



Development Change of use from residential, to Guest House use and the demolition of out-buildings at the rear. The new Guest House will incorporate the existing two storey end of terrace house as well as a new two storey extension at the rear and will comprise of 9 ensuite guest rooms with communal lounge and breakfast room along with landscaped courtyard and a new pedestrian gate access at the rear and all ancillary site works, landscaping and service connections.

Location 20 Walsh's Terrace, Woodquay,
Galway.

Planning Authority Galway City Council

Planning Authority Reg. Ref. 18366

Applicant(s) Donal Gallagher.

Type of Application Permission.

Planning Authority Decision Grant Permission subject to conditions

Type of Appeal Third Party

Appellant(s) Declan and Sandra Owens.

Observer(s) None.

Date of Site Inspection 27th June 2019.

Inspector Bríd Maxwell

1.0 Site Location and Description

- 1.1. The appeal site refers to an established end of terrace dwelling site, No 20 Walshe's Terrace, located in Woodquay which is in the centre of Galway City approximately 270m to the north west of Eyre Square. The site 0.0309 hectares has road frontage on three sides fronting onto Walsh's Terrace to the south east. Its elongated side frontage faces Dyke Road to the north east and the rear of the property faces a secondary service road The Plots Road to the north west. The Plots Road provides access to the rear of the terraced houses and wraps around a large recreational green area. The appeal has a small front garden with vehicular access and gravelled parking area and to the rear the site includes a number of single storey outbuildings sited on the site boundary facing Dyke Road and across the rear boundary to The Plots Road. The frontage onto Dyke Road is defined by 2.6-3m high wall. A large ESB substation is located directly to the rear of the site. Walshe terrace is predominantly in residential use though includes a dental practice at no 12 and car valet business at no 14.

2.0 Proposed Development

- 2.1. The development as described in public notices involves change of use from an existing residential, end of terrace dwelling to Guest House use and demolition of existing outbuildings to the rear. The initial proposal as set out was for new guest house incorporating the existing two storey end of terrace house as well as a new two storey extension at the rear to comprise of 11 en-suite guest rooms with communal lounge and breakfast room along with a landscaped courtyard, and a new pedestrian gate access at the rear and all ancillary site works, landscaping and service connections.
- 2.2. Following further information request the proposal was revised to reduce the bulk of the building resulting in a reduction in the number of bedrooms to 9 in total. The revised design incorporated a changed rooftopch with proposed gross floor area of 297sq.m. and courtyard area of 57.2 sq.m. Additional amendments were made to animate the frontage to Dyke road including provision for 'fake chimneys and bespoke railing along window cills.
- 2.3. Application details indicate that one bedroom will be allocated to a live-in staff member therefore maximum guest house occupancy will be 17 no persons.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. By order dated 26th March 2019 Galway City Council issued notification of its decision to grant permission and to which the following conditions were attached.

- Condition 2. Permission relates to a 9 no bedroom B&B where one bedroom is dedicated for use as staff accommodation only. No sub-division internal modifications or additional bedrooms shall be provided on site.
- Condition 3. Development Contribution €5,000 towards provision of public transport facilities.
- Condition 4. Operation in accordance with the management regime as submitted.
- Condition 5. Details of bedroom for staff accommodation to be identified.
- Condition 6. Car parking layout to the front of the building to be provide.
- Condition 7. Landscape plan.
- Condition 8. Construction programme to be agreed.
- Condition 10. Demolition, excavation, construction between 08800 hours and 1800 hours Monday to Friday and 0800 and 1300 hours on Saturday.
- Condition 11. Construction excavation and demolition waste management
- Condition 12. Plant and machinery within the building.
- Condition 13. External finishes to match existing building.
- Condition 14. Signage.
- Condition 15. Management of waste.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.1.1 Initial planner's report considers the proposal acceptable in principle however the scale bulk and form are considered excessive. Notes location opposite area zoned for commercial development (C1) which has been designated for the creation of a Local Area Plan. It would be anticipated that the development of this area would

include higher density buildings commercial/ mixed use that will create a new streetscape along the Headford Road and Dyke Road. The creation of new streetscape to Dyke road is considered to be an enhancement to the character of the local area by reinforcing local distinctiveness identity and sense of place whilst providing a positive contribution to visual amenity and public realm.

3.2.1.2 Final planners report considers that the revisions address concerns regarding bulk and massing. Third party concerns regarding wastewater infrastructure to be highlighted in letter to Irish Water. Permission was recommended subject to conditions. I note that in relation to Development Contributions report noted that no general contribution would apply on the basis of the application of credit for existing dwelling. Transportation contribution €5,000 (2 no spaces at €2,500 per space)

3.2.2. Other Technical Reports

3.2.2.1 Building Control report indicates no objection.

3.3. Prescribed Bodies

3.3.1 Irish Water submission indicates no objection subject to prior connection agreement.

3.4. Third Party Observations

3.4.1 Submissions by the third-party local residents, Edel and Joe Langan, 19 Walsh's Terrace and the third-party appellant's Declan and Sandra Owens, 18 Walsh's Terrace raise common concerns also raised in the appeal which I have summarised as follows:

- Concern that proposal is out of keeping with the character of the area.
- Exceedance of permissible plot ratio.
- Significant hydraulic load to public sewer will exacerbate of existing problems where blockages are a regular occurrence.
- Concern regarding *Airbnb* use.
- Traffic and parking issues compounded.
- Overshadowing, overlooking and invasion of privacy. Noise impacts.

- Commercial nature of the development is inappropriate in a residentially zoned area.
- Conflict with development Plan policy which seeks to protect established city centre communities such as Woodquay from encroachment of commercial activity.
- Inadequate bin storage. Loading and unloading, traffic congestion and hazard. No bicycle parking.
- Following further information response submissions assert that the changes are minor and do not address significant issues arising in respect of residential amenity having regard to the scale of the development.

4.0 Planning History

No recent planning history on the appeal site.

09/218 refers to No 19 Walshe's Terrace. Permission for alterations and additions including demolition of existing rear extension and addition of new extension to rear with 2 velux and coxdome and all associated site works to the dwellinghouse.

13/357 No 18 Walsh's Terrace. Permission granted for two storey extension to rear.

5.0 Policy Context

5.1. Development Plan

5.1.1 The Galway City Development Plan 2017-2023 refers. The site is zoned R the 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.*"

5.1.2 Woodquay is noted to be an established residential community which contributes significantly to the vitality and liveability of the city core. The development plan notes that these residential communities have experienced pressures of commercial encroachment and have been retained as neighbourhoods through policies of the Development Plan. The Development Plan sets out objectives to carry out a civic improvement scheme for Woodway to include improvements in traffic management, parking regime and public realm.

5.2. Natural Heritage Designations

Lough Corrib SAC (Site Code 00297) located 150m to the is the nearest Natura 2000 site.

5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale of the proposed development and to the nature of the receiving environment, 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 The appeal is submitted by neighbouring residents Declan and Sandra Owens, 18 Walsh's Terrace, Woodquay Galway. Grounds of appeal are summarised as follows:

- No objection to the principle of development on the property however such development should be in keeping with the characteristics of the area.
- Intensification of use and significant additional hydraulic load on sewerage system which is subject to regular blockage and malfunctions.
- Proposal will exacerbate existing parking and traffic problems.
- Overshadowing overlooking and invasion of privacy.
- Proposed commercial use is in contravention of residential zoning.
- Waste Issues and conflict with development plan objective to protect the established city centre community of Woodquay.
- Scale and mass of development is excessive.
- Concern regarding potential disturbance if accommodation is not supervised at night time. Interference with long term residential use.
- Property should not be viewed as unique. Precedent for similar development.

6.2. Applicant Response

6.2.1 The response by O Neill O Malley Architecture Project Management on behalf of the first party responds as follows:

- Intended Management arrangements for the proposed guest house are outlined. Note operator has been consistently in the top 8 out of 189 B&Bs in Galway. This experience and background in the hospitality sector offers credibility to the intended business plan for the B&B.
- Maximum occupancy will be 17 people including live in staff. Staff member will occupy one of the 9 rooms.
- Only a limited breakfast selection will be provided between 8 and 10 daily.
- Waste disposal will be similar to that arising at a domestic dwelling.
- Unique nature of the site and location in centre adjacent to an expansive area of commercially zoned land.
- Streetscape is designed to assimilate with the setting with the new extension reading as a series of terraced houses onto Dyke Road.
- Proposal will enhance the streetscape and provide a positive contribution to the character and setting of the local area.
- Sun shadow study submitted with the FI response illustrates level of additional shadows cast as a result of the development demonstrates that due to orientation north of the neighbouring houses the proposed development will not give rise to overshadowing of the neighbouring amenity spaces.
- All first-floor windows proposed in the access corridor will have frosted opaque glazing and will be top hung casements with restrictors to address potential overlooking.
- Notably neither Irish Water nor the City Council raised objection or issues with regard to the public sewer.
- Mitigation measures will be implemented during the construction programme to mitigate impact on residential amenity.

6.3. Planning Authority Response

6.3.1 The response by Galway City Council asserts that issues raised have been given due regard and consideration as part of the planning assessment. Development as modified during the course of the application takes account of issues of scale, bulk and height and visual appearance. In the event of the Board upholding decision to grant permission it is recommended that a condition applies regarding use of traditional materials to match neighbouring dwellings.

7.0 Assessment

7.1. The key issues arising in the appeal relate to the principle of development, scale and design and impact on established residential amenity. The grounds of appeal also raise issues with regard to public sewerage infrastructure and the issue of appropriate assessment must also be addressed.

7.2. On the question of the principle of development, the site is within an area zoned R Residential the objective being *“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”*. Hotel, guesthouses, hostels and B&Bs are identified as uses which may contribute to the zoning objective depending on the location and scale of development. The Development Plan also includes a number of policies aimed at protecting city centre residential neighbourhoods by discouraging encroachment of commercial development. I consider that while the proposal is commercial in character it is by reason of its nature and scale appropriate to the context and is in accordance with the zoning objective and will contribute to sustainable residential neighbourhoods. The lands adjacent to the north east are zoned C1 *“To provide for enterprise light industry and commercial uses other than those reserved for the CC zone”*. These C1 zoned lands also form part of the Headford Road Local Area Plan area which also incorporates The Plots Road local park. Significant regeneration in this area is envisaged within the development plan which notes a lack of cohesion, sense of place and identity. Existing parks are noted to be underutilised and lacking in terms of passive surveillance. I concur with the views of the City Council Planner that the proposed development of a streetscape along Dyke Road and The Plot’s Road will

contribute positively to visual amenity and represents a significant improvement of the public realm. Therefore, I consider that the principle of development is acceptable and in accordance with Development Plan objectives subject to detailed matters.

- 7.3. As regards the scale and layout of the development I would concur that the site is unique in terms of its corner location and frontage to three roads and also having regard to its location at the transition between residentially zoned lands and lands zoned C1. In view of this location and unique character and context I consider that the densification of the site and creation of a new streetscape and higher plot ratio is justified. This is subject to the appropriate safeguards in terms of protection of established residential amenity. On the issue of design, I consider that the proposal is appropriate and reflects the established character of the area.
- 7.4. In assessing the potential impacts on residential amenity. I note that the potential for overlooking is mitigated by design. First floor windows serving the corridor at first floor level, which face towards no 19 Walsh's Terrace and within 2.8m-3m of the common boundary, are obscurely glazed with top hung casements with restrictors. As regards overshadowing having regard to the site's orientation to the north east of adjacent dwellings the proposed two storey extension will not give rise to overshadowing of neighbouring amenity spaces. I consider that the proposal is acceptable in terms of its impact on established residential amenity.
- 7.5. On the issue of intensification of use I consider that having regard to the location of the site and subject to the use as outlined, the proposal will not give rise to significant impacts in terms of noise or other disturbance. As regards traffic arising, I note that given the central accessible location of the site the opportunity to avail of sustainable modes of transport arises, and the application of development contribution in lieu of parking provision is accordingly recommended. As regards waste arising, given the scale of the operation proposed, where food offering is limited to breakfast, waste arising will not be significant.
- 7.6. As regards site servicing issues the third party refers to overloading and the regular malfunction of the public sewer system on Walsh's Terrace and the concern that the additional hydraulic load arising from the proposal will further exacerbate such issues. I note that the report from Irish Water indicated no objection to the proposed development and technical report of the City Council did not indicate any such issue. I note that on the recommendation of the reporting planner, Galway City Council

notified Irish Water by letter dated 4th April of the concerns raised by the third party for appropriate investigation and follow up.

7.7 As regards Appropriate Assessment having regard to the nature and scale of the proposed development and the nature of the receiving environment, within a fully serviced area, and proximity to the nearest European site, no appropriate assessment issues arise, and it is considered that 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. Arising from my assessment of the appeal case de novo as set out above I recommend that the Board uphold the Decision to grant permission subject to the following schedule of conditions:

Reasons and Considerations

Having regard to the established use on the site and the pattern of development in the area, it is considered that the principle of development of a B&B is acceptable on this site within the R land use zoning, of the Galway City Development Plan 2017-2023. If carried out in accordance with the conditions set out below, the proposal would be acceptable in terms of its visual impact and in terms of traffic safety and convenience, would not affect the residential amenity of surrounding areas and would be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on 28th February 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 and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The development hereby permitted shall be operated as B&B in accordance with the management regime as outlined in documentation submitted to the planning authority on 28th day of February 2019 and for no other purpose without a prior grant of permission for change of use. One bedroom shall be dedicated for use as staff accommodation only.

Reason: In the interest of residential amenity and to limit the scope of the proposed development to that for which the application was made.

- 3 No advertisements or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

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

Reason In the interest of visual amenity.

5. Prior to commencement of development, the developer shall submit, for the prior written consent of the Planning Authority

- (i) Details of parking layout which shall include secure cycle parking spaces.
- (ii) Details of landscaping scheme

Reason: In the interest of encouraging the use of sustainable modes of transport and in the interest of visual amenity.

6. 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.

7. The construction of the development shall be managed in accordance with a construction management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction / demolition waste.

Reason: In the interests of public safety and residential amenity.

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting development in the area of the planning authority that is provided or intended to be provided for 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 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.

Bríd Maxwell
Planning Inspector

23 July 2019