



An
Bord
Pleanála

Inspector's Report

ABP-305245-19

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| Development | Permission for a six bedroom Guesthouse, garden shed, and all associated site works and services. |
| Location | 16 Fr. Griffin Road, Galway. |
| Planning Authority | Galway City Council |
| Planning Authority Reg. Ref. | 19117 |
| Applicant(s) | Martin & Dolores Thompson |
| Type of Application | Permission |
| Planning Authority Decision | Grant |
| Type of Appeal | Third Party |
| Appellant(s) | John O'Sullivan |
| Date of Site Inspection | 10 th October 2019 |
| Inspector | Colin McBride |

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.0287 hectares, is located on the northern side of Fr Griffin Road, which is a short distance to the south west of Galway City centre. The appeal site is a vacant infill site with this side of the street characterised by three-storey structures (second floor level within pitched roof), which are mainly residential in nature. Immediately to the west is no. 18, which is a three-storey dwelling (appellant's property). To the east is no. 14, which is also a three-storey structure and has a restaurant use at ground floor level and residential use on the floor above. To the north is a two-storey dwelling (rear boundary of site adjoins its side boundary) off Munster Avenue (no. 14).

2.0 Proposed Development

- 2.1. Permission is sought for the construction of a six bedroom guesthouse, a garden shed and associated site works. The proposed structure has a floor area of 227sqm and a ridge height of 9.790m. The structure is three-storeys (second floor in the roof space) and features a pitched roof and external finish of render and slates/tiles.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to 16 conditions. The conditions are standard in nature.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning report (12/06/19): Further information required including a structural report demonstrating that impact on adjoining properties, revision to size of window serving bedroom no. 4, details of how the development is to be served in regard to car parking and revised plans omitting roof lights.

Planning report (29/07/19): The response to further information was considered to be satisfactory. The design and scale of the proposal was considered to be satisfactory

in the context of visual amenity, amenities of adjoining properties and traffic safety. A grant of permission was recommended based on the conditions outlined above.

3.2.2. Other Technical Reports

Irish Water (14/05/19): No objection.

Drainage Section (14/05/19) No objection subject to condition.

Transport Department (31/05/19): No objection subject to conditions.

3.3. Prescribed Bodies

3.3.1 None

3.4. Third Party Observations

3.4.1 Submission by John O'Sullivan, 18 Fr Griffin Road, Galway.

- The bulk and scale of the structure proposed is excessive and would overshadow the appellant's dwelling and reduce light levels to existing windows. No shadow analysis has been submitted.

4.0 Planning History

4.1 18/353: Permission refused to construct a bed and breakfast building (8 bedrooms). Refused based on three reasons including excessive plot ratio, excessive scale and adverse impact on the character of the area and an adverse impact on adjoining amenities due to the intensity of development.

4.2 07/83: Permission granted for construction of a ground floor apartment and a two-storey overhead townhouse.

5.0 Policy Context

5.1. Development Plan

The relevant Development Plan is the Galway City development Plan 2017-2023. The appeal site is zoned 'R' with a stated 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.

Section 11.2.8: Residential R and Low Density residential LDR Land Use Zoning Objective.

Hotel, Guesthouses, Hostels and B&Bs are indicated as 'uses which may contribute to the zoning objective, dependent on the R and LDR location and scale of development'.

5.2. Natural Heritage Designations

5.2.1 None.

5.3. EIA Screening

5.3.1 In this circumstance, upon preliminary examination, it is concluded that, based on the nature, size and location of the development, there is no real likelihood of significant effects on the environment. The need for EIA is therefore precluded and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 A third party appeal has been lodged by OTuairisg Associates Ltd on behalf of John O'Sullivan, 18 Fr Griffin Road. Galway. The grounds of appeal are as follows...

- The bulk and scale of the structure proposed is excessive and would overshadow the appellant's dwelling and reduce light levels to existing windows. No shadow analysis has been submitted.
- The proposal would overlook the appellant's property particular the window serving bedroom no. 4 which overlooks the kitchen light well in the appellant's property.
- The appellant's property has been clad with external insulation. A gap of 35mm has been provided between the proposed structure and the gable wall of the appellant's dwelling with no details of how the external insulation on the appellant's dwelling is to be protected during construction.
- There is a lack of car parking to serve the proposed development which will generate additional traffic at this location.
- The appellant notes that the proposal does not meet the minimum criteria for a guesthouse as defined by Failte Ireland (minimum of 7 bedrooms, proposal has 6 guest bedrooms and 1 staff bedroom).
- The proposal will generate substantial noise and will be detrimental to the residential amenity of the appellant.
- Permission was previously refused for a guesthouse on site with the current proposal exceeding the maximum plot ratio specified by the Council.

6.2. Applicant Response

6.2.1 A response has been received from Patrick McCabe Architects on behalf of the applicants, Martin & Dolores Thompson.

- The proposed development would be acceptable in the context of adjoining amenities and would have no significant impact in relation to overshadowing

or overlooking. It is noted that the windows serving bedroom no. 4 is consistent with the pattern of development however if considered necessary the applicants are willing to introduce a vertical privacy baffle to prevent overlooking.

- A detailed engineering report is submitted to demonstrate how the proposal can be constructed with adequate protection of the external wall of the appellant's dwelling.
- The proposal is adjacent the city centre and well served by public transport. There is public car parking available on the opposite side of the road and at the Jurys car park a short distance away. It is noted that the Council's Transport Section indicated no objection.
- The design of the guesthouse is compliant with modern standards for tourism developments.
- The applicants note that proposal would not have a significant impact in regards to noise and disturbance.
- The proposal is different than the previous proposal on site and was designed to address the reason of for refusal.

6.3. Planning Authority Response

6.3.1 Response by Galway City Council.

- The issues raised were given adequate consideration and were dealt with by further information. The Council recommend that the Board uphold the decision to grant permission.

7.0 Assessment

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

Principle of the proposed development

Design, scale, pattern of development

Adjoining amenity

Traffic/car parking

Appropriate Assessment

7.2. Principle of the proposed development:

7.2.1 The proposal is for a six-bedroom guesthouse on an infill site in an area zoned 'R'. The proposal is compatible with the zoning objective and is a use indicated as being compatible under Development Plan zoning policy subject to location and scale of development. I would consider that the principle of the proposal is acceptable and subject to the proposal being acceptable in the context of the visual amenities of the area, adjoining amenities and traffic impact, which are elements to be explored in the following sections of this report.

7.3 Design, scale, pattern of development:

7.3.1 The appeal site is an infill site on the south side of Fr Griffin Road. The structures on this side of the road are three-storey structures (second floor within roof space) mainly consisting of dwellings. The proposal is for a three-storey structure (with second floor within the roof space) of similar scale and design that is similar in character with adjoining properties. The existing site is a vacant neglected site which is a gap in the streetscape and the provision of a new structure in keeping with the design and character of existing structures on adjoining sites would be a positive contribution to the streetscape. I would consider that the design and scale and pattern of development proposed is in keeping with that of the existing streetscape and would be have a positive visual impact at this location.

7.3.2 The issue of plot ratio is raised in the appeal and was a reason for refusal for a previous guesthouse proposal under ref no. 18/353. The proposal has a plot ratio of 0.79. The site is located within an Inner Residential Area with development Plan policy indicating that maximum plot ratio is 0.46:1. Although the proposal exceeds the plot ratio standard, the level and footprint of development is in character and in keeping with that established on adjoining sites. I would consider that having regard

to the fact the proposal is in keeping with character and scale of development on adjoining properties that the level of development proposed in this case is acceptable.

7.4 Adjoining amenity:

7.4.1 As noted above the design and scale of the structure proposed is very much in keeping with that of the existing structures along this side of the public road. In terms of adjoining amenities, the site is adjoined by no. 18 Fr Griffin Road to the west, which is a three-storey structure with a two-storey and single-storey annex to the rear. The structure to the east (no. 14) is a three-storey structure with a single-storey annex to the rear. The three-storey element of the proposed structure conforms to the existing building line and ridge height established by the existing structures along the road. The proposed structure does have a two-storey element to the rear and a single-storey element.

7.4.2 The appellant's property is to the east and has a small open space area adjacent the eastern boundary of the site with ground floor windows facing north and south. The appellant raises concern about the potential for overlooking from the window the bedroom at first floor (no. 4) and the window serving its ensuite bathroom. The appellant also expressed concerns regarding overshadowing of the windows looking into the small open space area adjacent the eastern boundary of his property. In response to further information the applicant revised the plans with the main change a reduction in the size of the window serving bedroom no. 4 and the reduction in the size of the window serving its ensuite. As noted above the design, scale and layout of structure is very much in keeping with that of adjoining structures. The two-storey and single-storey elements of the proposal are smaller in scale than the rear annex to the appellant's property by virtue of the use of flat roof instead of pitched roof. It would be off the view that the overall scale and layout of the proposed structure has adequate regard to the amenities of the adjoining properties.

7.4.3 The provision of a window serving bedroom no. 4 at first floor level on the rear elevation of the three-storey portion of the development is very much in keeping with the prevailing pattern of development. I would consider that its location relative to the adjoining property is satisfactory and would note that the revisions to reduce its size is sufficient to deal any concerns regarding potential overlooking. I am satisfied that relationship between the proposed structure and structures on adjoining sites is an acceptable standard in an established built area in close proximity to the city centre. In relation to the window serving the ensuite, which faces towards the side elevation of the appellant's property and the small open space area, this window is to be fitted with obscure glazing and has also been reduced in size in response to further information. This window is not directly opposite an existing window and I am satisfied that the reduced size in conjunction with obscure glazing is sufficient to protect the appellant's residential amenities.

7.4.4 In relation to the issue of overshadowing, I would note as indicated above that the rear two-storey and single-storey portions of the structure are lower in ridge height than adjoining structures due to their flat roof profiles. These elements of the proposal are stepped back from the boundary with the appellant's property. I would consider that the overall scale of the proposed development relative to the adjoining properties to the east and west (appellant's property) is satisfactory in scale and would have no adverse impact in regards to overshadowing.

7.4.5 The appellant notes that his property has been clad with external insulation and a gap of 35mm has been provided between the proposed structure and the gable wall of the appellant's dwelling with no details of how the external insulation on the appellant's dwelling is to be protected during construction. The proposal is located wholly within the applicants' site and on lands under their control. The onus is on the applicant ensure adequate measures to prevent any damage to adjoining properties during construction. I would consider that an appropriate condition requiring a construction management plan should be attached in the event of a grant of permission.

7.4.6 The appellant indicates that the nature of the use would be disruptive at this location and impact upon residential amenity. Despite the fact the proposal is commercial in nature it is a use that is compatible within the residential zoning and is type of residential use. I do not consider that the proposed use would cause any significant disruption or disturbance at this location and is use in keeping with residential nature of the location. I am satisfied that subject to implementation of the revisions provided for by further information and subject to appropriate conditions, that the proposed development would be acceptable in the context of amenities of adjoining properties.

7.5 Traffic/car parking:

7.5.1 The proposal does not entail the provision of off-street car parking with most of the properties along this side of Fr Griffin Park having no off-street car parking or vehicular access points. There is on-street car parking along the northern side of Fr. Griffin Park, which is subject to pay parking. The City Development Plan requirements for car parking would be 1 space per bedroom (Table 11.5). I would consider that the lack of car parking would not be a reason to preclude the proposal. The appeal site is in reasonably central location within Galway City and at a location where parking controls are in place, which would manage car parking without causing any disruption at this location. There is a pay parking system in place with the availability of public parking. I am satisfied that the proposal would be acceptable in the context of traffic safety and convenience, being a city centre location, where public parking is available and is controlled by an existing pay parking regimen.

7.6 Appropriate Assessment:

7.6.1 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, scale and layout proposed, It is considered that, subject to the compliance with the conditions set out below, the proposed development would be in accordance Development Plan policy, would not detract from the visual amenities of the area, would be acceptable in the context of the amenities of adjoining properties and be satisfactory in the context of traffic safety and convenience. 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 further plans and particulars received on the 03rd day of July 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 interests 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 window serving the ensuite bathroom of bedroom no. 4 at first floor level shall be fitted with obscure glazing and shall be maintained permanently as such.

Reason: In interest of orderly development.

4. Site development and building works shall be carried out only between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, shall be displayed or erected on the building or within the curtilage of the site unless authorised by a further grant of permission.

Reason: In the interest of visual amenity.

6. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

7. 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.

8. 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 traffic management, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and the amenities of the area.

9. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

10. 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

03rd December 2019