



An
Bord
Pleanála

Inspector's Report ABP – 300583-18.

Development	Vehicular entrance, parking and modifications to public footpath with dropped kerbs.
Location	60 Newcastle Road, Galway
Planning Authority	Galway City Council
P. A. Reg. Ref.	17/287
Applicant.	Michael Flattery.
Type of Application	Permission.
Decision	Refuse Permission
Type of Appeal	First Party against Refusal
Appellant	Michael Flattery
Date of Site Inspection	17 th April, 2018
Inspector	Jane Dennehy

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1.0 Site Location and Description

- 1.1. The front curtilage at No 60 Newcastle Road, which is a two storey dwelling is six metres in width and 5.9 metres in depth. It has a pedestrian entrance on the front boundary a footpath leading to the entrance and, a lawn in the front garden with granite edging adjacent to the path which at the time of inspection had been damaged by construction works recently undertaken at the house.
- 1.2. The location on Newcastle Road is a short distance north of the junction with Shantalla Road and St Helen's Road a mixed-use area and south of the junction with Presentation Road. The carriageway is narrow and along part of the opposite side there is no footpath and double yellow line road markings. The front boundaries have been altered or removed at some of the houses on the east side of Newcastle Road in the vicinity whereas at other houses the front curtilages and front boundary walls and pedestrian entrances are unaltered

2.0 Proposed Development

- 2.1. The application lodged with the planning authority on 12th October, 2017 indicates proposals for partial removal of the front boundary wall to provide for a three metres' wide vehicular entrance and for provision within the front garden of hard surfacing for one on-site parking space with the remainder being landscaped as a lawn. The stated area of the area allocated to the parking space is 2.9 x 5.9 m

3.0 Planning Authority Decision

3.1. Decision

By order dated, 6th December, 2018 the planning authority decided to refuse permission for the following reason:

“The creation of a new vehicle access point at the proposed location on the Newcastle Road is considered to give rise to issues of traffic and pedestrian safety, in particular regarding the lack of turning space on site, which would

result in unsafe traffic manoeuvres when exiting the site onto the Newcastle Road. Hence the proposed development is considered to be contrary to the policies of the Galway City Development Plan, 2017-2023 and to the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning officer considers the proposed development unacceptable because of concerns about the potential impact of right turning movements on approach northwards to the proposed entrance. It is pointed out in the report that that proposed location for the entrance is at a pinch point, that Newcastle Road is heavily trafficked but restricted by narrow carriageways. It is noted that the proposal is consistent with the standards set out in section 11.3.1. (g) of the Galway City Development Plan, 2017-2023.

There are no technical reports on file.

4.0 Planning History

P. A. Reg. Ref. 17/165. Permission was refused on grounds that the proposed development, (1) would give rise to risk of traffic hazard and risk to pedestrian safety due to manoeuvres at the entrance and (2), the six metre opening along the entire front boundary proposed and allocation of the entire front curtilage to parking would be contrary to the standards in section 11.3.1. (g) of the Galway City Development Plan, 2017-2023.

5.0 Policy Context

5.1. Development Plan

The operative development plan is the Galway City Development Plan, 2017-2023
The site location is subject to the zoning objective, “*R: To provide for residential development and associated support development which will ensure the protection*

of existing residential amenity and will contribute to sustainable residential neighbourhoods.” Carparking standards are set out in section 11.3.2(g)

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. An appeal was received from Colman Hession on behalf of the applicant on 2nd January, 2018 according to which:

- Vehicular entrances at the two properties to the right side of the appeal site property operates without any safety issues. Cars and vans reverse in and out without difficulty and there is no need for turning within the curtilage.
- On street parking in the area would involve parking in front of entrances or elsewhere on the street or on parallel streets. Parking within a property alleviates the parking problems within the street.
- The proposed development accords with the development plan with a requirement for part of a garden with low level shrub planting to be provided instead of paving over the entire front curtilage.

6.2. Planning Authority Response

6.2.1. A response to the appeal by the planning authority was received on 1st February, 2018 according to which the hard surfacing of the front curtilage of the two properties referred to in the appeal is unauthorised development but are statute barred from enforcement proceedings.

6.2.2. Under P. A. Reg. Ref. 98/902, Permission was also refused for a change of use of the ground floor to retail use at No 61 Newcastle Road. One of the reasons for refusal of permission was due to the necessity to reverse vehicles directly onto the road way resulting in serious traffic congestion according to the submission.

It is requested that the planning authority decision to refuse permission be upheld.

7.0 Assessment

- 7.1. There is no dispute that the application satisfies the standards set out in Section 11.3.1 (g) of the Galway City Development Plan, 2017-2018 in that the proposed opening on the boundary does not exceed three metres and part of the front curtilage only, to provide for one carparking space is to be hard surfaced with the remainder to be landscaped with a lawn and shrubs.
- 7.2. As has been confirmed in the submission of the planning authority, the works at Nos. 60 and 62 Newcastle Road whereby the entire front curtilages have been hard surfaced to facilitate on-site parking is statute-barred unauthorised development. It therefore cannot be taken into consideration in support of the case for the current proposal. Furthermore, it has been pointed out in the planning authority submission that in a reason for refusal of permission for a prior proposal for change of use at No 61 Newcastle Road it is stated the reversing of vehicles out onto Newcastle Road from the front curtilage parking area would endanger public safety due to traffic hazard on the heavily trafficked Newcastle Road. Although the decision on the application was determined in 1998 there is no doubt that the reasoning is as applicable, if not more applicable at present. (P. A. Reg. Ref. 98/902 refers.) Nevertheless, it is acknowledged that the volume of turning movements would be much lower for the current proposal in that does not include proposals for change of use at ground floor level from residential use to retail use.
- 7.3. Newcastle Road is a main route linking the city centre with the N6 and North West N59 routes towards Clifden via the inner and outer suburbs in which major institutions such as University Hospital Galway and NUIG and retail developments are located. Close to the city centre near the site location the road is narrow in width and traffic volumes, congestion and delays are significant, especially at the signalised junction with Shantalla Road and St Helen's Road, which itself is a mixed commercial use area, circa fifty metres to the south of the site location. As there is insufficient space within the front curtilage of No 60 Newcastle Road to facilitate access and egress in forward gear, reversal out into the carriageway is inevitable. Such manoeuvres will lead to obstruction of the safe and free flow of traffic on Newcastle Road in both directions owing to the limited width of the road. The vehicular manoeuvres necessary to access and egress the front curtilage parking

space would also obstruct pedestrian flow and safety to the front of the proposed entrance. The concerns of the planning officer as to obstruction, delays and safety concerns attributable to right turning movements on approach to the north into the entrance where south bound traffic is queued while waiting to pass through the signalised junction.

- 7.4. Finally, it is not agreed that the proposed development would ease pressure on demand for on street parking as asserted in the appeal or that there could be any justification for setting aside the concerns about impact on safe and free flow of traffic on Lower Newcastle Road close to the city.
- 7.5. In conclusion it is recommended that the planning authority decision to refuse permission be upheld generally on similar reasoning. Draft Reasons and Considerations follow:
- 7.6. **Appropriate Assessment.**
- 7.6.1. Having regard to limited scale and nature of the proposed development, no Appropriate Assessment issues 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 **Reasons and Considerations**

The location of the proposed vehicular entrance and off-street parking space is at a narrow section of Newcastle Road, an important and heavily trafficked route close to and, linking the city centre with the north-east suburbs where congestion occurs and where volumes of traffic are queued for the signalised junction a short distance to the south. It is considered that traffic turning movements into and out of the proposed parking space and entrance at which both access and egress in forward gear is not feasible would, interfere with and obstruct the safe flow of traffic in both directions on Newcastle Road and pedestrian safety in front of the entrance. As a result, the proposed development would endanger public safety by reason of traffic hazard and would be contrary to the proper planning and sustainable development of the area.

Jane Dennehy
Senior Planning Inspector
19th April, 2018.