



An  
Bord  
Pleanála

## Inspector's Report ABP-303892-19

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<b>Development</b>	Change of permitted 2 no. detached dwellings to 4 no. terraced dwellings
<b>Location</b>	Killora, Craughwell, Co. Galway
<b>Planning Authority</b>	Galway County Council
<b>Planning Authority Reg. Ref.</b>	18/1760
<b>Applicant(s)</b>	JRBOC LTD.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	JRBOC LTD
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	9 <sup>th</sup> May 2019
<b>Inspector</b>	Irené McCormack

## 1.0 Site Location and Description

- 1.1. The site is located within Craughwell village, approx. 22km to the southeast of Galway City. The village is accessible to Galway City, Ennis and Limerick City via regular rail service and access to M6 motorway.
- 1.2. The site is located to the southwest of the village, 115m west of the train station 360m southwest of the village centre.
- 1.3. The site forms part of the “Gleanntán na hAbhlann” housing estate. However, the site is removed from the overall housing development and occupies a standalone corner plot on the opposite side of the public road. Foundation pads and associated services for two detached units have been constructed on the site.
- 1.4. The site is accessed via a cul de sac of the R-347 regional road. The cul de sac serves four existing detached houses.
- 1.5. The existing estate is served by a shared propriety treatment plant. The existing treatment plant is to be upgraded as part of the previous planning permission.

## 2.0 Proposed Development

- 2.1. The development will comprise the change of house plans from previously permitted 2 no. detached dwelling houses to 4 no. terraced dwellings. The dwellings are two storey three-bedroom dwellings with stepped building lines and standard pitched roof finish. The dwellings front the cul de sac with the rear of the houses backing onto the regional road R-347.

## 3.0 Planning Authority Decision

### 3.1. Decision

Galway County Council issued notification to refuse planning permission for the following reason:

Having regard to the confined nature of the site, the limited provision of private open space for each dwelling house, the absence of any sightlines demonstrated for the proposed entrances to the site, in conjunction with the requirement for vehicles to reverse onto a constricted section of access road, the planning authority considered the proposal to be overdevelopment of the restricted site, which would form a substandard form of development that would impact on residential amenity of future

occupants of the houses, would depreciate the value of property in the vicinity of the site, and endanger public safety by reason of traffic hazard or obstruction of road users or otherwise and contrary to the proper planning and sustainable development of the area.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

The Planning Officer's report notes the relevant policy objectives relating to the proposed development. The report sets out that while the general principle of residential development is acceptable in the village proposals should only be considered where the protection of amenities, privacy and established character is provided. The report outlines the restricted nature of the site, the absence of appropriate private open space and concern regarding associated traffic movement.

### **3.2.2. Other Technical Reports**

None

## **4.0 Planning History**

Site

17/1253 – 2017 permission granted to JRBOC Ltd. to construct 31 dwellings previously granted under 07/1922 and 12/875.

18/240 – 2018 Permission granted to JRBOC Ltd. to retain and complete alterations to the internal layout layout of the estate, increase the number of units and the capacity of the effluent treatment plant.

## **5.0 Policy and Context**

### **5.1. Galway County Development Plan 2015-2021**

Section 3.4.3 Infill/Sub Division of Individual Sites

The existing built fabric of large towns often contain residential areas where additional dwellings can be accommodated without compromising the existing

residential amenity or residential character of the area. The provision of additional dwellings within inner suburban areas of towns can be provided either by infill or by sub-division. Infill residential development may range from small gap infill, unused or derelict land and backland areas, up to larger residual sites or sites assembled from a multiplicity of ownership. Sub-division of individual sites can be achieved where large houses on relatively extensive sites can accommodate new residential development without a dramatic alteration in the character of the area or a negative impact on existing residential amenities. Subdivision shall be considered subject to safeguards regarding residential amenity, internal space standards, private and public open space, car parking and maintenance of the public character of the area.

#### *Section 3.4.5 Edge of Centre Sites Within Small Towns/Villages*

The emphasis is on achieving successful transition from central areas to areas at the edge of the smaller towns and villages. Development of such sites tends to be predominantly residential in character and given the transitional nature of such sites, the density range will be assessed depending on the characteristics of the small town/village, and the subject site, on a case by case basis. There will also be an encouragement of appropriate housing types with a high standard of design. This form of development needs to ensure the definition of a strong urban edge and design that creates a clear distinction between the urban area and the open countryside while discouraging ribbon development on the approaches to towns and villages.

DM Standard 1: Qualitative Assessment-Design Quality, Guidelines and Statements (Urban and Rural Areas)

a) Design Quality

b) Design Guidelines sets out that - On brownfield, infill sites or all other sites, a minimum of 10% public open space will be required.

DM Standard 22: Parking Standards

c) Parking in Residential Areas

In general, residential layouts should not be dominated by car parking along access roads. New residential development should take account of the following criteria:

- Car parking for detached and semi-detached housing should be within the curtilage of the individual house site.

## Section 2.6.1 Settlement Hierarchy

### 2.6.6 Other Villages (Population <1,500)

The villages in this tier of the hierarchy include Craughwell. They have strong settlement structures and have the potential to support additional growth, offering an alternative living option for those people who do not wish to reside in the larger key towns and do not meet the housing need requirements for the rural area.

#### 5.1.1. Craughwell Local Area Plan 2009 - 2015

The LAP complements the implementation of the current Galway City Development Plan 2017-2023.

The site is located in an area identified as “Outer Village Area” in the Local Area Plan.

Policy RD1 - It is a policy of the Council to encourage residential development that adds to the character and is appropriate to the existing character and density of the village.

*Objective RD1.2* Residential developments must have regard to the village and rural ethos of the surrounding landscape; a respect for design, density, materials used and mass.

*Objective RD1.4* Houses located at the plan boundary will be at a low density to create a soft transition between the plan area and the surrounding landscape

## Section 5.0 Layout and Built Form

*Objective LB1.2* Appropriate gateways, entrances and thresholds should be encouraged at the edges of the village and at the entrance to major new developments. The entrances to the village should be designed as gateways with high quality public spaces, structures and / or landscaping to create a sense of place, arrival and identity.

*Objective LB1.3* Orientate buildings towards public roads and other public spaces so as to provide a ‘face’ to development, to create a more vibrant streetscape and to ensure natural surveillance and a safe environment. Buildings on corner sites will be encouraged to ‘turn the corner’ by fronting onto two streets.

*Objective LB1.12* Buildings and public spaces should be designed to create quality places that are suited to their context, that have a recognisable identity and that contribute to the creation of a high quality public realm.

*Objective LB1.13* - Developments should provide for a high level of connectivity and permeability, to encourage walking and cycling and to promote linkages between areas, together with an adequate level of legibility, to provide a distinctive distribution of places and spaces that provide adequate orientation and clarity.

#### 5.1.2. **National Policy and Guidelines**

- National Planning Framework (2018)
- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009)
- Quality Housing for Sustainable Communities, Best Practice Guidelines (2007).
- The Residential Density - Guidelines for Planning Authorities 1999

#### 5.2. **Natural Heritage Designations**

The site is located 0.5km east of Rahasane Turlough SAC (site code 000322) and 0.7km east of Rahasane Turlough SPA (site code 004089).

#### 5.3. **EIA Screening**

Having regard to the nature and scale of the proposed development, the receiving environment, and to the nature, extent, characteristics and likely duration of potential impacts, I conclude that the proposed development is not likely to have significant effects on the environment and that the submission of an Environmental Impact Statement is not required. The need for environmental impact assessment can, therefore, be excluded at preliminary examination. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

### 6.0 **The Appeal**

#### 6.1. **Grounds of Appeal**

The applicant's grounds of appeal can be summarised as follows:

- National residential planning policy encourages the efficient use of development lands within built-up areas including the re-use of

brownfield/underutilised sites. The proposed development is compliant with national housing policy and the provisions of the NPF.

- It is set out that Craughwell would be classified as a “Small Town/Village” in the Sustainable Residential Development in Urban Areas Guidelines and the development is in compliance with Chapter 6 of the Guidelines in terms of location, density and proximity to public transport.
- It is set out that the development will contribute towards the aspiration of the Regional Planning Guidelines 2010-2022 to foster thriving and sustainable growth of towns and villages.
- The infill development is supported by Section 3.4.3 *infill/Subdivision of Individual Sites* of the Galway County Development Plan 2015-2021.
- It is set out that the development meets all relevant qualitative and quantitative standards and the site is accessible to the train station and village.
- An alternative layout has been attached for the consideration of the Board in an effort to address the reason for refusal as set out by Galway County Council.

## 6.2. Planning Authority Response

The Planning Authority did not respond to the grounds of appeal.

## 6.3. Observations

None

## 7.0 Assessment

### 7.1. Introduction

7.1.1. The principle of developing the proposed houses within the village boundaries of Craughwell on lands identified as “Outer Village Area” is acceptable, subject to planning and environmental considerations addressed below.

7.1.2. In their appeal submission the appellant has presented an alternative layout to the Board for consideration. The revised proposals seek to address car parking, vehicular movement and associated traffic safety, private open spaces and pedestrian connectivity. The following assessment has regard to this alternative.

7.1.3. I consider the substantive issues arising from the grounds of appeal and in the assessment of the application and appeal, relate to the following

- Residential Amenity
- Traffic Hazard
- Design and layout
- Appropriate Assessment

The issue of Design and Layout is considered a **New Issue** in the context of the appeal.

## 7.2. Residential Amenity

7.2.1. The Planning Authority's decision to refuse permission for the proposed development was partially based on the inadequate and substandard provision of private amenity space for the proposed dwellings. In appealing the decision, the grounds of appeal assert that the development is in compliance with the required standards. There is no minimum requirement for private open space provision set out in the County Development Plan or the Craughwell Local Area Plan. Chapter 13 of the Development Plan states that private open space shall be designed for maximum privacy and oriented for maximum sunshine and shelter with a minimum back to back distance between dwellings of 22 meters.

7.2.2. Similarly, there is no defined area set out in the Sustainable Residential Development in Urban Areas (Cities, Towns & Villages), 2009 and its accompanying design manual. However, Section 7.8 of the Guidelines state that all houses (terraced, semi-detached and detached) should have an area of private open space behind the building line. The Residential Density - Guidelines for Planning Authorities 1999 sets out a minimum requirement of 60-75sqm for 3/4/5-bedroom houses. The rear garden area of unit 35 is only 42sqm with an additional side garden area of 45sqm. I note the rear garden of units 36, 37 and 38 are in excess of 76sqm.

7.2.3. The Sustainable Residential Development in Urban Areas (Cities, Towns & Villages), 2009 set out that privacy is an important element of residential amenity and contributes towards the sense of security felt by people in their homes. Where ground floor dwellings have little or no front gardens, it is important that "defensible space" is created behind the public footpath, for example, by means of a planting



strip, and the design of ground floor windows will need to be carefully considered. The layout does not provide for defined front garden area or on-site car parking to the front of the houses.

- 7.2.4. Therefore, I consider the layout of the development by reason of the failure to provide “defensible space” behind the public footpath does not provide for an appropriate level of residential amenity for each of the dwellings and is contrary to the Sustainable Residential Development in Urban Areas (Cities, Towns & Villages), 2009

### 7.3. **Traffic Hazard**

- 7.4. As stated, the revised layout presented by the applicant as part of the appeal provides for three parallel car parking spaces to the front of the terrace of four dwellings and a further five spaces to the rear of the houses in the form of a communal car park accessed from the regional road with a proposed footpath link to the houses. This car park is located approx. 40m south of the existing roundabout to the north and approx. 43m north of the cul de sac. No sightlines have been indicated at the entrance and site inspection indicated that sightlines are restricted due to the alignment of the road. I consider the additional traffic movements generated by this new access would represent a traffic hazard at this location and conflict with traffic movement associated with the cul de sac to the south and the roundabout to the north. The site is located in a 60kmph area. Accordingly, a sight line distance of 90m in both directions is required in accordance with the Design Manual for Roads and Bridges (DMRB) manual. This is not achievable in this instance.
- 7.4.1. DM Standard 22: Parking Standards of the County Development Plan sets out that residential layouts should not be dominated by car parking along access roads and car parking for detached and semi-detached housing should be within the curtilage of the individual house site. The location of the main car parking for the houses to the rear of the site is contrary to DM standard 22 as set out, and in the interest of security, I would question the suitability of such a proposal.
- 7.4.2. In conclusion, I consider that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate at a point where sightlines are restricted would

endanger public safety by reason of traffic hazard and would lead to conflict between road users, that is, vehicular traffic, pedestrians and cyclists.

## 7.5. Design and Layout

- 7.5.1. The appeal site is located to the southwest of Craughwell Village on the edge of the established Village. Section 3.4.5 *Edge of Centre Sites Within Small Towns/Villages* of the County Development Plan 2015-2021 sets out the emphasis is on achieving successful transition from central areas to areas at the edge of the smaller towns and villages through appropriate housing types with a high standard of design and the need to ensure the definition of a strong urban edge and design that creates a clear distinction between the urban area and the open countryside.
- 7.5.2. The appeal site occupies a prominent corner site on the southern approach to the village at the junction of regional road R-347 and a minor cul de sac. The proposal provides for a terrace of 4 two-storey dwellings in lieu of previously permitted 2 no. detached dwellings. The houses will face east (the cul de sac) with a gable end and the rear elevations addressing the regional road. The revised layout submitted for the Boards consideration includes a shared car park for five cars to the rear of the houses accessed from the regional road and provides for three parallel car parking spaces to the front of the houses with access from the cul de sac.
- 7.5.3. The Planning Authority's decision to refuse permission for the proposed development considered the proposal to be overdevelopment of the restricted site, which would form a substandard form of development that would impact on the residential amenity of future occupants of the houses.
- 7.5.4. The general character of the area is reflective of the transition between the rural area and the village and the built form is characterised by existing and permitted detached and semi-detached dwellings. However, the subject site is a restricted, visually prominent corner site with limited capacity to accommodate high density development. The applicant argues that the site is easily accessible to the train station and village. Although located 115m west of the train station, site inspection indicated that the public footpath does not extend from the site to the train station or the village centre.
- 7.5.5. The applicant argues that the development is consistent with National and Regional policy objectives for brownfield/underutilised sites and Section 3.4.3 *infill/Subdivision of Individual Sites* of the Galway County Development Plan 2015-2021. In this

regard, I note that foundation base pads for the previously permitted two dwellings have been constructed on site. However, the application is for amendments to a live planning application with works currently under construction and the site is located on the edge of the village. I do not consider the site to be a brownfield site or an infill site. Therefore, the associated policy objectives do not apply.

7.5.6. *Objective RD1.4* of the Craughwell local Area Plan states that houses located at the plan boundary will be at a low density to create a soft transition between the plan area and the surrounding landscape. Furtherment, Section 6.3 (e) of the Sustainable Residential Development in Urban Areas, Guidelines states that the scale of new residential schemes in smaller towns and villages should be in proportion to the pattern and grain of existing development.

7.5.7. The development site is isolated from the parent residential scheme in so far as the site is located on the opposite side of the regional road with no direct link to the principal residential development. In addition, the existing four houses on the cul de sac reflect detached suburban dwellings characterised by front gardens enclosed behind boundary walls and significant building line setbacks. By contrast the front building lines are staggered with no “defensible space” for the individual houses. Furthermore, the design does not provide for dual aspect design to address the regional road, and I consider the scale of rear boundary walls fronting the regional road would be visually obtrusive, in particular, having regard to the similar type wall located on the opposite side of the road.

7.5.8. I consider the design approach fails to address the site context and the site location on the edge of the village and the proposed terrace of four dwellings would be out of character and this location, and contrary to *Section 3.4.5 Edge of Centre Sites Within Small Towns/Villages* of the Galway County Development Plan to create a soft transition between the urban and rural area.

#### 7.6. **Appropriate Assessment**

Having regard to the nature of the development, its location in a serviced village, and the separation distance to any European site, 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 a European site.

## 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

1. Having regard to the outer suburban location of the site, it is considered that the proposed density of the scheme is excessive in the context of adjoining development, would result in an inadequate amount of private open space to serve the proposed development, and would give rise to substandard residential amenity for future occupiers. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area
2. The proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate at a point where sightlines are restricted would endanger public safety by reason of traffic hazard and would lead to conflict between road users, that is, vehicular traffic, pedestrians and cyclists.
3. Having regard to its location at the edge of the village, it is considered that the design approach fails to address the site context and the site location on the edge of the village and the proposed terrace of four dwellings would be out of character and this location, and contrary to *Section 3.4.5 Edge of Centre Sites Within Small Towns/Villages* of the Galway County Development Plan to create a soft transition between the urban and rural area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Irené McCormack  
Planning Inspector

21<sup>st</sup> June 2019