



An
Bord
Pleanála

Inspector's Report PL61.247541.

Development	Revision to previously granted shopfront 15/302, alterations of the minimum height of the solid stall rise and associated removal/varying of condition No 2 (protected structure).
Location	44 William Street, Galway City.
Planning Authority	Galway City Council.
Planning Authority Reg. Ref.	16/238.
Applicant(s)	Paul Garavan.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party
Appellant(s)	Permission.
Observer(s)	None.
Date of Site Inspection	19 th of January 2017.
Inspector	Karen Hamilton.

1.0 Site Location and Description

1.1. The subject site is located along the southwest end of William Street in Galway City Centre and is currently occupied by a coffee shop. William Street is situated in the heart of the city centre and is part of the main pedestrian thoroughfare. The subject site is part of the overall 44 William Street building and shares the ground floor with an upper floor commercial business and a vacant retail unit. No 44 William Street is a protected structure.

2.0 Proposed Development

2.1. The proposed development may be summarised as follows:

- Revisions to previously permitted shopfront granted under 15/302 and amendment to Condition No 2, to include alterations to the minimum height of the solid stall rise.

3.0 Planning Authority Decision

3.1. Decision

Decision to refuse permission for reasons of contravention of Condition No 2 Reg Ref. 15/302, contravention of decision to refuse PL61.244614, impact on the protected structure and contravention of the development plan policies.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the area planner reflects the decision to refuse and may be summarised as follows:

- Condition No 2, 15/302 was considered a reasonable compromise following a refusal by the Board, to allow the proposed development would contravene this condition.
- The submitted Architectural Impact Assessment does not clearly illustrate the historical shopfront.

- The site is located in the City Centre Architectural Conservation Area (ACA) and the proposed development contravenes policies relating to the ACA and Guidance in the adopted Shopfront Guidelines.

3.2.2. Other Technical Reports

Roads Section- No objection.

Heritage Officer- Objection to the proposed development.

3.3. Prescribed Bodies

None received

3.4. Third Party Observations

None received.

4.0 Planning History

The subject site

15/302

Permission granted for the removal of existing folding doors/open shopfront and replacement with new shop windows and door and included a condition requiring the installation of a stall riser to 300mm.

PL61.244614 (Reg Ref. 14/320)

Permission refused for retention of works to a shop front including new shop front, signage, down lighters and canopy, for reason of impact on protected structure, Architectural Conservation Area and contrary to the development plan polices.

08/161

Permission granted for retention of an existing sign and display.

In the vicinity

12/287

Permission refused for the retention and alterations to shopfront at No 24 William Street, including the removal of existing double doors/ display window and replacement with external doors (protected structure).

13/209

Permission granted for the removal of existing folding doors and replacement with frameless shop window/door at No 24 William Street (protected structure).

PL61.241418 (Reg Ref 12/262).

Permission granted for retention of windows, doors, hanging sign and retractable canopy and reinstatement of shop fascia previously refused by the planning authority at No 27 Shop Street (protected structure).

5.0 Policy Context

5.1. **Architectural Heritage Guidelines for Planning Authorities, 2004.** Development guidelines for Protected Structures and Areas of Architectural Conservation.

Chapter 12: Shopfronts

5.2. **Galway City Development Plan 2017-2023**

The site is zoned as City Centre, where it is an objective “*To provide for city centre activities and particularly those, which preserve the city centre as the dominant commercial area of the city.*”

Built Heritage

Policy 8.2

- Ensure new development enhances the character or setting of a protected structure.
- Implement proactive measures to encourage the conservation of protected structures.

Policy 8.3

- Encourage the protection and enhancement of the character and special interest of designated ACAs.

- Ensure that developments within Architectural Conservation Areas enhance the character and special interest of the ACA.

Shopfront

Section 11.5

- Original shopfronts shall be retained or restored
- The design shall take account of the heritage of Galway.
- In general canopies shall not be permitted except when they are necessary to protect goods on display or where they are deemed acceptable under the prevailing Table and Chairs policy. Canopies are required to be in accordance with the *City Councils Shop Front and Design Guidelines*

Policy 8.7

- Improve qualitative design standards through the application of design guidelines and standards of the Development Plan, in particular the *Galway Shopfront and Signage Design Guidelines (2012)* and *Design Guidelines: Canopies (2011)*

Shopfront and Signage Design Guidelines Galway City.

- Removal and omission of windows or doors to facilitate direct trading onto the street is generally unacceptable.

5.3. Natural Heritage Designations

The site is located 600m from the edge of the Inner Galway Bay SPA.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are submitted by the applicant and may be summarised as follows:

- The minimum riser height does not relate to stall riser heights in the area and a height of 175mm is more appropriate.
- There is currently a pattern of smaller stall risers in the immediate vicinity including Butlers Chocolate Café and the Body Shop.
- The remainder of the works are identical to that which was granted permission under 15/302.

6.2. **Planning Response**

The planning authority have responded to the grounds of appeal reiterating the original planners report and the reason for refusal and further state the following:

- There has been a history of non-compliance with planning in relation to the shopfront at this unit and the shopfront has not been reinstated following a refusal by An Bord Pleanála.

6.3. **Observations**

None received

6.4. **Further Responses**

The applicant responded to the planning authority submission which reiterates information included in the grounds of appeal and includes the following additional information:

- The justification for refusal from the planning authority is mainly based around a previous decision of the Board. The Board had concern over the removal of the traditional type shopfront and replacement with a large open glazed shopfront, this has been addressed.
- There is no historical justification for the insistence of a 300mm stall riser and a stall riser of 50mm was permitted under 08/161.
- A 1960s photograph illustrates a stall riser significantly less than 40mm on the subject site.

- The proposed development complies with the national guidelines and the proposed development is not a material contravention of the development plan.
- The applicant has engaged with the planning authority and the number of planning applications submitted supports this.

7.0 **Assessment**

7.1. The main issues of the appeal can be dealt with under the following headings:

- Planning History
- Shopfront design and Built Heritage
- Appropriate Assessment

Planning History

7.2. There is a range of planning history, post 1980s, on the site relating specifically to the shopfront, including enforcement action for unauthorised works to the shopfront at No 44 William Street. The most recent, 15/302, included a grant following a refusal from both the planning authority (14/320) and An Bord Pleanála (241418) for the retention of the existing shopfront due to the removal of a traditional shopfront and replacement with a large expanse of glass. The proposed development in 15/302 included 100mm high stall risers. I note a supporting contextual drawing referred to the height of the current stall risers along the facades of units to the north of the site. Condition No 2 of that permission, required the installation of stall risers, 300mm of timber or other material agreed with the planning authority for reasons relating to the visual amenities of the area and the ACA. Condition No 2 was not appealed.

7.3. The proposed development includes stall risers of 175mm, finished with aluminium. I note the first reason for refusal from the planning authority relates to the contravention of Condition No 2 in 15/320. The grounds of appeal argue that the proposed development has been submitted to modify the condition and no other changes are proposed. I consider it reasonable the submission of a new application may modify this condition subject to complying with other planning requirements as addressed in the following sections.

7.4. I note a range of planning history for similar type development in the vicinity of the site. In particular, a grant of permission to a protected structure at No 27 Shop Street, PL61. 241418, included a large openable window. The Board accepted that it met good design standards, although I note it also incorporated some traditional design elements into the overall proposal and the issues differed. I also note reference to No 24 William Street and the inclusion of a frameless shop window/door, again the issues differ as this proposed development includes an element of treatment on the lower elevation treatment, albeit not a stall riser. Therefore, I do not consider any of these other proposed development can be used to set a precedent or development on the subject site.

Shopfront Design and Built Heritage

- 7.5. The subject site is a protected structure and is located within the City Core Architectural Conservation Area. The second reason for refusal relates to a conflict of the proposed development and those policies in regard to protected structures in the development plan. The grounds of appeal argue the proposed development is in keeping with the other shop fronts along William Street, some also protected structures and within the same ACA.
- 7.6. Section 8.2 of the development plan requires that all new developments enhance the character and setting of the protected structure and support the implementation of proactive measures to encourage the conservation of protected structures. Also, Section 8.3 of the development plan this I note Chapter 3 of the *Shopfront and Signage Design Guidelines* for Galway City includes in indicative design approach to the enhancement of No 44 William Street with stall risers to match the adjoining Garavan's Bar, 450mm. I consider this design guidance appropriate for development at this site. I note the objection from the Heritage Officer refers to the requirement for stall risers and materials of a traditional nature to restore the character of the shopfront. I do not consider the grounds of appeal argument that the reduced stall risers are in keeping with the surrounding area as many of these sites are not protected structures or were developed before appropriate guidance. Therefore, based on the policies of the development plan and the shopfront design guidance which informs the decision making process, I consider the inclusion of 300mm stall risers is an important feature required to the ensure the enhancement of a protected structure which has previously lost its character.

- 7.7. The third reason for refusal relates to the roller canopy, currently on the site and included in the drawings submitted. I note the grounds of appeal have not raised any issue with this reason for refusal. I note the planners report acknowledges the retention has not been applied for although by inclusion on the submitted drawings for the proposed development, I do not consider this can be ignored. Section 12.4 of the *Architectural Heritage Guidelines for Planning Authorities*, “Awnings and Blinds” states that proposals to install new awnings or blinds to the shopfront of a protected structure should be treated with caution. In addition, Section 4.2 of the *Shopfront and Signage Design Guidelines* state canopies shall not be permitted unless they are necessary to protect goods on display or shelter for areas with a licence. Whilst there is no information on the licence it is noted the current use as a café would not warrant a canopy. I note no detailed particulars are submitted and the canopy was not open upon site inspection, therefore the impact of the canopy on the streetscape and setting of the protected structure cannot be fully assessed.
- 7.8. Therefore, based on the location of the site adjacent to Caravan’s Bar which has 450mm stall risers, the adopted shopfront design guidance for enhancing the protected structure No 44 William Street and Section 8.2, Section 8.3 of the development plan, I consider the proposed development would have a negative impact on the character and setting of a protected structure and the overall built heritage of the City Core Architectural Conservation Area.

Appropriate Assessment

- 7.9. The subject site is 600m from the edge of the Inner Galway Bay SPA although, having regard to the nature and scale of the proposed development within a serviced urban area, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on the conservation objectives of any European site.

8.0 Recommendation

- 8.1. Having regard to the location, design and information contained in the Architectural Heritage Guidelines for Planning Authorities 2004, and the policies of the Galway City Development Plan 2017-2023, I consider the proposed development would have a

negative impact on the character and setting of a protected structure and streetscape in the City Core Architectural Conservation Area I recommend a refusal for the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to the existing character and the prevailing pattern of development, the site location within an Architectural Conservation Area, the presence of a structure on site of architectural interest which is listed as a Protected Structure in the current Development Plan, and the policies and objectives of the Development plan, it is considered that the proposed development, by reason of its overall layout, and its scale, height, and design, would be out of scale with its surroundings, would seriously detract from the architectural character and setting of a protected structure and of the character and appearance of the Architectural Conservation Area. The proposed development would, therefore, materially and adversely affect the character of this Protected Structure, would seriously injure the visual amenities of the area and would be contrary to the proper planning and sustainable development of the area

Karen Hamilton
Planning Inspector

14th of February 2017.