



An  
Bord  
Pleanála

## Inspector's Report ABP 308012-20.

### Development

Permission for: Amendments to lower ground floor parking layout, 10 cycle spaces, vent, gas tank,

Permission for Retention: an external car space, lower ground floor parking layout, storage area, vents and a ground level: pedestrian ramps tree removal pedestrian ramp at ground level, tree removal curved pedestrian ramp, blockwork wall window detail and external seating, planter boxes and steel flute outlet.

### Location

Dun Daingean, Newcastle, Galway.

### Planning Authority

Galway City Council

### P. A. Reg. Ref.

20/160

### Applicant

Davy Holdings,

### Type of Application

Permission & Permission for Retention

### Decision

Refuse Permission & Permission for Retention

### Type of Appeal

First Party X Refusal

### Appellant

Davy Holdings.

### Date of Inspection

21<sup>st</sup> October, 2020.

### Inspector

Jane Dennehy

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## 1.0 Site Location and Description

The site has a stated area of 570 square metres and is that of a two and three storey over basement level apartment block. It is located at, Dun Daingean, a residential estate on the south side of Newcastle Road Upper, (N59 National Secondary Route linking Galway and Clifden) and 2.5 kilometres north west of the city centre. The block in which there are five apartments is positioned at the south-western corner of the site and it rises to a height of circa ten metres. Vehicular access is from the eastern frontage and within the curtilage there is vehicular access for the basement and pedestrian ramps at the sides.

## 2.0 Proposed Development

2.1. The application lodged with the planning authority indicates proposals for permission and proposals for permission for retention:

2.2. The proposals for permission comprise: -

- amendments to lower ground floor parking layout,

- 10 cycle spaces at the south east corner adjacent to the external LPG gas tank and a new vent for the basement the retention of which are included in the proposals in the application.

The proposals for permission for retention comprise: -

- the external LPG gas tank,

- one car space,

- lower ground floor parking layout,

- storage area, vents

- Two pedestrian ramps, one curved.

- a blockwork wall

- window detail

- external seating, planter boxes and

- a steel flue outlet.

## 3.0 Planning Authority Decision

### 3.1. Decision

By order dated, 29<sup>th</sup> July, 2020 the planning authority decided to refuse permission based on the following reason: -

*“The proposal submitted for retention does not provide sufficient off road car parking facilities to service the existing development, while the layout proposed would adversely impact upon mature planting, while surface parking spaces have not been demonstrated to comply with the current traffic safety requirements. The development is located within an established residential development positioned on a bend close to a junction. The proposed development if permitted would be likely to induce illegal and dangerous parking. The proposed development if permitted, would, accordingly generate roadside parking which would create a traffic hazard and endanger public safety by reason of obstruction.”*

### 3.2. Planning Authority Reports

- 3.2.1. The planning officer notes the case made for justification of the shortfall in parking spaces, which is open for consideration according to the CDP. However, he does not consider that parking on the road network in the vicinity acceptable due to generation of demand for illegal parking. Concern is also indicated about the configuration of two of the proposed spaces within the site. It is stated that unauthorised basement storage is unacceptable as it is the contributory factor to the shortfall in parking facilities.
- 3.2.2. There are no reports available from the Transportation Planning Division on the current application or the prior application under P. A. Reg. Ref. P. A. Reg. Ref. 19/249 details of which are under section 4 below.

## 4.0 Planning History

**P. A. Reg. Ref 06/249 (PL 201145):** Permission was granted following appeal for the demolition of an existing house and outhouses and the construction of five apartments (one no. 3-bed apartment, 3 no. two-bed apartments and 1 no. one-bedroomed apartment) in a two/three storey block over basement level car parking. Nine parking spaces were provided for in the permitted development.

**P. A. Reg. Ref. 13/337:** Permission was refused for a front extension containing a living room and a kitchen at ground level and a first-floor balcony

**P. A. Reg. Ref. 19/249 (PL 305930):** The planning authority decision to Refuse permission for alterations to the building, the façade, provision of vents, provision of a new balcony at first floor level and new bike stands and, to Refuse Permission for Retention of a change of use from car park to storage area, ventilation openings, block wall and pedestrian access ramps was upheld following first part appeal. (The Board's file is attached.)

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The operative development plan is the Galway City Development Plan 2017 – 2023 (CDP) according to which the site is within an area subject to the zoning objective: "R": *"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. The location is within an *"an established suburb"* the objective of which is to ensure a balance between the reasonable protection of residential amenities and the character of established suburbs and the need to provide for a sustainable residential development.
- 5.1.3. Development management standards are in Chapter 11. For residential development in established suburbs there is a requirement for one parking space per dwelling and one visitor space per three dwellings or, one space per dwelling if the layout is grouped. (Section 11.3.2.(c) refers.)

5.1.4. According to Section 11.3.2 (h) of the CDP for the established suburbs applies a minimum of one cycle stand (5 spaces) per twenty car spaces is required.

## 5.2. **Strategic guidance:**

5.2.1. The relevant statutory guidance is: "Sustainable Urban Housing: Design Guidelines for New Apartments, 2018". (Apartment Guidelines 2018.)

According to section 4.19, in larger scale and higher density apartment development in central urban areas well serviced by public transport parking provision can be minimised/reduced or eliminated in certain circumstances. According to section 4.23 it should be demonstrated that an appropriate number of drop off, service and visitor spaces are available along with provision for alternative modes of travel.

According to section 4.17 one cycle storage per bedroom and one visitor space per two bedrooms is recommended with justification for deviation from the standards being at the discretion of the planning authority.

## 6.0 **Appeal**

### 6.1. **Grounds of Appeal**

6.1.1. An appeal was received from MKO on behalf of the applicant on 24<sup>th</sup> August, 2020. Attached is a set of autotrack drawings. The submission includes a detailed account of the planning background and context.

6.1.2. According to the appeal in which it is requested that permission be granted:

- The site at a location for which the policy of the planning authority is to minimise or eliminate parking provision having regard to section 4.17 and 4.23 of the CDP as the location is well served by public transport and is within walking distance of amenities and facilities and this is consistent with the policy in the Apartment Guidelines, 2018. A list and accompanying location map of facilities and places of employment within a fifteen-minute walking distance is provided in the appeal. The list includes many NUIG facilities.
- There are five apartments in the development and occupants are students or employees of NUIG or University Hospital, Galway. In recent refurbishments the underutilised carpark was part converted to storage. Five spaces which

are retained, including one disability space is sufficient for the five apartments which is consistent with the Apartment Guidelines 2018 and appropriate for the area which is well served by transport and services and facilities in walking distance.

- There is recent precedent for relaxation of parking standards in the following two examples: -

Permission for four apartments with no parking provision granted under PL 302364. (*21 Newcastle Road.*)

A grant of Permission for a 394 bedspaces student housing development and 24 car spaces three hundred metres from the site which equates to 0.06 spaces per bed space.

- Four car spaces are retained and a disability space in a bay is also proposed in the current proposal whereas two were to be retained in the previous unsuccessful proposal. (PL 305930 refers.) The inspector who assessed the prior proposal commented that while there are ambiguities in the Apartment Guidelines 2018, he considered the car and cycle parking provision consistent with these Guidelines. He also observed that there were no restrictions on use of on street parking in the estate, that Bus Route 404 served the area and the availability of services and centres of employment in the area.
- The planning officer's view on the current proposal that traffic hazard and endangerment of public safety would result from 'off-site' parking given the scale of the apartment development.
- The carparking spaces and entrance provided within the scheme are compliant with the standards provide in section 11.3.1. (g) of the CDP as demonstrated in the auto track drawing included in the appeal.
- There is no basis for refusal of permission over loss of mature planting. This will not occur.

## **6.2. Planning Authority Response**

- 6.2.1. There is no submission from the planning authority on file.

## **7.0 Assessment**

- 7.1. The issue central to the decision to refuse permission is that of the change of use within the basement and the concerns about the impact of the consequent displacement of parking space arrangements provided for within the permitted development. On review of the planning officer's report, it is noted that the no concerns or observations have been included with regard to the elements for which permission for retention is sought. There is no objection to the proposals from a planning perspective and they are considered satisfactory with the exception of some observations on the storage arrangements included below in para 7.8.
- 7.2. The current proposal, in contrast to the prior unsuccessful proposal, (under P. A. Reg. Ref. 19/249) involves a reduction, from nine to four, (instead of two) car spaces and one disability permit space, (five in total), three within the basement and two externally within the site curtilage.
- 7.3. As regards the precedent case at No 21 Newcastle Road referred to in the appeal, the site location is at significant additional distance further from the centre of the city and towards the outer suburbs, but it does benefit from a twice hourly bus service, services and facilities and places of employment in relatively close proximity. The student accommodation development comprising 394 bedspaces and twenty-four parking spaces referred to in the appeal is also irrelevant for the purposes of precedent, given that it is a dedicated student accommodation development



associated with and adjacent to the NUIG campus. It is therefore considered that the proposals within the current application should be considered on their own merits.

- 7.4. As pointed out in the planning officer report, the current proposal involves a reduction of forty four percent in parking provision from the original availability within the permitted development. There are four two-bedroom units and one three-bedroom unit within block and as such the dwellings cannot be regarded as small studio or one bed units. Given that the five apartments within the block provide for a total of eleven bedrooms within the development it would be inappropriate to be presumptive that household composition would be such that the rates of car ownership and demand for parking at the development are low. (For example, for households made up of adults in contrast to parents with children car ownership rates may be high.)
- 7.5. The auto track drawings submitted with the appeal have been reviewed but there are concerns as to the functionality of the parking layout and access arrangements. Although not previously raised, it is of note that there is a steep gradient within the site curtilage, also used for pedestrian circulation, which can impede turning and reversing manoeuvres and as stated by the planning officer, involves obstruction of the entrance at the site frontage and the basement entrance. In addition to being hazardous, residents are likely to be disinclined to use the space and to opt for on street parking. The proposed removal of a tree is noted and is regrettable but its removal would not constitute grounds for rejection of the proposal.
- 7.6. It is agreed with the planning officer that the proposed development would lead to demand for parking outside of the site confines. Reliance for overspill parking on the road network within the Dun Daingean residential estate and along the estate's internal access road between the site and the junction with Upper Newcastle Road leads to disorderly parking and obstruction of other road users resulting in hazard.
- 7.7. There is no objection to the proposed quantum and arrangements for cycle parking within the site curtilage at the south eastern corner. A condition can be included for finalisation of details for coverage if permission is granted.

7.8. Finally, the area allocated in the application for storage purposes in replacement of carparking within the basement is seventy-seven square metres in area and this size seems excessive for ancillary storage for a five-unit apartment block. In the event of possible favourable consideration some clarification as to the nature and purpose of the intended storage may be warranted. Non-residents' or commercial storage use and subletting would give rise to concerns as to adverse impact on the residential amenities and would not be considered unacceptable.

#### 7.9. **Environmental Impact Assessment Screening.**

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.

#### 7.10. **Appropriate Assessment Screening.**

Having regard to the scale and nature of the proposed development and to the location, 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**

In view of the foregoing, it is recommended that the planning authority decision to refuse permission be upheld based on the reasons and considerations which follow.

### 9.0 **Reasons and Considerations**

The site of the apartment block is located at a bend and close to the junction of the internal estate road for Dun Daingean, an established residential development, with

Newcastle Road Upper. It is considered that the proposed development, by reason of deficiencies in the quantum and substandard arrangements for onsite parking provision would endanger public safety by reason of traffic hazard due to generation of additional demand for parking on the local road network, disorderly parking leading to conflicting movements and, obstruction of other road users. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

**Jane Dennehy**  
Senior Planning Inspector  
10<sup>th</sup> December, 2020.