



An
Bord
Pleanála

Inspector's Report

ABP-320976-24

Development	Partial demolition of existing dwelling; ground and floor extensions; construction of shed and bike store and all associated site works.
Location	64 Rockbarton Park, Salthill, Galway.
Planning Authority	Galway City Council.
Planning Authority Reg. Ref.	23/60094.
Applicant(s)	Michelle and Eoin Ryan.
Type of Application	Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party.
Appellant(s)	Deirdre Mac Sweeney
Observer(s)	None.
Date of Site Inspection	10 th December 2024
Inspector	Kathy Tuck

1.0 Site Location and Description

- 1.1. The subject site, with a stated area of c.0.60ha, is located at 64 Rockbarton Park, Salthill, Co. Galway. Rockbarton Park is c.4m to the south of Galway City Centre and c.500m north of Salthill Promenade.
- 1.2. Rockbarton Park is an established residential area comprised of a mix of detached and semi-detached dwellings which are served with in-curtilage parking and private amenity space to the rear. The subject site comprises of a detached dwelling which is typical of the area.

2.0 Proposed Development

- 2.1. Permission is sought for partial demolition of the existing dwelling with a floor area of 140.66sq.m and the construction of a single storey extension to the rear of the dwelling (c.45 sq.m); a single storey extension along the front elevation (c.3sq.m); and a 1st floor extension along the side (northern) elevation (c.14.7sq.m). The works proposed would result in a dwelling with a stated area of 203.36sq.
- 2.2. Permission was also sought for the provision of a garden shed which is located in the rear garden set on the northern boundary of the site (c.21sq.) and a bike store located in the front garden (c.5.76 sq.m).
- 2.3. Following a request for additional information the bike store was omitted. The ridge level of the first-floor side extension maintains the ridge level of the existing dwelling so that it is c.6.87m and the remainder of the existing dwelling has been reduced in height so that it is 6.57m. The garden shed has been set c.650m from the northern boundary of the site.
- 2.4. Following a request for clarification of further information, the Planning Authority granted permission for the proposed extensions where the entire ridge level of the existing dwelling and proposed extension has been set at c.6.87m. The extensions proposed remained the same in terms of the proposed area.

2.5. The scale of the garden shed was amended so that it was 19.44sq.m in floor area and had a ridge level of c.2.42m and has also relocated so that it is set c.1m from the adjacent boundaries.

3.0 **Planning Authority Decision**

3.1. **Decision**

Galway City Council granted planning permission for 3 no. extensions to the existing dwelling comprising of a single storey extension to the rear of the dwelling (c.45 sq.m), a single storey extension along the front elevation (c.3sq.m), and a 1st floor extension along the side (northern) elevation (c.14.7sq.m) and a garden shed subject to 6 no. conditions which are typical for a residential extension.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The first report of the Planning Officer notes the location of the site, details of the works proposed, the planning history, details of submissions received, and the relevant planning policy. The report notes concern over the ridge height of the new extension relative to the prevailing pattern of development within the area; the lack of detail of the existing levels of the rear garden; and the visual impact of the proposed bike storage structure within the front garden.

The report makes a recommendation that the following additional information be submitted:

- Item 1

A revised proposal in where the ridge heights of first floor elements of the proposed development would not exceed that of the existing house.

- Item 2

Submit site levels along with a section through the rear of the site including the proposed finished floor level and ridge height of the shed.

- Item 3

Submit an amended site layout with the proposed bike store being omitted - it is considered that this detached structure located in the front garden of the dwelling in public views would adversely impact upon the residential amenities, setting and character of the area.

The applicant submitted a response to the request for further information on the 5th June 2024 which included a cover letter and amended plans as a response to each of the items of concern raised. The responses provided can be summarised as follows:

- Item 1 response:

The applicant states that they have revised the ridge height of the proposed extension to meet the established ridge height, however they also state that they intend to lower the ridge height of the existing roof by 300 mm lower than the existing.

- Item 2 response:

The applicant submitted a plan indicating the levels and a section through the site. The internal height of the shed has been lowered by 315mm to reduce the overall height.

- Item 3 response:

The bike shed has been removed and indicated on amended site plan – dwg. no. 1552-PL-302A.

The second report of the Planning Officer notes that the response to Item 1 results in the same concern arising as original assessment - the differences in ridge height for the existing and proposed extension were considered inconsistent with the established pattern of development within this estate. It was considered that the concern raised was not resolved and a further revision to the roof line was required. Furthermore, concern was noted over the location of the shed which was considered to give rise to issues of overshadowing to the property to the north. As such, the following clarification of additional information was requested:

- Item 1

The ridge line of the roof of both the existing dwelling and proposed extension should match and not exceed the ridge height of the existing dwelling, revised proposals should be submitted to reflect this requirement.

- Item 2

The position, height and scale of the proposed shed is not acceptable - case either omit the structure or repositioned it away from the northern boundary. All revised details and proposals shall be submitted for examination.

A response to the request for clarification was received on the 16th of August 2024 and can be summarised as follows:

- Item 1 response

The applicant states that the entire ridge line across the roof is proposed to be set at the height of the existing dwelling – revised elevations submitted.

- Item 2 response

The position of the shed has been amended; the FFL has been lowered; and the scale has been reduced.

The third report of the Planning Officer considers that the clarification of further information submitted addresses the concerns raised and that the proposal would therefore be acceptable. A recommendation to grant permission was made.

3.2.2. Other Technical Reports

None received.

3.3. Prescribed Bodies

None received.

3.4. Third Party Observations

The Planning Authority received a total of 13 no. observations with regard to the initial plans submitted. Concerns raised are summarised as follows:

- No consideration has been given to the difference in levels of the rear garden.
- No drawing showing contiguous street frontage has been submitted.
- The location of the side entrance door and extension will be in full view from the front of the dwelling due to the differences in existing building lines.
- The bicycle store to the front of the house is out of character with the surrounding area.

- The proposed extension will significantly overshadow the adjacent property generating adverse impacts.
- The extension along with the proposed rear shed creates a continuous mass and scale of structures along the boundary which would adversely impact upon the adjacent property.

The Planning Authority received 2 no. further submission with regard to the further information received from the applicant. Concerns raised are summarised as follows:

- Overshadowing, scale and size.
- Sections inaccurate.
- There is no regard to the design/layout of the development with regards to the differences in building lines and set backs.

The Planning Authority received 1 no. further submission with regard to the clarification of further information received from the applicant. Concerns raised are summarised as follows:

- No contiguous rear elevation has been submitted.
- No cross section of the site and adjacent sites has been submitted.
- No shadow analysis report has been submitted.
- The length scale and mass of the development would adversely impact upon adjacent properties.
- The single storey extension element is too close to the adjacent site boundary.
- The height of the mono pitched roof would impact adversely upon the adjacent property.

4.0 Planning History

There is no planning history pertaining to the subject site.

5.0 Policy Context

5.1. Galway City Development Plan 2023-2029

The site is zoned as Residential (R) in the Galway City Council Development Plan 2023 – 2029. The zoning objective seeks 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.

Other relevant section include:

- Chapter 2: Climate Action
- Chapter 3: Housing and Sustainable Neighbourhoods
- Chapter 6: Economy, Enterprise and Retail
- Chapter 7: Community and Culture
- Chapter 8: Built Heritage, Placemaking and Urban Design
- Chapter 10: Compact Growth and Regeneration
- Chapter 11: Land Use Zoning Objectives and Development Management Standards

Section 11.3.1 (e) Daylight

All buildings should receive adequate daylight and sunlight. All habitable rooms must be naturally ventilated and lit and living rooms and bedrooms shall not be lit solely by roof lights. 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.

Section 11.3.1 (l) Residential Extensions

The design and layout of extensions to houses should complement the character and form of the existing building, having regard to its context and adjacent residential amenities.

Guidelines:

- Part A – Land Use Zoning Policies and Objectives
- Part B Development Management Standards.

5.2. Natural Heritage Designations

The subject site is not located within or adjacent to any natura 2000 sites. The subject site is located c. c.450 m to the north of the Galway Bay Complex SAC (site code: 000268) and the Inner Galway Bay SPA (site code: 004031).

5.3. EIA Screening

The development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, (as amended), and therefore is not subject to EIA requirements (See Appendix 1).

6.0 The Appeal

6.1. Grounds of Appeal

A 3rd party Appeal was received from Deirdre Mac Sweeny, the immediate neighbour to the north of the site subject to this appeal. The ground of the appeal are summarised below:

1. Proposed front/side extension.

- No sunlight/daylight/overshadowing assessment was submitted or requested by the Planning Authority. Section 11.3.1(e) of the Galway City Development Plan 2023-2029 required one.
- Section 11.2.8 and 11.3.1(e) of the Galway City Development Plan 2023-2029 places an onus on the Planning Authority to protect the existing residential amenity.

- Given valid concerns raised with regard to overshadowing, Galway City Council neglected their obligation and permitted a development that will negatively impact upon residential amenities.
- Shadow analysis submitted and demonstrates loss of light to front of dwelling north at ground and first floor and significant overshadowing of private amenity space to the rear.
- The proposal will negatively effect family home overshadowing ground floor and first floor accommodation – photographs included.
- The two-storey extension will replace a single storey and will completely block all-natural southerly light.
- The proposal yields a massing of over 23.66m along the shared boundary at significant heights ranging two storey of the front and side, rear extension and a garden shed above garden level of adjoining property – overshadowing private amenity space.
- Proposal does not complement the existing residential form and has no regard by way of design to its context and adjacent properties – does not meet the requirements of Section 11.3.1(l) of the Galway City Development Plan 2023-2029.

2. Rear extension and shed.

- Rear extension does not meet the requirements of the Galway City Plan 2023-2029– Section 11.3.1(f) requires a separation distance of 1.5m between side gables and side boundaries of dwellings.
- Side wall of extension is set only 440m from the boundary of the site – Planning Authority failed to address this.
- No cross section of shared boundary submitted or requested by the Planning Authority.
- The rear extension being set only 440m from the boundary wall together with its length of 9.26m and height of 2.71m and the change in levels creates a significant massing on the common boundary.

- Extension together with shed is overbearing on private amenity space and design contradicts Sections 11.2.8, 11.3.1 (e) and (f) of the Galway City Development Plan 2023-2029.
- No contiguous elevation submitted.
- No design consideration has been given to the massing of the proposal.
- The two-storey extension, single rear extension and shed result almost in a continuous wall along common boundary in excess of 23.66m.
- Heights, proximity to shared boundary of all elements of this permission are unsightly and a massing not consistent with Section 11.2.8 of the Galway City Development Plan 2023-2029.

6.2. Applicant Response to Third Party Appeal

A response was received from the applicant on the 30th October 2024 which states the following:

- Taken all recommendations of the Planning Authority on board and amended plans.
- The current Galway City Development Plan 2023-2029 does not contain the provisions referenced within the 3rd party appeal.
- As the existing property was constructed over 50 years ago the requirement differed greatly.
- Site map relating to the development to clarify property's location in relation to that of the appellants – this indicates that shadow analysis submitted by appellant misrepresents the current position of dwelling subject to this permission.

6.3. Planning Authority Response

None received.

6.4. Observations

None received.

7.0 Assessment

Having examined the application details and all other documentation on file, including the reports of the Local Authority, having inspected the site, and having regard to the relevant local and national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development.
- Impact on amenity.

7.1. Principle of Development

- 7.1.1. The subject site is zoned under Objective Residential (R) in the Galway City Council Development Plan 2023 – 2029. The zoning objective seeks 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. It is therefore considered that the provision of the proposed amendments to the existing dwelling are acceptable in principle.

7.2. Impact on amenity

- 7.2.1. The main concern raised by the appellant relates to the impact upon residential amenities. The appellant considers that in its current form the proposed side extension together with rear single storey extension and shed structure will give rise to a significant level of negative impact upon the current level of residential amenities enjoyed at this location by way of overshadowing and overbearance.
- 7.2.2. The appellant contends that given the concerns raised relating to overshadowing within the numerous submissions received and to Section 11.3.1(e) of the Galway City Development Plan 2023-2029, which relates to daylight, the Planning Authority should have requested that the applicant submit a daylight sunlight and/or overshadowing assessment. As part of their appeal the appellant has submitted a shadow analysis which has been undertaken by a RIAI chartered architect.
- 7.2.3. This was circulated to the applicant who in their response states that the shadow analysis assessment submitted misrepresents the current position of applicant's

house. It is further stated that the current Galway City Development Plan does not contain the provisions referenced by the appellant.

- 7.2.4. The Planning Authority in their assessment of the first-floor extension concludes that the ridge level remained the same as the main dwelling no issues of overshadowing would be anticipated.
- 7.2.5. From assessment of the shadow analysis submitted by the appellant, I concur with the comments put forward by the applicant within their response and note that there appears to be discrepancies with regard to the existing layout. It appears that no. 64 has been set back further into the site so that the front elevation is almost in keeping with that of number 62. However, on the site location plan, from Ordinance survey Ireland, it is evident that no. 64 is set considerably forward of no. 62. Having regard to the inconsistencies in the shadow assessment submitted I do not consider that it can be included as part of my assessment.
- 7.2.6. The proposed side first floor extension has maintained the separation distance of the existing dwelling on site to the northern boundary of the site. This separation distance is noted on plan as being c.1.78m and the ridge level of the side extension has maintained that of the main dwelling. Having regard to the orientation of the subject site relative to the path of the sun, while I consider that the 1st floor extension may give rise to some level of overshadowing of the front garden associated with the adjoining dwelling, I do not consider that it would be for such a prolonged period that it would negatively impact the amenities to an extent that is not already being experienced at this location due to the stepped nature of the layout of the dwellings. I further note that the front garden area is not considered to be the main amenity space serving the neighbouring property. The neighbouring property is served with a large area of private amenity space to the rear of the property which is provided with a western orientation. I consider that the principle private amenity space, which is located to the rear of No. 62, will be provided with adequate levels of sunlight/daylight which would accord with BRE standard set out within BRE Site layout Planning for Daylight and Sunlight which requires 50% of the area to be not overshadowed for a period of at least 2 hours on the 21st March. I do note, however, that some degree of overshadowing is to be expected in Urban Areas.

- 7.2.7. With regard to the rear single storey extension the Appellant contends that the proposed rear extension does not meet the requirements of the Galway City Plan 2023-2029, with particular reference to Section 11.3.1(f). It is further contended that the side wall of the proposed extension is set only 440m from the boundary of the site and that the planning Authority failed to address this. The Planning Authority in their assessment of the single extension to the rear considered that the low height of the rear extension together with its position opposing the gable of the dwelling to the north and its distance to the northern boundary would result in little or no overshadowing impacts.
- 7.2.8. I note that all references made to sections of the Galway City Development Plan 2023-2029 by the Appellant are included within the current plan. However, with regard to the reference to Section 11.3.1(f) I note that this relates specifically to proposals for new residential developments and not amendments to existing dwellings. As such is not relevant in this instance.
- 7.2.9. With regard to the rear extension, I note that the single storey extension projects c.2.5m beyond the rear elevation of the adjoining dwelling, is single storey in height and is set off the common boundary. I therefore consider that the rear extension will not negatively impact the rear amenity space serving the adjoining property in term of overshadowing having regard to the single storey nature of the proposal and its position opposing the side elevation of the existing dwelling, no 62 Rockbarton Park.
- 7.2.10. The 3rd party appellant states that all the works proposed are unsightly and provides for a massing not consistent with Section 11.2.8 of the Galway City Development Plan 2023-2029. The Planning Authority notes following the amended plans submitted in response to the clarification of additional information that the shed structure would now sit lower than the existing boundary wall and that the amended position would not give rise to undue impacts towards the adjoining property to the north.
- 7.2.11. The proposed shed structure has been located in the north-western corner of the subject site and has been set c.1.01m from the northern boundary of the site and c.1.2m from the western boundary of the site. The shed has an area of c.14.4sq.m, a ridge level of 2.56m and is finished with a flat roof profile. I note that having regard to the scale of the proposed shed that this could be provided as exempted development in accordance with Schedule 2 Part 1 Class 3 of the Planning and Development

Regulations 2001 (as amended). I consider that the proposed shed will not negatively impact upon the adjoining property either as a standalone structure or as part of the wider proposed development. While there are other sheds within the rear garden, plans submitted do not indicate that they are to be retained.

- 7.2.12. On balance, I considered the works proposed to the existing dwelling would not negatively impact upon the amenities of the surrounding areas, in terms of overshadowing, overlooking or overbearance, and would be in keeping with the pattern of development established along Rockbarton Park. I therefore recommend that permission be granted.

7.3. **Other Issues**

Right to Light

The Appellant raised concerns with regard to loss of light of habitable rooms to the front of the dwelling at both ground and 1st floor level on foot of the provision of the proposed 1st floor extension. As set out within section 7.2.7 of this report, I do not consider that the proposed works would reduce the current level of light available to the adjoining property so that it would not accord with the requirements of BRE Site layout Planning for Daylight and Sunlight: A guide to good practice (2022).

8.0 **AA Screening**

- 8.1. Having regard to the modest scale of the proposed development, its location within an appropriately zoned area and the foreseeable emissions therefrom, I am satisfied that no appropriate assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 **Recommendation**

- 9.1. Having regard to the above, I recommend that permission be granted for the development based on the following reasons and considerations.

10.0 Reasons and Considerations

Having regard to the Objective 'R' zoning of the site (Residential) and the policies and objectives as set out in the Galway City Development Plan 2023-2029 and the pattern of development in the area, it is considered that the proposed development, subject to compliance with the conditions set out below, would not significantly detract from the residential or visual amenities of the area and would be acceptable in terms of traffic and pedestrian safety. The proposed development would be in accordance with the proper planning and sustainable development of the area

11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and on the 8th of August 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 interests of clarity</p>
2.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Reason: In the interest of visual amenity.</p>
3.	<p>Prior to the commencement of development, the developer shall enter into water and/ or wastewater connection agreements with Uisce Éireann.</p> <p>Reason: In the interests of orderly development.</p>
4.	<p>Surface water arrangements shall comply with the requirements of the planning authority for such services and works.</p> <p>Reason: In the interests of public health</p>

5.	Site development and building works shall be carried out between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority. Reason: To safeguard the amenities of property in the vicinity.
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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.

Kathy Tuck
Planning Inspector

22nd January 2025

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-320976-24		
Proposed Development Summary	A two-storey side extension; garden shed; bike store and all associated site works.		
Development Address	64 Rockbarton Park, Salthill, Co. 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	X	
	No		
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			Proceed to Q3.
No	X		Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No	X		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes			Preliminary examination required (Form 2)
5. Has Schedule 7A information been submitted?			

No	X	Screening determination remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____

Date: _____

Appendix 2
Appropriate Assessment Screening

I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located c.450 m to the north of the Galway Bay Complex SAC (site code: 000268) and the Inner Galway Bay SPA (site code: 004031).

This application is seeking permission for the provision of a two storey side extension to a dwelling located at 64 Rockbarton Park, Salthill, Co. Galway. Having considered the nature, scale and location of the project, 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:

- Nature of works and the limited scale of what is being proposed.
- The location of the site from nearest European site and lack of connections.

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.

Inspector: _____ **Date:** _____