

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Galway City**

**Planning Register Reference Number: 15/101**

An Bord Pleanála Reference Number: PL 61.245970

**APPEAL** by The Fisherman Seafood Bar and Grill Limited care of James O'Donnell of Gray Office Park, Galway Retail Park, Headford Road, Galway against the decision made on the 30<sup>th</sup> day of November, 2015 by Galway City Council to refuse permission.

**PROPOSED DEVELOPMENT:** (1) Retention of basement food preparation kitchen and basement dining area, (2) permission for subdivision of bin store area to the rear of the ground floor into 'Area A' and 'Area B', (3) retention of 'Area A' as a cold room/store and (4) permission for a restaurant bin store at basement level and associated site works and services, all at Rockland Court, Salthill Road Upper, Salthill, Galway City.

## **DECISION**

**REFUSE permission for the above proposed development based on the reasons and considerations set out below.**

## **MATTERS CONSIDERED**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **REASONS AND CONSIDERATIONS**

1. The retention of the dining/seating area in combination with the basement kitchen represents an overdevelopment and intensification of uses within this site which has resulted in the displacement of dry, waste and cold storage areas. If permitted, this would facilitate the use of communal areas for purposes detrimental to residential amenity, would fragment and adversely impact upon the usability and functionality of the area specifically designated as a communal open space intended to be used for the enjoyment of the occupiers of the apartment building and would be contrary to the proper planning and sustainable development of the area.
2. The retention of the use of the external shed as a cold room and storage area, contravenes a requirement of a previous permission, planning register reference number 11/184 (An Bord Pleanála appeal reference number PL 61.240222), for this area to accommodate waste storage for the residential element of this building. The developer has failed to adequately demonstrate that this use would not adversely impact upon the residential amenities of the area and its continued usage, due to its external location, divorced from the main restaurant would require access to the rear communal area on a regular basis for business activities associated with the restaurant which would seriously injure the residential amenities of the apartments.

3. The proposed development, in particular the retention of the use of the external store and the basement kitchen, if permitted, would facilitate a development without the benefit of planning permission, namely the vents, ducting and access holes through the communal areas, these elements are considered to be invasive and would fragment the communal open space. These works, in which the developer has not demonstrated sufficient legal interest to carry out, would seriously injure the residential amenity of the communal open space.

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2016.**