



An  
Bord  
Pleanála

## Inspector's Report ABP-311352-21

### Development

Permission for amendments to lower ground floor car park layout, alterations to courtyard levels and layout, reduction of boundary wall height, provision of external vent and two bicycle racks and retention planning permission for external LPG gas tank, current lower ground floor car parking layout and lower ground floor storage area, pedestrian ramps 2.1 metre wall, amended window detail, external seating area and stainless steel flute outlet.

### Location

Dún Daingean, Newcastle, Galway City.

### Planning Authority

Galway City Council

### Planning Authority Reg. Ref.

21/217

### Applicant

Davy Holdings.

### Type of Application

Permission and Permission for retention

### Planning Authority Decision

Refuse Permission and permission for retention

|                                |                        |
|--------------------------------|------------------------|
| <b>Type of Appeal</b>          | First Party v. Refusal |
| <b>Appellant(s)</b>            | Davy Holdings          |
| <b>Observer(s)</b>             | None                   |
| <b>Date of Site Inspection</b> | 27th January 2022      |
| <b>Inspector</b>               | Fergal O'Bric.         |

## 1.0 Site Location and Description

- 1.1. The appeal site comprises a three-storey apartment building within the Dun Daingean residential development, a residential estate on the southern side of the Newcastle Road Upper, (N59) the main route linking Galway City and Clifden. The appeal site is located approximately 2.5 kilometres north-west of the city centre. The apartment block comprises 5 apartments positioned on the most elevated part within the appeal site, to its south-west. Vehicular access is onto an internal service road within Dún Daingean, located to the east of the site frontage. Within the site curtilage there is vehicular access to a basement garage/storage area, a number of external parking spaces within a paved courtyard area, a bicycle stand and two pedestrian ramps leading to the upper floor apartments.
- 1.2. There are other two-storey residential detached properties located south, west, north-east and north of the appeal site and a large grassed area of public open space to the east of the appeal site. The external finishes within the apartment building elevations include natural stone and render.

## 2.0 Development Description

- 2.1. The development comprises the following:
  - a. Permission for amendments to lower ground floor car park layout, alterations to courtyard levels and layout, reduction of boundary wall height, provision of external vent and two bicycle racks
  - b. Retention permission for external LPG gas tank, lower ground floor car parking layout and lower ground floor storage area, pedestrian ramps, 2.1 metre wall, amended window detail, external seating area and stainless steel flute outlet.
- 2.2. The planning application was accompanied by a planning report prepared by MKO Planning Consultants. This report outlines the context and relevant policies and objectives within the Galway City Development Plan (GCDP) 2017-2023 and a planning rationale in support of the development.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Planning permission for the development was refused by order dated the 16<sup>th</sup> day of August 2021, for the following reason:

- 1- The site of the apartment block is located at a bend and close to the junction of the internal estate road for Dún 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 on-site parking provision, along with the erosion of communal open space, would endanger public safety by reason of a traffic hazard due to the 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.

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

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

The Planning Officers' report raised the issue of the extent of the shortfall in on-site car parking provision, whereby six spaces are to be provided, which is 3 (33%) spaces below what was originally required/permitted, and that the dimensions of some of the car parking spaces would not accord with the provisions of Section 11.3.1(g) of the Galway City Development Plan (GCDP) 2017-23, in relation to car parking space dimensions. The shortfall in the quantum of spaces is considered excessive and would result in illegal on-street car parking along the local internal road within the Dún Daingean residential development and the creation of a traffic hazard. The three spaces within the courtyard area would result in cars reversing across the site entrance and basement car park entrance and the removal of communal open space serving the apartments. The Planner stated that the unauthorised storage area within the basement car park in its current form, is unacceptable, and is the main contributory

factor in the shortfall of car parking spaces within the site. A recommendation to refuse planning permission and permission for retention of development was issued.

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

None received.

### **3.3. Prescribed Bodies**

None received.

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

None received.

## **4.0 Planning History**

Subject Site:

Planning Authority reference number 20/160-In 2020, Galway City Council (GCC) refused planning permission for amendments to lower ground floor car park layout, alterations to courtyard levels and layout, reduction of boundary wall height, provision of external vent and two bicycle racks to lower ground floor parking layout, reduction of boundary wall height and external vent within apartment building, and retention permission for external LPG gas tank, current lower ground floor car parking layout and lower ground floor storage area, pedestrian ramps, 2.1 metre wall, amended window detail, external seating area and stainless steel flute outlet. This decision was upheld by An Bord Pleanála under reference number 308012-20. The reason for refusal was as follows:

- 1- The site of the apartment block is located at a bend and close to the junction of the internal estate road for Dún 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 on-site parking provision, along with the erosion of communal open space, would endanger public safety by reason of a traffic hazard due to

the 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.

Planning Authority reference number 19/249-In 2019, Galway City Council (GCC) refused planning permission for amendments to lower ground floor car park layout, alterations to courtyard levels and layout, reduction of boundary wall height, provision of external vent and two bicycle racks to lower ground floor parking layout, reduction of boundary wall height and external vent within apartment building. And retention permission for external LPG gas tank, current lower ground floor car parking layout and lower ground floor storage area, pedestrian ramps, 2.1 metre wall, amended window detail, external seating area and stainless steel flute outlet. This decision was upheld by An Bord Pleanála under reference number 305930. The reason for refusal was the same/similar to that used under Board reference number 308012.

Planning Authority reference number 02/699 - In 2002, Galway Corporation granted planning permission for the demolition of a dwelling and outhouses and the construction of 5 apartments, basement car park and associated works. This decision was upheld by an Bord Pleanála.

## **5.0 Policy and Context**

### **5.1. Galway City Development Plan, 2017-2023**

- 5.1.1. The appeal site has the benefit of an R-residential land use zoning where the objective is “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 “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. Section 11.3.1 (g) of the Plan pertains to car parking standards where the standard is to provide one car parking space per dwelling unit and one visitor space per three dwellings or one space per dwelling if the layout is grouped.

5.1.4. Section 11.3.1 (h) of the Plan pertains to cycle parking standards for the established suburbs at one cycle stand (5 cycle spaces) per twenty car parking spaces is required.

## 5.2. **Draft Galway City Development Plan 2023-2029.**

5.2.1. The Draft Galway City Development Plan (DGDP) initially went on public display until April 2022 and the Chief Executive's report is currently being prepared on the submissions received during the display period. The material alterations to the Draft Plan are expected to go on public display in September 2022. The Plan is expected to be adopted in the first quarter of 2023.

5.2.2. The appeal site has the benefit of an R-residential land use zoning where the objective is "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"

5.2.3. Section 11.3 of the Draft plan sets out the following in terms of parking "For all types of location, where it is sought to eliminate or reduce car parking provision, it is necessary to ensure, where possible, the provision of an appropriate number of drop off, service, visitor parking spaces and parking for the mobility impaired".

## 5.3. **National Guidance**

5.3.1. Sustainable Urban Housing Design Guidelines for New Apartments (-Department of Housing, Planning and Local Government (2018).

5.3.2. Section 4.19 sets out that in larger scale and higher density apartments development in central urban areas, well serviced by public transport, parking provision can be minimised/reduced or eliminated in certain circumstances.

5.3.3. Section 4.23 sets out that it should be demonstrated that an appropriate number of drop-off, service and visitor spaces are available along with the provision for alternative modes of travel.

5.3.4. Section 4.17 pertains to cycle parking provision and that storage space for one bicycle per bedroom and one visitor space per two bedrooms is recommended and that deviation from these standards is at the discretion of the Planning Authority.

#### **5.4. Natural Heritage Designations**

5.4.1. The site is located approximately 0.9 kilometres from the edge of the Lough Corrib SAC (site code 000297).

5.4.2. The site is located approximately 0.9 kilometres from the edge of the Lough Corrib pNHA (site code 000297).

#### **5.5. Environmental Impact Assessment - Preliminary Examination**

Having regard to the limited nature and scale of the works, the fact that the development relates to a change of use of a small part of the lower ground floor parking layout and ancillary alterations to an established and permitted apartment block, with no additional floor area developed, the site being fully serviced, the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the development. The need for environmental impact assessment can, therefore, be excluded.

### **6.0 The Appeal**

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

A first-party appeal was submitted by MKO Planning Consultants Ltd, on behalf of the appellant, Davy Holdings Ltd. The issues raised within the appeal are summarised below.

- Development Plan policy as set out within Sections 4.17 and 4.23 is to minimise/eliminate car parking provision within centrally located apartment developments.



- The area is well served by public transport and is within walking distance of amenities and facilities as supported by the 2018 apartment guidelines.
- The local employment and educational facilities that are proximate to the site include the National University of Ireland Galway Campus and the University Hospital Galway; both are within a 15 minute walking distance of the appeal site.
- The occupants of the apartments within the appeal site are either students or employees within the local university or hospital.
- As part of recent refurbishment works, part of the basement car park was retained for storage purposes and 6 car parking spaces are retained on site, including one disabled parking space. This level of parking provision is consistent with the provisions of the 2018 Apartment Guidelines.
- A precedent for the relaxation of car parking standards has been set under Bord reference number 302364, pertaining to the development of 4 apartment units at number 21, Upper Newcastle Road and for the development of student accommodation adjacent to the Galway University Campus.
- The planning Inspector under Board reference number 305930 considered that the car and cycle parking provision within the appeal site was consistent with the provisions of the 2018 apartment guidelines. The inspector also observed that there were no restrictions on the use of on-street parking within Dún Daingean, that bus route 404 links the Newcastle Road with the City Centre and vice-versa and the availability of many local services and facilities within walking distance of the appeal site.
- The dimensions of the car parking spaces are compliant with the GCDP standards as demonstrated in the auto-track drawing, submitted as part of the planning documentation.

- There is no basis for a refusal of planning permission over a loss of mature planting.

## 6.2. **Planning Authority Response:**

The Planning Authority made no comment in relation to the planning appeal.

## 7.0 **Assessment**

7.1. The main planning issues in this appeal relate to the reason for refusal which pertains to the quantum of car parking space provision and the availability of these spaces without compromising access to the remainder of the appeal site, other car parking spaces or the quality of private open space afforded to the occupants of the apartment units on site. The development of the vent, flue stack, outdoor seating and planter boxes, reduced window size and 2.1 metre wall are all considered acceptable and are necessary for the residents of the apartments to be afforded some quality residential amenity. I am satisfied that these amendments would not adversely impact upon residents within the apartments on site or on neighbouring residents and would accord with the underlying residential land use zoning objective that pertains to the appeal site. The main issues can be dealt with under the following headings:

- Car parking provision
- Appropriate Assessment.

## 7.2. **Car parking provision**

7.2.1. The pertinent issue within the refusal reason as set out by the Planning Authority relates to the change of use that has occurred within the lower ground floor car park area and the impact that has arisen from the consequent displacement of parking spaces provided for within the development. From examination of the Planning Officers report, I note that she has raised no issue in relation to the elements for which retention of planning permission is being sought. No objections have been raised from a planning perspective in relation to the amendments, except for the unauthorised storage space within the basement car park area, which has displaced

a number of the original permitted car parking spaces serving the apartment units on site, and the knock-on adverse impact on the car parking provision and site layout arrangement.

- 7.2.2. The current proposal, in contrast to the most recent unsuccessful proposal, under Board reference number 308012-20, provide for a reduction in the number of on-site car parking spaces from nine to six, including one disabled car parking space, a reduction of 33% of parking spaces from that originally permitted on site by the Board in 2003. In relation to the six car parking spaces, three spaces would be provided within the basement car park area and three spaces externally, within the courtyard area.
- 7.2.3. I note the planning precedents that the applicants make reference to, and that they also reference the Route 404 bus service which runs along the Newcastle Road Upper every 30 minutes. They also state that many local services and facilities are available within walking distance of the appeal site. I note that the appeal site is a significant distance further removed from the city than the site at No 21 Newcastle Road (referenced by the appellants) and the other precedent relates to student accommodation specifically associated with, and adjacent to the University campus and are, therefore, in my opinion, not comparable. In any event, each appeal case must be considered on its own merits.
- 7.2.4. The current proposal relates to parking provision associated with five apartments, four by two bedroom apartments and one by three bedroom apartment. These units cannot be considered in the same light as studio or one bedroom units. The five apartments within the appeal site provide for a total of 11 bedrooms. It would not be prudent to presume that household composition would be such that the levels of car ownership and demand for car parking spaces within the apartment complex are low, given their scale.
- 7.2.5. The planning documentation includes auto-track drawings for the purpose of illustrating how cars can manoeuvre in and out of the various car parking spaces. There is a steep gradient within the site curtilage, with site levels falling from west to east and from south to north. The site curtilage is also used for pedestrian circulation between the appeal site entrance and the main access doors to the apartment building. The turning and reversing manoeuvres required to enter and exit the

external car parking spaces would result in obstruction of the main site access and also obstruct access to the basement car park entrance. As a result, residents may decline to use the site curtilage spaces in preference to using on-street parking along the Dún Daingean internal access road. The proposed removal of a tree to facilitate the works is noted and regrettable, but its removal would not constitute grounds to support a refusal of planning permission in this instance.

- 7.2.6. I would concur with the opinion expressed by the Planning Officer, that the development could lead to demand for car parking outside of the site curtilage, result in overspill of parking onto the internal road network within Dún Daingean and between the appeal site and the junction with the Newcastle Road Upper, the N59. This would result in disorderly car parking and an obstruction of other road users and result in the creation of a traffic hazard.
- 7.2.7. I consider the proposals to introduce bicycle parking within the site curtilage should be welcomed. A condition should be included for the covering of the cycle parking area, in the event that a grant of planning permission is being recommended.
- 7.2.8. The area allocated for storage within the basement car park is approximately 77 square metres in area. This area is considered to be excessive for ancillary storage associated with a five unit apartment development. I noted on the day of my site inspection that the basement storage area was being used for the storage of a trailer and other building materials, not specifically related to storage for the five apartment units. In the event that the Board is to consider the proposals favourably, I would recommend that some clarification be sought as to the precise nature and purpose of the extensive storage area within the basement car park area. The use of this area for non-residential storage purposes or sub-letting could have an adverse impact on the residential amenities of the occupants of the apartments on site, and therefore, would be contrary to the underlying residential zoning objective pertaining to the site.
- 7.2.9. In conclusion, I consider that permission for the amendments to the car parking layout within the basement car park area and within the on-site curtilage should not be permitted. The storage area within the basement car park area is being used for purposes not apparently incidental to the permitted residential uses on site, and has resulted in the displacement of on-site car parking. This present arrangement could

result in on-street parking within Dún Daingean and would establish an undesirable precedent.

### 7.3. **Appropriate Assessment.**

Having regard to the nature and modest scale of the development which pertains to amendments to a parking layout and retention of a vent and changes to a lower ground floor parking layout and lower ground floor storage area of an existing building and where no additional floor area arises, within a serviced urban area and the distance from the nearest European site, it is concluded that no Appropriate Assessment issues arise, as the development would be unlikely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

## 8.0 **Recommendation**

I recommend that planning permission and permission for retention of development be refused for the following reasons:

## 9.0 **Reason(s)**

- 1 The site of the apartment block is located at a bend and close to the junction of the internal estate road for Dún Daingean, an established residential development, along the Newcastle Road Upper. It is considered that the proposed development, by reason of deficiencies in the quantum and substandard arrangements for on-site parking provision, along with the erosion of communal open space, would endanger public safety by reason of a traffic hazard due to the 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.

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Fergal Ó Bric  
Planning Inspectorate

24<sup>th</sup> August 2022