



An
Bord
Pleanála

Inspector's Report

ABP-319782-24

Development	<i>Demolition of existing ground floor utility room and construction of new two storey extensions to the side and rear of existing dwelling with alterations to existing elevations and associated site works.</i>		
Location	<i>32 Windfield Gardens Clybaun Road, Knocknacarra, Galway, H91 E8NR</i>		
Planning Authority Ref.	<i>2360190</i>		
Applicant(s)	<i>Yvonne & Ger Hackett</i>		
Type of Application	<i>Permission</i>	PA Decision	<i>Grant permission</i>
Type of Appeal	<i>Third</i>	Appellant	<i>Ms Maria Tarpey</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 Clybaun Road, Knocknacarra. The house comprises of a detached unit located at the end of a row of houses. There are open front gardens and rear gardens enclosed by high boundary walls associated with the house. No 31 Windfield Gardens is located to the east. There is an area of open space located to the rear south. A road serving Knocknacarra Park is located to the west.

2. Proposed development. The proposed development comprises of:

- Demolition of existing ground floor utility room (single storey element to side) and
- construction of new two storey extensions to the side and rear of existing dwelling and
- alterations to existing elevations and
- associated site works.
- Site area is stated as being 360sq. The existing build is 156sq.m., 6sq.m. is to be demolished and 76sq.m. is proposed.

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

The following conditions are relevant

- Condition 2 states that the dwelling shall be a single residential unit only
- Condition 3 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:

Ms Maria Tarpey c/o John M Gallagher raises the following issues:

- That no plans for the third floor have been submitted.
- Inadequate private open space provided.
- Overshadowing
- That material use should reflect that of the streetscape
- That no access to the roof of the ground floor extension to the rear should be allowed.
- That the house should not be used for the purposes of AirB&B or B& B.

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'
- Chapter 11 Section 11.3.1 (c) refers to private open space and states that *'Private open space (areas generally not overlooked from a public road) exclusive of car spaces shall be provided at a rate of not less than 50% of the gross floor area of the residential unit'*

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 500m to the south

6. The Appeal

6.1 A third party appeal was lodged by Ms Maria Tarpey c/o John M. Gallagher on the 22nd May 2024.

The appeal in summary states;

- That no plans for the 3rd floor have been submitted with the application and no permission has been sought for the use of the third floor for residential purposes
- No permission has been sought for roof windows included in the plans
- That inadequate open space has been provided in accordance with Section 11.3.1 of the Galway City Development Plan. 129sq.m. is required to serve the proposed development.
- Issues with respect to fire safety
- The height of the first floor extension at the rear exceeds that of her eaves level and is unnecessarily high
- The proposed ground floor extension at 3.3 metres above ground level and which is 900mm from the party boundary will exceed the boundary by 1.65 metres. There will therefore be an overbearing effect.
- That the applicant should be requested to eliminate the parapet detail to reduce impact.
- Overshadowing of her rear garden and loss of light through the kitchen side window
- That no access should be allowed to roof of ground floor extension.
- That the house not be used for the purposes of B&B or AirB&B.

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
- Private Open Space
- 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 ground floor extension to the rear of the existing house which includes for a ground floor kitchen extension and a first floor extension to the rear and side for the purposes of providing 2 bedrooms and an extended bathroom.

9.3.2 I note that the proposal was modified as a consequence of a request for further information which included revisions to the front elevation to reflect the material use of the existing house and other houses on the street. The modifications also included for a reduced sized first floor extension to the rear so that it did not go forward of the extension of the house to the west. Rear and side elevations include for the use of metal or fibrecement cladding material.

9.3.3 With respect to the above, I consider that the design and material use associated with the said extension is appropriate in this context and 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 her house specifically with respect to overshadowing and overbearing to her amenity space to the rear of her dwelling. She also raises issues with respect to loss of light to rooms within her house

9.4.2 I note that the said extension is 982mm from the party boundary. The first floor rear extension was reduced in depth at further information stage so that it does not extend beyond a ground floor annex located to the rear and side of the appellants property.

- 9.4.3 I note that the two storey element of the proposed extension comprises of a flat roof with a parapet which extends beyond the existing eaves level.
- 9.4.4 The single storey aspect of the proposal which extends into the rear garden again has a flat roof with a parapet which will extend beyond the height of the party boundary.
- 9.4.5 I note windows are present on the side elevation of the appellants property facing the applicants property. One window serves a Kitchen/Dining Area and I further note that the Kitchen/Dining Area is served by a second window on the rear south facing elevation. The kitchen/dining window on the side elevation of the appellants property is located to the rear of the current rear building line of the applicants property – this window is therefore currently facing a two storey gable. Another window serving a utility within the appellants house is also located on the side opposing elevation.
- 9.4.6 The proposed development would result in some loss of sunlight in the late afternoon/evening when the sun is in the south west and west. I would consider that there will be an overshadowing impact to these windows. Of the two windows on this opposing elevation, the loss of light to the kitchen/dining room will have the most impact as this room is used more frequently than say the utility room. However, as noted previously, this room is also served by a window on the south elevation of the appellants property and by one if not two skylights on the roof of the appellants property.
- 9.4.7 With respect to overshadowing to the kitchen/dining room window on the rear south facing elevation of the appellants property, regard is had the 45 degree rule as described in the guidance document *Site layout planning for daylight and sunlight: A Guide to Good Practice (3rd Edition, BRE, 2022)* being the document recommended for use under Section 11.3.1 (e) of the statutory plan.
- 9.4.8 The 45 degree rule is used to assess daylight to a neighbouring property where the proposed extension is perpendicular to the window of the neighbouring property. On the vertical plane, a 45 degree line is taken from the roof of the extension towards the ground of the neighbouring property and any window or part of a window within that area is likely to have reduced light. The guidance also considers the horizontal plane.

9.4.9 I would consider that having had regard to the above rule that there will be no overshadowing of any windows on the rear south facing elevation of the appellants property.

9.4.10 Having regard to the foregoing, and while it is accepted that there will be some loss of light to the appellants dining room window as a consequence of the proposed development in the late afternoon/evening, I consider that the impact to the appellants residential amenities are acceptable in this urban context.

9.4.11 With respect to overshadowing of the appellants rear garden, the BRE Guidelines refer to the *'two hours sun contour'* which states that it is recommended that at least half of gardens should receive at least two hours of sunlight on 21 March. Overshadowing will occur in the late afternoon evening when the sun is to the southwest and west. The appellants refer to loss of sunlight in the evening at 7.30pm to the rear of their property. The proposed development will not impact upon morning easterly sunlight and southern afternoon and early afternoon light. On this basis, I consider that half the appellants garden will receive sunlight for at least two hours and in this instance for more than half of the day. With respect to the foregoing, I do not consider that there will be a significant overshadowing to the gardens of appellants property.

9.5 Private Open Space

9.5.1 I note that the appellant has raised issues with respect to inadequate private open space that will result as a consequence of the development of the extension at his location. I note the appellant also takes into account floorspace associated with the attic level which does not form part of the application as no floorplans have been submitted.

9.5.2 I would consider that the floorspace associated with the attic is for storage purposes and not residential use as the proposal does not include for permission for its change of use to residential use. I further note that a roof light is proposed which the appellants state will aid the use of the attic for residential purposes. I therefore consider that if the Board decides to grant permission for the said development that a condition be imposed stipulating the use of the attic for domestic storage purposes only. I

9.5.3 Policy with respect to Private Open Space and the scale of extensions is set out in Chapter 11 Section 11.3.1 (c) and states that *'Private open space (areas generally not overlooked from a public road) exclusive of car spaces shall be provided at a rate of not less than 50% of the gross floor area of the residential unit'*

9.5.4 I note in this respect that the gross floor area of the residential unit including the extension is 226sq.m. 50% of that is 113sq.m.. The amount of open space in the rear garden left over after the extension is approximately 115sq.m. With respect to the same therefore the proposed development is compliant with Section 11,3,1 (c) and as such it is considered that there is ample open space to serve the proposed development.

9.5.5 In any rate I refer to Policy SPPR 2 - Minimum Private Open Space Standards for Houses of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (Department of Housing Local Government and Heritage), which states that 50sq.m is all that is required for 4 bedroomed houses. The rear garden space of the proposed development site clearly exceeds that and is such deemed acceptable in this context

9.6 Other Issues

9.6.1 The appellant has raised issues with respect to access to the roof of of the ground floor extension. I note that drawings do not show for any windows doors located in the first floor out onto the roof of the ground floor element of the proposal. In this respect, it is considered that it is appropriate to include a condition that there should be no access onto the roof of the ground floor extension save for maintenance purposes.

9.6.2 With respect to the appellants concerns to the use of the house for the purposes of Airbnb and/or a B&B, I consider that the applicant could potentially do this whether or not permission for an extension is sought or not. I do not consider it appropriate to include conditions which would otherwise de-exempt its use as an Airbnb or B&B under exempted development provisions.

9.6.3 With respect to issues with respect to fire safety that the appellant raises I consider that this is not a planning consideration and will be dealt with under Building Regulation Compliance.

10. Recommendation

I recommend that permission for the development be granted.

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 as amended by the further plans and particulars submitted on the 18th day of April 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Access to the roof of the ground floor kitchen extension is not hereby permitted save for the purpose of maintenance</p> <p>Reason: In the interests of residential amenities</p>

3.	<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>
4.	<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>
5.	<p>The attic shall be for domestic storage purposes only</p> <p>Reason: To define the scope of the permission</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.

Name: Andrew Hersey

Planning Inspector

Date: 20th February 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP319782-24		
Proposed Development Summary	Residential Extension		
Development Address	32 Windfield Gardens Clybaun Road, Knocknacarra, Galway, H91 E8NR		
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:** _____