



An  
Bord  
Pleanála

## Inspector's Report ABP 309453-21.

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### Development

(1) Retention of alterations and new finishes to canopy, (2) New signage to canopy over entrance and (3) Retention of minor alterations to entrance doors.

### Location

Victoria Hotel, Victoria Place,  
Townparks. Galway.

### Planning Authority

Galway City Council

### P. A. Reg. Ref.

20298

### Applicant

Byrne Hotel Management Ltd.

### Type of Application

Permission and Permission for  
Retention.

### Decision

Refuse Permission and Permission for  
Retention.

### Type of Appeal

First Party

### Appellant

Byrne Hotel Management Ltd.

### Date of Inspection

11<sup>th</sup> May, 2021.

### Inspector

Jane Dennehy

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## **1.0 Site Location and Description**

- 1.1. The Victoria Hotel is located on Victoria Place to the south-east of Eyre Square in Galway. Perpendicular to the hotel to the south-east is a significant site of special architectural heritage interest; the Methodist/ Presbyterian Church, and burial grounds and a vacant building is located to the west side. To the east and south-east is the Ceannt Railway station the boundary wall to which adjoins the application site and Eyre Square is a short distance to the northwest and west.
- 1.2. The hotel building is a four-storey building, with on the front elevation a glazed projecting element, and double entrance with revolving doors at ground level beneath a canopy
- 1.3. According to the written submission accompanying the application, the canopy was first constructed in 1997.

## **2.0 Proposed Development**

- 2.1. The application lodged with the planning authority indicates proposals for
  - 1) Retention of alterations and new finishes to canopy,
  - (2) New signage to canopy over entrance and
  - (3) Retention of minor alterations to entrance doors.
- 2.2. The application is accompanied by a planning statement prepared by the applicant's agent in which it is stated that it was decided to improve the quality and finishes with inspiration from the Art Deco style and use of high-end materials such as toughened black glass panels set in a chrome surround with raised chrome lettering. It is stated that examples of Art Deco are at No 23 William Street and No 31 Dominick Street in the city. It is stated that the alterations to the entrance doors are minor their purposes being to improve accessibility and the presentation of the façade involving increased use of glazing and removal of glazing bars.

## 3.0 Planning Authority Decision

### 3.1. Decision

By order dated, 21<sup>st</sup> January, 2021 the planning authority decided to refuse permission based on two reasons which are reproduced in full below:

- (1) *“Having regard to the design, form, external materiality, signage and lighting, the proposal to retain alterations and new finishes to the existing canopy, along with the proposed signage fails to comply with 11.6 Advertisements and Signage of the Galway City Development Plan 2017-2023 and Section 4.1 ‘Signage and Advertising and Section 4.2 ‘Canopes’ of the Galway City Council’s Galway Shop Front and Design Guidelines. The canopy represents and overbearing visually obtrusive projecting structure, which fails to assimilate well with the existing building and streetscape while creating a detrimental visual impact on the character and setting of the neighbouring protected structure, the Methodist/Presbyterian Church House with Burial ground and the Eyre Square Architectural Conservation Area. The proposal is therefore contrary to the provisions the Galway City Council Development Plan and contrary to the proper planning and sustainable development of the City.”*
- (2) *The retention of alterations to entrance doors on the front elevation of the building would give rise to the operation of the entrance doors in conjunction with a raised tiled area, located at the front of the biding which is subject of current enforcement proceedings The proposal is therefore contrary to the provisions of the Galway City Development Plan 2017-2023 contrary to the proper planning and sustainable development of the City.”*

### 3.2. Planning Authority Reports

- 3.2.1. The planning officer in his report notes the planning history and in particular the prior refusal of permission under P.A. Reg. Ref. 19/320 which included refusal of permission for retention of the raised tiled area to the front. He notes the concerns of An Taisce and the Heritage officer and concludes that the proposed development has a negative impact on the adjoining Methodist Presbyterian Church and to

sections 4.1 and 4.2 of City Council's Galway Shopfront and Design Guidelines. IN this regard he refers to design form, external materiality, signage and lighting of the canopy as providing a visually obtrusive prominent projecting structure.

### 3.3. Prescribed Bodies

- 3.3.1. In the submission of An Taisce (Galway) it is stated that its views are similar to those on the previous proposal for which permission was refused. It is stated that the views of the Heritage Officer, Planning officer are supported and that permission should be refused for retention of an "*offensive Chromium edging*" at a minimum

## 4.0 Planning History

- 4.1. There is a record a prior planning history in respect of the hotel's front elevation, canopy and entrances which is recorded in the planning officer's report and which is outlined below:

**P. A. Reg. Ref. 19/230:** Permission was refused for new signage to the canopy over the entrance, retention of new finishes to the canopy and retention of non-slip tiles and alterations to the door position.

Reason 1 for the refusal of permission is identical to the reason 1 attached to the decision to refuse permission for the current proposal which, in summary is on grounds of: Failure to satisfy sections 11.6, of the CDP and sections 4.1 and 4.2 of the City Council's Galway Shopfront and Design Guidelines. on signage and canopies. The canopy benign overbearing and obtrusive and failing to assimilate into the streetscape with detrimental visual impact on the character and setting of the adjoining Presbyterian Church House and Burial grounds and the Eyre Square ACA.

Reason 2 is on grounds of insufficient legal consent to the insertion of the raised area of non-slip tiles on the public footpath outside the development site boundary.

Reason 3 is on grounds of the design and specification for the raised area of non-slip tiles being out of character with the materiality of the existing building streetscape and neighbouring buildings and, negative impact on the

character and setting of the area and adjoining protected structures. In addition, the non-slip tiles are considered to be a trip hazard giving rise to pedestrian safety concerns.

**P. A. Reg. Ref. 96/541:** A planning authority decision to refuse permission for change of use of an existing covered carpark to an extended entrance foyer, office, dining room, and toilets for the hotel was overturned following appeal.

**P. A. Reg. Ref. 93/490:** Permission was granted for alterations to the front façade.

Two other prior applications under P. A. Reg. Ref. 91/644 and P. A. Reg. Ref 94/97 provide for grants of permission for offices and for a cellar at the hotel.

## 5.0 Policy Context

### 5.1. Development Plan

The operative development plan is the Galway City Development Plan, 2017-2023 according to which the site is within an area subject to the zoning objective C:C: “To provide for city centre activities and particularly those, which preserve the city centre as the dominant commercial area of the city. “

According to Section 11.6: Advertisement and Signage,

*New signage or advertisement shall respect the scale, character and setting of the building to which it is attached and have regard to the extent of existing signage on the site.*

*No large internally illuminated signs or digital display signs or projecting spotlights shall be permitted.*

*Lettering shall only be permitted when it is in proportion to the size of the fascia;*

*In general, signage or advertisement s shall not be permitted on upper floors. In general no projecting signs shall be permitted,*

*consideration will only be given to small scale projecting signs that are integral to the shopfront.*

*Particular consideration will be given to the incorporation of bi-lingual wording in signage and advertising;*

*Further detailed design guidance is given in the City Council's, Galway Shopfront and Design Guidelines.*

The location is at the south-eastern edge of the Eyre Square Architectural Conservation Area. (ACA)

The adjoining Methodist/Presbyterian Church and House and Burial Ground is included on the record of protected structures. (Item 8201)

## **6.0 The Appeal**

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

6.1.1. An appeal was lodged by the applicant's agent on 16th February, 2021 attached to which are two drawings and included also is an account of the background and the written submission lodged at application stage with the planning authority. It is claimed that the City Council erred in not objectively evaluating the improvement works and the decision was confused with other unresolved issue at the site, the prior grants of permission not having been taken into consideration. There is no clear context provided, in the reasons attached to the decision to refuse permission. According to the appeal.

6.1.2. With regard to the Canopy:

- The design, materials, signage and lighting proposed for the canopy are consistent with the City Council's Galway Shopfront and Design Guidelines, and specifically sections 5.1-5.7 The canopy is a welcome focal point in a featureless streetscape; the gable end of the canopy is vital in indicating commercial activity where there are no others signs of life and will facilitate the pedestrian thoroughfare and permeability that is to be encouraged in a street which has a run-down appearance. The selection of high-quality glazing and chrome and use of expert craftsmanship and passive lighting to the underside of the canopy within the under croft lights the entrance without imposing on adjoining buildings. Installation of raised chrome lettering

matches the canopy's surround. No cables or services are visible in that they are incorporated into the body of the canopy.

- The assertions that the canopy itself is overbearing or obtrusive is misleading. The canopy itself does not form part of the application as it has the benefit of a grant of permission in 1997 under P. A. Reg. Reg. 541/96. The current proposal is solely for retention of minor alterations and new finishes. The alterations carried out facilitate the new finishes. The appearance and design are an improvement.
- The hotel is not within the ACA, as indicated in the reason for refusal attached to the planning authority decision.

6.1.3. With regard to the proposed alterations to the entrance doors.

- Three sets of double doors and one single door were at the location beneath the canopy prior to the recent changes. The purpose of the proposed development is a simplification: the main hotel lobby and disability access is via the left-hand side double doors. The restaurant and bar area are accessed via one set of the double doors on the right-hand side which replace two sets of double doors and one single door. The alterations as proposed unify the appearance of the hotel from the street. were always at the location. The appearance is updated by removal of the horizontal glazing bars.

6.1.4. With regard to the raised tiled area to the front of the entrance doors.

- This area is on the right-hand side at the front and in order to create a level transfer bet the double doors the area was levelled and the finished floor level was extended in front of the area entrance beneath the canopy with a step being formed. It is finished with black and white non-slip tiles providing a safer environment. The area is within the applicant's ownership and does not encroach on the footpath as shown in an attached image (Fig12) in which the original kerb line at the hotel is shown and includes the section where the vehicular entrance was located, in 2009. The site boundary is clearly visible on the site along a straight section of the kerb



- The applicant is aggrieved that the opportunity has not been provided for the appeal to be determined before initiating legal proceedings on 20<sup>th</sup> January, 2021 which preceded the issue of the decision of the planning authority on the proposed development.

## 6.2. Planning Authority Response

A letter was received from the planning authority on 1<sup>st</sup> March, 2021 in which it is stated that due consideration was given to the issues raised in the appeal and it is requested that the planning authority decision to refuse permission be upheld.

## 7.0 Assessment

- 7.1. The issue considered central to the determination of a decision can be considered below under the following three sub-headings:

the Canopy:

alterations to the entrance doors.

raised tiled area and enforcement.

## 7.2. The Canopy:

- 7.2.1. It is accepted that the canopy structure is authorised as having the benefit of a grant of permission under P. A. Reg. Ref. 96/541 and it is noted that the planning authority has made no comment in this regard in its response to the appeal. It would appear that in the event that the canopy does not have the benefit of a grant of planning permission and has not been materially changed, within the last seven years, other than as proposed in the current application as defined in the development description on the notices, enforcement proceedings could not be commenced.
- 7.2.2. It follows that it would be reasonable to determine the application in this regard in so far as it relates to the canopy, to consideration of a proposal retention to changes to it, namely alterations and finishes and, new signage. However, the planning officer in his report has explained that the canopy structure has materially changed from that which was permitted under P. A. Reg. Ref. 96/541, (further to which details in a compliance submission were agreed) and in his report he both describes, including details of the dimensions of the existing canopy to demonstrate that it is materially

different from that which was permitted and, in this regard he refers to the reports of the enforcement officer issued in 2014 and 2016. He also and provides an extract from the statement submitted with the application for which permission for retention was refused under P. A. Reg. Ref. 19/230. Finally, it is noted in the report that the details on the drawings submitted with the current application for the canopy are not consistent with those provided in connection with the application under P. A. Reg. Ref. 96/541.

- 7.2.3. Without prejudice to the current enforcement proceedings to which reference is made in the appeal, it appears that in order that the proposal for the retention of the alterations finishes and signage to be considered, permission for retention of the canopy structure in position at the hotel would be required, unless it can be demonstrated that the canopy structure is not materially different from the canopy structure authorised under P. A. Reg. Ref. 96/541. New public notices would be required to include proposals for retention of the canopy structure at the hotel so that the proposed alterations, finishes and signage can be considered.

In view of the foregoing, the Board would be precluded from determining a decision on the appeal in relation to the proposed retention of the alterations, finishes and signage to the canopy.

- 7.3. With regard to the proposed retention of minor alterations to the entrance doors notwithstanding the dispute between the applicant and the planning authority as to encroachment beyond the property/site boundary, details of the raised non-slip tiled space have not been included in the descriptions on the public notices. It is noted that the prior proposal under P. A. Reg. Ref. 19/236 included “retention of the non-slip tiles” and alterations to the door position and that they were referred to in the third reason for refusal of permission as being a “pedestrian safety hazard”.

#### **7.4. Environmental Impact Assessment Screening.**

- 7.4.1. Having regard to the nature and scale of the development there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **7.5. Appropriate Assessment.**

- 7.5.1. Having regard to the scale and nature of the proposed development and to the serviced inner suburban 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**

- 8.1. In view of the foregoing, it is recommended that the planning authority decision to refuse permission, (for retention) be upheld based on the following reasons and considerations.

## **9.0 Reasons and Considerations**

Based on the information available with the application and the appeal in connection with the planning status of the existing development to the front of the Victoria Hotel to which alterations, finishes and signage to the canopy and minor alterations to the entrance doors are proposed, it is considered that in the absence of further clarification in this regard there is insufficient information available to enable the Board to consider the appeal and that it is therefore precluded from determination of a decision. The proposed development is therefore contrary to the proper planning and sustainable development of the area.

**Jane Dennehy**  
Senior Planning Inspector  
9<sup>th</sup> June, 2021.