



An  
Bord  
Pleanála

## Inspector's Report PL 61 248081.

---

<b>Development</b>	Detached two storey over basement dwelling.
<b>Location</b>	Lenaboy Gardens, Salthill, Galway.
<b>Planning Authority</b>	Galway City Council
<b>P. A. Reg. Ref.</b>	16/160
<b>Applicant</b>	Jimmy Fitzgerald.
<b>Type of Application</b>	Outline Permission.
<b>Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party against Refusal.
<b>Appellant</b>	Jimmy Fitzgerald.
<b>Observer(s)</b>	
<b>Date of Site Inspection</b>	5 <sup>th</sup> May, 2017
<b>Inspector</b>	Jane Dennehy

## Contents

1.0 Site Location and Description .....	3
2.0 Proposed Development .....	3
3.0 Planning Authority Decision .....	3
3.1. Decision .....	3
3.2. Planning Authority Reports .....	4
4.0 Planning History.....	4
5.0 Policy Context.....	5
5.1. Development Plan.....	5
6.0 The Appeal .....	5
6.2. Planning Authority Response.....	6
7.0 Assessment.....	6
8.0 Recommendation.....	9
9.0 Reasons and Considerations.....	9

## **1.0 Site Location and Description**

1.1. The site has a stated area of 381 square metres and is formed from part of the rear gardens of No 188 Upper Salthill and extends as far as the boundary with Lenaboy Gardens. Lenaboy Gardens is a cul de sac and there are two storey houses with front gardens along the side opposite side of the road. The level the road is considerably above the ground level within the appeal site. A stone boundary wall circa 1.2 metres in height and double yellow lines are located along the frontage including that of the site onto the cul de sac. . The site is at a considerably lower ground level than that of Lenaboy Gardens and the existing dwelling facing onto Salthill Road Upper. There is an extant grant of planning permission for a dwelling on the lands to the north side of the appeal site. (PL 245041/ P. A. Reg. Rf. 15/18 refers. The Board's file is attached.)

## **2.0 Proposed Development**

2.1. The application lodged with the planning authority indicates proposals for outline permission for development of a two storey over basement detached house with a maximum stated floor area of two hundred square metres on the site with vehicular access off Lenaboy Gardens and two off street car parking spaces to the front adjacent to a retaining wall to the front of the dwelling footprint which indicates a floor area of sixty square metres and a finished floor level of 8.225 OD. Proposals for diversion of the existing sewer through the site are also included.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Further to a request for and receipt of further information, the planning authority decided to refuse outline permission on 31<sup>st</sup> January, 2017. According to Reason 1, the subdivision of the lands of No 188 Salthill Road Upper does not have a grant of permission and is not proposed in the application as a result of which impact on residential amenities at No 188 cannot be assessed. According to Reason 2 it is not demonstrated that there is adequate safety for all road users resulting in impact on public and traffic safety.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

A multiple item request for additional information was issued to the applicant in respect of concerns about subdivision of the lands at the rear of No 188 Upper Salthill Road, levels, dwelling form and height, and technical details, to include a swept path analysis for the entrance and parking on site.

The response includes land registry details (exclusive of folio map) indicating ownership of the sited a statement that satisfactory standards can be achieved for the entrance and parking off a cul de sac along with some details about the geometry, width and length of Lenaboy gardens, sightlines maximum attainable speeds, capacity for footpath construction with a remaining five metres wide carriageway a statement that a swept path analysis was not necessary.

3.2.2. The technical reports of the Recreation and Amenity Department, the Drainage section and from Irish Water indicate no objection subject to conditions.

### 3.2.3. Third Party Observations

Submissions by residents in the area indicated concerns about the proposal for access arrangements off Lenaboy Gardens having regard to generation of turning movements, demand for on street parking and trip generation on a narrow road and vehicular and pedestrian safety.

## 4.0 Planning History

P A. Reg. Ref. 10/5: An application for retention of a dwelling on revised boundaries and construction of a three storey detached house at the rear of NO 188 Lenaboy Gardens was undecided and deemed withdrawn, a response to a further information request not have been received by the planning authority.

P. A. Reg. Ref: 08/205: According to the planning officer report permission was refused for retention of an existing dwelling on a revised site with reduced

boundaries and for permission construction of two three storey se detached dwellings on the remainder of the site with access from Lenaboy Gardens

## 5.0 Policy Context

### 5.1. Development Plan

The operative development plan is the Galway City, 2017-2023 according to which the site is within an area designated as “Established Suburbs” for which it is an objective to preserve the established character of the area and to take inconsideration scale and proportion of existing buildings, building lines, massing and heights when considering proposals for infill or redevelopment.

## 6.0 The Appeal

6.1. An appeal was received from James Roche, B. E. on behalf of the applicant on 23<sup>rd</sup> February, 2017. According to the appeal:

6.1.1. Reason 1 for Refusal of Permission is inapplicable:

- The applicant was former owner of the property at No 188 Upper Salthill which included additional land at the rear fronting onto Lenaboy Gardens. The house was constructed (pre-1964). The house and attached site which followed existing boundaries in line with northern and southern section of the site (where practical) was sold to Mr Sean Coen in November 2012 and Alan and Stephen Cantwell are the current title holders, Mr. Coen now being deceased. The application lodged in 2008 for which permission was refused was for the entire holding. The site for the application lodged under P. A. Reg. Ref. 10/5 was for permission which was for ‘retention of the existing house on revised site boundaries and proposed detached dwelling to the rear’ included the dwelling fronting onto Salthill Upper and the land fronting onto Lenaboy Gardens.

- The current proposal does not include No 188 Salthill Road Upper. In 2012 at the time of the sale the dwelling was 'pre-planning' with no allocated site but an adequate amount of open space for the dwelling was at the rear. Since the sale of the property an extension has been added which is likely to be exempt development there being twenty-five metres square in area of available open space.

6.1.2. With regard to Reason 2 for refusal:

- There is no sign in the planning officer report that rejects the statement from a Roads Safety Consultant that proposed access is acceptable. The applicant has no objection to accepting similar conditions to those attached to the grant of permission (confirmed following appeal for the adjoining site as there are many similarities in the proposals. (PL 61 245061/P. A. Reg. Ref. 15/18 refers.) The planning officer acknowledge in the report (on the current proposal) that the principle of such development is established and is acceptable subject to compliance with other requirements of the development plan. There is no zoning issue or interference with amenities or building lines.

## 6.2. **Planning Authority Response**

6.2.1. There is no submission from the planning authority on file.

## 7.0 **Assessment**

7.1. The issues central to the determination of the decision as reflected in the reasons for refusal of permission attached to the planning authority decision are:

Clarification as to the application site.

Entrance arrangements and vehicular and pedestrian safety.

### 7.1.1. **Clarification as to the application site.**

According to the applicant's agent, No. 188 Upper Salthill which was formerly in the applicant's ownership is now in a separate third party ownership. Copies of Folio

registration details excluding the accompanying folio maps which would indicate the site configuration boundaries for each property were submitted to the planning authority in response to the additional information request.

- 7.1.2. The separation of the application site which is formed from the rear garden area of No 188 Upper Salthill, as indicated in the planning officer report, results in substandard development at No 188 by reason of the configuration of the remaining private open space serving the dwelling. It appears that the space in which the sewer for No 188 Upper Salthill is located has been incorporated into the appeal site area. It is noted that diversion of the sewer around the side of proposed dwelling is indicated on the plans. There are no details as to wayleaves or consent to the owner of No 188 Upper Salthill with regard to the passage of the sewer serving that dwelling through the application site. In the event of possible favourable consideration of the application, it may be advisable for the applicant to be requested to provide folio map details prior to determination of a decision.

## **7.2. Entrance arrangements and vehicular and pedestrian safety.**

- 7.2.1. There is no on-site parking for the existing dwellings along Lenaboy Gardens which is a 110-metre-long cul de sac with fourteen dwellings on the side of the road to the front of the dwellings. There is no off street parking within the front curtilages of the houses. On the opposite side along the site frontage there is no footpath and double yellow lines are long the carriageway edge. There is no alternative scope for a vehicular entrance directly between the site and public road to the frontage on Lenaboy Gardens. The site frontage and entrance location are in close proximity to the junction leading to Upper Salthill. Public off street parking is available opposite the junction, beside the junction and along the street which at the time of inspection was almost fully occupied.
- 7.2.2. It was satisfactorily demonstrated, within the application and appeal documentation that access and parking could be satisfactorily achieved for the adjoining site which is a wider and larger site curtilage with greater distance from the junction. In the case of the current proposal, taking into account the availability and use of the existing on street parallel parking scope for safety of vehicular access and egress would appear to be questionable. Bearing in mind the proximity to the junction, the

confined width of the carriageway, use of parallel parking facilities and the lack of pedestrian facilities the proposed additional entrance gives rise to serious concern as substandard entrance arrangements and to obstruction and hazardous conflicting traffic movements that would endanger the public safety of all road users. A swept path analysis, as sought in the request for additional information by the planning authority would have facilitated consideration of the proposal in this regard.

- 7.2.3. It is therefore considered that there is insufficient information available to demonstrate that satisfactory standards for the proposed eliminating concerns as to potential for obstruction and risk to public safety can be achieved.

### 7.3. **Appropriate Assessment**

- 7.3.1. Having regard to the location of the proposed development which is for a single dwelling unit adjacent to existing residential development on zoned lands in an area which is serviced. it is considered that no appropriate assessment issues arise. The proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.



## **8.0 Recommendation**

- 8.1. In view of the foregoing, it is recommended that the appeal be rejected and that permission be refused on the basis of the draft reason set out below.

## **9.0 Reasons and Considerations**

On the basis of the submissions made in connection with application and the appeal, the Board is not satisfied that the proposed development, would not endanger public safety by reason of traffic hazard due to interference with the safe and free flow of traffic and pedestrian safety due to the additional turning movements that would be generated on the cul de sac along the opposite side of which there is parallel parking, and which is narrow in width and close a junction.

**Jane Dennehy**  
Senior Planning Inspector  
15<sup>th</sup> May, 2017.