



An
Bord
Pleanála

Inspector's Report ABP 301244 - 18

Development	Revisions to previously permitted development under P. A. Reg. Ref. 13/693) providing for replacement of Unit Nos 3 and 4 with a five-bedroom two storey dwelling with a gross floor area of 849 square metres.
Location	Pier Road, Freeport, Barna, County Galway.
Planning Authority	Galway County Council.
P. A. Reg. Ref.	17/1305.
Applicant	Michael O'Sullivan
Type of Application	Permission
Decision	Refuse Permission.
Type of Appeal	First Party
Appellant(s)	Michael O'Sullivan
Observer	<ol style="list-style-type: none">1. Des Fitzgerald,2. Pobal Bhearna.3. Catherine Corcoran
Date of Site Inspection	30 th August, 2018
Inspector	Jane Dennehy

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1.0 Site Location and Description

- 1.1. The site subject of the application has a stated area of 2,500 square metres, is on the east side of Pier Road which terminates in a turning circle immediately north of Barna Quay. Along the front boundary there is a stone wall, from which there is access via farm gates and the ground within the site is under grass. There is a footpath to the front and double yellow painted lands on the carriageway adjacent to the footpath edge along the site frontage. Parallel on street parking is available on the opposite side. The site area includes a raised filled section, further to the development, in 2009 of the Sewerage Scheme. The Trusky stream runs along the inner side of the east boundary which flows towards the foreshore under Pier Bridge to the south side of the site.
- 1.2. The harbour area is protected by a high wall and there is an exclusion zone at the foreshore. The R 336 coastal route which runs in an east west direction, between Galway and Connemara along the coast is a short distance to the north intersects with Pier Road at the centre of the village.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for three two storey houses, (two 3 bed units, each with a stated floor area of 181 square metres and one 5 bed unit with a stated floor area of 417 square metres) infrastructure sewer connection, vehicular access on the waterfront, parking and associated works. The three houses are shown in a terrace format with the front building line adjoining the footpath edge, with curtilage parking, (one space for the three bed and two spaces for the five bed unit) accessed off Pier Road and, a separate vehicular entrance off Pier Road to parking and turning space at the rear.
- 2.2. The application shows a gravel path across the open space / exclusion zone and extending along the rear side of the proposed houses and eastwards and maintenance and retention of existing boundary walls.
- 2.3. Connection into the 600 mm diam foul sewer, the 1500 mm diam surface water sewer in the Pier Road and the 150 mm watermain is indicated.

- 2.4. A Flood Risk Assessment report accompanies the application according to which the site location is within a Flood Zone C area and the assessment takes account of a climate change factor of twenty percent. It is concluded that the proposed development would not be at risk of tidal or fluvial flooding, including potential for flooding from the adjoining the Trusky Stream.
- 2.5. A Public Infrastructure Assessment, Traffic and transportation Assessment and a Design Statement are also included with the application.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. By order dated, 23rd February 2018, the planning authority decided to grant permission based on the three reasons as outlined below:

Reason (1) Adverse impact and detracting from the unique setting and character of Pier Road which is seriously injurious to the ACA and to the visual amenities of the area.

Reason (2) Adverse impact the safe and free flow of traffic and obstruction of road users on Pier Road due to necessity for vehicles to reverse from property curtilages onto the public road resulting in endangerment of public safety by reason of traffic hazard.

Reason (3) Lack of capacity to accept additional loading on the public infrastructure generated by the proposed development.

3.2. Planning Authority Reports

- 3.2.1. The planning officer indicates that he is not in favour of parking facilities for which it is necessary for vehicles to be reversed out onto the public road causing traffic hazard and the proposed, 'contemporary' development negatively impacts on the setting and character of Pier Road. Reference is made to the existing uninterrupted ridge line, narrow gable depths, pitched roofs and chimneys. There are no internal technical reports on file.

3.3. Third Party Observations

- 3.3.1. Thirteen submissions were received by the planning authority most of which were made by occupants of properties on Pier Road. Issues of concern raised include that of potential adverse impact on residential amenities, obstruction of road users and vehicular and pedestrian safety and convenience, parking, visual and public amenities impact on the foreshore flooding and compatibility in design with the established character of existing development.

4.0 Planning History

- 4.1. The subject application and appeal relates to a proposal for revisions to the previously permitted development, the planning authority decision to grant permission being upheld following third party appeal under P. A. Reg. Ref. 13/693/242850 for five houses, sewer connections vehicular access and parking on the site. Under Condition No 2 there is a requirement for a thirty metres exclusion zone between the High-Water Mark and the site of development to be maintained free of development other than for the accessway and parking shown on drawing P-002 – Rev A submitted to the planning authority on 19th November, 2013. The reasoning provides for an interface between the development, open space and the sea front. Under Condition No 5, exempt development entitlements are removed, for reasons of residential amenity.
- 4.2. There is a concurrent application and appeal for the appeal site details of which follow:

P. A. Reg. Ref. 18/321/PL 301673: Permission was granted to the applicant for three two storey houses, sewer connection vehicular access to the waterfront, parking and site works. There is a concurrent third-party Appeal by Pobal Bhearna against this decision to grant permission. Observer submissions were made lodged by Des Fitzgerald, John O’Flaherty, Patricia O’Brien and Residents, Nos, 2 – 4 and 6 Barna Pier and, Catherine O’Carra and Others.

There is an extensive prior planning history dating back to 1971 relating to proposals for residential development for the lands.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The operative development plan is the Galway County Development Plan, 2015-2021.
- 5.1.2. The location comes within the Galway Metropolitan Area, the Gaeltacht, the area of the Galway Transportation and Planning Study (GTPS) the zone of influence of the airport.
- 5.1.3. According to the **Barna Local Area Plan. 2007 2017, (LAP)** the area within the development boundary is divided in to the village core and Inner Village Areas the site coming within the area subject to the zoning objective, 'Village Core' with a small section at the south east end coming within the area subject to the zoning objective, 'Environmental Management'. Residential development is permissible within the 'Village Core' area.
- 5.1.4. According to Policy Objective NH38, no development is permissible within the area extending thirty metres from the foreshore to the field boundary line. It is within the Village Consolidation Zone, Village Enhancement zone and Environmental Management Zone. Most of the site area, comes within the Village Core within which residential development is permissible. This zoning excludes a small section towards its eastern boundary which comes within an area subject to the objective Environmental Management Area providing for appropriate use having regard to the coastal area and biodiversity, landscape and amenity protection and flooding risk potential. There is a corresponding provision for a coastal exclusion zone or thirty metres setback from the foreshore under Policy Objective NH38.
- 5.1.5. The Village Design Study accompanying the LAP promotes high quality and appropriate development including higher density development, in keeping with the environment and established character of the village. It also provides for a high quality and landscaped public realm and protection of important environmental features, Detailed Design Principles are set out in objectives, guidance and standards are set out under Policy Objectives 2.4.2 A, 2.3.4.B and 2.4.2 C.

- 5.1.6. Objective VD14 provides for protection of sea views over the coastal landscape from the public realm and Objective VD 15 provides for restriction of height and bulk in development proposals on the south side of the R336.
- 5.1.7. The site is located within the Pier Road Architectural Conservation Area (ACA)
- 5.2. A Draft Local Area Plan has been prepared and is subject of Proposed Variation No 2A of the Galway County Development Plan, 2015-2021.
- 5.3. Bearna also comes within the area of the Gaeltacht Local Area Plan 2008-2018, a statutory local area plan, according to which twenty percent of units within residential developments of two or more houses in Bearna and other areas are to be reserved for Irish Speakers and appropriate conditions are to be attached where relevant to grants of planning permission.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. An appeal was received from McCarthy Keville O'Sullivan on behalf of the applicant on 2nd March, 2018 according to which the proposed development assists the local authority to achievement the commitments to provide for residential developments and the three cited reasons for the refusal of permission are unjustified. Attached are a statement from the applicant's traffic consultants and a pre-connection statement from Irish Water. The response to the individual reasons as outlined briefly below:

- Reason (1) Architectural Heritage and Urban Design.

It is not accepted that the proposed development conflicts with Objective UD 2 (New Buildings) and AH 3 (Architectural Conservation Area). A coordinated, appropriately scaled infill and village like, vernacular and street frontage extension to the public realm is proposed which is explained in the submitted Urban Design Statement. The prescriptive requirements of Policy NH38 for the thirty metres setback from (exclusion zone) and NH7 for the setback of 6 metres from Trusky Stream in the LAP are also addressed. Reference is also made the inspector's comments on the proposal for which there is a prior grant of permission under P. A.13/673 (PL 242850) and it is submitted that the

proposed development is a similar scheme with a reduction from four to three units.

- Reason (2) Parking, Traffic and Pedestrian Safety and Convenience.

There is precedent in the prior grant of permission under P. A.13/673 (PL 242850) for perpendicular parking on site with direct access to Pier Road. No specific conditions were attached to the grant of permission. The current proposal involves no change in the number of spaces but a reduction in residential units and a reduction in spaces accessed off the new access road from five to three. A separate statement by the applicant's traffic consultants is provided in which it is concluded that there is not a material change from the perspective of traffic movements relative to the previously permitted development and there is the minor reduction with regard to the new access road.

- Reason (3) Foul sewer connection and potable water supply. The feedback form, from Irish Water which is now available and attached to the appeal indicates availability of connection to the existing facilities in the road to the front. (an 80 mm diam watermain in the road and a 600 mm diam foul sewer.)

6.2. Planning Authority Response

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

6.3. Observations

- 6.3.1. Submission were received from the following three parties: Des Fitzgerald, Pobal Bearna and Catherine Corcoran and their concerns are outlined below:

- 6.3.2. **Mr Fitzgerald** supports the decision to refuse permission and rejects the cases made in the appeal in respect of the three reasons for the decision to refuse permission. He refers to the third-party objections on the current proposal and on the previous proposals Under. P. A. Reg. Ref. 13/693 and P. A. Reg. Ref. 11/1027 including the observations of the An Bord Pleanála Inspector and the specific objective of the LAP regarding the setback/exclusion zone (Objective NH 38)

- 6.3.3. He reiterates his objection to the proposed arrangements for parking and impact on traffic circulation on the public road. Attached to his submission is a report of the Roads Department at Galway City Council dated, 23rd February with the reference number P. A. Reg. Ref. 17/1305. It is stated in it that there is concern with the proposed carparking arrangements and a statement that they do not comply with the standards in the section 28 guidelines: *Design Manual for Urban Roads and Streets*, (DMURS)
- 6.3.4. **Catherine Corcoran** remarks on the planning history which she considers extensive. She indicates concerns as impact on traffic and pedestrian safety, impact on visual amenity and the ACA, potential loss of amenity space in the form of public open space, excessive development for the site.
- 6.3.5. **Pobal Bhearna** includes detailed remarks on the extensive planning history dating to the 1970s, and indicates serious concern as to impact on existing problems especially in summer time over traffic circulation, parking and turning areas, as to inadequacy at the junction with the coastal Road (R 336) at the northern end of Pier Road, It is also submitted that the proposed development fails to comply with the minimum setback from the seafront of thirty metres from the foreshore wall (Objective NH 38 in the LAP) and there is potential damage due to possible storm surges. There is incompatibility the existing pattern of development and the adverse impact on the ACA due to materials and design selected for the proposed development. Note is made of the application under P. A. Reg. Ref. 18/321 subject of a concurrent appeal under PL 301763.

7.0 **Assessment**

- 7.1. The issues central to the determination of a decision are considered below under the following broad sub headings:

Parking, Traffic and Pedestrian Safety and Convenience.

Exclusion Zone and Separation from Trusky Stream and Flooding Risk.

Visual Impact and Impact on the Architectural Heritage and character of the area.

Drainage and water supply

Planning History.

Appropriate Assessment.

7.2. Parking, Traffic and Pedestrian Safety and Convenience.

- 7.2.1. It is agreed with the Observer Party that the necessity for reversal out onto the public road from the dedicated curtilage parking spaces is undesirable and inconsistent the recommendation within DMURS to which reference is made in a Transportation Department report included with the Observer Submission of Mr. Fitzgerald.
- 7.2.2. However, the principle of such an arrangement was authorised by way of the grant of permission under P. A. Reg. Ref 13/693. (PL 242850) To this end, the issue has been addressed in the assessment of the prior proposal for which permission has been granted, under P. A. Reg. Ref. 13/673 revisions to which are subject of the current application. Nevertheless, given the substantial size of the proposed dwelling, relative to the two permitted units to be replaced it is likely that the impact would be relatively neutral. Setting aside the prior acceptance of the parking arrangements authorised by way of the grant of permission under P. A. Reg. Ref. 13/673 it is considered that the proposed parking arrangements are unacceptable, inconsistent with the recommendation within DMURs and potentially hazardous to other road users by reason of the necessity for reversal out onto Pier Road.
- 7.2.3. It is considered that a communal parking arrangement with a turning area allowing for access and egress in forward gear via one shared entrance from Pier Road is acceptable. However, it is reiterated that the current proposal is not significantly different in overall potential impact to the authorised development under P. A. Reg. Ref. 13/693. It involves a reduced number of total number of dwelling units generating turning movements on Pier Road although the proposed replacement is a large dwelling, and this should be taken into consideration.
- 7.2.4. While there was no evidence, of congestion, obstruction of traffic movements and endangerment of the safety of pedestrians and other road users at the time of inspection, at lunchtime on a week day in good weather during the summer holiday season in late August it is accepted that there may be greater traffic and demand for parking at weekends in summer time.
- 7.2.5. It is agreed that the junction at the northern end of Pier Road where it intersects with the coastal road, (R336) is substandard in terms of configuration and capacity. It is

considered that the proposed development would result in an is adverse material impact on the operational capacity of the junction.

- 7.2.6. Given the foregoing, in the event that permission is granted, the grant of permission for the entrance and parking arrangements as proposed would be at variance with the recommendations and standards set out in DMURs, section 28 statutory guidance, whereas on the other hand the decision would be consistent with the prior grant of permission for four dwellings, the applicant in the current proposal seeking to substitute a large house for two single houses.

7.3. Exclusion Zone and Separation from Trusky Stream and Flooding Risk.

- 7.3.1. The site configuration and layout are satisfactory in that there is no overlap into the development exclusion zone provided for in Policy Objective NH38 of the LAP and, the minimum separation distance of six metres from the Trusky Stream required under Objective NH7 of the LAP. The Flood risk assessment included with the application is based on appropriate methodology is and the assessment on which the findings are based is comprehensive. A climate change factor has been incorporated into the assessment of the flooding risks associated with the stream, sewer network, storms and sea levels which demonstrates satisfactory conditions establishing that the proposed the development would, taking the raised level within the site into account and finished floor levels of the proposed dwellings, be above the 1 in 1000 fluvial, tidal and combined flood levels. The statement that allowance should be made for increased risk of flooding of the site due to climate change has been noted but it is considered that the development plan provisions for the exclusion zone are sufficient.

7.4. Visual Impact and Impact on the Architectural Heritage and character of the area.

- 7.4.1. The existing development of Pier Road is relatively homogenous in building typology comprising primarily of modest sized, two storey, nineteenth century dwellings with vertical emphasis in façade detail, narrow plot widths and roof profile although the more recent exceptions referred to in the design section are noted. The built environment has been deemed to be of sufficient special interest to warrant the designation of the area as an Architectural Conservation Area. (ACA) While a well-designed contemporary infill development may be complementary and an

enhancement and feature of interest within historic areas, the current proposed dwelling to be substituted for two permitted dwellings is unacceptable. It is agreed with the planning officer that the proposed development would fail to integrate satisfactorily with the established pattern and character.

7.4.2. Notwithstanding the street end location and position within the site and the incorporated design mitigation described in the Design Statement for the proposed substitute dwelling and the visual images included with the application, the view of the planning officer as to negative impact on the unique setting of Pier Road is supported. The considerable sub-plot width and dwelling width and mass, varied setbacks from the established front building line, the various solid and opaque elements and mix of elements in form in the presentation towards the street lack of any connectivity with the existing development and limited connectivity with the pair of dwellings within the site, as previously permitted are of major concern. The proposed development is not responsive to the site context or in keeping with the character of the existing built environment as envisaged under Objective UH of the LAP. While the contemporary building form and design is itself of interest it is incompatible with and fails to integrate with the established predominant historic building typology on Pier Road and as such is incompatible with and adversely affects the integrity and character of the ACA.

7.4.3. To this end, it is recommended that the proposed development be rejected on grounds that the proposed dwelling in replacement of the two permitted dwellings is unacceptable.

7.5. Drainage and water supply

7.5.1. It appears that the observations of Irish Water were unavailable at the time of the consideration and determination of a decision on the application. The information provided by Irish Water indicates confirmation of acceptability of proposals for connection to the 600 diam foul sewer and 8 mm diam. Watermain available in the public road. There is no indication as to lack of capacity in the treatment plant or in water supply. It appears that the reasoning for refusal of permission over infrastructure capacity attached to the planning authority decision is no longer applicable.

7.6. Planning History.

- 7.6.1. It is agreed that the application site has a long and complex planning history and that an additional application was lodged with the planning authority shortly after the current application. (P A. Reg. Ref. 18/320 PL 301763 refers.) However, contrary to the assertions of third parties, the two applications are materially different from each other although both seek to modify the prior grant of permission under P. A. Reg. Ref. 13/693 by way of substitution of a large dwelling for two of the permitted dwellings. Each of the alternative dwellings proposed in the applications should be considered on its own planning merits and it is considered that the applications do not give rise to conflict with the provisions of a procedural nature within the Planning Acts.

7.7. Appropriate Assessment.

- 7.7.1. The site, being at a coastal location is circa 1.5 km from the Galway Bay Complex SAC. (000268) and the Inner Galway Bay SAC (0004031). The Trusky Stream is located along the east side of the site flow from which is to the Loughinch River from which waters enter Galway Bay at Furbo. The project is for substitution of two dwellings with one dwelling. It is to be serviced by the public drainage system with surface water and waste water being disposed into separate systems.
- 7.7.2. Having regard to the scale and nature of the permitted development and the proposed revisions to it subject of the application and the serviced inner suburban location, 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 conclusion, it is recommended that the decision of the planning authority to refuse permission should be upheld based on the reasons set out in in draft form below.

9.0 Reasons and Considerations

1. The site location is at the end of Pier Road, a *cul de sac* linking the harbour with the main thoroughfare of Barna and within an Architectural Conservation

Area along which the existing residential development primarily comprises modest sized late nineteenth century two storey terraced houses on narrow plots with a strongly defined continuous front building line at the edge of the public footpath. It is considered that the proposed dwelling, owing to the considerable sub-plot width and dwelling width and mass, varied setbacks from the established front building line, various mix of elements in form and in glazing detail in the presentation towards the street, lack of any connectivity with the existing development and limited connectivity with the pair of dwellings within the site would be, visually obtrusive, would fail to complement and integrate with the established historic character of the existing terraced housing in the streetscape and, would seriously injure the visual amenities and architectural character and integrity of the Architectural Conservation Area. As a result, the proposed development would be contrary to the proper planning and sustainable development of the area.

2. It is considered that by reason of lack of manoeuvrability within the dedicated off-street parking space to the front of proposed dwellings whereby vehicles cannot access and egress the site in forward gear resulting in reversal into the carriageway, the proposed development would cause obstruction of pedestrian and vehicular flows on Pier Road resulting in endangerment of public safety by reason of traffic hazard.
3. Furthermore, the proposed curtilage parking to the front dominates the interface with the public road and reduces the sense of enclosure established by the defined front building line of existing development at the footpath edge. As a result the proposed development would not satisfy the standards set out in section 2.3.3 of the *Design Manual for Urban Roads and Streets* issued by the Department of Environment, Community and Local Government and the Department of Transport, Tourism and Sport in 2012. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

Jane Dennehy
Senior Planning Inspector
17th September, 2018.