



An
Bord
Pleanála

Inspector's Report ABP-301670-18

Development	Construction of new Dwelling House and all associated site works.
Location	The Cloisters, Caherwalter, Loughrea County Galway.
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	17/1783
Applicant(s)	P Mullins.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	P Mullins.
Observer(s)	None.
Date of Site Inspection	26 th July 2018.
Inspector	Brid Maxwell

1.0 Site Location and Description

1.1. The appeal site has a stated area of 0.13 hectares relates to part of the rear garden to the north of an established dwelling site located adjacent to the entrance to The Cloisters, a residential cul de sac of four dwellings on the eastern side of Loughrea, Co Galway. The existing dwelling, of which the site forms part of its curtilage to the south is a single storey structure whilst adjoining to the north are a pair of two storey dwellings. St Bridget's graveyard and church (in ruins) includes recorded monuments GA105-049003 Graveyard, GA105-049001 Ecclesiastical Enclosure and GA 105-049002 Church.

2.0 Proposed Development

2.1. The proposal seeks permission for the construction of a new two storey two bedroomed dwellinghouse and all associated site development works. The proposed dwelling has a floor area of 79.9m² and is proposed to be set back 5.5m from the roadside boundary with parking space provided forward of the proposed dwelling. During the application to the local authority amendments were made to the proposal providing for a reduction in floor area to 59.13m².

3.0 Planning Authority Decision

3.1. Decision

By Order dated 26th April 2018 Galway County Council decided to refuse permission for the following reasons:

“Having regard to the scale and nature of the proposed development located to the rear of an existing single storey house, it is considered that the proposed development would constitute overdevelopment of the site, would seriously injure the amenities of the adjacent property by reason of loss of private residential amenity area, depreciate the value of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

The proposed development of a two storey dwelling on a restricted site with no private open space would result in a substandard form of development. To permit the

proposed development would therefore be contrary to the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

Executive Planner’s report recommends refusal on grounds of overdevelopment on a restricted site resulting in injury to established residential amenity.

3.3. Prescribed Bodies

Submission from Department Culture Heritage and the Gaeltacht notes location within the zone of archaeological potential established around Recorded Monuments GA105-0019001 Ecclesiastical Enclosure, GA105-049002 – Church and CA105-049003 Graveyard. Location gives rise to possibility of subsurface archaeological remains. Archaeological impact assessment of the site recommended.

4.0 Planning History

08/3270 Permission granted 13 April 2009 for the construction of 2 no 1 bed apartments and associated services (gross floor space 83 sq.m)

5.0 Policy Context

5.1. Development Plan

The Galway County Development Plan and Loughrea Local Area Plan 2012-2018 refer. The site is within an area zoned Existing Residential. Objective LU3 – Residential is to promote the development of appropriate and serviced lands to provide for high quality, well laid out and well landscaped sustainable residential communities with an appropriate mix of housing types and densities together with complementary land uses, such as community facilities, local services and public transport facilities, to serve the residential population of the area.

Protect existing residential amenities and facilitate compatible and appropriately designed new infill development in accordance with the proper planning and sustainable development of the area.

5.2. Natural Heritage Designations

Lough Rea SPA (Site Code 004134)

Lough Rea SAC (Site Code 000304)

Slieve Aughty Mountains SPA (Site Code 004168)

Sonnagh Bog SAC (Site Code 00913)

Rahasane Turlough SPA (004089)

Rahasane Turlough SAC (000322)

Peterswell Turlough SAC (000318)

Castletaylor Complex SAC (000242)

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 The appeal is submitted by James O Donnell, Planning consultant on behalf of the first party. Grounds of appeal are summarised as follows:

- Site is fully serviced appropriate infill in the built-up area close to town centre and amenities.
- Site is proximate to a large expanse of dedicated and equipped open space and large graveyard to the west.
- Principle of residential development on site established by previous permission for two apartments.
- Site has been registered as separate property in the applicant's ownership since 2005.
- 06/2368 to the southwest sets precedent for infill.
- Proposed house will have an amenity area of 36m² and existing house 41m²

6.2. **Planning Authority Response**

The Planning Authority did not respond to the appeal.

7.0 **Assessment**

- 7.1. Having examined the file, considered the prevailing local and national policies, inspected the site and assessed the proposal and all submissions, I consider that the key issues arising in this appeal relate to the principle of development and to the question of quality of the design and layout and impact on established residential amenity.
- 7.2. On the question of the principle of development, I consider that having regard to the planning history on the site which includes a permission for two apartments 08/3270 and location within the built-up area the principle of infill development on the site is acceptable. The key issues relate therefore to the detail of the proposal in terms of residential amenity impact and acceptability of the design. As regards impact on residential amenity, I note the key concerns of the local authority with regard to private open space provision both in relation to the existing dwelling and the proposed dwelling. I note the unique circumstances of the site as outlined within the grounds of appeal, adjacent to St Bridget's Church and graveyard and a communal open space area between Garrybreedia and The Hill within 25m to the south of the site. In such circumstances I consider that some leeway with regard to the quantity of private open space provision would be appropriate subject to a high standard of design and layout. I also note that the elimination of on site parking could increase the provision.
- 7.3. As regards the design of the proposed dwelling, I have a number of concerns. I consider that the unique circumstances of the site, adjacent to and highly visible from St Bridget's graveyard, necessitates a high standard of design and innovation which is not addressed by the proposal. I note the inadequate setback from the graveyard boundary which would result in compromise of the residential amenity of the

proposed dwelling. As regards the impact on the established dwelling to the south, I consider that the proposal in its presentation of a blank two storey gable within 7m of the established single storey dwelling would be unduly obtrusive resulting in a significant negative impact in terms of overbearing impact. I consider that the proposed design is also at odds with the existing single storey dwelling. On this basis I consider that the proposal would be out of character and detrimental to the established amenities of the established dwelling to the south and is unacceptable in terms of its design and layout.

- 7.4. As regards potential archaeological impact I note the submission of the Department of Culture Heritage and the Gaeltacht recommending an archaeological impact assessment of the site given the location within the zone of archaeological potential of a number of recorded monuments giving rise to significant potential for archaeological remains. I note that the issue of visual impact on the adjacent recorded monuments is also a significant consideration and in my view the design as proposed detracts from the setting.
- 7.5. On the matter of appropriate assessment, having regard to the nature and scale of the proposed development and the nature of the receiving environment namely a fully serviced site, it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. On the basis of the above assessment I recommend that permission be refused for the following reason.

Reasons and Considerations

Having regard to the existing pattern of development in the area and the neighbourhood character, to the location adjacent to St Bridget's graveyard and recorded Monuments GA104-049001 – Ecclesiastical enclosure, GA 105-049002

Church and GA 105-049003 Graveyard it is considered that the proposed development by reason of its design and siting, would constitute an inappropriate design response to the existing context of the site, would result in discordant development which would seriously injure the established residential and other amenities of properties in the vicinity and would be contrary to the proper planning and sustainable development of the area.

Bríd Maxwell
Planning Inspector

30th July 2018