

An  
Coimisiún  
Pleanála

Commission Order  
ABP-318880-24

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**Planning and Development Acts 2000 to 2024**

**Planning Authority: Galway City Council**

**Planning Register Reference Number: 2348.**

**Appeal** by BRTW Investment Limited care of James O'Donnell, Enviroplan Consulting Limited, Suite 3, Third Floor, Ross House, Victoria Place, Eyre Square, Galway against the decision made on the 14<sup>th</sup> day of December, 2023 by Galway City Council to refuse permission.

**Proposed Development:** Alterations and extensions to an existing commercial premises at number 7 (Taylor's Bar) Dominick Street Upper, a Protected Structure (number 3302) to include the following: (a) demolition of two number adjoining commercial units at number's 5 and 6 Dominick Street Upper and the construction of a ground floor extension to the existing bar at number 7, a first floor licensed café and two number residential units (one number two bed and one number one bed) at second and third floor levels, (b) new openings at ground and first floor between number 6 and number 7, (c) demolition of outbuildings, (d) construction of a basement level below the rear courtyard of number 7 containing ancillary toilets, cold room/stores, (e) construction of a two storey extension in the rear courtyard of number 7 containing ancillary toilets, kitchen and stores and all associated site works, all at number's 5, 6 and 7 Dominick Street Upper, Galway, a Protected Structure (number 3302).

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **Reasons and Considerations**

Having regard to the zoning provisions for the area (city centre) which support commercial and residential uses, to the nature of the alterations and extension at the protected structure on site (no. 7), to the form and design of the proposed extension/new build at numbers 5 and 6, to the pattern of development in the area which includes buildings of varying heights and styles, it is considered that, subject to compliance with the conditions set out below, the proposed development would not detract from the character or setting of the Protected Structure or the character of the wider urban area, would not impact on the visual amenities of the area, would consolidate the vibrancy and variety of uses in this central area, including residential use and would constitute an appropriate use mix and design form in this tight urban setting. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Commission considered the totality of the documentation on file. On the issue of plot ratio, the Commission concluded definitively that the proposed development should reasonably be determined as an infill development in an existing street or terrace, by reference to the overall meaning of section 11.4.2 of the Galway City Development Plan 2023-2029 and, therefore, would not constitute a material contravention. The Commission also noted the report of the planning authority dated the 12<sup>th</sup> day of December 2023 regarding section 11.4.2 of the development plan. While the planning authority expressed concern as to the exceedance of the plot

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ratio standard, it stated that, in its judgement, the proposed design fails to achieve architectural/urban design standards and that in this context the proposed plot ratio is unacceptable. The planning authority did not refer to material contravention in its reason for refusal related to plot ratio. While the Commission noted and acknowledged the opinion of the planning authority with regard to architectural standards, the Commission determined that the nature of the site location and the pattern of buildings in the immediate vicinity, including terrace buildings of different heights, plot widths and with plot ratios which likely include those which reflect the current proposal, that the proposed development was capable of being absorbed into the streetscape at this location and that the plot ratio proposed was appropriate in this specific site context.

In relation to the recommended reason for refusal number 2 of the Inspector (form and design, multiplicity of contemporary material, out of character with the pattern of development in the vicinity, detract from character and setting of the protected structure, visually discordant feature), the Commission examined the totality of the documentation on file including the architectural drawings and associated materials including photomontages. On this issue, the Commission disagreed with the Inspector. Specifically, on the basis of a full engagement with the detail provided with the application, the Commission concluded that the site was part of a city centre district containing a varied range of scale and design forms along this section of Dominick Street Upper, including two, three and four storey buildings with a range of materials and finishes apparent. In addition, the street is tight at this location, with considerable intervention from commercial signage relating to premises, and the established street context is vibrant and non-uniform with differences in height for example. In this context, the Commission determined that the proposed new build/extension is capable of absorption into the streetscape at this location in a manner which allowed for vibrancy and variety, whilst showing resonance with the wider rhythm of the street.

With regard to design and materials, the Commission determined that the new build/extension would not be out of character with the existing streetscape or detract from the character and setting of the protected structure. Specifically, the Commission considered that the element of new build adjoining the Protected Structure would provide a clear pattern of comparable fenestration at ground, first and second floors and use of materials, which allowed for an acceptable form of design alongside the Protected Structure such that the proposed development would complement rather than detract from the existing built form here. Furthermore, the separate roof and materials elements and set back at third floor level was considered logical (though discernible) as a reflection of a modern addition into the streetscape at this location, without being overbearing. With regard to the flank wall which would adjoin the property boundary with number 4, the Commission noted first off that flank walls of different height are not uncommon in the city centre context (including the current context at the subject site) and that the fact of a distinct form of materials was not a negative in this context, subject to a condition requiring a lighter colouring to this wall element.

The Commission also determined that the development proposal as originally lodged was preferable to that proffered at further information stage, as the distinctiveness of the roof element was not considered a negative issue (as per the assessment above) and the original proposal provides a better form of new residential accommodation compared to the further information version.

The Commission further noted, and agreed with, the Inspector's conclusion on Appropriate Assessment (see also below) that material contravention of policy objectives 5.2 (1), (2) and (11) of the Galway City Development Plan 2023-2029, referred to in reason number 3 of the decision of the planning authority to refuse permission, would not occur.

### **Appropriate Assessment (AA):**

The Commission completed an Appropriate Assessment screening exercise (Stage 1) in relation to the potential effects of the proposed development on designated European sites, taking into account the nature and scale of the proposed development, the nature of the receiving environment, the distances to the nearest European sites and the absence of any direct hydrological connections, submissions and observations on file, the information and reports submitted as part of the application and appeal, and the Planning Inspector's report. In completing the screening exercise, the Board adopted the report of the Planning Inspector and concluded that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, and that an Appropriate Assessment (Stage 2) and the preparation of a Natura Impact Statement would not, therefore, be required.

### **Conditions**

1. The development shall be carried out in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.



2. Prior to commencement of development, the developer shall submit details, to be agreed in writing with the planning authority, of revised colouring for the metal cladding elements on the south and western elevations. The revised colouring should be lighter than as originally proposed, unless otherwise agreed with the planning authority.

**Reason:** In the interest of visual amenity.

3. Prior to the commencement of development on the Protected Structure the developer shall submit, for the written agreement of the planning authority, a detailed method statement covering all works proposed to be carried out, including:
  - (a) a full specification, including details of materials and methods, to ensure the development is carried out in accordance with current Conservation Guidelines issued by the Department of Arts, Heritage & the Gaeltacht,
  - (b) methodology for the recording and/or retention of concealed features or fabric exposed during the works,
  - (c) details of features to be temporarily removed/relocated during construction works and their final re-instatement,
  - (d) protection of specified features during the construction works,
  - (e) materials/features of architectural interest to be salvaged,
  - (g) details of the replacement of any brickwork or any works of re-pointing which shall be undertaken so that it matches the original existing wall finish,
  - (h) details of the existing roof slates, chimney stacks and pots which shall be retained, any replacement roof slates shall match the existing,

- (i) details of the remaining rainwater goods and bargeboard which where possible shall be repaired and reused, the replacement of which (if any) shall match the original in terms of design and materials,
- (j) details of replacement windows which shall be modelled on surviving windows and shall match them in dimensions, opening mechanism, profiles and materials;

Details to be accompanied by drawings of an appropriate scale of not less than [1:50] in respect of the works listed above.

**Reason:** In the interest of the protection of architectural heritage [in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities.

- 4. Prior to the commencement of development on the Protected Structure the developer shall submit for the written agreement of the planning authority confirmation that:
  - (a) the development will be monitored by a suitably qualified architect with conservation expertise and accreditation and
  - (b) competent site supervision, project management and crafts personnel will be engaged, suitably qualified and experienced in conservation works.

**Reason:** In the interest of the protection of architectural heritage (in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities).

5. No signage, advertisement or advertisement structure (including that which is exempted development under the Planning and Development Regulations, 2001 (as amended)), other than those shown on the drawings submitted with the application, shall be erected or displayed on the buildings unless authorised by a further grant of planning permission.

**Reason:** In the interest of visual amenity.

6. No additional development shall take place above roof parapet level of the proposed development, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

**Reason:** To protect the residential amenities of property in the vicinity and the visual amenities of the area, and to allow the planning authority to assess the impact of any such development through the planning process.

7. Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.



8. No amplified music or other specific entertainment noise emissions shall be permitted within the (covered) private open space to the rear, (unless otherwise agreed with the planning authority).

**Reason:** To protect the residential amenities of property in the vicinity.

9. The developer shall control odour emissions from the premises in accordance with measures including extract duct details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of public health and to protect the amenities of the area.

10. Prior to commencement of development, the developer shall enter into a water and wastewater connection agreement with Uisce Éireann.

**Reason:** In the interest of public health.

11. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health and surface water management.

12. A plan containing details for the management of waste and, in particular, recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials for the commercial premises and for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained, and waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

13. Site development and building works shall be carried out only between the hours of 0700 to 1900 Monday to Fridays, between 0800 and 1400 hours on Saturday and not at all on Sundays and Public Holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

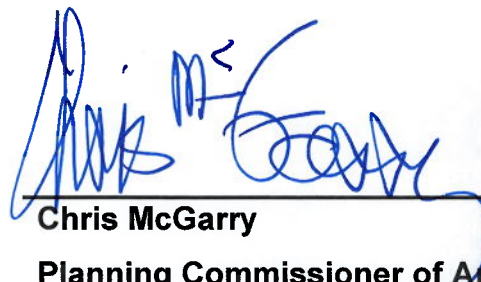
**Reason:** To safeguard the amenities of adjoining property in the vicinity.

14. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interest of public safety and amenity.

15. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



**Chris McGarry**

**Planning Commissioner of An Coimisiún  
Pleanála duly authorised to authenticate  
the seal of the Commission.**



Dated this 20<sup>th</sup> day of June 2025.