



An  
Bord  
Pleanála

## Inspector's Report ABP 310224-21.

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|--------------------------------|---|
| <b>Development</b>             | Removal of unauthorised apartments at attic levels; Vary Condition No 2 P. A. Reg. Ref. 01/130 to allow for residential use: 2 appts in Blocks A and B at attic level, Velux rooflights, balcony, reconfiguration of parking and reinstatement of communal open space to west of Block A, cycle parking and site works. |
| <b>Location</b>                | Blocks A and B Aras Bun Caise, Ragoon, Galway.  |
| <b>Planning Authority</b>      | Galway City Council.  |
| <b>P. A. Reg. Ref.</b>         | 2141  |
| <b>Applicant</b>               | Cilibri Ltd.  |
| <b>Type of Application</b>     | Permission  |
| <b>Decision</b>                | Refuse Permission   |
| <b>Type of Appeal</b>          | First Party X Refusal   |
| <b>Appellant</b>               | Cilibri Ltd.  |
| <b>Date of Site Inspection</b> | 23 <sup>rd</sup> June 2021  |
| <b>Inspector</b>               | Jane Dennehy.   |

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## 1.0 Site Location and Description

- 1.1. The site which has a stated area of 3,265 square metres is that of two apartment blocks within Bun Caisce which is to the south of Ragoon Road and west of Bishop O'Donnell Road. To the north between the site and the Ragoon Road there is the site of a church and graveyard and to the west is a residential estate of two storey houses through which there is vehicular access from an entrance off the Ragoon Road.
- 1.2. There are two, three and a half storey pitched roof (over attic) 'L' shaped apartment blocks on the site, one in the northern section and the other in the southern section of the site and there are twelve apartments in each block. There is communal open space to the east side between the site and Bishop O'Donnell Road and its junction with Ragoon Road. Surface carparking is laid out between the blocks and to the west side further to the west of which there is communal open space.

## 2.0 Proposed Development

The application lodged with the planning authority indicate proposals for revisions to the third-floor attic level at Blocks A and B comprising:

Removal of the unauthorised conversion of the attic levels.

Variation to Condition No 2 of the grant of permission under P. A. Reg. Ref.01/130 to allow for residential use on the attic floors.

Provision for two one bed apartments in Block A and two one apartments in Block B, (four in total).

Alterations to the roof to provide for velux window sand balcony options.

Reconfiguration of the parking layout at surface level, provision of additional cycle parking.

Reinstatement of communal open space on the west side of Block A, previously permitted.

The stated floor area of the existing blocks is 1770 square metres and that of the area attic level converted to residential accommodation is 206 square metres.

## 3.0 Planning Authority Decision

### 3.1. Decision

By order dated 15<sup>th</sup> April, 2021 the planning authority decided to refuse permission based on three reasons.

Reason One is due to overdevelopment resulting in excessive density and substandard development and contravention of the CDP on density and Condition No 2 of the grant of permission under P. A. Reg. Ref. 01/130 restricting development of the attic.

Reason Two is due to serious injury to residential amenities and property devaluation because of unacceptable design appearance of the balconies having regard to the character and charade of the apartments and, undesirable precedent for similar development.

Reason Three is due to illegal and dangerous parking arising from loss of one third of parking spaces with no space provision for the additional units leading to traffic hazard and endangerment of public safety by reason of obstruction

### 3.2. Planning Authority Reports

- 3.2.1. The planning officer in his report notes similarity to the previous proposal for which permission was refuse under P. A. Reg. Ref. 19/321 and notes lack of compliance with Building and Fire standards, the plot ratio, additional parking required for the additional units at 1.5 spaces per unit which is not at a satisfactory standard and which is not feasible within the existing surface carpark. It is stated that there is to be provision for thirty spaces in the proposed reconfiguration of the surface carpark, which is a thirty percent shortfall of the total forty one spaces were provided for under the original grant of permission under P. A. Reg. Ref. 01/130. He notes that with regard to the communal open space proposals the matter is a requirement subject to compliance with conditions attached to the grant of permission under P. A. Reg. Ref. 01/130. The cycle parking provision would need to be reconsidered so that it is at a secure and convenient location relative to the apartment blocks according to the report.

## 4.0 Planning History

The application site has an extensive planning history of which the following applications are of particular relevance.

**P. A. Reg. Ref. 01/130:** This is the parent grant of permission which was granted for twenty-four apartments and associated services. The application was for a replacement of a prior permitted development of sixteen units under P. A. Reg. Ref. 914/99. Under Condition No 2 the use of the attic space is restricted, thus not allowing for conversion for use as habitable accommodation. Under P.A. Reg. Ref. 02/777 Permission was granted for retention of rooflights at two of the apartment blocks.

**P. A. Reg. Ref. 19/321:** Permission was refused for revisions to the third-floor attic level in Block A originally permitted under P.A. Reg. Ref. 01/130 comprising: removal a conversion of attic storage space to four apartments, provision for two one bed units, alterations to the roof to incorporate balconies, additional carapaces at surface level and retention of the revised carpark layout and associated works. The proposed development subject of this application is substantively similar to that of the current application before the Board on appeal.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The operative development plan is the Galway City Development Plan, 2017-2023 according to which the site location 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 ad will contribute to sustainable residential neighbourhoods.”*
- 5.1.2. According to section 11.3.2 the plot ratio of 0.46:1 should not be exceeded in Inner ‘Residential Areas/Established Suburbs’.
- 5.1.3. According to section 11.3.1 (c) the total area of private open space should not be less than fifty percent of the gross floor area of a residential development.

Communal recreational and amenity space is required at a rate of 15% of the gross site area.

- 5.1.4. According to section 11.3.1 (d) overlooking from residential units within eleven metres of private open space of land with development potential from above ground level is not acceptable.
- 5.1.5. According to section 1.3.2 (b) amenity standards of the CDP should be in accordance with standards for 'outer suburbs' but allows for a reduction in standards to be considered in certain circumstances having regard to form and layout.
- 5.1.6. According to section 1.3.2 (g) Carparking standards for one bed units are for one space per one bed dwelling and one group visitor space for each three dwellings.

## **6.0 The Appeal**

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

An appeal was received from Planning Consultancy Services on behalf of the applicant 12<sup>th</sup> May, 2021.

- It is intended to reinstate the communal and recreational space to the west of Block B (1,012 square metres or 31% of site area which exceeds CDP standards under Section 11.3.1.(c) and those in the Apartment Guidelines. Also, the existing communal space to the west side (690 square metres) will serve the proposed development.
- The proposed development accords with the move in national housing policy from overprotection of existing characteristics and a drive for efficient land use on serviced and zoned lands in built up areas. It is in accordance with:  
National Policy Objectives and policy in the National Planning Framework:  
Section 1.2, 2.2 Compact Growth,  
Section 2.6 Securing Compact and Sustainable Growth  
Policy Objective 3A for 40% new homes within built footprint of existing settlements,

Policy Objective 4 for attractive well designed high quality urban places which are home to diverse and integrate communities with a high quality of life.

Policy Objective 6 for regeneration and rejuvenation of settlements as environmental assets accommodating changing roles functions and employment and enhanced level of amenity and quality supporting the surrounding area.

Policy Objective 11 of presumption in favour of encouragement of people and more jobs and activity within existing settlements subject to appropriate planning standards and target growth achievement.

Policy Objective 13 regarding particular building heights and carparking based on performance criteria the seeks well-designed high-quality outcomes achieving targeted growth subject to protection of public safety and the environment.

Policy 36 for increases in residential density in settlements through measures that include reductions in vacancy, reuse of existing buildings, infill and or site-based regeneration and increased heights.

## 6.2. Planning Authority Response

There is no submission from the planning authority on file.

## 7.0 Assessment

- 7.1. The removal of the unauthorised apartment at attic level in the blocks as indicated in the application, would return the development in this regard to compliance with Condition No 2 of the grant of permission under P. A. Reg. Ref 01/130 under which the attic space is not permitted for use as habitable accommodation. Undoubtedly therefore, the conversion attics to apartments is a material contravention of the condition. The applicant seeks a grant of permission which provides for variation to or the setting aside of this requirement.
- 7.2. Bearing the foregoing in mind the other issues central to the determination of a decision and considered below are:

National and Regional Policy - Residential Density  
Visual and residential amenities and property value  
Residential amenities – future occupants  
Communal Open space.  
Parking  
Environmental Impact Assessment Screening  
Appropriate Assessment Screening.

### 7.3. **National and Regional Policy - Residential Density**

There is no dispute as to the encouragement of increased residential densities within serviced inner urban areas in principle having regard to national and regional policy which is discussed in the appeal. However, any such increase at infill or by way of extensions to or subdivision within apartment developments or otherwise are subject to the achievement of good qualitative standards having regard to the CDP and to statutory guidance issued under Section 28 of the Planning and Development Act, 2000 as amended., namely, “*Sustainable Urban Housing Design Standards for New Apartments, (2018)*”, “*Urban Development and Building Heights; Guidelines for Planning Authorities, (2018)*”. “*Sustainable Residential Development in Urban Areas (2009)*” and the accompanying, “*Urban Design Manual, 2009*”.

### 7.4. **Visual and residential amenities and property value**

- 7.4.1. The proposed alterations at roof level to facilitate the installation of rooflights and “cabrio velux” balconies are considered unacceptable. The resultant presentation of the blocks would be that of visual clutter due to the cumulative impact of the multiplicity of ‘cabrio velux’ balconies and veluxes in the roof slopes above the eaves level. The introduction of these elements would be inconsistent with the existing, relatively simple and uniform characteristics of the blocks.
- 7.4.2. As a result, the proposed development would be seriously injurious to the visual amenities of the area in prominent views from the public realm along Bishop O'Donnell Road and Seamus Quirke Road and areas on the opposite southern side of these roads and, from the adjoining residential development at Bun Caisce.



7.4.3. Furthermore, by reason of visual obtrusiveness and incongruity with is incompatible with the established character in form and design of the existing blocks the quality and attainable residential amenities of the development overall would be diminished resulting in serous injury to residential amenities and depreciation of property value of the existing residential units in the development. The views in the planning officer and considerations under Reasons 1 and 2 of the Decision to refuse permission are therefore supported in this regard.

## 7.5. Residential amenities – future occupants

7.5.1. It appears from a review of the lodged plans that the proposed conversion to the apartments would be substandard having regard to the standards required under Fire Regulations as regards provision for escape and Building Regulations with regard in particular to minimum provisions for headroom above finished floor levels within internal space for use as habitable accommodation. The planning officer in his report has indicated that the applicant did not provide a professional report to demonstrate that the proposed attic level dwellings would be in compliance with the required technical standards in this regard.

7.5.2. The units are also entirely dependent of velux rooflights and the cabrio velux' balconies for natural lighting and private external amenity space. While there is an outlook from the balconies to the west, the interior accommodation lacks outlook due to the dependence on rooflights for fenestration, notwithstanding the apparent sufficiency in access to skylight via the proposed fenestration.

## 7.6. Communal Open space.

7.6.1. The communal open space provision with or without the proposed development is sufficient in quantum to serve the development and the quality is acceptable. The planning officer in his report has pointed out that the proposed reinstatement at the west side of Block A would return the development in this regard to the previously authorised arrangement under P. A. Reg. Ref. 01/130.

7.6.2. The reinstatement of the communal open space along with the proposed additional tree planting and the provision for bike standards and shelter included in the

application submission as shown on the site layout drawing are a welcome inclusion. Some additional provision for security and coverage would be advisable.

## **7.7. Parking**

- 7.7.1. The additional apartment units generate a requirement, having regard to CDP standards for one space per unit and one visitor space per three units as a result an additional five spaces would be required. However, it also advised in section 11.3 1 (d) of the CDP that the standards should not be exceeded. Although there is at present an insufficient quantum of on-site parking having regard to the prior grants of permission and number and range of dwelling units within the two blocks, it is considered that the four proposed additional one-bedroom apartments within the development would not give rise to excessive demand for and unauthorised parking leading to obstruction or hazardous conditions. The location is relatively close to the commercial areas close to the city centre and to public transport.

## **7.8. Environmental Impact Assessment Screening.**

- 7.8.1. Having regard to the nature of the proposed development and its location in a serviced inner suburban area in the city, 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.

## **7.9. Appropriate Assessment Screening.**

- 7.9.1. Having regard to the location and to the nature of the proposed development in a serviced inner suburban area in the city, 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 be upheld and that the appeal be rejected. Reasons and Considerations and Conditions follow:

## 9.0 Reasons and Considerations

- 9.1. The proposed development which involves the conversion of the attic level space within the apartment blocks to apartments for use as habitable accommodation would materially contravene Condition No 2 attached to the grant of permission for the existing apartment development under P. A. Reg. Ref. 01/130 which restricts development of the attic areas in the permitted development. The proposed development, would by reason of the introduction of a multiplicity of 'cabriol velux' balconies and velux skylight windows in the roof slopes result in a visually cluttered effect which is incompatible with the character and form of the existing apartment blocks which are at prominent position in views along the Bishop O'Donnell Road and Seamus Quirke Road would seriously injure the visual amenities and the established pattern and character development in the area and, seriously injure the residential amenities of the existing apartments and would constitute a substandard form of residential development that would seriously injure the residential amenities of the future occupants. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

**Jane Dennehy**  
Senior Planning Inspector  
1<sup>st</sup> July, 2021.