



Planning and Development Acts 2000 to 2019

Planning Authority: Galway City Council

Planning Register Reference Number: 19/249

APPEAL by Davy Holdings care of MKO of Tuam Road, Galway against the decision made on the 22nd day of October, 2019 by Galway City Council to refuse permission.

Proposed Development: 1. Permission for alterations to building including the provision of vents, a balcony, façade alterations, bicycle stands and associated works. 2. Permission for retention of change of use from car park to storage area in lower ground storage area, bin storage area, ventilation openings and ancillary items including block wall and pedestrian access ramps at Dun Daingean, Newcastle, Galway.

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. Section 11.3.1 (d) of the Galway City Council Development Plan Section 2017-2023 requires that “residential units shall not directly overlook private open space or land with development potential from above ground level by less than 11 metres minimum and in the case of developments exceeding two storeys in height, a greater distance than 11 metres may be required depending on the specific site characteristics”. In this, the proposed development, proposed balcony cannot meet the above policy/standard requirements and if permitted, would give rise to undue overlooking of adjoining properties thus detract from the residential amenity and would be injurious to future occupiers of the dwelling. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposal submitted for retention do not provide sufficient off road car parking facilities to serve the existing development. The development is located within an established residential development positioned on a bend close to a junction. The proposed development, if permitted, would be likely to induce illegal and dangerous parking. The proposed development if permitted would, accordingly, generate roadside parking which would create a traffic hazard and endanger public safety by reason of obstruction.

3. The development of multiple bicycle parking spaces within an area designated for communal usage for apartment development would result in undesirable fragmentation of this communal open space, would reduce the level of public open space available for the residential units it serves. The proposal would allow for the establishment of piecemeal development of such communal spaces, which if permitted, would seriously injure the amenities of property in the vicinity and would establish a precedent for similar developments and would be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission and retention permission, the Board considered that, in the absence of a more comprehensive mobility assessment, including a detailed examination of parking options within the site overall, or the availability of parking elsewhere in the vicinity, the reduction in permitted parking spaces from 8 to 2, would seriously injure the amenities of residents of the apartment development. In addition, in the absence of information submitted with the application and appeal, it was not certain how the storage area for which retention permission was sought, would be specifically allocated to each residential unit and whether any such space would remain available for the provision of covered cycle parking, as recommended by the Inspector (the Board agreed with the Inspector that covered cycle parking should be provided in the basement).

Chris McGarry
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board

Dated this day of 2020