildings are located on the southern boundary of the site and is constructed of block and cladded with cedar. From the neighbouring property it is located behind a wooden fence at heights between 2m and 3.2m and is unplastered. The outbuilding provide privacy for both properties and its location to the north does not result in solar loss to adjacent property.
- The height, length and scale of the outbuildings are not out of character with buildings in the vicinity. There are numerous examples of buildings in the area that exceed what has been built on the site (photographs attached).
- The properties adjacent to the site are all three-storeys above its garden level.
- The developments in the vicinity do not display any rhythm such that the development could be considered to be out of character with the prevailing pattern of development in the area as stated in the planning authority's decision.
- The development does not result in overshadowing or loss of visual amenity.

- Refusal of the appeal would have a devastating effect of family life and a reduction in its amenity. It would remove ability to work from home, ability to enjoy the garden and decrease security and privacy.

6.2. Planning Authority Response

No response to the grounds of appeal were submitted by the planning authority.

6.3. Observations

An observation was received from Frank & Mary D'Arcy which raises similar matters to those raised in their submission to the planning authority as documented above.

7.0 Assessment

7.1. Introduction

- 7.1.1. Having examined all the application and appeal documentation on file, I consider that the main issues in this appeal are those raised in the grounds of appeal and the planning authority's reasons for refusal and I am satisfied that no other substantive issues arise.
- 7.1.2. I consider that the main issues that arise for determination by the Board in relation to this appeal relates to the following:
- Impacts on the amenities of adjoining property.
 - Appropriate Assessment

7.2. Impacts on the amenities of adjoining property

- 7.2.1. The principle of an outbuilding in this location has been established by the previous permission on the site (21/74). The question that arises for determination by the Board is whether the increase in the height of the structure by c 0.7m is acceptable.
- 7.2.2. I would point out to the Board that I was unable to gain access to the subject site, to the adjoining property (No 188) which is currently undergoing renovation, or, to observers' property at No 190. My inspection took place from the rear of these properties at Lenaboy Gardens.

- 7.2.3. Due to its position at the rear of the building there are no views of the outbuilding from Salthill Road Upper. From the rear it is barely discernible within the complex of buildings within the site. As noted, the rear of the appeal site wraps around the rear of No 188, however, the outbuilding is concealed from view by the wooden fence that forms the common boundary between the two properties. The outbuilding does not therefore result in increased overshadowing any increased loss of privacy, or, in additional significant impact in the general outlook from this building.
- 7.2.4. The greatest potential impact would be on the property to the south (No 190). Increased overshadowing would be minimal due to the position of the outbuilding to the north and there are no windows which would result in overlooking and loss of privacy. In terms of outlook, views from No 190 are towards opposing buildings to the rear and there are no panoramic views of value that would be impacted. I consider that the overall mass of the outbuilding as viewed from the south is minimised by the timber clad finish and significant impacts on the visual amenities of the area will not arise.
- 7.2.5. When viewed from the rear, the extension of the buildings has taken place in an ad hoc fashion and as noted by the First Party there is no discernible pattern of development which would be disrupted by the proposal. Having regard to the scale of the existing buildings which have a three-storey presentation to the rear, and the pattern of existing development in the area, I consider that the area has the capacity to absorb the development. I would therefore conclude that the retention of the increased height of the outbuilding as proposed would not result in significant impacts on the character or the amenity of the area to warrant refusal of the application.

7.3. **Appropriate Assessment**

Having regard to the limited nature and scale of the development to be retained and its location within an urban area connected to public infrastructure, and the distance from any European site it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1.1. On the basis of the above assessment, I recommend that permission be granted for the retention of the development for the reasons and considerations set out below.

9.0 Reasons and Considerations

- 9.1.1. Having regard to the established pattern of development in the area, the scale of existing buildings and the location of the outbuilding to be retained within a cluster of existing buildings within the site, it is considered that subject to the following conditions, the retention of the development as proposed would not impact on the residential or visual amenities of the area or depreciate the value of property in the vicinity and would not, therefore, be contrary to the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be completed in accordance with agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Details of the external finishes of the outbuilding to include details of materials, texture and colour shall be submitted to and agreed in writing with the planning authority prior to commencement of the development.</p> <p>Reason: In the interests of visual amenity.</p>

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

Breda Gannon
Planning Inspector

16th, September 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP 319572-24		
Proposed Development Summary	Permission for the retention of increased outbuilding height of outbuilding previously granted under planning permission 21/74		
Development Address	Ardigoole, 186 Upper Salthill, Salthill. Galway		
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	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		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)
			Conclusion
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:** _____