



An
Bord
Pleanála

Inspector's Report

ABP-307342-20

Development	Placement of a storage container to the side of the existing veterinary clinic for storage use only.
Location	1A Bushy Park Lawns, Circular Road, Dangan Upper, Galway.
Planning Authority	Galway City Council
Planning Authority Reg. Ref.	2030
Applicant(s)	JC Pension Trust
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party v Refusal
Appellant(s)	JC Pension Trust
Observer(s)	None
Date of Site Inspection	28 th of August 2020
Inspector	Adrian Ormsby

1.0 Site Location and Description

- 1.1. The site is located near the entrance of a residential housing estate known as Bushy Park Lawns approximately 2.8 km north west of Galway City Centre. The entrance to the estate is located on Circular Road and approximately 150m south of the N59 National Primary Road connecting Galway City to Clifden. The estate is located opposite St James National School.
- 1.2. The site has a stated area of 0.256 ha and is located to the northern end of the estate and is part of a two storey building with two commercial units at ground floor level, an 'XL' local shop and a veterinary practice. There are residential units at first floor. There are c.6 designated parking spaces to the front of the building. The building overlooks an area of public open space to the west.
- 1.3. The building itself is two storey hipped roofed and detached structure. Access to the rear of the property is along the southern boundary of the site. This access is also the location where it is proposed to locate the development. The rear of the property appears to be used mainly as an area for storage ancillary to the shop. At the time of the site inspection it was noted that a storage container similar to that which is being applied for in this application is currently in situ to the rear of the building and its footprint appears to cross into the north eastern part of the application site.
- 1.4. There is also an existing shed like structure attached to the northern end of the building at the shop and linking the building to the side boundary wall. This wall separates the building from a pedestrian lane way that links Busy Park Lawns to the housing estate known as Dangan Heights located to the east and rear of the application site.

2.0 Proposed Development

- 2.1.1. The proposed development comprises-
 - The placement of a storage container to the southern side of the existing veterinary clinic with a floor area of 13.57 sq.m.
 - The container is to be 2.6m high, 5.9m deep and 2.4m wide.

- It is to be located directly along the southern boundary next to the existing boundary wall with 2 Bushy Park Lawns. It will be located c. 0.5 m at the narrowest point from the existing veterinary clinic and 7.1m from the rear boundary of the application site.
- The container will be used for the storage of animal foods and supplies
- The drawings indicate the container is to be painted or cladded to match existing buildings.

3.0 Planning Authority Decision

3.1. Decision

On the 27th of March 2020 Galway City Council refused this application for one reason. The reason detailed that the proposed development would be out of character with the prevailing pattern and character of existing dwellings and other residential development in the area. It would injure residential amenity and depreciate the value of property in the area.

4.0 Planning Authority Reports

4.1. Planning Reports

The recommendation to refuse permission in the Planner's Report reflects the decision of the Planning Authority. The main points are outlined as follows:

- The proximity of the structure to neighbouring residential property is noted.
- It is considered reasonable that storage need may occur from the commercial building
- The siting of the structure visible on entry to the estate would be unsightly and establish a precedent which would be injurious to the residential amenities of the housing estate.
- A more suitably constructed building may be open for consideration.

4.2. Other Technical Reports

- Transportation Department- No objections subject to conditions.

4.3. Prescribed Bodies

- None

4.4. Third Party Observations

- None

5.0 Planning History

- 18/92 15/05/2018, Grant, change of use to small animal veterinary clinic
- 84/112 22/05/1984, Grant, alterations and extensions to shop
- 82/384 15/09/1982, Grant, shop with first floor accommodation

6.0 Policy Context

6.1. Galway City Development Plan 2017-2023

Zoning- The subject site is zoned 'R' Residential with an objective *"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."*

Section 11.2.8 details- *"Uses which are compatible with and contribute to the zoning objective, for example:*

- *Residential*
- *Residential institution*
- *Outdoor recreational use*
- *Accommodation for Travellers*

- *Local shops, local offices, licensed premises, banks and other local services*
- *Buildings for education*
- *Childcare facilities*
- *Buildings for the care of the health, safety or welfare of the public*
- *Buildings for community, cultural or recreational use”*

6.2. Natural Heritage Designations

The site is located c. 850 m south of the Lough Corrib SAC (000297) and c. 1.3 km south of the Lough Corrib SPA (004042).

7.0 The Appeal

7.1. Grounds of Appeal

The grounds of this first party appeal can be summarised as follows:

- Applicants are applying to place a ‘shipping container’ adjacent to Bushy Park vet practice.
- It is needed for storage of animal food and supplies only
- Number of staff in clinic has doubled in last year and new staff cannot be hired without further storage space.
- Not possible to rent more space in building
- Container can be clad in Cedar or any material to blend it in to surroundings
- Only front of container would be visible
- A gate can be placed in front to completely hide the container
- Applicants consulted with adjacent property owners, no submission or objections to the application.
- The City Development Plan does not preclude the development
- Applicant is not aware of legislation/regulation describing precedent as a reason to refuse/grant permission

- Council granted permission for placement of similar container under reference 19/38
- A veterinary practise in Salthill has a number of containers and store to rear/side of their premises. A picture is provided.

7.2. Planning Authority Response

- None

7.3. Observations

- None

8.0 Assessment

8.1. Zoning

- 8.1.1. The subject site is zoned 'R' Residential with an objective *"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."*
- 8.1.2. The principle of a storage unit ancillary to this existing veterinary use is considered compatible with the zoning objective of the site.

8.2. Residential and Visual Amenity

- 8.2.1. The applicants have described the proposed unit as a 'shipping container' in the appeal submission. The container is 2.6m high, 2.4m wide and 5.9m deep. The container is to be placed with its narrow 2.4m elevation facing the public realm and will be clearly visible in this area. The drawings do not state the materials of the container, but it appears to be a steel corrugated structure. The drawings and appeal state it will be painted or cladded in Cedar to match existing buildings, but it is unclear how this can be achieved given the nature of the structure.
- 8.2.2. The applicants state they can place a gate in front of the container in order to completely hide the container, but they have not submitted any drawings or details of

the gate nor does it form part of the application. The erection of a gate could be considered exempted development under class 9 of the Planning and Development Regulations 2001 as amended. However, this exemption is restricted to a height of 2m. A gate of 2m is not considered sufficient to negate the negative visual impact of the storage container from the public realm and notwithstanding this, would also not negate the impact of the structure due to its proximity to neighbouring residential boundaries. As such I cannot recommend to the Board to consider a gate by way of a condition to any grant of planning permission in order to minimise the visual impact of the development.

- 8.2.3. A similar storage container to that applied for was observed in situ to the rear of the shop at the time of the site inspection. It appears that some of this container's footprint may cross into the application site. The drawings submitted with the application do not include for this structure. There also does not appear to be any record of planning permission for this container.
- 8.2.4. While this structure is located to the rear of the building it is noted that due to its height, bulk, design and proximity to boundaries, it is clearly visible along the pedestrian laneway to the north of the building and would be visible from residential properties to the rear of the application site in Dangan Heights. This container is considered visually obtrusive and incongruous to its setting and detracts from the residential amenity of the area. In my opinion permitting the proposed container would exacerbate the placement of inappropriate structures in this residential area.
- 8.2.5. Notwithstanding the proposals to paint, clad or screen the proposed container, it is considered that the proposal by reason of its original nature (shipping container), its height and design, its proximity to neighbouring residential boundaries and its placement directly to the side of the building would be visually obtrusive from the public realm and incongruous to and detract from the residential setting and character of the area. It is considered that the proposed development should be refused.

8.3. Other Matters

- 8.3.1. The appeal refers to a recent grant of planning permission by the Planning Authority under reference number 19/38. Having reviewed this application, it is noted the

application was for retention and a temporary 3 year permission was granted by way of a condition. The planners report detailed this would be to allow time for consideration of a permanent extension to the retail unit. The appeal also refers to similar structures to a veterinary practise in Salthill. Based on the information submitted it is not possible to determine if these structures have planning permission.

- 8.3.2. It is considered that the circumstances arising from the examples provided are not directly comparable in the context of this application site and do not necessarily raise the same issues as those identified in the Planning Authorities refusal reason.
- 8.3.3. I concur with the Planning Authority's view that a suitably designed extension / structure could be considered to meet the applicants storage requirements.

8.4. Appropriate Assessment

- 8.4.1. Having regard to the nature and scale of the proposed development within an urban area and separation distance to the nearest European site, 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. I recommend that planning permission should be refused for the reasons and considerations as set out below.

10.0 **Reasons and Considerations**

1. The proposed development, by reason of its nature, height, design and proximity to the sites boundaries would appear visually obtrusive and incongruous to the residential character of the area when viewed from adjoining residential properties and from the public realm. The proposed development, therefore, would seriously detract from the visual and residential amenities of the area, would depreciate the value of property in the vicinity,

and would not be in keeping with the proper planning and sustainable development of the area.

Adrian Ormsby
Planning Inspector

09th of September 2020