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Bord  
Pleanála

## Inspector's Report ABP 312161-21

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<b>Development</b>	Widening of driveway to allow for two parking spaces and modifications to front boundary wall.
<b>Location</b>	No 61 The Green, College Road, Galway.
<b>Planning Authority</b>	Galway City Council.
<b>P. A. Reg. Ref.</b>	21/310
<b>Applicant</b>	Sisters of Mercy, Western Province.
<b>Type of Application</b>	Permission.
<b>Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party x Refusal
<b>Appellant</b>	Sisters of Mercy, Western Province.
<b>Date of Inspection</b>	4 <sup>th</sup> May, 2022
<b>Inspector</b>	Jane Dennehy

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## 1.0 Site Location and Description

- 1.1. The application site is that of a two-storey semi-detached house with front and rear gardens located midway along a cul de sac within a residential estate, "The Green". This estate is on the west side of and has vehicular access off College Road on the east side of the city and comprises two storey houses with front driveways and front and rear gardens at a relatively low density and it has a small area of public open space at a towards the centre off the main internal access road. Low height (circa 300 mm.) stone front and front side boundary walls constructed to enclose the front curtilage containing gardens and driveways of the dwellings have been removed at many of the properties.
- 1.2. The front curtilage of the application site property comprises a driveway and front garden surrounded by evergreen hedgerow on the inner side of the stone walling along the site frontage which are unaltered. The rear boundary abuts the Galway Greyhound Stadium and Connaught Rugby grounds. Bohermore is to the west and north west and Lough Atalia Road and Galway Bay is located to the east of College Road.

## 2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for removal of the front boundary wall with the exception of a section circa one metre in width adjacent to the boundary with the adjoining property at No 60 The Green which is to be retained along with flower bed along the inner side of the party boundary. A permeable surface material is to be laid within the front curtilage in replacement of the existing tarmacadam lawn area.

## 3.0 Decision

- 3.1. By order dated, 12<sup>th</sup> November, 2021, the planning authority decided to refuse permission based on the following reason: -

*The Galway City Council Development Plan, 2017-2023 provides that opening up a boundary to facilitate on site parking, the vehicular entrance shall not*

*normally exceed 3m in width, and that front gardens shall not be completely dedicated to parking. It is considered that the opening up of the frontage of this property would provide a negative impact on visual amenity and would set an undesirable precedent for similar developments. The proposed development would therefore contravene the Development Plan objectives to retain the maximum extent of front gardens and front boundary walls and would be contrary to the proper planning and sustainable development of the area.*

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

- 3.2.1. The planning officer notes prior unsuccessful applications for similar development within the estate in his report. It is also stated that many entrances to the properties in the estate have been widened with front boundary walls and gardens fully or partially removed at several properties, but these developments are unauthorised. It is also stated that the proposed development would set precedent for similar development and that it would adversely affect the visual integrity of the area. Refusal of permission is recommended.

### **4.0 Planning History**

There is no record of recent planning history for the application site.

### **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 subject to the zoning objective R: *“To provide for residential development and for associated support development which ensures protection of existing residential amenity and contribute to sustainable residential neighbourhoods.”*

The location is also within the “*Established Suburbs*” the provisions for which are set out in section 2.6.

According to section 11.3.1(g) a vehicular entrance shall not normally exceed three metres in width, and where feasible, the maximum extent of boundary wall/hedging shall be retained, and front gardens shall not be completely dedicated to car parking.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. An appeal was lodged by O’Neill, O Malley which includes a written statement by the Sister Elizabeth Tierney of the Sisters of Mercy, Western Province on 9<sup>th</sup> December, 2021. According to the appeal: -

- There are difficulties in manoeuvring in and out of the existing entrance to the property due to obstruction by cars parked on the kerb line on both sides of the road including the area in the front of the appellant party’s property. The applicant wishes to widen the entrance discourage parking in front of the property and so that two cars can be parked in the front curtilage.
- With regard to the requirement in the CDP that front gardens not be completely dedicated to parking, it is intended to retain landscaped strips on both sides of the two parking spaces. (Drawing 3501 refers.)
- In the event that the proposed development which provides for two car spaces on site as proposed is not acceptable it is requested that a widening of the existing entrance by 1.5 metres be considered. The increase in width would allow for easier access to the existing car space and would discourage other residents from parking outside the dwelling’s frontage.

6.1.2. According to the accompanying written statement by the Sister Elizabeth Tierney of the Sisters of Mercy, Western Province: -

6.1.3. The property at No 61 The Green, in addition to being a residence for a community of sisters is also used by other sisters in the province when attending medical/hospital appointments in the city and several sisters are older and fragile.

- 6.1.4. Sisters experience difficulties in accessing and egressing the car space on site due to obstruction by other cars parked along the frontage and on the opposite side of the road. Removal of the boundary wall would make it safer to enter and exit the (on site) parking space.

## 6.2. **Planning Authority Response**

- 6.2.1. In a submission dated, 13<sup>th</sup> January, 2022 it is requested that the decision to refuse permission be upheld and it is confirmed that the issues raised in the appeal were taken into consideration in the assessment of the application.

## 7.0 **Assessment**

- 7.1. On street parking on the public road is intended to be available to all road users and widening of entrances results in loss of available on road parking space for public use. At a lot of the properties within the Green, front boundary walls have been removed providing for widened entrances and additional front curtilage parking which has resulted in considerable removal of the on-street space which was available for use by all residents and visitors within layout and design for the residential development at The Green. As a consequence, the remaining available on street space available for parking by all road users is very limited. The alterations of this nature which have implemented at the properties throughout the estate appear to be authorised development.
- 7.2. This overall loss of on street parking space throughout the estate is regrettable and unfortunate and is likely to have caused difficulties described in the appeal about obstruction in accessing and egressing the driveway at the applicant's property. It is specifically stated in the appeal that obstruction is caused by vehicles parked directly alongside the front boundary wall of the applicant's property. To this end, the difficulties at this the rationale for the application from the perspective of the applicant is understandable.
- 7.3. However, positive consideration of the current proposal cannot be justified on planning grounds in that it would exacerbate the negative effects and consequences of unauthorised development at other properties in the area which has led to the loss and erosion of on street parking space for use by residents and visitors to the estate.

Furthermore, as indicated in the reasons attached to the planning authority's decision to refuse permission favourable consideration would set precedent for positive consideration of other similar development proposals including possible proposals for permission for retention.

- 7.4. The proposed development entails removal of the front boundary all almost in entirety, a small section of up to one metre in width to be retained as a result of which the proposed development would be considerably in excess of and contrary to the provision for a maximum the three metres width allowed for in the CDP (Section 11.3.(g)).
- 7.5. The proposed layout as indicated in the appeal does provide for retention of soft landscaping along the side boundaries of the front curtilage which has some ameliorative impact with regard to adverse visual impact and the proposal for use of permeable paving is to be commended in this regard and also as a means for containment of surface water runoff within the site curtilage. The option for consideration according to the appeal should the original proposal be unacceptable for an increase in width of the existing entrance by 1.5 metres with increased retention of the original boundary wall would have less adverse impact from a visual perspective the entrance would have an approximate width of 4.5 metres (of the site width of circa seven metres) which is also in excess the maximum three metres provided for in section 11 3 (g) of the CDP.
- 7.6. There has been a considerable diminution to the visual integrity and character of the estate as intended in the original layout and design by way of the alterations to the front curtilages and common low stone wall boundary walling throughout the estate. The resultant streetscapes are dominated by a disorderly and undefined frontage forward of the dwellings dominated by parked cars and hard standing. Notwithstanding the quality of the paving selected for the parking area within the front curtilage and the retention of an element of the front boundary wall and soft landscaping incorporated within the applicant's proposal, which is acknowledged, it is considered that favourable consideration of the proposed development cannot be recommended. It would exacerbate and add to the cumulative impact of the existing problems within the estate attributable to unauthorised development and would set precedent for favourable consideration of future proposals for removal of boundaries and widening of entrances.

## **7.7. Environmental Impact Assessment.**

- 7.7.1. Having regard to the nature of the proposed development and its location removed from any sensitive locations or features, there is no real likelihood of significant adverse effects on the environment. The need for environmental impact assessment can therefore be excluded at preliminary examination and a screening determination is not required.

## **7.8. Appropriate Assessment.**

- 7.8.1. Having regard to the scale and nature of the proposed development and to the location removed from any European Sites 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 following Reasons and Considerations.

## **9.0 Reasons and Considerations**

It is the policy of the planning authority as set out in section 11.3.1(g) of the Galway City Development Plan, 2017-2023, that a vehicular entrance should exceed three metres in width and that front gardens shall not be completely dedicated to parking. It is considered that the proposed development would be contrary to this policy objective, would lead to removal of available street parking space available within the cul de sac for public use, would seriously injure the visual amenities and integrity of the character of the estate and, would set precedent for favourable consideration of similar development proposals. As a result, the proposed development would be contrary to the proper planning and sustainable development of the area.

**Jane Dennehy**

Senior Planning Inspector  
17<sup>th</sup> May, 2022.