



An
Bord
Pleanála

Inspector's Report

ABP-303947-19

Development	Construction of 2 no. houses.
Location	Slí Uí Mhaoiloise, Ballymore, Craughwell, Co. Galway.
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	181836
Applicant(s)	Laurem Construction
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Laurem Construction
Date of Site Inspection	06 th June 2019
Inspector	Colin McBride

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.70 hectares, is located to the north west of Craugwell, Co. Galway. The appeal site is part of an existing and recently constructed housing development called Sli Ui Mhaoilise. The appeal site consists of a tarmacked area and a vacant site defined by existing block walls and located between existing dwellings. There are existing two-storey semi-detached dwellings located to the south and south west of the site with the site to north being undeveloped agricultural land but with a permitted housing development yet to be constructed.

2.0 Proposed Development

- 2.1. Permission is sought to construct 2 no. two bedroom semi-detached bungalows with sewage connection to treatment plant approved under ref no. 05/2217 and alteration to rear gardens of dwelling house numbers 5 and 6 approved under ref no. 07/4386 and associated services.

3.0 Planning Authority Decision

3.1. Decision

Permission refused based on two reasons...

1. Having regard to the confined and restricted nature of the subject site, and the reduction in permitted private open space areas afforded to 2 storey dwellings adjoining the subject site, it is considered that the proposed development would constitute a haphazard layout and overdevelopment of this site, would be out of character with the existing forms and pattern of development in the vicinity, would seriously injure the residential amenities of future occupants of the existing and proposed residential units in the area, and would contravene development management standards contained in the Galway County Development Plan 2015-2021. The proposed development would be contrary to the proper planning and sustainable development of the area.

2. The site of the proposed development is very restricted due to its siting and the proposed layout of access arrangements directly to the front of adjacent terrace dwellings resulting in omission of adequate frontage amenity space, absence of turning circle and restricted access and egress to the proposed residential units. The development if permitted would therefore pose a serious risk to traffic safety, would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise, seriously injure the amenities and depreciate the value of adjoining property and would be contrary to the proper planning and development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning Report (18/02/19): The layout of the proposed development was considered restrictive in terms of access, turning area, front amenity space and the reduction in level of private open space associated with two existing dwellings was considered inappropriate. Refusal was recommended based on the reasons outlined above.

4.0 Planning History

16/39: Permission refused to revise entrance location and alterations to internal road layout approved under 06/5705 and 12/1041.

07/4386: Permission granted for a crèche and 20 no. dwelling houses.

06/5705: Permission granted for 30 no. dwelling houses.

05/2217: Permission granted for 36 no. dwelling houses.

5.0 Policy Context

5.1. Development Plan

5.1.1 Galway County Development Plan 2015-2021

Craughwell is identified as a Level 5 centre (other villages population <1500) in the Galway County Development Plan.

Objective SS6 of the Plan states that it is an objective of the council to protect and strengthen the economic diversity of the smaller towns, villages and small settlements throughout the county enabling them to perform important retail, service, amenity, residential and community functions for the local population and rural hinterlands.

The Core Strategy for the county identifies that Craughwell has a population allocation of 83 over the lifetime of the plan, equating to a housing land requirement of 3.5 ha. The plan states that there is 48 ha. of existing undeveloped residentially zoned lands.

The provisions of the LAP are set out below however it is not clear whether the appeal site is included in the 48 ha. of undeveloped residentially zoned lands as it is outside of any development area identified in the LAP.

Chapter 23 of the plan sets out development management standards.

For a 1-3 bedroom house there is a requirement for the provision of 1.5 spaces per unit.

Regarding waste water treatment plants, DM standard 29 relates to effluent treatment plants and states that treatment plants will be permitted in the case of clustered housing where EPA standards are met. The Plan states that applications should be accompanied by design details, a maintenance agreement and certification that tanks have been de sludged.

5.1.2 Craughwell Local Area Plan, 2009 – 2015

There is a LAP for the village of Craughwell however this plan was adopted on 7th September, 2009 and therefore expired in September, 2015.

The site is located on lands that are within an existing residential development at the limits of the developed area at the eastern side of the village. The site is located outside of what is identified in the Plan as either the inner or outer village area and is also outside of the flood risk area identified in the Plan.

The LAP identifies that the village has substantial amounts of undeveloped lands in excess of that identified in the 2009-2015 County Development Plan (500 units for Craughwell), and the plan states that future development in the village should be strategically located.

Policy LU3 states that it is the policy of the council to ensure the orderly development and growth of Craughwell.

LU3.1 states that the plan aims to consolidate the existing village core through efficient land use zoning, the promotion of infill development, redevelopment of derelict and obsolete and brownfield sites and adopting a sequential approach to development.

5.2. Natural Heritage Designations

None in the vicinity.

5.3. EIA Screening

5.3.1 Having regard to nature of the development comprising of the construction of 2 no. dwellings within an existing housing 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.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 A first part appeal has been lodged by Laurem Construction. The grounds of appeal are as follows.

- The site extends to 700sqm which is more than sufficient to cater for 2 no. modestly scaled single-storey units. The proposal meets all qualitative and quantitative standards under planning policy and is a small infill development using an underutilised site.
- The proposal entails a reduction of private open space associated with no's 5 and 6 to 260 and 150sqm respectively which is more than adequate with it noted there is no minimum private open space requirement in the County Development Plan. It is noted that such levels of private open space are well in excess of that recommended under the Residential Density Guidelines.
- The proposal would not be hap-hazard development with it noted that the existing arrangement represents under-utilisation of serviced development land. The proposal would not be overdevelopment and the density of development proposed is not excessive. The proposal respects the existing pattern of development.
- In relation to traffic it is noted the cul-de-sac proposed serves 2 no. dwellings with 3 no. car parking spaces with predicted traffic levels light and therefore acceptable in terms of traffic safety.
- It is considered the lack of front amenity space is not essential or a requirement under Development Plan policy.
- It is considered having regard to the level of dwellings proposed that the need for turning circle is excessive. It is noted that a similar issue was raised on a neighbouring site under PL07.244967 and a turning circle was not deemed necessary.
- It is noted that the level of traffic proposed would have no adverse impact on traffic safety and no report was received from the Council's Road Section objecting to the proposal.

- An alternative layout was submitted for the Boards consideration omitting the car parking and access to the front of the dwellings and relying on the surplus of parking within the overall development (analysis of such provided).

6.2. Planning Authority Response

No response.

7.0 Assessment

- 7.1. Having inspected the site and the examined the associated documents, the following are the relevant issues in this appeal.

Principle of the proposed development/development plan policy/development control standards

Traffic/car parking

Appropriate Assessment

- 7.2 Principle of the proposed development/development plan policy/development control standards:

- 7.2.1 The proposal seeks to provide an additional 2 no. dwelling houses within a recently constructed housing development. The proposal entails reduction in the size of gardens associated with no. 5 and 6, which are approved dwellings (not constructed) to the north of the appeal site. The appeal site at present is consists of a tarmacked area and walled section. The appeal site and existing housing development are on land not currently zoned or subject to a current Local Area Plan (LAP). There was a LAP in place in the form of the Craughwell LAP 2009-2015. The site was not formally zoned under the LAP, but was located in an area defined as being the Outer Village Area. Notwithstanding Development Plan policy provisions, the proposal is a small infill site within an existing permitted housing development, so the principle of the proposed development and land use has already been established. The proposed use is in keeping with the established use and is a small infill site that is fully integrated into the existing housing development at this location.

- 7.2.2 The proposal entails the provision of two additional dwellings within an existing housing development. The proposal does not entail a significant increase in the

density of development with the additional dwellings increasing density to 28 units per hectare, which is categorised as low to medium density under the provisions of the Galway County Development Plan.

7.2.3 In terms of development control objectives there are no minimum standards for private open space under the County Development Plan. One of the reasons for refusal refers to reduction in permitted open space area associated with permitted dwellings, non-compliance with development management standards and overdevelopment. The proposal would appear to be reducing the curtilage and private amenity space to the rear of 2 no. dwellings permitted to north. Both of these dwellings are provided with 260 and 150sqm of private open space respectively, which is very generous and more than adequate level of private amenity space. The proposed dwellings, which are two bed units are provided with 136 and 146sqm of private amenity space, which is also of a good standard and despite there being no minimum specified under Development Plan policy such would appear to be adequate for the amenities of future occupants in the case of the proposed and permitted development. The proposal would not represent overdevelopment of the site and provides for 2 no. additional dwellings with adequate amenity space in the form of private amenity space and retains adequate amenity space with the permitted dwellings to the north. I would also note that the singles-storey design of the dwellings would also mean that there is no issue regarding overlooking or separation distances between the proposed and adjoining dwellings. The proposed development provides for a reasonable standard of development with adequate regard to the relevant development standards and the amenities of future and existing residents.

7.3 Traffic/car parking:

7.3.1 The proposal provides for 3 no. car parking spaces in front of the proposed dwellings which face onto a cul-de-sac. The proposal was refused on the basis that the parking layout is restrictive with the lack of turning area and that turning movement would pose a traffic hazard. The normal requirement for parking for a 1-3 bedroom dwelling is 1.5 spaces as per the Galway County Development Plan and the parking provision proposed is in accordance with such. It would appear that the layout has been altered with the dwellings to the south having no off-street car parking to allow for access to the site. There is communal parking in the vicinity of

the existing dwellings to the south and access layout has been implemented on site to facilitate the new dwellings. In terms of traffic safety I would consider that the layout proposed is acceptable and note that the level traffic associated with the number of dwellings proposed and would not be high and is in keeping with the existing development on site.

7.3.2 I would note that the proposed layout could be altered to allow for a small turning area beyond the end of northernmost space and subject to the provision of such, a large turning area is not required with sufficient space provided to facilitate likely turning movements. The appellants have submitted a revised layout that omits the 3 no. car parking spaces in favour of additional open space with pedestrian access and the use of the communal parking area to serve the proposed dwellings as well as the provision of 3 no. spaces adjoining 21(E). Having examined the revised layout, I would recommend that permission be granted and that the revised layout be the one approved. I am satisfied that there is sufficient car parking being provided to service the dwellings proposed and that the proposal would be acceptable in the context of traffic safety and convenience. I would also consider that the revised layout retains parking to the front of 21E and the dwellings to south of the site.

7.4 Appropriate Assessment:

7.4.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest 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. I recommend a grant of permission subject to the following conditions.

9.0 Reasons and Considerations

Having regard to the design and scale of the proposed development, it is considered that the proposed development, subject to compliance with the conditions set out

below, would not seriously injure the visual amenities of the area and would not seriously injure the amenities of adjoining property. The proposed development would, therefore, be in accordance with the proper planning and 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 and as amended by the revised plans submitted by the applicant to An Bord Pleanála on the 15th day of March 2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

3. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. Site development and building works shall be carried out between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or Public Holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

5. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of social and affordable housing in accordance with the requirements of section 96 of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Colin McBride
Planning Inspector

12th June 2019