



An  
Bord  
Pleanála

## Inspector's Report

### ABP-304893-19

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<b>Development</b>	Change of house plans from the previously permitted on site numbers 27 & 28 to 2 larger detached houses.
<b>Location</b>	Killora, Craughwell, Co Galway.
<b>Planning Authority</b>	Galway County Council
<b>Planning Authority Reg. Ref.</b>	19625
<b>Applicant(s)</b>	JBROC Ltd
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	JBROC Ltd
<b>Date of Site Inspection</b>	19 <sup>th</sup> September 2019
<b>Inspector</b>	Colin McBride

## 1.0 Site Location and Description

1.1 The appeal site, which has a stated area of 2.836 hectares, 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. The site is located to the southwest of the village, 115m west of the train station 360m southwest of the village centre. 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. The site is accessed via a cul-de-sac off the R-347 regional road. The cul-de-sac serves four existing detached houses. 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. Permission is sought for a change of house plans from the previously permitted 2 no. detached dwelling houses on site numbers 27 & 28 to 2 no. larger detached dwelling houses by increasing each house by 1m in width.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission refused based on one reason...

1. Having regard to the increased size of the proposed change house plans (and associated site plots) compared to the approved house plans for Units 27 & 28 under the 07/1922 permission; the movement of these proposed residential units (and associated site plots), in particular Unit 27, immediately adjacent to the R347, regional road; and the alignment of the public road from the roundabout towards the location of the proposed development, it is considered that the proposed residential units would form a visual dominant and overbearing form of development along this regional road, which would not fit appropriately or integrate effectively into this area,

and would likely to have an adverse impact on the visual amenity of the area. Accordingly to grant the proposed development would seriously injure the amenities or depreciate the value, of property in the vicinity; would set an undesirable precedent for similar future development in the area, and therefore would be contrary to the proposed planning and sustainable development of the area.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

Planning report (18/06/19): The increased size and scale of the proposed development over that approved taken in conjunction with its location relative to the public road would have an adverse visual impact. Permission was refused based on the reason outlined above.

### **3.3. Third Party Observations**

#### **3.3.1 None**

## **4.0 Planning History**

4.1 ABP-303892-19: Permission refused for change of house plan from the previously permitted 2 no. detached dwelling houses on Site Nos. 27 & 28 to 4 no. terraced dwelling houses. Refused based on one reason...

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 and would constitute overdevelopment. 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 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 at this location, and be contrary to Section 3.4.5 Edge of Centre Sites Within Small Towns/Villages of the Galway County Development Plan 2015-2021 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.

4.2 18/240 – 2018 Permission granted to JRBOC Ltd. to retain and complete alterations to the internal layout of the estate, increase the number of units and the capacity of the effluent treatment plant.

4.3 17/1253 – 2017 permission granted to JRBOC Ltd. to construct 31 dwellings previously granted under 07/1922 and 12/875.

4.4 07/1922: Permission granted to construct 31 dwellings and associated site works.

## 5.0 Policy Context

### 5.1. Development Plan

#### 5.1.1 Galway County Development Plan 2015-2022

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:

### 5.1.2 Craughwell Local Area Plan 2009 - 2015

- 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.

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.

## 5.2 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

## 5.3 Natural Heritage Designations

5.3.1 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).

## 5.4 EIA Screening

5.4.1 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**

6.1.1 A first party appeal has been lodged by Planning Consultancy Services on behalf of the JBROC Ltd. The grounds of appeal are as follows...

- The proposed change over the approved plans is not significant and would facilitate larger and more energy efficient dwellings. It is a more efficient use of the site which has an existing live permission for two dwellings.
- It is noted that the overall visual impact will be negligible with the proposed dwellings having the same height, width and design treatment. It is noted that the proposal would not have an adverse visual impact or an overbearing impact with an adequate setback from the public road and only the western corner of no. 27 near the public road.
- Revised boundary proposal are provided to reduce the visual impact.
- It is noted that the issues raised in the refusal under appeal ref no. ABP-303892-19 are not applicable as the proposal is for two dwellings and not 4 in that case, which is the density permitted previously. Adequate private open space is provided.
- Direct access is not proposed onto the regional route and access is onto the cul-de-sac to the south of the site with the traffic reason under ABP-303892-19 not applying.
- It is noted that the design and visual impact of the proposal is different to that refused under ABP-303892-19.

### **6.2. Planning Authority Response**

6.2.1 No response.



## 7.0 Assessment

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

Design, scale and visual amenity

Appropriate Assessment

7.2. Design, scale and visual amenity:

7.2.1 The proposal is for a change of house type of the dwellings permitted on site no.s 27 and 28 permitted under ref no. 07/1922 and extended under ref no. 12/875 and 17/1253. The permitted dwellings are two-storey dwellings and the proposed dwellings are similar in design apart from being larger in floor area with unit 27 being 23sqm larger than the previous approved development and unit 28 being 28sqm larger than the previously approved development (07/1922). The dwellings proposed are similar in design to the two dwellings previously permitted on site. It would appear that there was wider strip of land along the road and the rear boundaries of the proposed dwellings under the approved layout.

7.2.2 The site has a planning history under which permission has been granted for two no. two-storey detached dwellings. In addition I would note the design and layout of the proposed dwellings meet development plan requirements in regards to private open space and car parking. The current proposal seeks an altered layout with the biggest change being the location of no. 28, which is to be located further away from the road edge and on the same building line as no. 27 (the dwellings were staggered to match the alignment of the public road. Having regard to the planning history of the site and the overall design and scale of the dwellings proposed, I would consider that such would not have a significant or adverse physical impact at this location.

Although the dwellings present their rear elevation to the public road, the history of the site and orientation is dictated by the location of the dwellings off the adjoining cul-de-sac. I would consider that the overall scale of the dwellings, which are two-storey suburban style dwellings would not be out of character at this location considering existing development permitted at this location both on the appeal site,

on the opposite side of the road and further north along the cul-de-sac. I would note that the existing housing development on the opposite side of the road extends beyond the limit of the appeal site and has dwellings whose rear and side elevations are visible along the public road. The applicant has proposed landscaping to soften the visual impact and reduce the prominence of solid boundaries. I am satisfied that subject to implementation of such measures that the overall design and scale of the proposed dwellings would be satisfactory in the context of the visual amenities of the area.

### 7.3 Appropriate Assessment:

7.3.1 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 planning history of the site, the pattern of development at this location, and the design and scale of the proposed dwellings it is considered that, subject to compliance with the conditions set out below that the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of traffic and pedestrian safety and convenience and would not give rise to flooding in the area. 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 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. Details of materials, colours and textures of all external finishes to the proposed development shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development.

**Reason:** In the interests of visual amenity.

3. The boundary treatment and landscaping proposals indicated in the drawings submitted shall be implemented.

**Reason:** In the interests of visual amenity.

4. Site development and building works shall be carried only out between 0800 to 1900 hours Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in 'exceptional circumstances' where prior written approval has been received from the planning authority.

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

5. Drainage requirements including the attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services.

**Reason:** To ensure adequate servicing of the development and to prevent pollution.

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, as amended. 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, 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.

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Colin McBride  
Planning Inspector

15<sup>th</sup> October 2019