



An
Bord
Pleanála

Inspector's Report ABP 305780-19

Development	Five houses, parking and associated site development works.
Location	Church Street, Ballyhugh, Gort, Co. Galway.
Planning Authority	Galway County Council
P. A. Reg. Ref.	19/1248.
Applicant	O'Grady Construction, Gort Ltd.
Type of Application	Permission.
Decision	Refuse Permission.
Type of Appeal	First Party x Refusal
Appellant	O'Grady Construction, Gort Ltd.
Date of Site Inspection	5 th March 2020.
Inspector	Jane Dennehy.

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1.0 Site Location and Description

- 1.1. The site has a stated area of 1,420 square metres and is that of a part constructed residential development for which there is a prior grant of permission under P. A. Reg. Ref. 06 4518. Four substantially completed houses, stepped but within a terrace are located at the rear northern end of the site.
- 1.2. The site has frontage onto the west side of Church Street, a short distance to the south of the main square in Gort. There is a mix of residential, commercial and retail development in the immediate environs.

2.0 Proposed Development

- 2.1.1. The application lodged with the planning authority indicates proposals for five serviced two storey, two bed townhouses, associated parking and site development works. The total stated floor area of the existing buildings is 452.2 square metres with that of the proposed development being 520.8 square metres.
- 2.1.2. The lodged plans show three of the proposed houses facing directly onto the Church Street frontage, two of which, at first floor level are constructed over a vehicular entrance. Two further houses are shown positioned behind and, perpendicular to the three facing Church Street. Nine carparking spaces are marked out in a linear layout facing end on to the southern boundary. Each dwelling is allocated a small area of private open space at the rear.
- 2.1.3. The application is accompanied by copies of land registry documents.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to refuse permission based on two reasons.

- Reason 1 relates to conflict with CDP Objective UDM Standard 2 and Objective UID 1 of the *Gort LAP 2013-2023* and, sections 6.3 and 6.8 of

Sustainable Residential Development in Urban Areas (DEHLG 2009) and sections 2. 6 and 7 of *Urban Design Manual – A Best Practice Guide*.

- Reason 2 relates to overdevelopment of a restricted site due to nature and scale and incompatibility with pattern of development in the area and, substandard residential amenity for future residents.

3.2. Planning Reports

- 3.2.1. The planning officer considers the proposed development substandard with regard to design, layout, site size and configuration, and attainable residential for future occupants according to his report. Refusal of permission is recommended with reference being made to failure to reinforce existing urban form sense of place and existing and new connected streets to assimilate edge of centre setting, sense of place and assimilation into the edge of the centre and, layout that fails to integrate and relate to the environs.

There are no internal technical reports on file.

4.0 Planning History

- 4.1.1. According to the planning officer report the site has no recent planning history: However, Permission was granted for five town houses four apartment two retail units under P. A. Reg. Ref. 06/4518 and under P. A. Reg. Ref. 07/2796 Permission was granted for a retail unit with an apartment overhead, at the previously permitted development under P. A. Reg. Ref. 06 4518.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The operative development plan is the *Galway County Development Plan 2015-2021* and the operative Local Area Plan is the *Gort Local Area Plan 2013-2023*.
- 5.1.2. According to Policy RD1 of the County Development Plan, it is the policy of Galway County Council for residential development to support the creation of sustainable communities and high quality residential areas at appropriate locations with a range of housing options and adequate support services, facilities and amenities, having

regard to the guidance contained in the following policy documents or any updated versions of the *Joint Galway County Council and Ballinasloe Town Council Housing Strategy 2009-2015*, *Sustainable Residential Developments in Urban Areas: Guidelines for Planning Authorities*, (2009) and, the accompanying guidance document *Urban Design Manual: A Best Practice Guide* (2009), and, *Design Manual for Urban Roads and Streets*, (2013)

- 5.1.3. According to the Gort Local Area, Plan, the site location comes under Objective LU1 – Town Centre/Commercial (C1):- “Promote the development of the Town Centre as an intensive, high quality, well-landscaped, human-scaled and accessible environment with an appropriate mix of uses, including residential, commercial, service, tourism, enterprise, public and community uses as appropriate, that provide a range of retail services, facilities and amenities to the local community and visitors to the town. The town centre and associated main streets will remain the primary focus for retail and service activity in Gort”.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. An appeal was received from Grealish Glynn on behalf of the applicant on 29th October, 2019 according to which:
- The planning authority failed to conduct a proper assessment. The lands are zoned “town centre” in the LAP and residential standards apply. The total floor area of the existing four houses and the proposed development is at the lower and better end in the required limits in Guideline LU1 of the LAP at 973 square metres, and the plot ratio at 0.671 and site coverage at 31% are also at the lower and better end of the required limits.
 - The proposed development, with a floor area of 520 square metres is a more sustainable residential development than the previous proposal. There is more parking than the development of three shops and five apartments with a total floor area of 560 square metres permitted under P.A. Reg. Ref. 06/4518 and 07/2796.

- The Draft '*Urban Development and Building Heights – Guidelines for Planning Authorities*' (2018) indicate density for town / suburban/edge locations densities of 30-50 units as medium density. The proposed density is sixty units per hectare is acceptable for the town centre location.
- The accommodation complies with Building Research Establishment's *Site Layout Planning for Daylight and Sunlight* (2nd edition) and BS8206-2 – 2008 – *Lighting for Buildings - Part 2 Code of Practice for Daylighting*. The houses have their own rear gardens and bin storage facilities.
- The development is more family friendly than the previously permitted 'over shop' apartment development.
- The site location is ideally located for services. The street is wide and is 250 metres to the south of Gort Square. A shopping centre and primary school and sports fields are 250-300 metres to the south and the bus stop is 300 metres to the north.

6.2. Planning Authority Response

There is no submission from the planning authority on file.

7.0 Assessment

- 7.1. There is no dispute with applicant/appellant's case that the site is suitably located close to local services and facilities. It is a serviced site close to facilities and services and to the centre of the town. Furthermore, a high-quality infill development that is sustainable and contributes to the consolidation viability of the settlement in accordance with national regionals and local strategic policies is to be encouraged and supported.
- 7.2. Following on from this there is no conflict with the proposed land use in principle, having regard to the zoning objectives specified in the Gort LAP subject to a proposal being demonstrated to be consistent with the County Development Plan overriding policy objectives as set out in Policy RD supporting the creation of sustainable communities and high quality residential areas at appropriate locations with a range of housing options and adequate support services, facilities and amenities.

- 7.3. It is agreed that the internal layout for the habitable accommodation within the proposed dwellings would also be consistent with quantitative and qualitative standards having regard to the CDP, LAP and to strategic guidance. There is also no objection to the proposed opening of an entrance onto Church Street.
- 7.4. However, the private open space provision to the rear of the dwellings is insufficient in attainable amenity potential due to configuration, lack of sunlight and daylight access. In the case of the two dwellings to the rear there is confined space limited to four metres' separation distance between the dwelling footprint and the side boundary to the north side of the site. The private open space allocations to the rear of the three dwellings facing onto the Church Street frontage is also restrictive by way of the limited depth. The resultant utility potential for both the proposed and part constructed dwellings is also substandard in the site layout. In addition to limited private open space provision in poor configuration the interior central area of the overall scheme is dominated by the internal access road and linear surface parking which absorbs a considerable proportion of the site area and there is no central focus. There is a lack of any soft landscaping and planting that would enhance the visual amenities and passive recreational value and prioritisation of pedestrian facilities. Furthermore, the building over of the entrance at first floor severs the visual connectivity of the scheme with Church Street and the immediate established built environment.
- 7.5. Owing to these observations it is concluded that the proposed layout is substandard, resulting in a somewhat haphazard development within the site. It is lacking in coherence and legibility as a cluster within the site with a central focus and in connectivity and integration within the context of the built environment in the wider environs of Church Street. Furthermore, the proposed dwellings would be substandard in attainable residential amenity potential and the residential amenities of the existing dwellings would be diminished owing to the deficiencies private open space provision and in the overall site configuration. and configuration overall.
- 7.6. **Environmental Impact Assessment Screening.**
- 7.6.1. Having regard to the nature of the proposed development and its location in a serviced urban area, removed from any sensitive locations or features, there is no

real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.7. Appropriate Assessment.

- 7.7.1. Having regard to the planning history for the site, the zoning objective, the location of the site which is on serviced land, to the existing development on the site and in the vicinity and, to the nature and scale of the proposed development, no appropriate assessment issues arise, 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

- 9.0 In view of the foregoing, it is recommended that the planning authority decision to refuse permission should be upheld based on the draft reasons and considerations set out below.

10.0 Reasons and Considerations

It is considered that the proposed development, by reason of its layout in which there is deficient quantum and configuration of private open space provision for each dwelling, a predominance of linear surface parking facilities in conjunction with the centrally located internal access route, lack of legibility as a cluster scheme with a central focus and, sense of place in which landscaping, planting and pedestrian facilities are incorporated and in which there is clear connectivity with the environs on Church Street which would enhance the visual amenities and integrity of the context of the surrounding built environment close to the centre of Gort. As a result the proposed development would constitute substandard development which would seriously injure the visual and residential amenities of the area, including the attainable residential amenity value for the future occupants and, would undermine and fail to contribute to and enhance the consolidation of the town centre and the

surrounding built environment and, the future sustainable urban development of Gort. The proposed development would therefore be contrary to the proper planning and sustainable development the area

Jane Dennehy
Senior Planning Inspector
10th March, 2020.