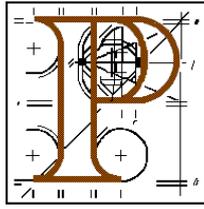


An Bord Pleanála



Inspector's Report

An Bord Pleanála Reference PL61. 244614

DEVELOPMENT: Retention of works to protected structure to include retention of new shop front, signage, downlighters and canopy at No 44 William Street Galway.

PLANNING APPLICATION

Planning Authority: Galway City Council
Planning Authority Reg. No: 14/320
Applicant: Paul Garavan
Application Type: Permission To Retain
Planning Authority Decision: To Refuse to Grant Permission

APPEAL

Appellant: Paul Garavan
Type of Appeal: First Party
Date of Inspection: May 26th, 2015
Inspector: Breda Gannon
Appendix 1: Annotated Photographs
Site Plan/Extracts from Development Plan

INTRODUCTION

This is a First Party appeal against the decision by Galway City Council to refuse permission for the retention of the development.

SITE LOCATION AND DESCRIPTION

The site is located at the southwest end of William Street Galway close to the junction of Abbeygate Street Upper and Shop Street in the city centre. It lies in the commercial heart of the city where retail uses predominate at ground floor level. The street is pedestrianised and it derives its vitality from the wide range of shops, cafes, bars etc that align both sides.

The building at No 44 is a mid-terrace, three bay, three-storey building which accommodates 3 no. retail units on the ground floor with separate shopfronts. A section of the ground floor is occupied by Espresso, a coffee bar which has been provided with a timber shopfront, roller canopy and downlighters. The front entrance door consists of a 2.2 m wide opening with glazed folding doors. A seating area has have been provided with a protective barrier on the footpath outside the coffee shop. An advertising board sits alongside the barrier.

PLANNING APPLICATION

The proposal seeks retention of shopfront, signage, downlighters and overhead canopy on the premises.

The application is supported by an Architectural Impact Assessment Report.

PLANNING HISTORY

1. **08/161** – Permission granted for the retention of existing signage and displays to the existing building on the appeal site on 6/6/08.
2. **12/262** – Permission refused by the planning authority and subsequently granted by the Board (61.241418) for the retention of alterations to shopfront at No 27 Shop Street (Protected Structure) consisting of replacement of ground floor timber windows, timber glazed door, timber solid panel door, hanging sign and reinstatement of traditional over shop fascia door as originally approved (61.216099) with new hand painted lettering, retractable canopy etc.
3. **12/287** - Planning permission refused for the retention of alterations to shopfront at No 24 William Street (Protected Structure) including removal of existing double doors/display window and replacement with external folding doors, with illuminated signage and signboard to shopfront.
4. **13/209** – Permission granted for the removal of existing folding doors and replacement with frameless shop window/door at No 24 William Street (Protected Structure).

5. **12/47** – Permission refused for alteration to existing shopfront to include replacement of shopfront window with new tri-fold opening doors at No 7 Mainguard Street.

PLANNING AUTHORITY REPORTS

The Planning Officer's report of 18/2/15 states that it is unclear what the original shop front to the premises looked like. The Record of Protected Structures (RPS) only contains photographic records to show how the shopfront looked in January 2007. It would appear from this record that this shopfront was not the original. The Architectural Impact Assessment report submitted with the application contains a photograph (which is stated to be from 1950). It is used to support the conversion of the property into two shops with a large fascia sign but the detail of the shopfront is unclear from the photograph.

There have been a number of changes to the shopfront associated with changes of tenant. The principal change occurred between 2008-2012 when the central division providing a separate window and door was removed and the shopfront was opened up.

Notwithstanding that the previous shopfront appears to have been rebuilt in the 1980's, it is considered that allowing the retention of the replacement of the previous window and door with a fully open shopfront would be unacceptable and detrimental to the visual amenity and special character of the building. It would set an undesirable precedent for similar type doors and open shop fronts to other Protected Structures within the city core which would be in conflict with the specific policies included in Section 7.2 of the plan. The works to be retained are considered unacceptable and have a detrimental impact on the character and appearance of the protected structure and the ACA.

The Council have refused similar open shopfronts at No 7 Mainguard Street and secured the removal of an open shopfront at 24 William Street. Recent shop front guidelines prepared by the City Council highlight the principles of good design and the current proposal fails to meet these standards. A basic requirement for good design, in particular for this area, would be to complement the prevailing character of the street in relation to proportions, materials colours and details. Where there are proposals for modern insertions these should reinterpret the classic shopfront components and detailing. The guidelines stated *'that the removal and omission of windows or doors to facilitate direct trading onto the street is generally unacceptable'*. It is not considered that that the exceptional circumstances that would allow a canopy to be considered on this protected structure have been met.

It is considered therefore that the retention of the development is an unacceptable form of development and would materially contravene the provisions of the development plan and would be contrary to the proper planning and sustainable development of the area.

The **Heritage Officer's** report of 18/2/15 stated that the proposal is completely unacceptable. The removal of the window and its set back away from the shopfront is totally out of character with other traditional shop fronts. The shop front should be restored to its original early form and should be placed on a stall

riser. The frontage should be flush with the façade of the shop. The shopfront does not meet with the Shopfront Guidelines and should be refused on heritage grounds. A more traditional shop front incorporating Irish in its signage would be desirable.

The **Planning & Transportation** report of 15/1/15 raised no objection to the proposal noting that the development would have no effect on road traffic.

PLANNING AUTHORITY'S DECISION

The planning authority decided to refuse permission for the retention of the development for 3 no. reasons

- 1 The retention of the unauthorised alteration to the existing shop front would allow the retention of a largely open shopfront windows/doors which are out of character with the make-up of traditional shop fronts in particular with regard to typical window shape, proportions and glazing bars. The proposal therefore would be in conflict with the built heritage policies and objectives for Protected Structures in particular Policy No 11.5 and Policy 7.2 of the Galway City Council Development Plan (2011-2017) and would establish an undesirable precedent for similar shopfront modifications.
- 2 The shopfront to be retained, in particular in its opened day time form, bears no relationship to the 19th century building which itself is a protected structure nor does it relate to the ACA streetscape. The development therefore contravenes Policy 7.2 of the Galway City Development Plan 2011-2017 with regard to the requirements for both protection and enhancement of protected structures and ACA's. In addition the shopfront would not comply with the Development Plan standards as referenced in 11.5 which requires shop fronts to take account of the heritage of Galway and ensure particular consideration is given to the enhancement of the character of shop fronts in ACA's. The retention of this shopfront would conflict with the adopted shopfront guidelines which states that 'Removal and omission of windows to facilitate direct trading onto the street is generally unacceptable'. The shopfront to be retained is therefore an unacceptable form of development and would materially contravene the provisions of the City Development Plan and would be contrary to the proper planning and sustainable development of the City.
- 3 It is considered that the proposed retractable front canopy does not meet the exceptional circumstances which would permit the installation of a canopy on a protected structure. The retention of the canopy is contrary to the Galway City Development Plan 2011-2017, Section 11.5 (Shopfronts) which states 'In general canopies shall not be permitted except where they are necessary to protect goods on display, or where they are deemed acceptable under prevailing Tables & Chairs policy'. As the premises does not have indoor seating and there is no requirement to protect goods on display the retention of the canopy would seriously injure the visual amenities and character of the protected structure and the City Core Architectural Conservation Area.

APPEAL SUBMISSIONS

1st PARTY APPEAL

The grounds of appeal are summarised as follows;

History of unit – It appears from the first two reasons for refusal that the planning authority are primarily concerned ‘with the removal of the central division and window and creation of a 2.2 m wide opening’. It is of critical importance to note that the existing shopfront is not original and has never been an example of traditional Irish shop front design. Fig 1 shows a photo of the shopfront of the subject unit, which was taken some time in the 1960’s and is understood to have been in place for many decades and remained in place until the 1980’s. In terms of solid and void proportions, a large ‘ope’ addressed the street for many decades and no vertical separation, mullions, stall riser or use of timber existed. The ‘typical window shape, proportions and glazing bars’ which the planning authority refers to, did not exist on site pre-1963 or between the 1960’s and 1980’s. In this context, an absolute insistence on the imposition of these traditional design features would be unfair, revisionist and unreasonable. It is considered that the shopfront seeking retention offers a more positive and appropriate contribution to the streetscape in this location. This is a small unit facing onto William Street and the shop front opening does not result in significant visual impact upon the streetscape as a whole.

Trading hours – The planning Authority’s refers to the ope that is created at the unit during trading hours. Whilst the opening is considered to be acceptable, the totality of the proposed shopfront (at all times) should be assessed. Photos of the doors fully open, half open and fully closed are indicated in Figures 3,4 & 5 respectively. The timber door frontage with suitable proportions and glazing bars addresses the public realm for a significant proportion of the time and can be considered acceptable on that basis. The opaque glazing is considered more appropriate than the steel shutters that are commonplace outside trading hours.

Vitality & Viability – Owing to the limited and constrained extent of this ground floor unit, the viability of the ground floor use is entirely dependent on its direct interaction with the pedestrianised street. As such the open aperture during trading hours forms a critical part of the business model. It is difficult to envisage how a unit of this size could survive without this direct street engagement. Vibrant commercial uses in Galway city are actively supported under the provisions of the development plan. In addition, the need for visual and functional interaction between the ground floor uses and the pedestrianised street in the commercial core has been applauded in recent neighbouring appeals (PL61.240064). The proposed shopfront and function of the open aperture during trading hours, will positively facilitate visual interaction between the retail/coffee shop unit and the public realm as envisaged by the Board.

It is widely accepted that the best way to prolong the lifespan of an historical building is through preventative maintenance. Due to the small footprint of the building, the possible viable uses to be accommodated within the building are limited. As such every effort has been made within the parameters of the

proposal to create a sustainable business model with no impact on historic building fabric.

Design Quality and subtlety of visual impact -The shopfront consists of a high quality design which has been tastefully executed in terms of the palette of colours used, the use of timber materials, panel corning details, the proportions of the fascia and pilasters and the subtlety of the down lighters. All of these design elements work successfully together to achieve an attractive and inviting shopfront. It also represents a modern interpretation of traditional design principles and is a significant improvement to the appearance of the shopfront (s) which existed in the past.

The interior design which consists of wooden architraves and shelving has been executed to a high standard. These internal features are visible from the street which serves to enhance the attractiveness of the unit for pedestrians. Owing to the limited frontage, the size of the opening onto the street is barely noticeable from the eastern and western approach along William Street and the slight indentation to the building line and the projecting nature of the adjoining 'Therapie' shopfront serves to reduce the visibility of the aperture from the pedestrian approaches. Therefore, the visual impact of the opening onto the street during normal trading hours is not significant.

Architectural heritage impact- The Architectural Heritage Impact Assessment which accompanies the application concludes that the new timber shopfront is broadly similar to that it replaced and will not physically or visually damage the protected structure. It is noted that the shopfront is plain and will not dominate or detract from the streetscape and the Board is requested to have regard to these conclusions, which are considered reasonable. The development forms an aesthetic and well executed shopfront improvement and is not injurious to the integrity of the ACA or the protected structure.

Compliance with development plan – Whilst Refusal Reasons No's 1 & 2 state that the development does not comply with Section 11.5 'Shopfronts' of the development plan, this is not the case. No original shopfront has existed on this site for at least the last 70 years and the existing shopfront represents a modern interpretation of traditional shopfront design principles. The shopfront is substantially compliant with the criteria specified in Section 11.5 and external roller shutters/security screens are not provided. The canopy cannot be excluded as internal seating has existed on the premises and the canopy is in keeping with the prevailing character of the area. The shopfront represents a significant aesthetic improvement to this part of the ACA and would not be contrary to the Shopfront Guidelines.

Established pattern of development in the area and precedent – Shopfronts with large expansive open form part of the established pattern of development in the area. The applicant fails to see the difference in the visual impact between retail units that have been permitted with open glazing (Butlers Chocolate Café) in the area and the subject unit. It is considered that the subject unit could be assessed in a similar fashion to 06/310, given that the shopfront is not original and was significantly altered in the 1990's. It is also noted that 'The Body Shop' also has a full glazing shopfront with seamless glass doors (Fig 6) and the double doors that remain open during trading hours are the same width as that

on the subject site (2.2m). Also of note is 'Accessorize' which is a good example of a small narrow unit with a large ope to facilitate direct trading onto the street. The double door in this instance is the same width as the subject site. These shopfronts all inform the established pattern of development in the area. As such the development is not out of character. It is considered that the subject site has the advantage over these examples as it provides vertical emphasis to the shopfront outside trading hours when the doors area closed.

The issue of direct trading onto the street from a protected structure unit of limited size formed part of the assessment of PL 61.241418 and it is considered that the criteria applied by the Board are appropriate to the subject site.

Refusal Reason No 3 – Owing to its south facing aspect the canopy functions to protects goods on shelves and staff and customers from weather conditions and is therefore essential to the operation of the business. The design and materials used for the shopfront, and canopy complement each other and represents a high quality design intervention at this location.

The Board should be aware that there has been limited seating provided in the premises for a number of years. A small number of 'bar stool ' seats were occasionally provided inside the unit under the 'Pulp' and 'Galway Roast' tenancies, to cater for patrons at certain times of the year. In these circumstances it is considered unreasonable for the subject premises to be excluded from the Table and Chairs Policy. By association, it would be unreasonable to exclude the principle of a canopy at this premises on this basis. As an aside it is noted that An Bord Pleanala previously accepted under RL2941 that the provision of seats within a shop unit does not necessarily result in a material change of use. Similarly, the occasional provision of a limited number of seats within the retail/coffee shop would not represent a material change of use. Owing to the circumstances of the unit, the policies of the Council would not preclude the regularisation of the canopy in this case.

Section 11.5 refers to Canopies 'In General'. The flexibility is echoed in the publication '*Design Guidelines: Canopies*' (April 2011) which acknowledges that each proposal must be assessed on its own merits. It is also important to note that Galway City Council's '*Licensing of Street Furniture, Signs & Structures*' (Policy Document 2011) stated that '*licensing only applies to those premises whose primary use is for the selling of food/drink and who already provide seating and tables inside the premises and on the ground floor for the purpose of consumption of food/drink*'. In these circumstances the subject premises would not be precluded from the qualifying rules for the provision of a canopy.

The existing canopy is consistent with the prevailing pattern of development in the area (Fig 8), to which the Board can have regard. It is considered that the Boards reasons and considerations to grant PL61.241418 which included a canopy would be equally applicable to the circumstances of the subject unit. The downlighters onto the fascia are discreet and subtle in their proportions and are a welcome improvement to the large downlighters which existed between 1980-2012 (Fig 2). It is considered that the design of the downlighters and the canopy work well together and assist with the overall appearance of the shop front.

RESPONSES TO GROUNDS OF APPEAL

The Planning Authority

Whilst the appellant states that details were discussed and agreed at a pre planning meeting, it is noted that the owner agreed to submit an application for the retention of unauthorised works to the shopfront. No commitment to grant permission was or could be given at that stage.

The appellant makes the case that the fully open nature of the shopfront is not substantially different from the appearance of other glazed shopfronts which have been permitted. With regard to Butlers café, which is a protected structure, whilst permission was granted in 2006 (06/310) for a predominantly glazed shopfront, the only opening is a single door with a width of 0.95m, which represents less than 20% of the overall frontage of 5.0 m and retains its stall riser.

The 'Body Shop' is not a protected structure and there have been no applications on this property since 1998 (before the designation of the City Core ACA). Whilst the property has opening doors with a width of 2.03m these only represent 35% of the shop frontage of 5.87m. In addition the shop front retains a stall riser and two steel pillars behind the door opening which strengthen the shopfront. In relation to 'Accessorize', this is not a protected structure and there have been no applications on the property since 2003. The property is unusual in the 'Accessorize' element at only 3.78m wide, partially functions as a corridor to the larger 'Monsoon' shop premises. Although the property has opening doors with a width of 1.79m, which represents 47% of the shop frontage, these have to be balanced against the approved permission for 'Monsoon', whose 1.79m doors represent only 23.65% of the 'Monsoon' frontage granted under 03/1085

Whilst the previous shopfront on the appeal site appears to have rebuilt in the 1980's, it is considered that allowing the replacement of the previous window and door with a fully open shopfront would be unacceptable and detrimental to the visual amenity and special character of the building and would set an undesirable precedent for similar type doors and open shop fronts for other Protected Structures within the city core. The development would be in conflict with the specific policies on protected structures included in section 7.2 of the development plan.

The development contravenes Policy 7.2 with regard to the requirements for the protection and enhancement of protected structures and ACA's. In addition the shopfront would not comply with section 11.5 of the plan which requires shopfronts to have regard to the heritage of Galway. The works to be retained are considered unacceptable and have a detrimental impact on the character and appearance of the protected structure and the ACA. The proposal also fails to meet the shopfront guidelines prepared by Galway City Council.

It is noted that there is no internal seating within this small premises and no licence has been granted for tables and chairs on the premises. It is not considered that the exceptional circumstances which allow a canopy to be considered on this protected structure have been met. The appellant states that he considers that the terms of the Tables & Chairs policy have been met,

despite the fact that two inspections of the property revealed that there were no tables and chairs inside the premises for patrons.

NATIONAL GUIDANCE

Architectural Heritage Protection, Guidelines for Planning Authorities, 2004.

These Guidelines are issued under Sections 28 and 52 of the 2000 Act and the Board is required to have regard to them in the performance of its functions. They detail the principles of conservation and provide guidance on issues to be considered when assessing applications for development which affect protected structures; development within their curtilage or attendant grounds of protected structures; and, development within conservation areas.

Chapter 12 is devoted to Shopfronts with section 12.4 dedicated to awnings and blinds.

DEVELOPMENT PLAN

The operative development plan is the **Galway City Development Plan 2011-2017**. The site is located in an area zoned CC with an objective *'To provide for city centre activities and particularly those, which preserve the city centre as the dominant commercial area of the city'*

No 44 William Street is listed as a Protected Structure (RPS Ref No 10813).

Policy 7.2 seeks to *'Encourage the protection and enhancement of structures listed in the Record of Protected Structures'*. Development guidelines and standards for shopfronts are set out in section 11.5 of the Plan.

The site lies within an Architectural Conservation Area (City Core). The designation states:

The Medieval core of Galway City is a mix of streetscape and buildings of many periods. The layout and scale of some of the streets reflects the medieval street pattern. The city core is the most important area of built heritage in Galway. Its designation is beneficial in ensuring the areas character is enhanced and protected'.

Galway City Council has published a number of guidelines that are relevant in the subject case. These include;

- Galway Shopfront & Signage Design Guidelines (December 2012).
- Design Guidelines: Canopies (April 2011)
- Licensing of Street Furniture, Signs & Structures (Policy Document 2011).

ASSESSMENT

The substantive issue which arises for determination by the Board in this appeal is whether the retention of the existing alterations to the shopfront are acceptable having regard to the protected status of the building, its location

within an Architectural Conservation Area and the provisions of the development plan.

According to the architectural assessment submitted with the application the building at No 44 William Street is of late medieval origin. Three main phases of building were identified including a small but substantial tower house at the core of the site, a return of late Medieval date to the rear and the façade of the building which is stated to have been substantially remodelled in the late eighteenth and nineteenth century to incorporate classical fenestration with long rectangular window openings and sliding sash windows. There are gaps in the information going forward to the 1950's when the ground floor was divided into two retail units with separate shopfronts.

It is unclear when the ground floor was subsequently divided into three retail units as it exists today. The only recorded planning history occurs under register reference 08/161 and it relates to the retention of signage and displays to the building. At the time the premises was occupied by 'Pulp' juice bar and it was noted in the planning officer's report that the shopfront was not the original and that there was no photographic evidence to indicate what the original shopfront looked like. However, the proposal did not involve any change to the physical form of the shopfront as it appeared in the RPS and key elements including the central division and the separate window and door were retained.

Arising from the limited scale of the works and the appearance of the shopfront, the development was considered acceptable by the planning authority. Planning permission was granted subject to a condition that any subsequent changes would be subject to a separate application for planning permission. Alterations to the shopfront were carried out arising from changes in tenancy, in contravention of the condition of the permission and were subject to enforcement proceedings, which has precipitated the current application.

No 44 William Street is a sensitive building arising from its protected status and its location within the City Core ACA, which is identified in the development plan as the most important area of built heritage in Galway. The city core also has an important commercial centre and shopfronts are an integral part of the streetscape. Due to the prominent role that shopfronts play in business they are subject to pressures for alteration or replacement to meet changing needs.

Recognising the important contribution made by shopfronts to built heritage and to the attractiveness of the urban streetscape, the Architectural Heritage Guidelines (DoEHLG 2004) and the City Council's own Shopfront Guidelines set out good design principles both for the conservation of historical shopfronts and for the provision of new development. It is not the intention of the guidance that there should be slavish adherence to past styles and that shopfronts should include all of the traditional features (pilasters, stall risers, brackets, friezes, cornices etc). Modern interventions are considered acceptable provided to they are of good design and enhance rather than compromise the existing architectural heritage. However, it is a specific requirement of Galway City Council's shopfront policy that windows/doors are not removed or omitted to facilitate direct trading onto the street.

The city centre streetscape hosts a wide variety of shopfronts with the more traditional lying alongside modern interventions such as 'Butler's Café' and 'The Body Shop'. A perusal of the most recent planning history involving alterations to shopfronts within the city centre reveals that the planning authority has adopted a consistent approach. It's primary focus has been to control the loss of shopfront features which are recognised as an important element of the city's heritage and this approach has been applied to both protected and unprotected structures.

The shopfront that was replaced reflected a traditional type frontage with a clear differentiation between window and door. The development proposed for retention has resulted in the removal of key elements of that shopfront (as recorded in the RPS) and incorporates a large opening with folding doors. Similar proposals for tri-folding doors were refused by the planning authority in the case of No 24 William Street (Protected Structure) and No 7 Mainguard Street (unprotected structure). In its consideration of these cases the planning authority noted that folding doors are not a feature of Galway's heritage and lead to a destruction of the original shopfront types and fabric.

I note that the appellant makes specific reference to a previous decision of the Board to grant permission for the retention of alterations to the shopfront at No 27 Shop Street (Protected Structure). Whilst the shopfront (Photograph No 4) includes a large openable window, it incorporates some of the key elements of the traditional shopfront (including separate windows/door, central division, stall riser etc) and the Board accepted that it met good design standards. The appellant also seeks to draw parallels with more recent interventions such as 'The Body Shop' and 'Butlers Chocolate Café'. Both of these shopfronts incorporate traditional designs with contemporary finishes including significant glazed elements, but retain separate doorways and do not facilitate direct trading onto the street in contravention of the provisions of the Plan.

In contrast, the current proposal involves the complete removal of the window/door and the central division and their replacement with large folding doors. Whilst the development does not result in any physical damage to the existing building fabric, it fails to meet good design principles. It detracts from the character and appearance of the protected structure and fails to enhance the quality of the overall ACA in accordance with the policies of the plan. It facilitates direct trading onto the street contrary to the guidance provided and if permitted would be at variance with the previous decisions of the planning authority for similar proposals. It would also set an undesirable precedent for similar development to the detriment of the character and appearance of the built heritage of the city and the ACA.

With regard to the canopy proposed for retention, the guidance provided in the Architectural Heritage Guidelines states that proposals to install new awnings or blinds to a protected structure should be treated with caution. In the guidance document published by Galway City Council, I note there is a general presumption against awnings on blinds except in specific circumstances i.e. where a canopy is required to protect goods on display and/or where a licence has been granted for outdoor tables and chairs. Neither of these scenarios apply to the subject development and accordingly I accept the position adopted by the planning authority that a canopy should not be permitted in this case.

The Board will note that the planning authority cite 'material contravention of the development plan' in its second reason for refusal. Section 37(2)(b) of the Planning & Development Act, 2000 as amended, places certain restrictions on the Board in relation to the granting of planning permission in such circumstances.

Where development is refused on the grounds that it materially contravenes the Plan, the Board if they are to grant the development must demonstrate that:

- (i) the proposed development is of a strategic or national importance, or
- (ii) there are conflicting objectives in the Plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or
- (iii) the proposed development should have been granted having regard to regional guidelines or other guidelines under s.28, policy directives under s.29, the statutory obligations of any local authority in the area, and any relevant policy of the government, the Minister or any Minister of the Government, or
- (iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan

It is my opinion that a grant of permission in this case cannot be justified under Section 37(2)(B) (i)(ii) or (iii). In terms of the provisions of (iv), I note that the current development plan was adopted on 25th January 2011 and consistency has been exercised in terms of the permission issued for similar proposals. The only relevant planning permissions in the vicinity which have been brought to the attention of the Board are register Ref No 13/209 and PL 61.241418. The planning authority granted planning permission for the removal of existing folding door (retention previously refused under 12/287) and its replacement with a frameless shop window and door at No 24 William Street (Protected Structure). The planning authority considered that the proposal provided a clearer differentiation between the window and door and included a stall riser consistent with good design principles.

In its consideration of PL 61.241418, the Board had regard to the sequence and pattern of changes to the shop front that had already occurred and concluded that the individual components of the development would enhance the overall appearance of the building and the character of the streetscape and would not conflict with the development plan policies in relation to conservation and shop front design.

It appears that granting of permission under the provisions of (iv) would be precluded on the basis of decisions made by both the planning authority and by the Board for similar type development.

APPROPRIATE ASSESSMENT

Having regard to nature and scale of the development involving the retention of alterations to the front elevation of a centre city, no Appropriate Assessment issues arise. It is not considered, therefore, that the proposed development

would be unlikely to have a significant effect individually or in combination with other plans or projects on any European site.

RECOMMENDATION

Having considered the contents of the application, the decision of the planning authority, the provisions of the Architectural Heritage Protection-Guidelines for Planning Authorities, the provisions of the Development Plan, the grounds of appeal and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that the Board refuse permission for the retention of the development for the reasons and considerations set out below.

REASONS AND CONSIDERATIONS

It is considered that the development proposed for retention which includes the removal of key elements of the traditional type shopfront and the replacement of separate window and door features with a largely open glazed shopfront would be out of character with the make up of the traditional shopfront and would seriously detract from the character and appearance of the Protected Structure and the Architectural Conservation Area in contravention of Policy 7.2 of the current Galway City Development Plan. Furthermore, it is considered that the retention of the development which would facilitate direct trading onto the street would be in contravention of the adopted Galway Shopfront and Signage Design Guidelines and create an undesirable precedent for similar development which would seriously impact on the built heritage of Galway city. The proposed development would, therefore be contrary to the provisions of the development plan and the proper planning and sustainable development of the area.

Breda Gannon
Inspectorate
June 2nd, 2015