



An
Bord
Pleanála

Inspector's Report ABP 301763-18.

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 and associated site works.
Location	Pier Road, Freeport, Barna, Co. Galway.
Planning Authority	Galway County Council.
P. A. Reg. Ref.	18/321
Applicant	Barry O'Sullivan.
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party X Grant
Appellant	Pobal Bhearna.
Observers	<ol style="list-style-type: none">1. Des Fitzgerald,2. John O'Flaherty,3. Patricia O'Brien and Residents, Nos, 2 – 4 and 6 Barna Pier.4. Catherine O'Carra and Others.
Date of 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 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 changes to the previously permitted development of four houses under P. A. Reg. Ref. 13/693. The two permitted dwellings, Unit 3 and Unit 4 are to be replaced with one five bed, two storey dwelling. The total stated floor area is 849 square metres. The three permitted car parking spaces on site with direct access from Pier Road are to be reduced to two spaces. Connection into the 600 mm diam foul sewer, the 1500 mm diam surface water sewer in the Pier Road and the 150 mm watermain.
- 2.2. 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 into account 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.

3.0 Planning Authority Decision

3.1. Decision

By order dated, 10th May, 2018, the planning authority decided to grant permission for the proposed development and attached a condition linking the proposed development to the original, previously permitted development under P. A. Reg. Ref. 12/69 and the duration to the expiry date of the original grant of permission. Exempt development entitlement is removed under Condition No 7.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning officer states that the proposed development is satisfactory in his report.

3.3. Third Party Observations

Submissions were lodged by five parties including the appellant party and, three parties which have submitted observations on the appeal indicating concerns as to implications for flooding, residential amenity, traffic generation and pedestrian safety, sewerage infrastructure and architectural heritage.

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 for which was upheld following third party appeal under P. A. Reg. Ref. 13/694/ 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. 17/1305/ 301244-18 Permission was refused to the applicant for three two storey houses, sewer connection vehicular access to the waterfront, parking and site works. There is a concurrent first party Appeal against this decision to refuse permission. Observer Parties include Pobal Bhearna, Catherine Corcoran and Des Fitzgerald who have submitted observations on the current first party appeal.

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 Metropolitan area for Galway, the Gaeltacht, the area of the GTPS the zone of influence of the airport, an area of Class 3 Landscape Sensitivity, and a protected view/focal point and
- 5.1.3. The location is within an area of Class 3 Landscape Sensitivity, and a protected view/focal point for the coastal area.
- 5.1.4. 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. 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 height and bulk limitations for new development 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. Barna 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 Pobal Bearna on 5th June, 2018 according to which the site has a “bewildering” planning history entailing up to ten applications since 1970. It is submitted that the current proposal is a “repeat” of a previous application under P.

A. Reg. Ref.17/1305 which is stated to have been appealed to An Bord Pleanala. (PL 301244 refers) The prior planning history, including correspondence of a firm of solicitors is outlined and discussed. According to the appeal:

- The sole access to the site on Pier Road (a cull de sac) is inadequate. It connects to the R336, is extensively used by pedestrians, can only take single lane traffic due to on street parking is inadequate due to congestion especially at weekends as it is the only access route to the pier, restaurant and beach. Residents of Pier Road Terrace rely on 'on street' parking and have to deploy bollards to retain parking spaces in front of their dwellings. The most severe bottle neck is at Pier Road Terrace where the proposed development is to be located. Four additional spaces will cause a complete blockage and hazard to pedestrians and vehicles reversing out. The footpath is to be reduced according to the draft development plan.
- The internal roads reports recommend refusal of permission for the proposed development due to carparking design and lack of compliance with the guidelines in *Design Manual for Urban Roads and Streets*. (DMURS) and concerns for vehicular and pedestrian safety.
- The proposed development does not comply with the minimum setback from the seafront of thirty metres from the foreshore boundary wall in the LAP. It sets precedent for a new setback. The development will protrude at least five metres into the zone. The maps lack specific measurements. The references in prior history to High Water Mark is open to interpretation and is not measurable. It undermines confidence in the LAP. This setback was a negotiated outcome of the consultation for the LAP in the interest of amenity space. Storm surges and climate change and rising sea levels are a current issue and outside the village core the development setback is 100 metres or 10 metres elevation and the site has five metres elevation because of the fill in the site.
- The proposed development is out of character with and adversely affects the Architectural Conservation Area (ACA) and the pattern of development. The houses are not vernacular in style or sympathetic to the existing houses on

Pier Road. There is negative impact on visual amenity, the views of the Per and Terrace on approach from the east along the R336 and tourism

6.2. Applicant Response

6.2.1. A submission was received from the applicant's agent, on 4th July, 2018 which includes a detailed description of the proposed development and an outline of the planning background and context inclusive of extracts from Regional and Local statutory policy and objectives and section 28 Guidance: *Sustainable Residential Development in Urban Areas*: (DOECLG 2009).

- With regard to traffic and pedestrian safety, parking and congestion it is submitted that the current proposal is for revision to a previously permitted development and these matters have therefore already been considered. (P. A. Reg. Ref. 13/693 refers.) Nevertheless, the current proposal should result in reduced impact due to the proposed reduction in the total number of units.
- The contention in the objections as to the non-compliance with Objective NH38 of the LAP for application of the exclusion one and thirty metre setback from the foreshore required for development is rejected. It is unfounded and irrelevant to the current proposal. This is demonstrated in the submitted site layout plan which was accepted by the planning officer.
- The contentions in the objections as to adverse impact on visual amenity and the ACA have been raised in connection with the entire development as opposed to the current proposal and its building envelope, especially regarding the loss of views of the existing terrace from the R336. The views would remain largely unchanged, the historic building typology being maintained with the established vernacular being unaffected. The design concept of creation of a terrace is appropriate and the overall scale and massing is unchanged.
- The proposed development also accords with Objective N7 for maintenance of a six metre buffer from the Trusky Stream.
- The design statement prepared by the applicant's architect demonstrate compliance with policies and standards and compatibility with the ACA, the established surrounding development and residential amenity.

6.3. **Planning Authority Response**

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

6.4. **Observations**

6.4.1. Observer Submissions were received from the following four parties:

1. Des Fitzgerald,
2. John O'Flaherty,
3. Patricia O'Brien and Residents, Nos, 2 – 4 and 6 Barna Pier.
4. Catherine O'Carra and Others.

The submissions are detailed and include photographs. Ms O'Carra's submission includes a copy of a petition (Save our Footpath) with multiple signatures by individuals with addresses in Galway City and Barna.

6.4.2. The issues raised in all or some of the objections can be outlined in brief below:

- The proposed development would result in obstruction of free flow of vehicular and pedestrian movements and would endanger public safety by reason of traffic hazard. Attached to the submission of Ms O'Carra is a copy of an email report issued by the Roads Infrastructure and Operations Section on the proposed development lodged under P. A. 17/1305 in which refusal of permission is recommended on grounds that the proposed parking arrangement is not compliant with the DMURS resulting in concern about pedestrian and vehicular safety.
- There is special concern about pedestrian safety due to narrow footpath. A greater setback from the footpath edge would provide better for visibility of cars with the setback. Road width, taking parking into account is too narrow at circa ten feet for cars to pass. The footpath needs to be protected for pedestrian use. Reversing of vehicles onto the road is unacceptable from public safety perspective
- The proposed development would be detrimental to residential amenities of existing properties. Views from existing houses on Pier Road would be obstructed by the proposed development and access to daylight would be

obstructed. The new house would overlook the houses and the public road and interfere with the views from the existing houses at Nos 5-9 Pier Road.

- The location is inside an Architectural Conservation Area. The existing houses date to the 1800s. A greater setback from the road is essential for the ACA. The proposed development is not respectful to the setting of Pier Road and is a prominent site.
- As large as possible a private dwelling house is proposed in the current proposal no connection to streetscape or environs and is wholly incompatible with the surrounds and the ACA. The previously permitted development blends in better with the surroundings,
- The proposed development would be seriously injurious to the visual amenities of the public realm.
- The proposed development extends into the thirty metres exclusion zone in which no development is permitted.
- Barna Pier has been damaged during storms and caused a crater in the slipway at the pier. Sea level increases, due to climate change must be taken into consideration. The proposed development is taking public amenity space for private parking and the entrance. It would have detrimental impact on the setting and character of Pier Road.
- The reasoning for refusal of permission for prior proposals for development on the site remains applicable except for lack of capacity in the public sewerage infrastructure.

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.

Impact on Residential Amenities.

Drainage and water supply

Planning History.

Appropriate Assessment.

7.2. Parking, Traffic and Pedestrian Safety and Convenience.

- 7.2.1. The proposed dwelling is of considerable size and will generate a demand for parking. No on-site parking provision has been included in the proposed development. This enables the applicant to overcome the concerns about lack of scope for egress and access in forward gear off Pier Road which gives rise to concerns about conflicting traffic movements and risks to pedestrian and vehicular safety.
- 7.2.2. If on-site parking facilities incorporate provision for turning within the site were to be provided, the scope for achievement good integration with existing development in relation to the significance of the established front building line in the dwelling design would be reduced. It is considered that the substitution of one dwelling which is reliant on the public on street parking facilities for the two permitted dwellings while not ideal, is a more acceptable solution to development incorporating on-site parking with the associated turning movements on and off Pier Road that would be generated.
- 7.2.3. While there was no evidence, of congestion, obstruction of traffic movements and endangerment of the safety of pedestrians and other road users or, lack of public on street parking facilities 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.
- 7.2.4. 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 affect the operational capacity of the junction to an undue degree.

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

7.1.1. 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 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 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.

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

7.2.1. 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 statement 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)

7.2.2. The current proposal is a well-designed contemporary infill development that is complementary to and is an enhancement and feature of interest within the established historic streetscape. It is also a substitution for two permitted dwellings that integrates both with the other two proposed dwellings that are similar to the other two dwellings permitted under P. A. Reg. Ref. 13/963 as well as the established streetscape character. It respects the plot widths and the established front building line and is relatively low in profile and has an appropriate façade detail and scale and proportions in the openings. As a result, there is good connectivity

and cohesion with the existing development and the established architectural character of the Pier Road Architectural Conservation Area.

- 7.2.3. To this end, it is concluded that the proposed development is acceptable from a design perspective.

7.3. Impact on Residential Amenities.

- 7.3.1. The proposed development is to be located on the east side of the street on land which is at present undeveloped. In view of the form, modest height, and pitched roof profile for the proposed development it is not agreed that undue obstruction of access to sunlight and daylight to the interiors of the existing properties would occur with the development in place. It is also of note that there is good light penetration along the street from the south of the coastline.
- 7.3.2. While of the dwellings on the opposite side of the street will have had the benefit of views across the site towards the east and the coastal area from front facing windows which the proposed development would obstruct, it should be of note that there is no legal entitlement to views over the public realm from private properties.
- 7.3.3. It is also considered that undue overlooking would not occur. There is a degree of reciprocal overlooking that would occur from front facing windows at ground and first floor levels between properties on both sides of the street which is an established historical street a strong characteristic of which is the strongly defined front building line at the roadside/footpath edges.

7.4. Drainage and water supply

- 7.4.1. 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.

7.5. Planning History.

- 7.5.1. 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 before the lodgement of the current application. (P. A. Reg. Ref. 17/1305 PL 301244 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. Each one should be considered on its own planning merits and it is considered that the applications do not give rise to there is no conflict, with the provisions of a procedural nature within the Planning Acts.

7.6. Appropriate Assessment.

- 7.6.1. 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.
- 7.6.2. 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 view of the foregoing, it is recommended that the planning authority decision to grant permission for the proposed development be upheld. Draft Reasons and Considerations and Conditions follow.

9.0 Reasons and Considerations

It is considered that the proposed development, subject to compliance with the conditions set out below, would be acceptable in terms of traffic and pedestrian safety and convenience, would not lead to excessive demand for on street parking

facilities, would not seriously injure the visual and residential amenities of the area and would not adversely affect the character and integrity of the Pier Road Architectural Conservation Area. The proposed development would therefore be in accordance with the proposer planning an 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, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.
2. The development shall be in accordance with Condition Nos 1-10 attached to the grant of permission under P. A. Reg. Ref. 13/693 (PL 242580) except as amended to conform with the plans and particulars lodged with the application and with the following conditions. (The development subject of the application shall not be implemented separately from the permitted development under P. A. Reg. Ref. 13/693)

Reason: In the interest of clarity and to ensure the completion of the development of the site in entirety.

Jane Dennehy
Senior Planning Inspector
17th September, 2018.