



An
Bord
Pleanála

Inspector's Report ABP-302364-18

Development	Construction of 4 apartments with the upper floor apartments having private balconies proposed and associated works.
Location	No 21 Upper Newcastle Road, Galway.
Planning Authority	Galway City Council
Planning Authority Reg. Ref.	18/170
Applicant(s)	Anne Cooney.
Type of Application	Permission.
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Anne Cooney
Observer(s)	None
Date of Site Inspection	17 th of November 2018.
Inspector	Karen Hamilton

1.0 Site Location and Description

- 1.1. The subject site is a derelict corner site located at the end of a row of terrace two storey dwellings, beside the junction of the N6 and N59, Upper Newcastle Road, Galway. The site fronts directly onto the N59.
- 1.2. The site is surrounded by a small block wall with a pedestrian access and gate which previously served an end of terrace dwelling. The dwelling was removed c. 10 years following fire damage. A public walkway and associated green space runs along the south of the site and to the rear, west, is the gable end of a two storey apartment building.

2.0 Proposed Development

- 2.1. The proposed development would comprise of the following:
 - Construction of 4 no apartments with the upper floors having private balconies,
 - Associated services including site services, refuse storage facilities, landscaping, and site access & boundary treatments.

3.0 Planning Authority Decision

3.1. Decision

Decision to refuse permission for two reasons as summarised below:

1. The proposed development does not comply with the Galway City Council Development Plan 2017-2023 outlined under Section 2.4 "*Neighbourhood-Established Suburbs*" as the building design, finishes, format, length and layout contravenes the established pattern of development, plots, blocks and amenity spaces within the area, and does not have cognisance to the design principles established by original dwelling, such as ridge heights, fenestration layout and the building formed part of the row terraced dwellings, with private rear gardens. The current design/ proposal/ layout, if permitted would erode this established character and would represent a major addition and

redevelopment of the urban fabric and would have regard to the existing pattern of development plots, blocks street and spaces, be contrary to the above outlined development plan policies and would be injurious to the residential amenities of the area.

2. The proposed development, located within the “Established Suburbs” does not include any off- road car parking facilities to serve the four apartments, and is located at a heavily trafficked junction of the N6 and N59 and would be likely to result in on-street parking on the N59 in the vicinity of the traffic junction. The proposed development would give rise to roadside parking which would endanger public safety by reason of traffic hazard and obstruction to road users.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the area planner reflects the decision to refuse permission. The planner has regard to the policies in the development plan which would support the development of infill at this location although had regard to the constraints of the site, namely the busy roadways, the established building lines and the character of those surrounding residential sites and considered the proposal would be unacceptable.

3.2.2. Other Technical Reports

Drainage Department- No objection subject to conditions.

Roads Department- No report received.

3.3. Prescribed Bodies

Irish Water- No objection to proposal.

3.4. Third Party Observations

None received.

4.0 Planning History

Reg Ref 14/23

Permission granted for the demolition of a fire damaged and derelict end of terrace dwelling and for the subsequent weather proofing of the resulting exposed gable of neighbouring house along with ancillary works.

PL61.214101 (Reg Ref 05/468)

Permission refused for the construction of student accommodation comprising of six dwellings and associated site works for three reasons summarised as follows:

1. The proposal includes the demolition of an end of terrace dwelling and the proposed redevelopment is out of character with the sites in the vicinity and Section 2.4 of the development plan.
2. The proposed development is located on lands zoned residential development and the proposal represents excessive plot ratio overdevelopment, excessive density and a substandard form of development.
3. The proposal does not meet the development plan standards as set out under Section 11.3.1 (c).
4. The proposed development does not include any off-street parking to serve the six apartment dwellings which is located at a heavily trafficked junction of the N6 and N59.

Reg Ref 04/330

Permission refused for the demolition of an existing derelict house and construction of student accommodation comprising six units with associated site works and services.

Reg Ref 00/194

Permission granted to demolish existing house and replace with a new dwelling with adjoining granny flat.

Reg Ref 82/09

Permission refused for a dwelling to the rear of existing dwelling.

5.0 Policy Context

- 5.1. Guidelines for Planning Authorities on Sustainable Residential Development in Urban Area (2009)- Urban Design Manual A best practice guide.
- 5.2. Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018)
- 5.3. **Galway City Development Plan 2017-2023**

The site is zoned R (residential) where it is an objective *“To provide for residential development and for associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods.”*

The site is located within the **“Established Suburbs”** of Galway City, therefore the following policies and objectives in the development plan apply to new residential developments.

Policy 2.6 Established Suburbs

- Ensure a balance between the reasonable protection of the residential amenities and the character of the established suburbs and the need to provide for sustainable residential development.
- Encourage additional community and local services and residential infill development in the established suburbs at appropriate locations

Section 11.3.2 Established Suburbs

As per standards for Outer Suburbs except:

11.3.2 (a) General In the interests of sustainability and urban design, higher densities may be appropriate when new residential development or commercial/community development has regard to the prevailing pattern, form and density of these areas.

11.3.2 (b) Amenity Standards

Shall be as per Outer Suburbs except in certain circumstances where the established form and layout would deem a reduction in these standards appropriate, in the interests of sustainability and urban design.

11.3.2 (c) Car Parking Standards

- 1 on-site per dwelling and 1 grouped visitor per 3 dwellings or,
- 1 space per dwelling if grouped.

5.4. Natural Heritage Designations

The site is located 300m to the west of Lough Corrib SAC (site code 000297)

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are submitted from an agent on behalf of the applicant in relation to the refusal by the planning authority and the issues raised are summarised below:

- A background to the planning history, National Planning Framework, Sustainable Residential Development Guidance, Design Standards for Apartments and local policy is provided in the introduction.

Building Design

- The proposal provides an appropriate and high quality design solution for the location.
- The proposed external materials, white render, concrete capping and black/blue slate, are sympathetic to the built environment. These are similar to the houses in the vicinity.
- The proposal has a similar design to the apartment block on the opposite side of the junction at University Road granted under Reg Ref 06/244.
- There is no established pattern of development or precedence of building design in the vicinity as they vary in age, style, height and fenestration.

- The existing streetscape includes both pitched roof and flat roof.
- The windows have a simple design and are predominantly vertical with one corner element proposed.
- The proposed design concept should not have to reflect the original dwelling as this does not promote the efficient use of brownfield lands.
- The elongated nature of the site is in keeping with the surrounding sites.
- The national guidelines on sustainable residential development permits an increase in the height of buildings where they generally taper down towards the established residential area. The ridge height difference between the existing dwelling and the proposed development is only 950cm.

Car parking

- The application site is located 980m from Galway City Centre and within walking distance to all facilities.
- Section 4.19 of the national design guidelines states that in large apartments the requirement for car parking should be relaxed.
- Section 4.27 of the same apartment guidelines states that refurbishment schemes on sites up to 0.25ha should have a reduction in car parking subject to overall design quality and location.
- The Upper Newcastle Road is served well by a bus route and cycle paths.
- There is on street parking in the vicinity of the site which can be used for set down.
- The site is considered an appropriate location for the relaxation of car parking standards.

6.2. Applicant Response

The applicant is the appellant.

6.3. Planning Authority Response

None received.

6.4. Observations

None received.

7.0 Assessment

7.1. The main issues in this appeal and can be dealt with under the following headings:

- Principle of Development
- Impact on Residential Amenity and Character of the Surrounding Area
- Access and Parking
- Appropriate Assessment
- Environmental Impact Assessment

Principle of Development

7.2. The proposed development is for the construction of 4 no apartments in two buildings which are interconnected on the first floor on a site which has been derelict for a number of years.

7.3. The proposed development was refused for two reasons, the first being the inappropriate design of the buildings on the subject site and impact on the surrounding area and the second was in relation to the inadequate provision of parking and impact on the adjoining national road network.

7.4. The grounds of appeal are submitted by the applicant in response to both reasons for refusal which I have addressed separately below, following the assessment of the principle of the development.

7.5. Development Plan Compliance: The site is located at the end of a row of two storey dwellings and is zoned for residential development in the Galway City Development Plan 2017-2023 where it is an objective to *“To provide for residential development and for associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods.”*

7.6. The site is located within an area defined as “Established Suburbs” and Policy 2.6 of the development plan refers to the need to provide sustainable residential development, including infill, while ensuring a balance between the reasonable

protection of the residential amenities and the character of the area. The report of the area planner refers to the potential for the redevelopment of this site although considered the submitted proposal inappropriate.

- 7.7. Planning History: Planning Permission was refused (PL61.214101, Reg Ref 05/468) for the demolition of an existing dwelling and the construction of student accommodation comprising of six dwelling units and associated site service. The reasons for refusal referred to the policy in Section 2.4 of the development plan which did not permit the demolition of existing dwellings and replacement with higher density developments. More recently following fire damage within the dwelling, permission was granted (Reg Ref 14/23) for the demolition of the end of terrace dwelling. I note the policy relating to the demolition of buildings for replacement with higher density is not included within the existing development plan although it is of note that the dwelling on the site has been removed and therefore I consider the site is appropriate for infill development.
- 7.8. Therefore, having regard to the residential zoning on the site, the policies in the development plan relating to infill development and the planning history on the site I consider the development of 4 no apartment units at this location is acceptable in principle subject to compliance with other planning requirements detailed below.

Impact on Residential Amenity and Character of the Surrounding Area

- 7.9. The proposed development includes 2 no 2 storey buildings interconnected by a first floor. The front building connects onto the end of the existing terrace and provides 2 apartments whilst the second building is located at the rear along the southern boundary facing onto the pedestrian path along the south of the site. The first reason for refusal relates to the inappropriate design including the finishes, format, length and layout which the planner considered contravened the pattern of development in the vicinity and did not take cognisance of the original building or the established form of the existing row of terraced dwellings.
- 7.10. The grounds of appeal do not consider it reasonable to require any new development to mirror the previous dwelling in the site and consider the submitted design complies with the requirements of the development plan and respects the character of the site and adjoining dwellings. In addition, it is submitted in the

grounds of appeal that the surrounding area is characterised by a mix of dwelling designs and there is an apartment block located directly to the rear of the site.

- 7.11. The location directly onto the N59 and is an extremely prominent site, at the junction of the N59 and N6 entering into Galway City Centre. The site is located on the northern side of the N6, therefore is defined as “Established Suburban” rather than “Inner Residential Area” in the development plan. As stated above, the policies of the development plan support the development of infill although regard must be given to the impact on the adjoining residential amenity.
- 7.12. Design: The front building, along the N59, is connected onto the end of the existing terrace of dwellings. The design of the front building is a contemporary building which includes a mix of roof profiles and external materials along the front. The ridge height of c. 0.9m higher than the adjoining, existing dwelling to the north. Whilst I consider this building is generally in keeping with the height of the adjoining terrace I consider the mix of external materials and range of roof profiles provides an over complicated design for a small infill development and does not complement the existing row of terrace dwellings along the north. It is acknowledged that there is a range and mix of dwelling styles on both sides of the N59 in the vicinity of the site although I note the site constraints are different on the appeal site due to its prominent location and connectivity with existing dwellings.
- 7.13. The rear of the site adjoins a two storey apartment building which was developed as a backland site. The rear building provides frontage along the southern boundary of the site, fronting onto the pedestrian walkway, and will be visible from the N6. I consider the overall scale and bulk of this aspect of the proposal is acceptable considering the separation from the existing dwellings and relationship with the backland development to the west of the site.
- 7.14. Open space: The proposal includes 30m² of open space along the front of the site and 31m² to the rear and the apartment on the first floor, to the west, includes c. 10m² for a balcony. The first floor apartment in the building along the front, east, includes two terraces, c. 9m² along the south and c. 15m² along the north facing onto the rear garden space of the existing dwelling to the north. This northern balcony is covered with a 1.8m high screen although having regard to the location directly adjoining the northern elevation, I consider there will be overlooking onto the rear of

the existing dwelling and therefore will have a negative impact on the residential amenity of this property.

- 7.15. Overshadowing: The front building is located along the south and directly adjoining the rear garden space of the existing dwelling. The first floor is set back from the northern boundary by c. 2m to facilitate the terraced area. Shadow projection drawings accompanied the planning application and illustrate overshadowing along the rear garden of the property to the north of the site. Having regard to the orientation of the site and location and height of the first floor apartment, with associated balcony directly along the southern boundary, I consider the proposal will cause significant overshadowing on the amenity space directly to the rear of the existing dwelling.
- 7.16. Having regard to the range and mix of styles and external materials on the proposed frontage along the east, onto the N59, I consider the design of the proposal is not acceptable at such a prominent location into Galway City Centre and considering the location at the end of an existing terrace I do not consider it complies with the requirement for infill development in Policy 2.6 of the development plan. In addition, having regard to the orientation of the site and the location and design of the first floor apartment in the building to the east of the site, I consider the proposal will cause overlooking and overshadowing on the rear of the existing property directly to the north of the site. Therefore I consider the proposed development will have a significant negative impact on the character of the surrounding area and residential amenity of the occupants of the adjoining property, which does not comply with the zoning objective for residential lands.

Access and Parking

- 7.17. The proposed development does not include any vehicular access or off-street parking. The second reason for refusal relates to the absence of car parking facilities for four apartments, the location of the site on a heavily trafficked junction of the N59 and N6 and the potential impact on traffic safety from possible on-street parking.
- 7.18. The grounds of appeal submit that the location of the site is only 130m from the university, 950m from the hospital and is well served by a bus route along the front of the site. In addition, having regard to the information contained in the national guidelines for apartments "Sustainable Urban Housing: Design Standards for New

Apartments (2018), there should be a relaxation of car parking standards for parking on the site.

- 7.19. As stated above, the site is location within an area defined as “Established Suburbs” in the development plan and Section 11.3.2 (c) requires the provision of 1 car parking space on-site per dwelling and 1 grouped visitor per 3 dwellings or 1 space per dwelling if grouped. Section 4.19 of the national guidelines for apartment development refers to the minimisation of car parking in central locations and section 4.27 states for urban infill schemes on sites up to 0.25ha, car parking provision may be relaxed in part or whole, on a case-by case basis, subject to overall design quality and location.
- 7.20. The site is 0.036ha, located on the junction of the N6 and N59 and the double yellow lines along the front of the site. I note a significant number of the existing dwellings along the road do not currently have off street parking and no on street parking was evident upon site inspection. Whilst I do not consider the site is within a city centre site, I consider the location, restricted nature of the site and the characteristics of the surrounding area would support the relaxation of car parking requirements for appropriate development on the site.
- 7.21. Therefore, having regard to the information contained in Section 4.27 of the national guidelines on apartment development, in relation to the relaxation of car parking requirements for infill developments and the location of the site close to the university, hospital and city centre, and the location of double yellow lines restricting on street parking, I do not consider the proposed development would lead to conditions which would be prejudicial to public safety by reason of traffic hazard on the public roads in the vicinity or create serious traffic congestion.

Appropriate Assessment

- 7.22. The site is located 300m to the west of Lough Corrib SAC although having regard to the nature and scale of the proposed development within a serviced area no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on the conservation objectives of any European site.

Environmental Impact Assessment

- 7.23. Having regard to the nature and scale of the proposed development there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

8.0 Recommendation

- 8.1. It is recommended that the proposed development is refused for the reasons and considerations as set out below.

9.0 Reasons and Considerations

The proposed development includes 4 apartments on an infill site which is located on lands zoned residential in the Galway City Development Plan 2017 - 2023, where it is an objective *“To provide for residential development and for associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods.”* The site is located within an area defined as “Established Suburban” and Policy 2.6 permits infill where the proposal provides reasonable protection of the residential amenities and the character of the area. It is considered that the proposed development, by reason of its height, design, and use of materials at this prominent corner site at the end of a row of terrace dwellings, would lead to overlooking and overbearing on the adjoining property and constitute inappropriate development of the site and seriously injure the amenities of the area and of property in the vicinity, which would be contrary to the zoning on the site and policy of the development plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Karen Hamilton
Planning Inspector

10th of December 2018