

An  
Bord  
Pleanála

Board Order  
ABP-309163-21

**Planning and Development Acts 2000 to 2020**

**Planning Authority: Galway City Council**

**Planning Register Reference Number: 20/268**

**APPEAL** by Martin Tolan care of KPMG Future Analytics of 1 Stokes Place, Saint Stephen's Green, Dublin against the decision made on the 10<sup>th</sup> day of December 2020 by Galway City Council to refuse permission.

**Proposed Development:** (1) Proposed Public Realm Masterplan and rehabilitation scheme for the existing estate external environment, including the restoration, improvement, and augmentation of existing and new hard and soft landscape provisions. Significant supplementary planting, enhanced facilitation of biodiversity, along with additional landscape connections to Merlin Woods and improved pedestrian permeability. (2) An integrated residential development set within the enhanced landscape proposals consisting of 21 number two-storey houses. The development will comprise of two number blocks of terrace houses incorporating six number two bed units, one number block of terrace houses incorporating five number two bed units, one number block of terrace houses incorporating eight number two bed units and one number block of semi-detached houses incorporating two number two bed units. Access will be provided from existing road network set within the proposed landscape rehabilitation masterplan. (3) All associated external hard and soft landscaping works, connections to existing services and associated general site works, all at Fionnuisce, Doughuisce, Merlin Park, 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.

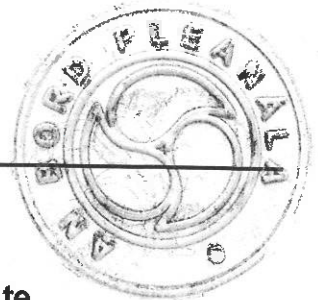
## Reasons and Considerations

1. The appeal site is zoned residential with a stated 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', in the Galway City Development Plan 2017-2023. Table 4.2 of the development plan - Open Spaces within the Green Network - states that, in general, all residential open space lands above 0.2 hectares in residential areas are zoned Recreation and Amenity (RA) with a stated objective 'to provide for and protect recreation uses, open space, amenity uses and natural heritage'. As the area of the site dedicated as communal residential open space is approximately 0.4 hectares, the proposed development of this portion of the site for residential purposes would seriously conflict with its present residential open space use and would materially contravene the RA land use zoning objective of the development plan. The proposed development would contravene the lands use zoning objectives as set

out in the development plan for the use of particular areas for particular purposes, and would therefore, be contrary to the proper planning and sustainable development of the area.

2. Part of the site is zoned Residential, with a stated 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', in the Galway City Development Plan 2017-2023. The proposal to construct 21 dwellings on an area that has been designated as open space to serve a housing development permitted under planning register reference number 00/417 and laid out in such a manner when the site was developed would entail a significant reduction in the existing open space provision, a much changed outlook for existing dwellings who are accustomed to an outlook onto open space and would result in the loss of communal public open space which is actively used for recreational purposes. The proposed development would, therefore, seriously injure the residential amenities of the residents of Fionnusice residential estate and would be contrary to the proper planning and sustainable development of the area.

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



Dated this 14<sup>th</sup> day of June 2021.