



An  
Bord  
Pleanála

## Inspector's Report PL61.248381

### Development

Demolition of roof, rear return and ground floor façade. Construction of four no. apartments, 2 no. two bed and 2 no. one bed, first floor balconies and ground floor terrace. Construction and upgrading works (Protected Structure).

### Location

58 Shantalla Road, Galway

### Planning Authority

Galway City Council

### Planning Authority Reg. Ref.

16/212

### Applicant(s)

Fort Eyre Developments Ltd.

### Type of Application

Permission

### Planning Authority Decision

Grant permission

### Type of Appeal

Third V Grant

### Appellant(s)

Desmond & Ann Mackey

### Observer(s)

None

### Date of Site Inspection

14<sup>th</sup> July 2017

### Inspector

Rónán O'Connor

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## 1.0 Site Location and Description

- 1.1. No. 58 Shantalla Road, is a Protected Structure and is located on the southern side of Shantalla Road, approximately 1km west of Galway City Centre. It is mid-terrace 2 storey building, currently in a state of disrepair and vacant. The building was last used as a retail unit with offices on the first floor.
- 1.2. The property is adjacent to the existing Fort Eyre residential development, located to the west of the appeal site. To the south of the appeal site there is a laneway accessed from Shantalla Road, with an existing residential property, Arche House, fronting onto this laneway. There is an unfinished access gate from this laneway to the Fort Eyre development. The main access to the Fort Eyre development is off Maunsells Road to the west of the appeal site.
- 1.3. A school is located to the north of the site, on the opposite side of Shantalla Road.

## 2.0 Proposed Development

- 2.1. Demolition of side and rear returns and demolition of ground floor flat roof rear extension. Alterations to front façade. Redevelopment of building to provide 4 apartments including construction of a 2-storey extension to rear.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. The planning authority issued a decision to grant permission subject to 18 conditions. Those of note are as follows:
  - Condition 4 - no access from the private open space of Apartment No. 4 to the adjacent laneway/requirement for a wall 1.8m in height.
- 3.1.2. I note that it is likely that the condition should, in fact, refer to Apartment No. 3, as this has private open space adjacent to the laneway, whereas Apartment No. 4 does not.

### 3.2. Planning Authority Reports

3.2.1. The report of the planning officer reflects the decision of the planning authority.

Points of note are as follows:

- Planning officer noted previous permissions allowed significant interventions to the property.
- Higher density acceptable in 'Inner Residential Area' and where Protected Structures are being reused.

3.2.2. A request for further information was made in relation to the following:

- (i) Additional justification/details in relation to the potential removal of the chimney, remaining front wall along with the side and rear walls
- (ii) Revised drawings showing- omission of first floor balcony, omission of zinc and timber cladding, revised gable elevation, revised first floor window finish
- (iii) Revised location of pedestrian access gate
- (iv) Details of false door, exterior lighting, final painted colour
- (v) Location of bicycle parking
- (vi) Details of plot ratio
- (vii) Clarification of Part V requirements
- (viii) Non-compliance with Fire Safety Requirements

3.2.3. Following receipt of Significant Further Information and following Clarification of Further Information, a recommendation to grant permission with conditions was made by the planning officer.

### 3.3. Other Technical Reports

- Drainage – No objection
- Environment – No objections subject to conditions
- Irish Water – No objections subject to conditions
- Heritage Officer – No objections subject to conditions

### 3.4. **Prescribed Bodies**

- 3.4.1. An Taisce – Chimney should be retained along with the historic gables/additional detail required/4 units is excessive.

### 3.5. **Third Party Observations**

- 3.5.1. 3 no. submissions were received during the course of the application from the occupiers of Arche House. The issues raised are covered in the Grounds of Appeal.

## 4.0 **Planning History**

- 4.1.1. PL61.104232 (97/400) Grant permission for retention of alterations to existing shop including (a) extension to shop on ground floor (b) change of use of ground floor to shop (c) change of use of first floor from residential to offices, stores and staff rooms associated.
- 4.1.2. 88/649 Grant permission for the retention of a shop, living accommodation and store to rear.
- 4.1.3. 84/395 Grant permission for change of use from newsagents to take-away food shop.

## 5.0 **Policy Context**

### 5.1. **Architectural Heritage Guidelines for Planning Authorities, 2004 (republished 2011)**

- 5.1.1. Development guidelines for Protected Structures and Areas of Architectural Conservation.

### 5.2. **Development Plan**

#### Galway City Council Development Plan 2017-2023

The site is zoned Residential. It is within the 'Inner Residential Area' as defined within the CDP. Relevant policies and objectives of the Galway City Council Development Plan 2017-2023 include:

- Section 8.2 Built Heritage including
- Policy 8.2 Built Heritage RPS – relating to Protected Structures
- Policy 8.4 Vernacular Heritage – encourages the rehabilitation, renovation and re-use of existing structures that contribute to the character of the city.
- Chapter 11 – Land Use Zoning Objectives and Development Standards and Guidelines

### 5.3. Natural Heritage Designations

5.3.1. None

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. The grounds of appeal, as submitted by the Third Party appellants, are as follows:

- Density is too high – similar sites on Shantalla Road are currently being developed and sold as single family homes
- Lack of adequate/effective private and public amenity space and parking
- Drip feed approach in developing the Fort Eyre apartment complex has resulted in poor design
- Shortfall of open space
- Overlooking/Lack of privacy including overlooking from existing development on site
- The applicant has included a right of way located to the south west of No. 58 as part of the open space provision – this is the only road to service 12 properties for access to and from Maunsells Road
- Plot ratio, already over the recommended allowance, is being increased
- Refuse management/disposal
- Under provision of car parking spaces – residents will park in areas outside appellant's home and outside school

- Condition should be imposed in relation to car parking
- Ridge height of the roof to the rear will significantly detract from the character of the site and the streetscape
- Direct conflict with the recommendation from the heritage officer
- No new drawings were submitted for the newly proposed dual pitched roof – ABP should not grant permission for the development until such drawings are made for public inspection and the opportunity is given for valid observations
- Narrow window is inappropriate
- Design of the French doors
- Fire safety issues
- Does not meet guideline standards

## 6.2. Applicant Response

6.2.1. A response to the Third Party grounds of appeal has been submitted by James O'Donnell, Planning Consultancy Services, on behalf of the applicant. This is summarised as follows:

- Development is consistent with the zoning objective for the subject site
- Existing residential development is of high quality
- Proposed development represents a marginal increase in density on site
- Plot ratio should be calculated in the context of the wider Fort Eyre complex
- Right of way No. 1 (laneway to the south and east of the subject site) has not been included in the overall site area
- Plot ratio of 0.54 marginally exceeds the 'general maximum' of 0.46
- Proposed development is consistent with Conservation Best Practice
- In these circumstances a higher density can be considered
- Proposed development is compliant with Residential Density Guidelines and with the Sustainable Urban Housing Design Standards for new apartments

- Proposed density will compliment the existing and emerging character of the area as established by the Fort Eyre Complex
- There is a history of intensive uses on this site
- Use of the property as a single family dwelling would be contrary to density and apartment guidelines
- Salvaged stone from No. 57 will be re-used as part of the redevelopment of No. 58 where possible
- Project team are experienced in working with Protected Structures
- Generous amount of open space available within the Fort Eyre complex to cater for the subject proposal
- Proposal will result in a net increase in amenity space on site as a result of the demolition of the existing flat roof rear extension
- Expansive open space in the form of St. Mary's college grounds to the south and east of the site
- Provisions of 'Shaping the Future, Case Studies in Adaptation and Reuse in Historic Urban Environments (DAHG, 2012) are relevant
- Future residents can use the existing refuse facilities/no objection from the Environment Section in relation to this/residents will not be wheeling the bins but will be walking to and from the existing refuse storage facilities
- Rear of No. 58 previously used for commercial/vehicular deliveries
- Would be unreasonable to require parking given the existing credit and that there was never any requirements to serve to intensive mixed use commercial on this site
- Location is well served by bus routes so car parking requirement can be avoided
- Proposed height and design are respectful of the existing character of the area
- Balcony was omitted at the request of the planning authority
- Existing window at No. 58 that overlooks the laneway – this is proposed to be replaced with obscure glazing/ Proposed French window is recessed and



orientated away from the laneway/appellants window facing onto the laneway consists of obscure glazing

- Not within the remit of the Planning Code to refer to or assess the requirements of the Fire Code/Email from the Fire Office did not raise any fundamental concerns
- Neither Part V requirements and/or the requirement for a Section 96 exemption Certificate would apply in this case.

### 6.3. **Planning Authority Response**

6.3.1. None

### 6.4. **Observations**

6.4.1. None

### 6.5. **Further Responses**

6.5.1. None

## 7.0 **Assessment**

7.1. The following assessment covers the points made in the appeal submissions, and also encapsulates my *de novo* consideration of the application. The main planning issues in the assessment of the proposed development are as follows:

1. Principle of Development
2. Impact on the Protected Structure/Conservation and Design
3. Access and parking
4. Open Space
5. Residential Amenity
6. Other Matters
7. Appropriate Assessment

### 7.2. **Principle of Development**

7.2.1. I note the proposed development is to be incorporated within the existing Fort Eyre residential development, located the west of the appeal site at No. 57 Shantalla Road and within Fort Eyre House.

7.2.2. The site is zoned residential therefore the provision of 4 residential units is acceptable in principle, subject to the detailed considerations below.

### **7.3. Impact on the Protected Structure/Conservation and Design**

7.3.1. The building is a Protected Structure. I note an Architectural Assessment has been submitted with the planning application which outlines the Historical Background of the building as well as giving a detailed assessment of the current state of repair of the building and detailing any surviving features of interest. It is concluded that previous alterations of the building have removed much of the historical fabric and internal features of interest. It is noted that the main features of interest are the chimney to the gable with No. 59 Shantalla Road and the nineteenth century fabric still retained in the side walls.

7.3.2. From my observations on site, it was clear that that the building has been subject to modern interventions with the result that many of the architectural and historical features have been removed. Much of the original rear elevation no longer exists, and the interior has very little remaining of historical value. The original front walls, part of the rear elevation, roof and chimney remain however, although modern UPVC windows and modern signage are in place. The proposed development is retaining those elements which are of historical and architectural value.

7.3.3. I consider that the interventions to the front elevation will improve the appearance of the building as viewed from the street, and the development as a whole will bring this building back into use, which is in line with Policies 8.2 and 8.4 of the CDP. The recent redevelopment of the adjoining properties as apartments has made a positive contribution to the streetscape.

7.3.4. In terms of the overall design, the scale of the proposed development is appropriate. The original scale and appearance of the building is being retained on the Shantalla Road frontage with a false door proposed to the front elevation. To the rear, there is an existing single storey extension. This is being demolished and replaced with a two-storey extension which wraps around a new open space area. The ridge height of the existing two-storey rear element is being raised with a dual pitched roof

proposed. A traditional plaster finish is proposed for the rear element. The proposal results in additional built form to the rear of the property, which is of modern appearance. This is a less visually prominent elevation and the existing built form does not contribute to the appearance of the building. As such the interventions to the rear are acceptable, in my view.

#### **7.4. Access and Parking**

- 7.4.1. Access to the proposed development is from the existing access off Maunsells Road, to the south-west of the site. It is proposed to integrate the development into the existing Fort Eyre residential development, with vehicular access utilising the existing arrangements. It is also proposed to have pedestrian access through the existing Fort Eyre development. There is an 'emergency only' access through a set of gates accessed from the laneway off Shantalla Road (marked Right of Way 1 on Plan No. 1408.RFI.207). These entrance gates are currently blocked off.
- 7.4.2. I consider the proposed access arrangements to be appropriate and logical, resulting in integration between this current proposal and the existing residential development at Fort Eyre.
- 7.4.3. In terms of parking, the CDP standard is a maximum of 1 space per dwelling. No spaces are provided here.
- 7.4.4. The site is close to the No. 402 Bus Stop, serving the city centre, which runs relatively frequently. It is also within a 15 min walk to the city centre. As such, I do not consider that car parking is a requirement in this instance.

#### **7.5. Open Space**

- 7.5.1. The site is located in the Inner Residential Area. The CDP sets out Development Standards for such areas.
- 7.5.2. The CDP requires private open space provision in line with Urban Housing: Design standards for New Apartments (DECLG, 2015) and a communal open space provision equivalent to 15% of the gross site area.
- 7.5.3. In terms of private open space provision, each of the units is provided with either a terrace area or a balcony. The balcony for Unit 1 is so small as to be unusable. The balcony for Unit 2 is 2.2m<sup>2</sup>. Unit 3 is provided with a courtyard area at ground floor level of approximately 4m<sup>2</sup>. Unit 4 is provided with a balcony that appears to double

as a fire escape. The applicants accept that there is a shortfall in private amenity space, but states there is generous provision of communal open space, located within the development as a whole. The CDP does note that in certain site conditions and development types, provision of private open space may be made up of areas of communal open space, for example, in apartment developments, provision of private open space may be made up of areas of communal open space, balconies or terraces.

- 7.5.4. In this instance, the communal open space requirement is 34 sq. m. The communal open space provided to the rear of No. 58, within the red line boundary, is in effect the access route to the development and has limited value as an amenity to the proposed occupiers. The remaining communal open space is either further access routes, landscaped flower bed or narrow strips of land that have limited value as an amenity to the proposed units.
- 7.5.5. The applicant has also pointed to the open grounds at St. Mary's College. These appear to be private grounds, with no easy access from the proposed development and I fail to see how they will serve an amenity to the units under consideration here.
- 7.5.6. Notwithstanding the above, I recognise the site is relatively constrained given the existing protected structure on site, which serves to limit the form of development, and given the relatively small site area. As such there is limited scope to provide usable amenity space, in this instance.

## 7.6. Residential Amenity

- 7.6.1. There are existing residential uses at the existing Fort Eyre development to the west, at Arche House to the south (the appellant's property) and at Spire Gardens to the east.
- 7.6.2. In terms of the impact on the existing Fort Eyre development, there are existing residential units which face east towards the proposed units. The proposed units have windows and balconies facing west towards the existing units. The closest window-to- window distance is 4.5m, at first floor level (from the living/dining/kitchen room of apartment 4 to the closest existing residential unit). This proposed window is obscure glazed, however, which will overcome any privacy issues. There is sufficient setback between the remaining windows to ensure that no overlooking will result.

- 7.6.3. In relation to the impact on Arche House, I note that there are obscure glazed windows on the north elevation of this property. The proposed windows facing towards Arche House, on the southern elevation, are also obscure glazed and as such no overlooking will result.
- 7.6.4. I note the proposed development is to the north of Arche house. As such, I do not consider that there will be a loss of daylight or sunlight to this property. Given the existing window is obscure glazed, I do not consider that there will be a loss of outlook.
- 7.6.5. I note that there will be additional built form on the boundary with the laneway adjacent to Arche House, which, at the time of my site visit, was in use as a sitting out area. However, I consider the scale of the built form is appropriate for its context and I do not consider that the proposed development would seriously injure the amenity of this area.

#### **7.7. Other Matters**

- 7.7.1. In relation to the issue of refuse, I note that it is proposed to utilise the existing facilities on the Fort Eyre site which is acceptable.
- 7.7.2. In relation to archaeology, I note that the site does not lie within a Zone of Archaeological Potential and as such I do not considered a condition in relation archaeology is warranted in this instance.
- 7.7.3. Fire Safety is not a matter for planning and as such I do not wish to comment on same.

#### **7.8. Appropriate Assessment**

- 7.8.1. The closest Natura 2000 sites are the Inner Galway Bay SPA and Galway Bay Complex SAC, located 1km to the south of the site.
- 7.8.2. There is no direct source-pathway linkage to the above cited SPA/SAC and as such there will be no impact on same.
- 7.8.3. Having regard to the nature and scale of the proposed development, the nature of the receiving environment, a serviced inner-urban location, and the proximity to the nearest European Site, no Appropriate Assessment issues arise and it is not considered the proposed development would 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. I recommend that permission be granted for the reasons and considerations below.

## 9.0 Reasons and Considerations

9.1. Having regard to the zoning objective for the site, the pattern of development in the vicinity and the policies of the current Galway City Council Development Plan 2017-2023, it is considered that the proposed development would not detract from the character or setting of the Protected Structure and would not seriously injure the residential or visual amenity of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted to the Planning Authority on the 27<sup>th</sup> October 2016 and 3<sup>rd</sup> March 2017 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. A schedule and appropriate samples of all materials to be used in the external treatment of the development to include proposed brick, roofing materials, windows, doors and gates shall be submitted to and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure an appropriate standard of conservation.

3. a) A conservation expert shall be employed to manage, monitor and implement the works on the site and to ensure adequate protection of the

retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric.

(b) All repair works to the protected structure shall be carried out in accordance with best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in 2011. The repair works shall retain the maximum amount of surviving historic fabric in situ, including structural elements, plasterwork (plain and decorative) and joinery and shall be designed to cause minimum interference to the building structure and/or fabric. Items that have to be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.

(c) All existing original features, including interior and exterior fittings/features, joinery, plasterwork, features (including cornices and ceiling mouldings) staircases including balusters, handrail and skirting boards, shall be protected during the course of refurbishment.

**Reason:** To ensure that the integrity of the retained structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

4. There shall be no access from the private open space of Apartment 3 (as shown on Drawing 1408.PL.204 Rev A) to the adjacent laneway. A wall, 1.8m in height, shall be erected along the section of the site abutting the laneway. Details of the wall shall be submitted to, and agreed in writing by the planning authority, prior to the commencement of development.

**Reason:** In the interest of proper planning and sustainable development.

5. Demolition/construction activity shall be managed in accordance with a Demolition/Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise

management measures, off-site disposal of construction/demolition waste and location of proposed on-site car parking and site compound arrangements.

**Reason:** In the interests of public safety and residential amenity.

6. No additional development shall take place above roof parapet level, including 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.

7. 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.



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Rónán O'Connor  
Planning Inspector

25<sup>th</sup> August 2017