



An  
Bord  
Pleanála

## Inspector's Report ABP-321102-24

<b>Development</b>	<i>Permission for development which consists of; to demolish existing single storey extension and to build a two storey and single storey extension to the side and rear of existing dwellinghouse.</i>		
<b>Location</b>	<i>46 Renmore Park, Renmore, Galway</i>		
<b>Planning Authority Ref.</b>	<i>2460265</i>		
<b>Applicant(s)</b>	<i>Stephen Hutchinson</i>		
<b>Type of Application</b>	<i>Permission</i>	<b>PA Decision</b>	<i>Grant permission</i>
<b>Type of Appeal</b>	<i>Third</i>	<b>Appellant</b>	<i>Breda Fox</i>
<b>Observer(s)</b>	<i>None</i>		
<b>Date of Site Inspection</b>	<i>11<sup>th</sup> February 2025</i>	<b>Inspector</b>	<i>Andrew Hersey</i>

**1. Site Location/ and Description.** The site is located in the southern suburbs of Galway City off the Dublin Road. The house comprises of a semi-detached unit with front and rear gardens and a garage attached to the side. The house is located at a road junction and as such the rear garden has frontage onto Renmore Park.

No 45 Renmore is located to the north of the site.

**2. Proposed development.** The proposed development comprises of:

- Demolition of existing single storey extension (garage)
- Build a two storey extension to the side and
- single storey extension to the rear
- single storey extension to the front
- Site area is stated as being 540sq.m. The existing build is 103.3sq.m., 17.5sq.m. is to be demolished and 110.8sq.m. is proposed.

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

*The following conditions are relevant*

- Condition 3 states; Prior to commencement of development, revised drawings shall be submitted for the written agreement of the Planning Authority showing: the omission and removal of the proposed external office/study entrance/doorway on the south-western side elevation and, a revised and alternative south-western site boundary treatment including a reduction of the physical extent and height of the proposed 1.8m high wooden fence. The development shall be completed in accordance with the agreed details.
- Condition 6 states; The roof of the extensions hereby granted shall be designed such that the eaves do not overhang the adjoining property and such that water run off does not flow into the adjacent property.
- Condition 9 states; The external elevation finishes shall match those of the existing dwelling.
- Condition 10 states; The proposed attic area shall be used for storage purposes only. No internal partitions, bathroom or w.c. facilities shall be provided in the area, and it shall comprise of a single open area.
- Condition 11 states; (a) The proposed home office shall be used exclusively by the owners /occupants for the carrying out of office type work of a nature that does not demand face to face interaction and shall not operate as a conventional commercial office in particular where members of the public/clients/patients/other can or need to attend. (b) The use of the proposed development as a home office shall apply only so long as the

owners /occupiers of the premises live in the main dwelling house and the dwellinghouse and the home office shall be used as a single residential unit that cannot be rented/ leased or sold or otherwise conveyed save as part of the entire residential unit/plot.(c) The room/structure used as a home office can be used/utilised for normal residential/domestic use, such as for a purpose incidental to the enjoyment of the dwelling house. (d)There shall be no signage attached to the dwelling, home office, boundary walls or erected within the curtilage of the dwelling.

- 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:

Breda Fox of 45 Renmore (received 25<sup>th</sup> September 2024) raises the following issues:

- Scale is not appropriate to the context of the area
- It is visually obtrusive
- Overshadowing (A shadowing study has been submitted with the submission)
- Roof drainage of 45 Renmore has not been accounted for.
- That the office which is separate to the main dwelling house is not appropriate to the area
- That the attic is for the purposes of habitable rooms

**3.2 Internal Reports.**

- Active Travel Section received 10<sup>th</sup> September 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 4<sup>th</sup> 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’*

- Section 11.3.1 (I) Residential Extensions of the Galway City Development Plan 2023-2029 states 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.

## **5.2 Natural Heritage Designations**

The nearest designated site is

- Inner Galway Bay SPA (Site Code 004031) is located 300m to the west
- Galway Bay Complex SAC (Site Code 000268) is located 300m to the west

## **6. The Appeal**

**6.1** A third party appeal was lodged by Breda Fox of 45 Renmore c/o Peter O'Donoghue on the 22nd October 2024.

The appeal in summary states;

- That the council have failed to take into account the overbearing impact and significant reduction in daylight to habitable rooms in the appellants home.

- Excessive overshadowing of their property
- Lack of space between the extension and the boundary wall of the west boundary.
- Overshadowing diagrams have been included in the appeal. The proposed extension will impact at least 50% of the appellants dining room window
- The proposed front elevation also impacts upon daylight levels to the appellants living room during the winter months.

## **6.2 P.A. Response**

None received

## **6.3 First Party Response**

Stephen Hutchinson (the applicant) lodged a response to the appeal on the 13<sup>th</sup> November 2024. He raises the following issues;

- That the extension was designed in accordance with the Galway City Development whilst being mindful of neighbouring dwellings.
- The shadowing diagrams are inaccurate.
- Front, rear and side elevations have been granted permission in the Renmore area and this response cites examples of the same.
- That the proposal complies with Sections 3.5 and 3.6 of the Galway City Development Plan 2023-2029 which relates to Sustainable Neighbourhoods
- The proposal complies with Section 11.3.1(I) of the Galway City Development Plan 2023-2029 with respect to residential extensions
- That there is adequate private open space to serve the proposed development
- That an overhanging gutter on the appellants property contravenes a planning condition attached to Planning Reg. Ref. 424/00
- That revised drawings have been submitted to lower the height of the rear extension by omitting a parapet (reducing the height down by 0.30 metres and the extension has been moved further away from the party

boundary by 0.50 metres). These measures will also reduce overshadowing impacts and will also serve to resolve any issues with respect to roof drainage.

- That evergreen trees within the site which are at least 30 feet high will be removed which will raise the light levels of all of the neighbouring dwellings.
- That the office is intended as a working from home office and in this regard the side door to the office has been removed.

#### **6.4 Further Third Party Response**

Breda Fox c/ Odfox Design made a further response to the first party submission (received 20<sup>th</sup> December 2024). The following issues were raised;

- Revised Shadow Diagrams have been submitted to take into account the applicants proposal to lower the roof level of the adjoining extension and to relocate it 500mm from the party boundary.
- That a technical daylight analysis should have been submitted by the applicant.
- That the proposed size and scale of the development is out of context with other developments in the area.
- Impact upon gutters of her property.

#### **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 note that revised drawings have been submitted with the appeal which incorporate the following amendments to the proposed development

- The rear extension has been set back from the party boundary by 500mm
- The external door to the office has been removed and replaced with a window
- The rear extension has been reduced by 300mm

9.1.3 I do not consider that these amendments are sufficiently material that they cannot be considered under this assessment. I therefore have considered these amendments as part of the assessment of this appeal.

9.1.4 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 extensions 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 two storey extension to the southwest side of the existing house which requires an existing attached garage and toilet to be demolished. This two storey form has pitched roof which is proposed to tie in with the existing roof. The proposed extension to this side at ground floor is for the purpose of an office, and TV/guest room. At first floor there are two bedrooms proposed, one with an ensuite. The elevations have a rendered finish to match the existing.
- 9.3.2 The proposal also includes for a single storey extension to the rear which is for the purposes of a kitchen and a utility/plant room. The material finishes comprise of large planer glazing with nap plaster finishes. The roof proposed over this extension is to be a staggered flat roof, the lower section at 2.99m above FFL and being located adjacent to the appellants property. The higher portion is circa 400mm higher which is to be located to the rear of the two storey side extension
- 9.3.3 The appellant has raised issues with respect to overdevelopment of the site and the proximity of the said development to boundaries. With respect to overdevelopment, I refer to Section 11.3.1 (c) of the statutory plan serving the area which 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.* I note in this regard that the rear garden space left over after the extension comprises of circa 300sq.m. The gross floor area of the existing and proposed development equates to circa 196sq.m. 50% of which would be 98sq.m. The proposal therefore complies with Section 11.3.1 (c).



9.3.4 With respect to distances from the footprint of the development to the boundaries, there is no policy or guideline within the plan stipulating minimum distances and therefore I do not consider that this issue raised in the appeal is relevant.

9.3.3 Having regard to the foregoing therefore I consider that the proposal, as designed, would not detract from the visual amenities of the area and would generally accord with Section 11.3.1 (I) Residential Extensions of the Galway City Development Plan 2023-2029 which seeks that 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.

#### **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 and the loss of light to rooms within their house.

9.4.2 I note that a shadow study has been submitted with the appeal which appears to be prepared by a company located in the US. It is not clear if the said company visited the site. I note that the latest shadow study was submitted by way of a further response from the first party on the 20<sup>th</sup> December 2024. I note that the appellants state that a shadowing study should have been submitted as part of the documentation submitted.

9.4.3 I note that development plan policy does not stipulate that shadow studies are specifically required for every development. Section 11.3.1 states that *'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'* I note from submissions on the file that there was no such correspondence between the planning authority and the applicant requesting such a study prior to the lodgement of the application. In any rate, I consider that a shadow study for the proposed domestic extension is not warranted in this circumstance.

9.4.4 The ground floor extension located to the rear of the existing house has a roof level of between 2.9 metres and 3.29 metres, the lower element being located adjacent to the

party boundary. The proposal extension extends 1.0 metres further than an extension located in the appellants property.

- 9.4.5 I have examined the shadow studies submitted and I note that the greater impact occurs in the spring and autumn equinox when the sun is lower in the sky. The shadowing impact as a consequence of the proposed development will occur for the most part to the rear garden of the appellants property. I also wish to point out that the study does not take into consideration other buildings and features in the area such as trees in the study diagrams submitted with the appeal. Evergreen coniferous trees located on the southern boundary of the applicants property cast shadow over the gardens of both the appellants and the applicants property which is not considered in the appellants submission or the shadow study. I note that the applicant has proposed to remove these evergreen coniferous trees from the rear garden of his property which will, I consider result in more light being made available to the appellants property.
- 9.4.6 I note that the appellants refer to the 45 degree rule in the appeal and which they state will impact upon the light entering a window at the rear of the appellants extension. The 45 degree rule is 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.
- 9.4.7 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 though I note that the appellants have not raised this in their appeal.
- 9.4.8 The appellants, on drawings submitted 20<sup>th</sup> December 2024 show that less than half of the window on the rear elevation of the appellants property will have reduced light levels. The guidelines state that if the centre of the window lies outside the 45° angle on elevation, the impact of the extension is likely to be small. In this case the centre of the window is clearly outside of the 45 degree angle.

9.4.9 The appellant's have also raised issues with respect to the potential to overshadow the windows on the front elevation of her property. I note that the proposed extension is located 4 metres away from the party boundary. Taking into consideration the same 45 degree rule, there will be no impact to the appellants property, in terms of overshadowing as a consequence of the proposed development.

9.4.10 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. The shadow drawings submitted with the appeal show that light to the appellants gardens is impeded as a consequence of the proposed development in the evening time i.e. between 5pm and 6pm on the 21<sup>st</sup> March and the impact of the same is over less than half of the garden. On this basis, I do not consider that there will be a significant overshadowing to the gardens of appellants property.

9.4.11 Having regard to the foregoing and having regard to the fact that the applicant has made changes to the proposed development which will reduce the impact to the residential amenities of the appellants property, I consider that any impact to the appellants property in terms of overshadowing is acceptable in this urban context.

## **9.5 Other Issues**

9.5.1 I note that drawings submitted to the Board with the first party response to the appeal include for the removal of an external door to the proposed office. Access to the office is now internally within the house. The applicant has stated that it is for the purposes of working from home and is not a commercial venture. This is considered acceptable and as such I do not consider it appropriate to include a condition restricting its use as per Condition 10 of the Planning Authorities schedule of conditions.

9.5.2 It is noted that the attic area is shown for the purposes of storage and not residential use. I would consider it appropriate in this instance to condition to the use of the attic space to storage only.

9.5.3 The proposal also includes to provide for a fence along the western boundary to enclose the rear garden – this is similar to what is located across the road at 66

Renmore Park, I consider this to be an acceptable form of boundary treatment in a suburban area.

9.5.4 With respect to the appellants concerns with regard to rainwater goods, I note that the appellants gutter is overhanging the applicants property. The now proposed extension is 500mm away from that gutter and as such there will be no impact to the same as a consequence of the proposed development.

## 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 and , as amended by the further plans and particulars received by the Board on the 13<sup>th</sup> November 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><b>Reason:</b> In the interest of clarity.</p>
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2.	The external elevation finishes shall match those of the existing dwelling unless otherwise agreed in writing with the Planning Authority prior to the commencement of development  <b>Reason:</b> In the interests of visual amenity
3	Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.  Reason: In the interest of public health
4.	The attic shall be for domestic storage purposes only  Reason: To define the scope of the permission
5	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.  <b>Reason:</b> To safeguard the residential amenities of adjoining property in the vicinity

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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Name: Andrew Hersey

Planning Inspector

Date: 20<sup>th</sup> February 2025

# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála Case Reference</b>	ABP327702-24		
<b>Proposed Development Summary</b>	Residential Extension		
<b>Development Address</b>	46 Renmore Park, Renmore, 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>	
<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)?</b>			
<b>Yes</b>	Tick/or leave blank	State the Class here.	
<b>No</b>	Tick or leave blank		√
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>		State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
<b>No</b>			Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>		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)
<b>5. Has Schedule 7A information been submitted?</b>			
<b>No</b>		Screening determination remains as above (Q1 to Q4)	

Yes		Screening Determination required
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Inspector: \_\_\_\_\_ Date: \_\_\_\_\_