



An
Bord
Pleanála

Board Order ABP-315598-23

Planning and Development Acts 2000 to 2022

Planning Authority: Galway City Council

Planning Register Reference Number: 22/91

Appeal by The Crescent Co. Ownership care of Planning Consultancy Services of Suite 3, Third Floor, Ross House, Victoria Place, Eyre Square, Galway against the decision made on the 13th day of December, 2022 by Galway City Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: Development consisting of: New vehicular and pedestrian entrances onto Ballymoneen Road. Construction of a three-storey apartment building incorporating 17 number apartment units as follows: seven number one-bed units and 10 number two- bed units. Provision of 18 number car parking spaces, secure bicycle parking and secure single storey refuse storage structure. Provision of all associated surface water and foul drainage services and connections ancillary to the development. Provision of landscaping and boundary treatments as well as all associated development works and services, all at Ballymoneen Road, Galway City, as revised by the further public notices received by the planning authority on the 5th day of September, 2022 which included a reduction of the amount of apartments from 17 units to 16 units, and the further public notices received by the planning authority on the 18th day of November, 2022 which included a further reduction of the amount of apartments from 16 units to 14 units.

Decision

Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act 2000, as amended, to REMOVE condition number 2 and to ATTACH a new condition number 2 so that it shall be as follows for the reason set out.

2. 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 the 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 commencement of development.

Reason: To provide for an appropriate standard of residential amenity in bedroom 01 of apartment 08 and to mitigate overlooking of the 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 the 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 the new condition number 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 that this room is dual aspect.)



Tom Rabbette

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this 4th day of APRIL 2024.