



An
Bord
Pleanála

Inspector's Report ABP-319590-24

Development	<i>Permission for development which consists of demolition of existing ground floor apartment to the side and construction of new two storey extension, alterations to elevations, new garden wall and associated site works</i>		
Location	<i>66 Westbrook, Ballymoneen Road, Galway H91 V3HY</i>		
Planning Authority Ref.	<i>2460037</i>		
Applicant(s)	<i>Karen & Jamie Kearns</i>		
Type of Application	<i>Permission</i>	PA Decision	<i>Grant permission</i>
Type of Appeal	<i>Third</i>	Appellant	<i>Bernard & Liz Collins</i>
Observer(s)	<i>None</i>		
Date of Site Inspection	<i>11th February 2025</i>	Inspector	<i>Andrew Hersey</i>

1. Site Location/ and Description. The site is located in the northern suburbs of Galway City off the Ballymoneen Road. The house comprises of a detached unit with front and rear gardens.

No 86 Westbrook is located to the side, north of the site while 65 is located to the south east. There is a timber garden fence circa 1.8 meters high along the party boundary with No 86 in the front garden and a block wall in the rear. There is a detached shed in the rear garden of the site.

2. Proposed development. The proposed development comprises of:

- Demolition of existing ground floor apartment to the side and
- Construction of new two storey extension,
- Alterations to elevations
- A new garden wall
- Associated site works
- Site area is stated as being 540sq. The existing build is 199.10sq.m., 13.8sq.m. is to be demolished and 82.2sq.m. is proposed.

3. PA's Decision *Grant permission subject to conditions.*

The following conditions are relevant

- Condition 2 states; The external finish of the first-floor level of the two storey side extension shall be, ground floor –brick, first floor – painted nap plaster finish, revised elevations shall be submitted to the Planning Authority for the written agreement prior to the commencement of development and shall then be implemented as such.
- Condition 3 states; Prior to the commencement of development, a revised front elevation shall be submitted to the Planning Authority for written agreement which shall retain the ground floor level roof and omit the metal cladding to the front of the building, upon agreement this shall be implemented as such.
- Condition 4 states; The first-floor windows to the northern gable shall be either omitted or shall be glazed in obscure glass and opening sections shall be restricted to top hung pivot.
- Condition 5 states; The proposed new garden wall shall be omitted, and the existing walls and open plan front garden shall be maintained.
- Condition 6 states The development taken together with the existing dwelling shall be used as a single dwelling unit only.
- Condition 7 states; The vehicular entrance to the site shall not be altered in any way.

- Condition 9 relates to hours of operation during construction
- No Section 48 Development Contribution applies as per the councils Development Contribution Scheme 2020-2026

3.1 Submissions. There is one submission on file as follows:

Niamh Kearns obo Bernard & Liz Collins of 86 Westbrook raise the following issues:

- Overshadowing including the reduction of light levels in their south facing rooms
- Overlooking from first floor windows towards their property
- That no flat roofs should be used for the purpose of a balcony
- Loss of views to the road from their property
- Loss of value of their house
- That they were shown drawings of a proposal for an extension to the rear by the applicants and that they would favour those rather than what is currently proposed.

3.2 Internal Reports.

- Drainage Section received 5th March 2024 – no objection
- Active Travel Section received 19th March 2024- on objection

4. Planning History. None of relevance

5. National/Regional/Local Planning Policy

5.1 The Galway City Development Plan 2023-2029 came into effect on the 4th January 2023

- The site is zoned 'R' the objective of which is 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.
- Chapter 11 Part B sets out standards with respect to Development Management. In particular, Section 11.3.1 (e) relates to daylight and states;

‘Daylight sunlight and/or overshadowing assessment, utilising best practice tools, may be required to assess the impact of development on the amenity of adjoining properties. The requirement for such assessments will be agreed with the planning authority prior to planning application. In this regard, development shall be guided by the quantitative performance approaches and recommendations under the ‘Site Layout Planning for Daylight and Sunlight’ (2nd edition): A Guideline to Good Practice (BRE 2011) and BS 8206-2: 2008 – ‘Lighting for Buildings – Part 2: Code of Practice for Daylighting’ or any updated guidance’

5.2 Natural Heritage Designations

The nearest designated site is

- Inner Galway Bay SPA (Site Code 004031) is located 500m to the south
- Galway Bay Complex SAC (Site Code 000268) is located 400m to the southwest

6. The Appeal

6.1 A third party appeal was lodged by Niamh Kearns obo Bernard & Liz Collins of 86 Westbrook on the 24th April 2024.

The appeal in summary states;

- That the proposed development would reduce the light levels in the south facing rooms of their house at 86 Westbrook, making these rooms darker and colder.
- That there are three windows facing towards their property at first floor – these should be fixed windows and of obscure glass
- That no flat roofs should be used for the purpose of a balcony
- That the proposed extension will block views of the road and green from 86 Westbrook and would be visually obtrusive both from the garden and from within the house
- That their house will be devalued as a consequence of the proposal.

6.2 P.A. Response

None received

7. EIA Screening

See completed Form 1 on file. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required

8. AA Screening

Having regard to the. modest nature and scale of development, its location in an urban area, connection to existing services and absence of connectivity to European sites, 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..

9.0 Assessment

9.1 Introduction

9.1.1 I have examined the application details and all other documentation on file and I have inspected the site and have had regard to relevant local development plan policies and guidance.

9.1.2 I am satisfied the substantive issues arising from the grounds of this third party appeal relate to the following matters

- Principle of Development
- Visual Amenities
- Residential Amenities
- Other Issues

9.2 Principle of Development

- 9.2.1 The site is located in the northern suburbs of Galway City in an area zoned 'R' in the Galway City Development Plan 2023-2090 the objective of which is '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
- 9.2.2 Having regard to the same and having regard to the existing residential use on site I consider that the proposed extension and alterations to the dwelling are acceptable in principle in this context.

9.3 Visual Amenities

- 9.3.1 The proposed development comprises of a 2 storey extension to the north west side of the existing house which is to replace a single storey bedsit. This two storey form has a flat roof with parapet and is to be clad for the most part with brick with some metal clad detailing. The proposed extension to this side is for the purpose of an office, bedroom and boot room at ground floor and 2 no. bedrooms at first floor with separate bathroom
- 9.3.2 The proposal also includes for a single storey extension to the rear which is for the purposes of extending the kitchen. The material finishes comprise of large planer glazing and brick cladding
- 9.3.3 Alterations are also proposed to the external alterations particularly to the front elevation which is proposed to comprise of brick and metal cladding at ground floor and nap plaster at first floor.
- 9.3.4 I note that the case planner raises issues in his report with respect to the design not integrating with other houses in the street and has therefore redesigned the proposal by way of planning conditions. I do not agree with this approach and I find that the overall design and material use in terms of visual amenity considerations acceptable in this suburban context and I consider that the proposal as designed would not detract from the visual amenities of the area.

9.4 Residential Amenities

- 9.4.1 The appellants main concerns are with respect to the impact the proposed development will have on the residential amenity of their house specifically with respect to overshadowing, the loss of light to rooms within their house and overlooking.
- 9.4.2 Reference is made in the appeal to the proposed two storey extension located on the north west of the existing house and which faces towards the front elevation of their house ,the footprint of which is set at an angle to the street.
- 9.4.3 The appellant has not stated which rooms in their house are situate on the southern elevation.
- 9.4.4 I also note that any potential overshadowing would occur in early morning from the east when the sun is low in the sky. However, the existing house on the site will be a cause of shadowing to the appellants property as it is. I am not convinced therefore that the proposed development will result in the potential for a significant increase in overshadowing than that which already exists. With respect to the same, I am satisfied that any potential minor overshadowing impact is acceptable in this context and that the proposal will not degrade the appellants residential amenities to any significant degree.
- 9.4.5 I note that the front elevation of the appellants house is orientated at an angle to the north west gable of the proposed development and windows within the appellants house are therefore at an angle to the first floor windows of the proposed two storey north west gable extension. These proposed windows on the gable of the said extension at first floor serve two bedrooms and a bathroom. I would consider that these windows will cause overlooking the appellants property though I would further consider that because of the orientation of the windows to the windows on the appellants property that there will not be direct overlooking into the rooms of the appellants property. On this basis, I recommend, in the case where the Board decides to grant permission for the proposed development that the windows associated with the two first floor bedrooms be omitted (on the north west elevation) and the window serving the bathroom be top hung, restricted and of opaque glass.

9.1.6 Other Issues

I note that the appellants have raised issues with respect to access to flat roofs and that they should not be used as balconies. I note that there are no doors out onto the ground floor extension to the rear and as such I am satisfied that the said flat roof cannot be used for the purposes of a balcony.

With respect to the issues raised by the appellants to views from their house and garden towards the road, I do not consider that this issue is material and in any rate such views are not protected in any way.

With respect to the concerns raised with regard to devaluation of the appellants property, such a matter is outside of the remit of the assessment of this application and is not a planning matter.

I note that the application includes for a new garden wall which from the drawings submitted, is not clear as to where it is situated. There does appear to be a gated access between the proposed side extension and the boundary which I would consider to be acceptable. However, it is not clear where the garden wall is proposed and in this respect, and generally in accordance with the condition imposed by the case planner (Condition 5) I consider that this element of the proposal can be omitted by way of planning condition

10. Recommendation

I recommend that permission for the development be granted permission

11. Reasons & Considerations

Having regard to the information submitted with the application and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would comply with the zoning objective for the site and the policies with respect of residential extensions as set out in the Galway City Development Plan 2023 – 2029, would not be injurious to the visual

or residential amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

12. Conditions

1.	<p>The development shall be carried out 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 carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>This permission does not include for a new garden wall as described in the development description and in this respect party boundaries shall remain as is unless otherwise altered by way of a new planning application or by way of works which are exempt from planning permission under Class 5 of Part 1 of the Second Schedule of the Planning and Development Regulations 2001 as amended.</p> <p>Reason: To define the scope of the permission</p>
3	<p>The windows serving the proposed first floor bedrooms on the northwest elevation shall be omitted and the proposed first floor toilet window shall be top hung, restricted and of opaque glass.</p> <p>Reason: In the interests of the protection of the residential amenities of adjacent properties.</p>
4	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health</p>

5.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Monday to Fridays, between 0800 and 1400 hours on Saturday 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.</p> <p>Reason: To safeguard the residential amenities of adjoining property in the vicinity</p>
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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.

Name: Andrew Hersey

Planning Inspector

Date: 7th March 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP319590-24		
Proposed Development Summary	Residential Extension		
Development Address	66 Westbrook, Ballymoneen Road, Galway H91 V3HY		
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		

2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	Tick/or leave blank	State the Class here.	
No	Tick or leave blank		√
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes		State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
No			Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes		State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No		Screening determination remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____ Date: _____