



An  
Bord  
Pleanála

## Inspector's Report ABP-310392-21.

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<b>Development</b>	Four Terraced Houses, carparking and all associated site works and services.
<b>Location</b>	Rahoon Road, Mincloon. Galway.
<b>Planning Authority</b>	Galway City Council.
<b>P. A. Reg. Ref.</b>	21/64
<b>Applicant</b>	Garrulus Ltd.
<b>Type of Application</b>	Permission
<b>Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party X Grant.
<b>Appellant</b>	Seamus Griffin
<b>Date of Site Inspection</b>	10 <sup>th</sup> August, 2021
<b>Inspector</b>	Jane Dennehy

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## 1.0 Site Location and Description

- 1.1. The site is formed from undeveloped land used for grazing, with a stated area of 1,000 square metres is located on the south side of the Ragoon Road and the west side of undeveloped land on the west side of Bothar Stiofan towards the western edge of the city of Galway. To the south, adjoining the site there is a row of detached houses and further to the south there is a residential estate (Linn Bhui) with access of Bothar Stiofan. There is residential development to the west and to the north on both sides of the Ragoon Road comprising mainly of road frontage development of single houses on relatively large plots.
- 1.2. There is a footpath along the southern side of the Ragoon Road which extends a short distance to the west of the application site at the edge of the 50 kmph maximum speed signs. Bus stops for the No 411 bus route serving the city are located on Ragoon Road and Bothar Stiofan.
- 1.3. According to the Galway Transportation Study and the Specific Objectives Map of the CDP there is an objective to provide a high frequency service is to be provided along the existing bus route.

## 2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for construction of four terraced houses with a shared entrance from Ragoon Road and communal surface carparking to each side of the entrance road at the front of the dwellings and individual private rear gardens. Two units, Nos 3 and 4 are stepped forward from Units 1 and 2 at the eastern end of the row. Each unit has centrally positioned projection to the front of the entrance with WC facilities. Internal accommodation which includes three bedrooms and a home office is over three floors inclusive of an attic level dormer level. The total stated floor area of the dwelling units is 498 square metres, the plot ratio is 0:50:1 and the ridge height for the dwellings is 9.64 metres.

## 3.0 Planning Authority Decision

### 3.1. Decision

By order dated, 6<sup>th</sup> May, 2021 the planning authority decided to grant permission subject to eighteen conditions of a standard nature.

### 3.2. Planning Authority Reports

- 3.2.1. The planning officer in his report notes the site location in the 'Outer Suburbs' and stated the plot ratio at 0.50:1 although in excess over the maximum standard for plot ratio of 0.46:1 provided for in the CDP, would be acceptable given the relatively low site coverage.
- 3.2.2. A letter from Transportation Infrastructure Ireland, (Prescribed Body) indicates no objections to the proposed development.
- 3.2.3. The report of the Fire Officer indicates no objection.
- 3.2.4. There are no reports from the Environment Department or the Transportation Department on file.

### 3.3. Third Party Observations

An observation was lodged by the appellant party according to which the number of dwellings and number of parking spaces proposed for the site is excessive.

## 4.0 Planning History

**P.A. Reg. Ref. 13/268:** Permission was granted for a dormer dwelling and garage on the site. An extension to the duration of the grant permission was granted under P. A. Reg. Ref. 18/346.

According to the planning officer's report, Outline Permission and Approval was granted for a dormer dwelling and garage under P. A. Reg. Refs 744/99 and 01/342

Under P. A. Reg. |Ref. 97/251 Permission was granted for a service road and interim access to adjacent lands.

## 5.0 Policy Context

### 5.1. Development Plan

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”*.

The location is within the “Neighbourhoods – Outer Suburbs”. According to Section 2.5 new residential development should have linkage to and compatibility with existing patterns of development, plots blocks and streets, the surrounding context and local facilities and should have a high-quality layout, dwelling mix and living environment which does not adversely affect the character of an area. Higher residential densities are encouraged at appropriate locations close to transport routes and routes identified is suitable for high frequency public transport in the Galway transport Study.

There are specific objectives of road improvement works along the Ragoon Road and for a high frequency bus route along the route of the current 411 services.

Development management standards are in Chapter 11.

For residential development there is a requirement for 1.5 parking spaces per dwelling and one visitor space per dwelling according to Section 11.3.2.(g)

A fifteen percent of site area is required for communal recreational and amenity space provision.

Guidance on urban design is in section 8.78 providing for high quality development and protection of existing distinctive characteristics of the city.

### 5.2. Strategic Guidance.

**Urban Development and Building Heights: Guidelines for Planning Authorities**, (The Building Height Guidelines) issued under Section 28 of the Planning and Development Act, 2000 as amended.

According to Special Planning Policy Requirement (SPPR1):, it is government policy to support increased building height and density in locations with good public transport accessibility, particularly town/city cores, Planning Authorities shall explicitly identify through the statutory plans, areas where increased building heights will be actively pursued for both redevelopment, regeneration and infill development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height.

**‘Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities:’** (Sustainable Urban Residential Development Guidelines) and the accompanying ‘Urban Design Manual’, DOEHLG, 2009.

A density of 35 – 50 units per hectare is recommended for new residential development on zoned lands in urban areas.

**‘Design Manual for Urban Roads and Streets’** 2012 (DMURS)

## 6.0 The Appeal

### 6.1. Grounds of Appeal

An appeal was lodged by Seamus Griffin of Mincloon, Ragoon Road on his own behalf on 2<sup>nd</sup> June, 2021. According to the appeal:

- The site location’s address is Ragoon Road and not Bothar Stiofan.
- The proposal for terraced houses and a three-storey height is not compatible with existing houses along Ragoon Road which are semi-detached and detached in the area.
- Offices are not appropriate to the domestic use and proposed residential development. The proposal is for an office and for a domestic house.
- Office use will generate additional traffic in the area where the junction is already hazardous with accidents regularly occurring and speeds in excess of 80 kmph and 50 kmph limits. There are two large traffic junction within two

hundred metres of the site. Also, the proposed bypass has not been taken into consideration. There could be four cars for each dwelling – there is no appropriate plan for management of these cars at the junction.

- Granite is the local stone in the area but it has not been taken into consideration for the entrance.
- Plot No 2 has an area of 986.5 square metres or 0.243 acres. The developer submits the plans as 0.1 hectares. There is a difference which should be examined. An appendix is attached to the appeal submission in which details of areas/sizes for twelve plots are provided, including “Plot 02” for which the frontage is stated to be 26.5 metres.

## 6.2. Applicant Response

A submission was received from the applicant’s agent on 1<sup>st</sup> July, 2021 which contains a detailed description of the site location and proposed development and a discussion on the planning context with extracts from planning policy at national, regional and local levels which it is contended, supports and justifies the proposed development. According to the response to the appeal:

- The address for the site location as indicated on the site notices is “Rahoon Road, Minclon. Co. Galway” and it is not misleading or inaccurate.
- With regard to building height, there is a mix of two story and dormer type dwellings along Rahoon Road. Two and a half and three storey houses on zoned lands are appropriate to achievement of consolidated residential development as provided for on the National Planning Framework, RSES and the Building Height Guidelines which in addition to providing for fulfilling targets for infill and brownfield sites and consolidation and compact growth. Para 3.6 includes a recommendation for inclusion of 2-4 storey development. The houses at the rear of the site are two and a half storeys and are permitted on land to the southwest. (P. A. Reg. Refs. 16/95, 16/96 and 19/67 refer.)
- With regard to the proposal for four terraced houses, there is a mix of house types in the residential, detached, semi-detached, dormer, story storey and two and a half storey. The development at “Rosan Las” which is to the east

along Ragoon Road has a mix of two and three storey detached and semi-detached houses within the established residential character of the area. This mix in house types is encouraged according to section 2.5 of the CDP. and the Guidelines for Sustainable Urban Residential Development Guidelines.

- With regard to the home offices in the proposed dwellings, their inclusion is a response to an increasing demand for working at home and provides for lifetime adaptability. The home office is an ancillary use supporting the primary residential use and contributes to sustainable residential neighbourhoods as provided for under the zoning objective. Condition No 5 attached to the planning authority decision to which the appellant has indicated no objection has requirements for the limitation of the home office use to use by occupants.
- With regard to traffic management issues raised in the appeal, the four-unit development is below the threshold for which a traffic impact assessment would be required. The entrance is on a straight section of the local road where the 50 kmph speed limit applies and along with the public footpath and lighting. The location is within the 50 kmph maximum speed limit and not the 80 kmph maximum speed limit. The Roads and Transportation section has no objection.
- With regard to the proximity to junctions on the road network, the entrance which is only for four houses which would generate low traffic intensity would not be a large traffic junction and there is greater tolerance for access points on local roads and streets with the 50 kmph speed limit applies.

The entrance design accords with DMURS standards which provide for sightlines of 49 metres in both directions (forward Visibility on a Bus Route) and Condition No 13 attached to the decision to grant permission in which a compliance submission is required for line and configuration at the entrance with the public road is acceptable to the applicant.

The planned route for the N6 bypass (City Ring Road is circa 315 metres to the east on the city side of the site and it would have no bearing on the application.



- With regard to the use of local stone, the applicant would be willing to accept a condition for use of granite stone facing where there is a requirement for a compliance submission on stone facing on boundaries and house as provided for under Condition No 3 (b) of the decision to grant permission.
- With regard parking provision the on-site provision is compliance with section 11.3. I (g) of the CDP which provides for one site per dwelling and one grouped visitor space per dwelling and the eight-space provision is appropriate.
- With regard to the size of the site, the appellant assertions to the size being 986.5 square metres is flawed and confirmed that site size is the same as the size indicated for the prior application under P. A. Reg. Ref. 13/368.

### 6.3. **Planning Authority Response**

There is no submission from the planning authority on file.

## 7.0 **Assessment**

7.1. The issues central to the determination of a decision having regard to the appeal can be considered below under the following sub-headings:

Notices

Site size

Scale, height and layout and design

Density

Materials and finishes

Home Office use

Traffic safety and convenience.

Carparking

Environmental Impact Assessment Screening

Appropriate Assessment

## **7.2. Notices.**

- 7.2.1. The address for the site location as provided for in the notices is the same as the claim in the appeal, namely Ragoon Road.

## **7.3. Site size**

- 7.3.1. The site size as contended in the appeal is marginally different from that indicated in the information included in the appeal. Based on an estimate having regard to the application drawings, it is considered that the size is approximately, 1,000 square metres. A slight shortfall, such as the fifteen metres represented in the appellant's claim and that submitted with the applicant would be relatively immaterial to consideration of the application given the extent of the development low site coverage by the footprint of the dwellings at circa twenty percent of the site area.

## **7.4. Scale, height and layout and design**

- 7.4.1. The layout in which the four terraced dwellings are in a slight staggered footprint with the two units to the west being forward of the two to the east provides interest and ameliorates the scale of the projecting element forward of and over the entrance levels. The combination of a plaster and stone finish provides for a high-quality finish appropriate to the location to the west of the city in which similar finishes are common features to several dwellings in the area.
- 7.4.2. There is no objection to the proposed height to the ridge at 9.6 metres which allows for attic level habitable space. Given the relatively deep setback from the road frontage and separation distance from surrounding development which ranges from one, one and half, two and two and a half storeys is fully acceptable within the area from a visual perspective and with regard to the protection of residential amenities at surrounding properties. As has also been established by the planning officer in his report, private open space, separation distances from boundaries and from dwellings at the rear and the layout and sizes of the internal accommodation are all in accordance with CDP standards and the standards set out in Sustainable Urban Residential Development Guidelines.

## **7.5. Density**

- 7.5.1. The density at four units for a site of 1000 square metres comes within the lower end of the range recommended within the Sustainable urban residential development guidelines at forty units per hectare and this is considered reasonable for the site on zoned lands at location in “Outer Suburbs” within the CDP.

## **7.6. Materials and finishes**

- 7.6.1. With regard to the use of vernacular materials, the applicant has clearly indicated a willingness to select a granite stone facing for the dwelling facades indicated on the lodged drawings and elsewhere in the site for boundaries and the entrance is and is willing to accept a condition to this effect. This commitment would address the appellant’s concerns, is considered reasonable and to provide for a high-quality finishes appropriate to the characteristics of the area. The requirements of condition No 3 (b) attached to the planning authority decision can be modified to provide for the use of granite stone.

## **7.7. Home Office Use.**

- 7.7.1. With regard to the incorporation within the internal accommodation of a “home offices” it is noted that a small first floor room in over the entrance in each dwelling is designated as a home office. It is clear from review of the plans that the space provides for use ancillary to that of the residential use of the dwelling, as a small home office or study. This space would appear to be inadequate for the purposes of operating a business to which business /commercial related visits would take place and to be suitable for secondary use with a main place work being office site. The inclusion of this designation within the plans is supported and positively benefits reduced trip generation if used for such purposes. An appropriate condition, as is attached to the planning authority’s decision to grant permission provides for clarity with regard to the extent and nature of use that can be authorised given the residential zoning and use of the dwelling.

## **7.8. Traffic safety and convenience.**

- 7.8.1. With regard to traffic generation, traffic hazard, it is agreed that the small scale of the development precludes any requirement for a traffic impact assessment to be carried out for the proposed development of four dwelling units. Subject to satisfactory design standards at the proposed entrance, turning movements onto and

off the carriageway should unduly interfere with the flow of traffic through the junction with Bothar Stiofan or cause undue risk of hazard by reason of obstruction.

7.8.2. Furthermore, it is noted that it is intended that the entrance comes within a section of the road for which the maximum speed is 50 kmph, there is an existing bus service and specific objectives for a high frequency service, that many services and facilities such as schools and sports facilities are within walking distance, that public footpaths are available on Ragoon Road and that daily commuting may no longer be a requirement should hybrid working take place.

7.8.3. Although a report from Transportation Department at Galway City Council on the proposed development is not available, it is considered further to the inspection at the site location and review of the details available on the plan drawings for the proposed entrance that sufficient sightlines at a minimum of 49 metres in each direction from circa 2.5 metres setback to the edge of the carriageway would be achievable and that the relevant standards in DMURs could be achieved in the development. However, a condition for a comprehensive submission of details in this regard, to include and boundary treatment and markings should be attached if permission is granted

## 7.9. **Carparking**

7.9.1. The proposals for on-site carparking in quantum and layout, which incorporates soft landscaping are acceptable.

## 7.10. **Environmental Impact Assessment Screening.**

7.10.1. 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.

## 7.11. **Appropriate Assessment Screening.**

7.11.1. 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 be upheld and that permission be granted. Draft Reasons and Considerations and Conditions follow.

## 9.0 Reasons and Considerations

Having regard to:

- The Galway City Development Plan, 2017-2022 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*" and within "Neighbourhoods - Outer Suburbs as provided for in section 2.5 thereof.
- **Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities:** DOEHLG, 2009. according to which a density of 35 – 50 units per hectare is recommended for new residential development on serviced zoned lands in urban areas close to services and facilities
- To "Urban Development and Building Heights: Guidelines for Planning Authorities", according to Special Planning Policy Requirement (SPPR1) of which it is government policy to support increased building height and density in locations with good public transport accessibility, particularly near or in town/city cores and,
- The configuration of the site and, to the evolving and established pattern and character of the existing development in the surrounding area

it is considered that subject to compliance with the conditions below the proposed development would not seriously injure the visual amenities and character of the surrounding built environment or the residential amenities of adjoining properties by

reason of incompatible dwelling type, form, height, design, layout and density of development would be acceptable in terms of traffic and public safety and convenience and, would be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars lodged with the planning authority on 21<sup>st</sup> April, 2021 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Prior to the commencement of the development, the applicant shall submit and agree in writing with the planning authority, full details for the proposed entrance to include details of dimensions for the entrance, its splays and sightlines in each direction and full details of materials height and finishes for front boundary treatment which shall include local granite stone facing.

**Reason:** In the interest of clarity, pedestrian and vehicular safety and convenience and the visual amenities of the area.

3. The home office accommodation is confined to use solely by the occupants of the dwelling and shall not be used for purposes that include visits by third parties for meetings or consultations or sublet to third parties and no signage shall be displayed on site.

**Reason:** In the interest of clarity and to ensure consistency with the zoning objective providing for residential development and associated support development, protection of residential amenities and sustainable residential neighbourhoods.

4. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including details of:

Location of the site and materials compound.

Location of areas for construction site offices and staff facilities.

Site security fencing and hoardings.

Timing and routing of construction traffic to and from the construction site and associated directional signage.

Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.

Mitigation measures for noise, dust and vibration, and monitoring of such levels.

Containment of all construction-related fuel and oil and, arrangements for storage and removal of construction and demolition waste and measures for management of surface water run-off.

Arrangements to ensure that during the construction and demolition phases, works are in accordance the standards in, British Standard 5228 *'Noise Control on Construction and Open Sites, Part 1. Code of practice for basic information and procedures for noise control.'*

Arrangements for management of demolition and construction stage impacts on pedestrian facilities and circulation.

A monitoring system and record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

**Reason:** In the interest of orderly development, public amenity and safety, and the proper planning and sustainable development of the area.

5. Hours of construction shall be confined to the hours of 0800 and 1900 Mondays to Fridays excluding bank holidays and 0800 hrs and 1400 hrs on Saturdays only. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In the interest of the protection of the amenities of the area.

6. Details of materials, colours and textures of all external finishes, which shall include use of local granite stone facing and blue/black or dark roof tiles shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

**Reason:** In the interest of visual amenity.

7. The applicant shall obtain water and waste-water connection agreements with Irish Water, prior to commencement of development.

**Reason:** In the interest of public health.

8. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

9. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.

**Reason:** In the interest of orderly development and visual amenities of the area.

10. Details of the proposed signage, naming and numbering scheme for the proposed development shall be submitted to the planning authority for their written agreement prior to commencement of development, any additional signage shall be the subject of a separate planning application.



**Reason:** In the interest of visual amenity and residential amenities.

11. The Developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

**Jane Dennehy**

Senior Planning Inspector  
10<sup>th</sup> September, 2021.