



An
Bord
Pleanála

Board Direction
BD-015895-24
ABP-315598-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 20/03/2024.

The Board decided to treat this case under section 139 of the Planning and Development Act, 2000. The Board also decided, based on the Reasons and Considerations set out below, and generally in accordance with the Inspector's recommendation, that the planning authority be directed, as follows:

Remove condition number 2

And

Attach new condition number 2 as follows:

The terrace area off bedroom 01 to apartment 08 at first floor level as indicated in the plans and particulars received by the planning authority on the 4th day of November 2022 shall not be permitted. The terrace door off said bedroom 01 shall be replaced with a window and access to the flat roof area (formally the terrace to bedroom 01) shall be restricted to maintenance purposes only. The high-level opaque glazing shall be omitted north of the terrace serving the living/dining room in apartment 08. The high-level opaque glazing shall be retained to the terrace area serving the said living/dining room (but removed in the area adjacent the bedroom 01 window to improve outlook from this bedroom). Access from the terrace serving the living/dining room to the flat roof area (former terrace to bedroom 01) shall be prohibited save for maintenance purposes only. Plans, sections and elevations

indicating compliance with this condition shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: To provide for an appropriate standard of residential amenity in bedroom 01 of apartment 08 and to mitigate overlooking of existing residential property in Portcarron to the east.

Reasons and Considerations

- (i) The Board considered that the density of the proposed development submitted to the Planning Authority at Clarification of Further information stage, received by the planning authority on the 4th day of November 2022, would accord with the guidance set out at Section 2.4. of the 'Sustainable Urban Housing: Design Standards for New Apartments: Guidelines for Planning Authorities (2022)', in respect of 'Intermediate Urban Locations', and also the density range set out in Table 3.2 (Area and Density Ranges Limerick, Galway and Waterford City and Suburbs) of the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024) in relation to 'City – Urban Neighbourhoods.' The Board further considered that the density does not conflict with the provisions of Galway City Development Plan 2023-2029.
- (ii) It is considered that the height and design of the proposed development submitted to the Planning Authority at Clarification of Further information stage, and as amended by new Condition No. 2, would not have any significant negative impacts on the residential amenity of the area, and in particular on the amenity of the residences within Portacarron, and would therefore, be in accordance with the proper planning and sustainable development of the area.
- (iii) It is considered that the high level opaque glazing to the terrace off bedroom 01 in apartment 08 (as indicated in the plans and particulars received by the planning authority on the 4th day of November 2022) would result in a bedroom of substandard residential amenity by reason of restricted outlook and that, with the removal of the terrace serving the said bedroom and the

replacement of the bedroom terrace door with a window, the opaque glazing is unwarranted given the separation distance between the bedroom 01 window and the nearest dwelling in Portcarron to the east having regard to, *inter alia*, 'SPPR 1 – Separation Distances' of the Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (Department of Housing, Local Government and Heritage 2024). (The Board considered that the high level opaque glazing to the terrace serving the living/dining room in apartment 08 should be retained noting this room is dual aspect.)

Board Member:



Tom Rabbette

Date: 22/03/2024