



Planning and Development Acts 2000 to 2018

Planning Authority: Galway City Council

Planning Register Reference Number: 17/50

APPEAL by Western Islamic Cultural Centre care of McCarthy Keville O'Sullivan Limited of Block 1, G.F.S.C., Moneenageisha Road, Galway against the decision made on the 24th day of November, 2017 by Galway City Council to refuse permission.

Proposed Development: Permission to retain ancillary use of a permitted dwellinghouse Planning Register Reference Number 08/723 for use as a place of worship by the Muslim community and the construction of a front weather porch and the delineation of car parking spaces in the grounds of the property at Mincloon, Galway as amended by the revised newspaper notice received by the planning authority on the 31st day of October, 2017.

Decision

REFUSE permission for the above proposed development in accordance with 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. On the basis of the documentation submitted with the application and appeal, and due to the scale and extent of non-residential use, and the limited proportion of the building used for residential purposes, the development for which retention is sought cannot be characterised, as proposed in the application, to be an ancillary use of part of a residential dwelling. It is considered that the frequency of and numbers in attendance at gatherings at the subject property are such that the primary use of the building for residential purposes is significantly undermined and compromised. The development for which retention is sought would, therefore, be contrary to the proper planning and sustainable development of the area.
2. It has not been demonstrated that the development for which retention is sought can satisfactorily dispose of the likely volume of wastewater that is being/would be generated as a result of the extent of use envisaged. It is considered that the existing wastewater treatment system, which was designed on the basis of a single residential dwelling, with a population capacity of eight persons, is unsuited to the nature of the uses envisaged and numbers of persons attending at the facility. Having regard to the proximity of the subject site to the water sensitive Moycullen Bogs Natural Heritage Area and the lack of compliance with the EPA Wastewater Treatment Manuals – Treatment Systems for Small Communities, Business, Leisure Centres and

Hotels, it is considered that the development for which retention is sought would create conditions that would be prejudicial to public health. The development for which retention is sought would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The proposed semi-basement residential area for which retention is sought provides an unacceptable level of residential amenity, with restricted access to natural light in most rooms and no natural lighting in the living room. The subject development, for which retention is sought, if permitted, would create an unsatisfactory residential development that would seriously injure the residential amenities of its occupants and would not be in keeping with the proper planning and sustainable development of the area.

4. Having regard to the location of the subject site along a narrow local road, and in an area characterised by similar local roads with limited width and variable alignment, it is considered that it has not been demonstrated that the local road network in this rural area, without any footpaths and in the absence of adequate public transport, can satisfactorily accommodate the extent of traffic generated by the development for which retention is sought, and that the limited amount of dedicated on-site car parking, as compared with the existing and predicted usage of the subject development as a place of worship, would not be likely to result in a demand for on-road car parking. The development for which retention is sought would, therefore, result in a serious traffic hazard, thereby impacting adversely upon traffic and pedestrian safety in the area, and would be contrary to the proper planning and sustainable development of the area.

5. Having regard to the location of the subject development within an unserviced rural area that is lacking in basic facilities such as footpaths, public lighting and adequate public transport, and in an area zoned for agricultural/high amenity purposes in the Galway City Council Development Plan 2017-2023, which seeks to provide for the development of agriculture and protect areas of visual importance and/or high amenity, it is considered that the development for which retention is sought would represent an unsuitable form of development that would be more appropriately located within an urban area that is serviced and has such facilities. The development for which retention is sought would, therefore, conflict with the zoning as set out in the Development Plan and would be contrary to the proper planning and sustainable development of the area.

Philip Jones

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

Dated this day of 2018.