



An  
Bord  
Pleanála

## Inspector's Report

### ABP-306793-20

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<b>Development</b>	Retention of a house on revised site boundaries and all associated site works.
<b>Location</b>	85 Lower Salthill, Galway.
<b>Planning Authority</b>	Galway City Council
<b>Planning Authority Reg. Ref.</b>	19338
<b>Applicant(s)</b>	Andrew Carrigy
<b>Type of Application</b>	Retention
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Andrew Carrigy
<b>Observer(s)</b>	Elizabeth Morris Aibbhe Niland
<b>Date of Site Inspection</b>	8 <sup>th</sup> June 2020
<b>Inspector</b>	Irené McCormack

## 1.0 Site Location and Description

- 1.1. The site is located at no. 85 Lower Salthill Road approx. 3km southwest of Galway City Centre. The appeal site, with a stated area of 0.0227ha. comprises a two-storey pitched roof house fronting onto Lower Salthill Road. Access to the site is from lower Salthill Road.
- 1.2. The site is bound to the north and south by two existing detached two-storey dwellings also accessing onto Lower Salthill Road. The rear boundary of the site bounds a rear access lane. The general area reflects predominantly residential development of mixed architectural styles and finishes.

## 2.0 Proposed Development

- 2.1. The development will comprise the retention of existing dwelling house on revised site boundaries and all associated site works.
- 2.2. The existing dwelling house is 127.50sqm in area. The layout proposed provides for a reduction in the overall site area to include the exclusion of the existing site passage and a portion of the rear garden.
- 2.3. Unsolicited further information was submitted on 31<sup>st</sup> January 2020 setting out rear garden area, details regarding bin storage and site boundaries in addition to FFL.

## 3.0 Planning Authority Decision

### 3.1. Decision

The planning authority refused planning permission for the following reason:

The dwelling and associated rear garden are located within an established urban area comprised of single-family dwellings and associated rear gardens. This proposal is for the redevelopment of the existing urban fabric, to be facilitated by the subdivision of a rear garden, by itself or by precedent it would create, would be contrary to the Galway City Council Development Plan 2017-2023, in particular Chapter 2, as it is out of keeping with the prevailing character, pattern and layout of residential development and rear gardens in this established urban area and where

the only access roadway to the subdivided area is incapable of facilitating two way traffic, and if permitted, would seriously injure the residential amenities, depreciate the value of property in the area, and would therefore be contrary to the proper planning and development of the area.

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

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

The Planning Officer's reports notes the zoning provisions and that the development would represent a significant redevelopment of the urban fabric with no regard to the existing pattern of development. It is noted that of concern is the potential future subdivision of the property and that there is no demonstrated reason or rationale for the subdivision of the garden.

#### **3.2.2. Other Technical Reports**

None

### **3.3. Prescribed Bodies**

None

### **3.4. Third Party Observations**

A total of five submissions were made in relation to the development. A brief summary of the issues raised in the submission to the Planning Authority are set out below:

- History of flooding on the site
- Subdivision the rear garden will alter the character of the area and appears to create two sites
- An additional dwelling will lead to additional traffic on the rear lane

## **4.0 Planning History**

*Site*

None

*Surrounding*

GCC Reg. Ref. 07/625 - Permission granted for the retention of existing landscaping scheme & alterations to the rear of roof structure at 'So na Trá' Apartments 85-97 Lower Salthill Galway.

## 5.0 Policy Context

### 5.1. Development Plan

The relevant document is the Galway City Council Development Plan 2017-2023. The site is zoned 'R' Residential – 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.

Relevant policies and standards of the Galway City Development Plan 2017-2023 include:

- Policy 2.6 Established Suburbs

Infill development will have regard to the existing pattern of development, plots, blocks, streets and spaces. Such development will also have regard to the scale and proportion of existing buildings, building lines, massing and height of buildings in relation to the street.

- Policy 2.6 Established Suburbs states: Ensure a balance between the reasonable protection of the residential amenities and the character of the established suburbs and the need to provide for sustainable residential development.

Encourage additional community and local services and residential infill development in the established suburbs at appropriate locations

- Section 11.3 Residential Development

#### 5.1.1. National Policy and Guidelines

Quality Housing for Sustainable Communities, Best Practice Guidelines (2007).

- Section 4.3.5 Private Space
- Section 4.7.2 Parking

## 5.2. Natural Heritage Designations

The site is not located within or directly adjacent to any Natura 2000 sites. The site is located 0.2km northwest of the Galway Bay SAC (site code 00268) and 0.21km northwest of Inner Galway Bay SPA (site code 004031).

## 5.3. EIA Screening

The proposed development is not of a class for the purpose of EIAR. The nature and scale of the development would not result in a real likelihood of significant effects on the environment.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- It is set out that the application applied for will facilitate a single-family home with adequately sized rear garden.
- Although not being applied for, it is stated that the subject site could facilitate an infill site and such a proposal would be consistent with relevant planning policy for infill underutilised sites close to public transport.
- It is set out that there are a number of subdivided plots in the wider area.
- The rear is currently served by a laneway already subdivided with large shed buildings and the building to the immediate south “So na Tra” consists of three apartments which already adds to the mix.
- It is set out that the development is not contrary to Chapter 2. Section 2.4 identified indicative “Neighbourhood Areas “ in Galway and the site is located within the “Established Suburbs”. Section 2.6 refers to the established suburbs contribute to the diversity and character of the city and recognising that potential still exists for some residential development.
- It is set out that the traffic capacity of the laneway is not of relevance to the current application. The existing house has no on-site car parking, and this will not change.

- It is set out that that proposal will not overlook any adjoining properties, will have adequate rear garden area and will not injure the residential amenities of the adjoining properties.

## 6.2. **Planning Authority Response**

None

## 6.3. **Observations**

Two observation was received.

1. Elizabeth Morris, 63 Salthill Road lower, Galway. A brief summary of the issues raised in the submission to the Planning Authority are set out below:

- Risk of flooding noting recent flooding in February 2020
- The development would be out of character with the existing area.
- The application is contrary to the sentiment expressed in the Development Plan to “ensure the protection of existing residential amenity”.
- The planning history cited did not provide for the subdivision of a site.
- It is set out that the development is not in compliance with national policy .
- It is set out that the laneway is in poor condition and incapable of two-way traffic. All properties currently park on the road fronting the site.

2. Ailbhe Niland, 83 Salthill Road lower, Galway. A brief summary of the issues raised in the submission to the Planning Authority are set out below:

- Site susceptible to flooding and has an underground river passing through it.
- Unauthorised partial fill taken place on the site and caused flooding of the adjoining site
- Privacy
- Any potential residential dwelling to the rear will impact on visual amenity and impact on the character of the area the area.
- Traffic concerns

## 7.0 Assessment

### *Introduction*

- 7.1.1. I have examined the file and the planning history, considered national and local policies and guidance and inspected the site. The issues raised by the third-party observers regarding unauthorised filing on the site are not matters for the Board.
- 7.1.2. The application presented to the Board relates to the retention of a house on revised site boundaries and all associated works only. The principle of a infill/mews dwelling house to the rear of the site is not the subject of the current application and will therefore not form part of my assessment below.
- 7.1.3. The main issues in the assessment of the proposed development are as follows:
- Retention of Dwelling house on Revised Site Boundaries
  - Appropriate Assessment

## 7.2. Retention of Revised Site Boundaries

- 7.2.1. The proposed development provides for the retention of the existing two-storey dwelling house on revised site boundaries and all associated works in to include the erection of 1.8m high timber palisade fencing to the rear side and back boundaries of the revised site area. The site is zoned 'R' Residential – 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. Residential is a permissible use within this zoning category. A significant amount of private amenity space ca. 85sqm would remain in the back garden and the current on-street car parking arrangement will not be altered. The development does not alter the principle of a dwelling on the site and therefore, the principle of the proposal is acceptable.
- 7.2.2. The planning authority recommended a refusal of planning permission on the basis of that the subdivision of a rear garden, by itself or by precedent it would create, would be contrary to the Galway City Council Development Plan 2017-2023, in particular Chapter 2, as it is out of keeping with the prevailing character, pattern and layout of residential development and rear gardens in this established urban area and where the only access roadway to the subdivided area is incapable of facilitating

two way traffic, and if permitted, would seriously injure the residential amenities, depreciate the value of property in the area, and would therefore be contrary to the proper planning and development of the area.

- 7.2.3. I note that no justification has been provided for the works as part of the application. However, it is clearly established in the applicant's appeal submission that there is potential, in the applicant's opinion, to develop the rear of the site. In the absence of defined proposals for the rear portion of the site, I am not satisfied that the applicant has adequately justified the works having regard to the established pattern of development, in particular, policy 2.6 Established Suburbs which seeks to ensure a balance between the protection of the residential amenities and the character of the established suburbs.
- 7.2.4. Of particular concern is the size of the of the remaining portion of excluded site area at approx. 90sqm and the capacity to accommodate additional development having regard to the limited site area. I further note that the rear access lane is restricted in width and the surface carriageway is in poor condition. On the day of my site inspection there was grass growing down the middle of the lane. The existing lane has limited capacity to accommodate increased traffic movements.
- 7.2.5. I further note the proposal provides for the exclusion of a portion of the southern site boundary which currently provides rear pedestrian access to the site thereby creating a narrow enclosed pedestrian alley of approx. 1.2m wide for a distance of approx. 17m between the existing house and the adjoining house to the south from Salthill Road Lower. I do not consider this an acceptable layout in the context of access to subdivided site, the associated impact on the general character of the area and the precedent it would set.

#### Conclusion

- 7.2.6. The proposed works provide for the retention of a dwelling house on revised site boundaries resulting in the subdivision of a residential dwelling plot where no proposals have been provided for the remainder of the lands to the rear of the site and where the rear lane by virtue of poor surface carriageway and restricted width has limited capacity to cater for increased vehicular demand. In the absence of justification for the proposed development and the identification of the future use of the lands to the rear of the site, I consider the proposed development would alter the



character of this established residential area and would be contrary to the proper planning and sustainable development of the area

### **7.3. Appropriate Assessment**

Having regard to the nature and scale of the proposed development within a serviced urban area and separation distance 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 the conservation objectives of any European site.

### **8.0 Recommendation**

I recommend that permission be refused for the reasons stated in the attached schedule.

### **9.0 Reasons and Considerations**

The proposed development, by itself and by the precedent for which a grant of permission would set, would be contrary to Galway City Council Development Plan 2017-2023, in particular Section 2.6 Established Suburbs, as it is out of keeping with the prevailing character, pattern and layout of residential development and rear gardens in this established urban area. In the absence of justification for the proposed development and the identification of the future use of the lands to the rear of the site, and having regard limited site area of the remaining lands, appropriate pedestrian access arrangements and where the rear lane by virtue of poor surface carriageway and restricted width has limited capacity to cater for increased vehicular demand, the proposed development if permitted, would be contrary to the proper planning and development of the area.

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Irené McCormack  
Planning Inspector

6<sup>th</sup> July 2020