



An  
Bord  
Pleanála

## Inspector's Report

### ABP-313997-22

#### Development

Demolition of existing single storey dwelling and outbuilding; construction of 6 no. residential units comprising - 3 no. 1 bedroom ground floor apartments and 3 no. first floor 2 bedroom duplex apartments within 2 no. three storey residential buildings, bin and bike store, 8 no. car parking spaces, site boundaries upgrade, all associated site works, hard and soft landscaping.

#### Location

Chaplaincy House, Corner of Ballybane Road & An Glasán, Ballybane, Galway.

#### Planning Authority

Galway City Council

#### Planning Authority Reg. Ref.

21292

#### Applicant

Castlecarra Developments Ltd

#### Type of Application

Permission

#### Planning Authority Decision

Grant Permission

#### Type of Appeal

Third Party

<b>Appellant</b>	Mary Brennan
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	8 <sup>th</sup> March 2023
<b>Inspector</b>	Ian Campbell

## 1.0 Site Location and Description

- 1.1. The appeal site is located on the eastern side of Ballybane Road (R865), c. 2.7 km north-east from the centre of Galway (Eyre Square). The appeal site is broadly rectangular in shape, has a stated area of 0.09<sup>1</sup> ha and accommodates a detached bungalow and a shed/outbuilding. Site boundaries comprise a c. 2 metre high stone wall to the side/south, a c. 1 metre high stone wall to the front/west and a c. 2 metre high concrete block wall to the side/north and rear/east. The appeal site is relatively flat. There is a level difference of c. 0.7 metres between the appeal site and the property to the north (Ashwood), which is elevated relative to the appeal site/property.
- 1.2. The appeal property is the last house in a row of 4 no. detached bungalows which front onto Ballybane Road. ATU (Atlantic Technological University/formally GMIT) is located on the opposite/western side of Ballybane Road. Glasán Student Village, the entrance to which is situated to the immediate south of the appeal site, is located to the south east of the appeal site. Two storey housing predominates Ballybane Road to the north of the appeal site, before the housing typology transitions to include apartment developments in the vicinity of the appeal site. Glasán Student Village comprises 2 to 2.5 storey buildings. Further south along Ballybane Road there is a 3 storey apartment building.

## 2.0 Proposed Development

- 2.1. The proposed development comprises;
  - Demolition of existing house (150 sqm) and shed/outbuilding (33 sqm);
  - 6 no. apartments/duplex units within 2 no. three storey buildings - (3 no. 1 bedroom apartment units at ground floor level and 3 no. 2 bedroom duplex units at first/second floor level);
  - Bin and bicycle storage;
  - 8 no car parking spaces;

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<sup>1</sup> Reference in the planning application form to a site area of 0.9 ha appears to be a typographical error. Page 9 of the Design Statement submitted with the planning application refers to the area of the site as 0.09 ha. and based on the dimensions of the site layout plan the latter appears to be the correct site area.

- Upgrade of site boundaries, and;
- Associated site works.

2.2. The planning application was accompanied by the following reports/studies;

- 'Daylight Analysis and Overshadowing'.
- 'Statement of Consistency; Design Statement'.

## 3.0 Planning Authority Decision

### 3.1. Request for Further Information

Prior to the decision of the Planning Authority to grant permission for the proposed development, the Planning Authority requested Further Information.

#### 3.1.1. Further Information was requested as follows:

- Item 1 – Provide storage in compliance with the requirements of Sustainable Urban Housing: Design Standards for New Apartments 2020.
- Item 2 – Enclose external stairs.
- Item 3 – Provide separation distances which accord with Galway City Development Plan 2017-2023 requirements.
- Item 4 – Liaise with Transport Section in respect of road improvement objective along Ballybane Road.
- Item 5 – Submit car parking layout which adheres to Galway City Development Plan 2017-2023 requirements.
- Item 6 – Address points raised in third party observations.
- Item 7 – Address compliance with Part V of Planning and Development Act, 2000, as amended.

#### 3.1.2. Further information submitted on 25<sup>th</sup> April 2022

Item 1 – Revised drawings submitted indicating the provision of storage in compliance with Sustainable Urban Housing: Design Standards for New Apartments 2020.

Item 2 – Revised drawings submitted indicating stairs enclosed in both buildings.

Item 3 – Westernmost block repositioned to provide a separation distance of 1.8 metres – 3 metres from northern site boundary (versus 1.1 metres to 3 metres as initially proposed). The easternmost block has been moved closer to the northern site boundary and is now c. 6.2 metres – c. 7.5 metres versus c. 6.4 metres to c. 8.3 metres) as initially proposed.

Item 4 – Confirmation that the Transport Section have no specific plans for Ballybane Road at this location.

Item 5 – Car parking spaces are now 2.5 metres x 5 metres and car and broken up with landscaping.

Item 6 – Responses provided in relation to the main issues raised in the third party observations, including density; traffic; daylight/overshadowing; overlooking; and biodiversity.

Item 7 – Correspondence between the applicant and Galway County Council in relation to compliance with Part V submitted.

### 3.2. Decision

The Planning Authority issued a Notification of Decision to GRANT Permission on the 8<sup>th</sup> June 2022 subject to 23 no. conditions. The following condition is of note;

**C3** – air to water external units shall be located as proposed initially on the 7<sup>th</sup> September 2021, and shall be enclosed in a structure which includes sound baffling.

### 3.3. Planning Authority Reports

#### 3.3.1. Planning Reports

The first report of the Planning Officer notes the following;

- The principle of the proposed development is acceptable, subject to protection of existing residential amenity and compliance with relevant standards/guidelines.

- Higher residential density is considered open for consideration given the location of the site on a main distributor road served by public transport, close to the city centre, and within walking distance of major education and employment nodes. The development represents a more sustainable form of residential development, at this highly accessible and serviced location, compared to conventional singular housing formats.
- The unit mix of the scheme is acceptable.
- Communal and private open space provision is acceptable.
- The proposal complies with living accommodation standards as set out in the Sustainable Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2020, however clarity is required in respect of storage provision.
- Whilst the design of the proposal is generally considered acceptable, concerns are expressed in respect of the external stairs and these areas should be enclosed.
- The height of the proposal is responsive to prevailing heights in the area.
- The proposal does not result in overlooking. Opaque glazing is indicated on the northern elevation.
- Based on the Daylight and Overshadowing Report submitted the proposal will not result in significant overshadowing of neighbouring property.
- A separation distance of 1.5 metres is required between the northern site boundary and the building whereas 1.1 metres is provided, and as such a revised proposal is required.
- There is a specific objective along the front of the site for road improvements.
- Car parking space dimensions may not meet Development Plan requirements. The area of car parking should be broken up.

Further Information Recommended.

3.3.2. The second report of the Planning Officer notes the following;

- Storage provision now meets the requirements set out in the Sustainable Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2020.
- The external stairs have been internalised and are acceptable.
- Revised separation distances are acceptable.
- There are no detailed designs for road improvements along Ballybane Road.
- Car parking layout, including the dimensions of spaces, have been revised and are considered acceptable. Entrance width has been reduced from 8 metres (existing) to 6 metres and is acceptable.
- Air to water units, which have been repositioned along the northern site boundary, should be repositioned to their original position, and enclosed in a structure with sound baffling.

The report of the Planning Officer recommends a grant of permission consistent with the Notification of Decision which issued.

### 3.3.3. Other Technical Reports

Environment Section – no objection subject to standard conditions.

### 3.4. Prescribed Bodies

None received.

### 3.5. Third Party Observations

The report of the Planning Officer summarises the main issues raised in the third-party observations as follows:

- The proposed development is overdevelopment of the site/excessive density.
- Concerns regarding the impact of the proposed development on the visual amenity and character of the area owing to the height, building line, materials, scale and design of the proposal.
- Impact of the proposed development on residential amenity arising from loss of views, privacy impacts, noise generation from residents and air/heating system,

impact on neighbouring properties ability to dry clothes, overshadowing, loss of light and overbearance.

- Proposal is contrary to Development Plan policy regarding development within established neighbourhoods, and infill development.
- Proposal is not infill development between Glasán and GMIT.
- Pedestrian/traffic safety concerns.
- Proposal will result in loss of trees from the site.
- Concerns regarding surface water run-off from site.
- Concerns regarding the tenure of the proposal.

#### 4.0 **Planning History**

Appeal Site:

None.

Ballybane Road/R865:

LA3/2023 – Part VIII development for the provision of a segregated cycle route along the R865 Ballybane Road and the L5029 Castlepark Road, Galway.

At the time of writing this report this scheme was on public display.



## 5.0 Policy Context

### 5.1. National Policy

#### 5.1.1 National Planning Framework 'Project Ireland 2040'

The NPF sets out a targeted pattern of growth for Galway City and Suburbs to 2040 of between 40,000 - 45,000 people. Relevant Policy Objectives include:

- **National Policy Objective 2a:** A target of half (50%) of future population and employment growth will be focused in the existing five cities and their suburbs.
- **National Policy Objective 3a:** Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.
- **National Policy Objective 3b:** Deliver at least half (50%) of all new homes that are targeted in the five cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.
- **National Policy Objective 4:** Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- **National Policy Objective 13:** In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated

outcomes, provided public safety is not compromised and the environment is suitably protected.

- **National Policy Objective 33**: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
  
- **National Policy Objective 35**: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

## 5.2 Ministerial Guidelines

5.2.1 Having regard to the nature of the proposed development and to the location of the appeal site, I consider the following Guidelines to be pertinent to the assessment of the proposal.

- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2022).
- Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities (2021).
- Urban Development and Building Height Guidelines, Guidelines for Planning Authority (2018).
- Appropriate Assessment of Plans and Projects in Ireland, Guidelines for Planning Authorities, 2010.
- Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009).
- Urban Design Manual - A Best Practice Guide (2009).
- Quality Housing for Sustainable Communities - Best Practice Guidelines for Delivering Homes Sustaining Communities (2007).

### 5.3. Development Plan

5.3.1. The proposed development was considered by the Planning Authority under the Galway City Development Plan 2017-2023 however the Galway City Development Plan 2023-2029 came into effect on the 4<sup>th</sup> January 2023 and is now the relevant development plan.

5.3.2 The appeal site is zoned 'Residential' (R) under the Galway City Development Plan 2023 – 2029, with an objective '*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*'. Residential use class is considered compatible with the 'R' zoning. The appeal site is located within the 'Established Suburbs' (see fig. 3.1 & also fig.11.32 Galway City Development Plan 2023 – 2029).

5.3.3. The provisions of the Galway City Development Plan 2023-2029 relevant to this assessment are as follows:

- **Policy 3.3** - Sustainable Neighbourhood Concept
- **Policy 3.6** - Sustainable Neighbourhoods: Established Suburbs
- **Policy 8.7** - Urban Design and Placemaking

Chapter 11 includes development standards and guidelines, the following is of particular relevance to this assessment:

- **11.3.1 (c)** Amenity Open Space Provision in Residential Developments
- **11.3.1 (d)** Overlooking
- **11.3.1 (e)** Daylight
- **11.3.2<sup>2</sup> (f)** Distance between Dwellings for New Residential Development
- **11.3.1 (h)** Cycle Parking Standards
- **11.3.1 (i)** Refuse Storage Standards
- **11.3.2 (c)** Car Parking Standards (Established Suburbs)

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<sup>2</sup> The sequencing of policy objectives at 11.3.2 (f) appears to be a typographical error in the Development Plan.

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

- Galway Bay Complex pNHA (Site Code: 000268), c. 1.3 km south.
- Galway Bay Complex SAC (Site Code: 000268), c. 1.3 km south.
- Inner Galway Bay SPA (Site Code: 004031), c. 1.3 km south.

#### 5.5. **EIA Screening**

Having regard to the limited nature and scale of the proposed 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.

### 6.0 **The Appeal**

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

This is a third-party appeal by RW Nowlan and Associates on behalf of Mary Brennan, Ashwood, Ballybane Road, against the decision to grant permission. The grounds for appeal may be summarised as follows;

- The proposed development represents overdevelopment of a small site within a mature residential area, and is not in line with the vision for the zoning of the lands as the proposal would result in significant negative impacts on the existing residential amenity of the area, and on the amenity of the appellant's property ('Ashwood') which lies immediately adjacent (north).
- The location is not appropriate for the density proposed.
- Insufficient information was submitted to allow for traffic safety issues to be determined by the Planning Authority. A preliminary Traffic and Transport Assessment was not carried out. Noting the location of the site at the entrance to Glasán and across from GMIT at a busy junction, the proposal will result in significant disruption and safety issues. Safety concerns are also expressed for pedestrians using the footpath to the front of the site, this issue has not been addressed in the documentation submitted with the application. A swept path analysis was not carried out and concerns are expressed in relation to the

adequacy of the area to the front of the site to cater for vehicles manoeuvring, including emergency vehicles. Cars may also mount the pavement outside the site to park.

- The site contains mature trees and hedging with nesting opportunities for birds and the proposal would result in the majority of these being removed. The applicant did not include a landscape plan or a tree survey and it is not possible to determine the disruption to the environment arising from the proposal.
- The proposal is situated 6 metres from the appellant's house and results in overbearance. The appellant's view would be of a blank wall, with the small opal glazed windows doing little to soften this façade.
- Contiguous elevations submitted by the applicant are misleading in their depiction of the development to the rear, Glasán.
- The scale and height of the proposed development is excessive and would impact daylight and sunlight within the appellant's home and garden. The overshadowing report submitted by the applicant indicates that the appellant's property will be overshadowed by the proposal, most notably during the period 21<sup>st</sup> December, where daylight hours are short, although the appellant's property will be negatively impacted year-round in terms of the quality of daylight and sunlight receivable. Additionally, the windows to the side of the appellant's property will be impacted, these windows have not been correctly depicted in the overshadowing report submitted by the applicant and it is therefore impossible to determine the true impact of the proposal on Ashwood. The proposal would necessitate the appellant having to use electricity more frequently due to overshadowing.
- The proposal does not respect the character and architecture of the surrounding area and would set a negative precedent.
- In respect of development in Established Suburbs, the Galway City Development Plan 2017-2023 states that 'demolition of existing dwellings for higher density apartment development in the established suburbs will not be acceptable. Exceptions to this policy will only be considered on recently zoned

residential lands, undeveloped lands where no pattern of development has been established, or on main distributor roads where mixed uses have already been developed, or where the existing form of development is not predominantly conventional housing and where the development will not reduce the existing residential amenity'. Whilst the site is located on the R865, the existing dwellings at this location provide a buffer to Glasán and GMIT and should not be removed.

## 6.2. Applicant Response

The applicant has submitted a response in respect of the third party appeal submission noting the following;

- The site is located on a main distributor road, between GMIT and Glasán, making the proposal consistent with planning policy.
- The site is down slope of the appellant's property and is sited to align with development on the road and minimise overshadowing to the front and back of gardens of the appellant's property. The report submitted by the applicant demonstrates that excessive overshadowing does not occur.
- The daylight consultants did not have access to the appellant's property and could not precisely locate windows on the appellant's house. The south elevation of the appellant's property is actually less fenestrated than the model used in the report. The applicant is open, if required by condition, to modelling the north elevation of the proposal with blind openings/niches to reduce the mass of the building.
- The Planning Authority did not request the tracking of vehicles. The centre aisle of the parking area is 7.5 metres wide and is sufficient to accommodate emergency vehicles. If required by condition, a swept analysis could be undertaken.
- A landscape plan was provided as part of the planning application. An ecological report was not required.

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

None received.

### 6.4. **Observations**

None received.

## 7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including the appeal, having inspected the site, and having regard to the relevant national and local policy and guidance, I consider the main issues in relation to this appeal are as follows:

- Principle of Development
- Density, Unit Mix
- Compliance with Relevant Guidelines/Standards
- Placemaking & Design
- Impact on Residential Amenity
- Access & Traffic Safety
- Other Issues
- Appropriate Assessment

### 7.2. **Principle of Development**

- 7.2.1. The proposed development is located on zoned serviced land within the development boundary of Galway City and accords with the overarching objectives of the National Planning Framework (NPF) and contributes towards achieving the targeted pattern of population growth for the city.
- 7.2.2. The appeal site is zoned 'Residential' (R) under the Galway City Development Plan 2023 – 2029 and residential use class as proposed is therefore compatible with the prevailing land use zoning.

7.2.3. The appeal site is located within the 'Established Suburbs'. It is the stated policy of the Galway City Development Plan 2023 - 2029 *'to facilitate the consolidation of existing residential development and densification where appropriate, while ensuring a balance between the reasonable protection of the residential amenities and the character of the established suburbs and the need to provide for sustainable residential development and deliver population targets'*<sup>3</sup>. Having regard to the scale of the proposed development, and to the pattern of development in the vicinity of the appeal site, I consider the principle of the proposed development to be acceptable at this location.

### 7.3. Density & Unit Mix

#### 7.3.1. Density

The proposal entails 6 no. units on a site of 0.09 ha., equating to a density of c. 67 dpha. Section 5.6 of the *Sustainable Residential Development in Urban Areas 2009* states that *'in order to maximise inner city and town centre population growth, there should in principle, be no upper limit on the number of dwellings that may be provided within any town or city centre site, subject to safeguards'*, which include compliance with open space requirements; the avoidance of undue adverse impact on the amenities of existing or future adjoining neighbours; good internal space standards; conformity with any vision of the urban form of the town or city as expressed in development plans, particularly in relation to height or massing; the preservation of protected buildings and their settings/Architectural Conservation Area; and compliance with plot ratio and site coverage standards. Section 5.8 of the *Sustainable Residential Development in Urban Areas 2009* recommends that increased densities should be promoted at locations within 500 metres walking distance of a bus stop and within one kilometre of a rail station and in general, minimum net densities of 50 dwellings per hectare, subject to appropriate design and amenity standards, should be applied within public transport corridors, with the highest densities being located at rail stations / bus stops, and decreasing with distance away from such nodes. SPPR 4 of the *Urban Development and Building Height Guidelines, Guidelines for Planning Authority 2018*, provides that 'it is a specific planning policy requirement that in

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<sup>3</sup> Policy 3.5 of the Galway City Development Plan 2023-2029.



planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure, the minimum densities for such locations set out in the “Sustainable Residential Development in Urban Areas (2007)”<sup>4</sup>. The appeal site is located along the Ballybane Road/R865, c. 2.7 km from the centre of Galway, adjacent to a large third level education campus (i.e. ATU) and there are a number of bus stops in the vicinity of the appeal site, including outside ATU on the opposite side of Ballybane Road, and as such I consider that the density proposed is appropriate in this context.

### 7.3.2. Unit Mix

The proposed development comprises a mix of 1 and 2 bedroom apartment and duplex units. Noting the number of units proposed within the scheme, I consider that the proposal provides for an acceptable mix of unit type.

## 7.4. **Compliance with Relevant Guidelines/Standards**

### Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2022

7.4.1. Having reviewed the plans and particulars submitted with the application and the appeal, I consider that the proposal complies with, and in many instances exceeds the standards for internal accommodation, storage, floor to ceiling height, and private/communal open space set out in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2022.

7.4.2. Regarding bicycle storage, Paragraph 4.17 of the Apartment Guidelines requires a minimum of 1 no. bicycle space per bedroom in addition to 1 no. visitor space for every two units. On this basis the proposed development has a requirement for 12 no. bicycle storage spaces. A covered bike store is located to the front of the site with provision for 6 no. bicycles. Should the Board be minded to grant permission for the proposed development I recommend that additional bicycle parking spaces are provided within

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<sup>4</sup> Reference in SPPR 4 to the publication date of the Sustainable Residential Development in Urban Areas as being 2007 appears to be a typographical error. I note that the Sustainable Residential Development in Urban Areas Guidelines were published in 2009.

the bicycle/bin store, with details of same to be submitted prior to commencement of development. A stacked system for bicycle storage may be considered having regard to the size of the structure where bicycle storage is to be accommodated. Provision for cycle equipment should also be indicated/provided within such a structure.

Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities (2021)

- 7.4.3. The Section 28 Guidelines, Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities (2021), issued by the Department of Housing, Local Government and Housing, applies to developments comprising 5 or more houses or duplex units. As the proposed development comprises 3 no. duplex units the requirements set out in these guidelines are not applicable.

Galway City Development Plan 2023 – 2029

- 7.4.4. Open Space - Policy 11.3.1 (c) of the Galway City Development Plan 2023 – 2029 requires communal amenity space at a rate of 15% of the gross site area, or 10% on restricted sites. The proposed development provides c. 190 sqm of communal open space, in excess of 15% of the site area, and therefore complies with Development Plan requirements. Regrading private amenity space, the Galway City Development Plan 2023 – 2029 states that developments which are exclusively apartment developments shall adhere to the private open space standards set out in the Sustainable Urban Housing: Design Standards for New Apartments (2020). Private amenity space is provided by balconies and patio areas serving each apartment/duplex unit and complies with the Sustainable Urban Housing: Design Standards for New Apartments (2020)<sup>5</sup>. I therefore consider that the proposed development accords with the requirements of Policy 11.3.1 (c) of the Galway City Development Plan 2023 – 2029 in terms of the provision of open space, both communal and private.

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<sup>5</sup> I note that the requirements for private and communal open space in the Sustainable Urban Housing: Design Standards for New Apartments (2020) are the same as the revised Sustainable Urban Housing: Design Standards for New Apartments (2022).

- 7.4.5. Overlooking - Policy 11.3.1 (d) of the Galway City Development Plan 2023 – 2029 provides that residential units shall generally not directly overlook private open space or land with development potential from above ground floor level by less than 11 metres, and that in the case of developments exceeding 2 storeys in height, a greater distance than 11 metres may be required. I note that the proposed development is set off the northern site boundary between 1.8 metres and 3 metres (in the case of the westernmost block), and c. 6.2 metres and 7.5 metres (in the case of the easternmost block), however, all above ground level windows on the north elevation(s) of the proposed development comprise windows fitted with opal glazing and as such there is no potential for overlooking of adjacent property to occur. The proposed development therefore accords with Policy 11.3.1 (d) of the Galway City Development Plan 2023 – 2029.
- 7.4.6. Daylight – Policy 11.3.1.(e) of the Galway City Development Plan requires that development shall be guided by the quantitative performance approaches and recommendations under the ‘Site Layout Planning for Daylight and Sunlight’ (2nd edition): A Guideline to Good Practice (BRE 2011) and BS 8206-2: 2008 – ‘Lighting for Buildings – Part 2: Code of Practice for Daylighting’ or any updated guidance. This issue is addressed at paragraph 7.6.5.
- 7.4.7. Distance between dwellings - Policy 11.3.2 (f) of the Galway City Development Plan 2023 – 2029 requires that the distance between side gables and side boundaries of dwellings shall generally be a minimum of 1.5 metres, and that within all other residential developments, including apartment buildings, this distance shall generally be greater unless deemed acceptable under specific site performance based criteria. I note that both buildings are set off the northern site boundary by a distance which exceeds 1.5 metres and as such I consider that the proposed development complies with Policy 11.3.2 (f) of the Galway City Development Plan 2023 – 2029.
- 7.4.8. Cycle Parking – The requirements for cycle parking under Policy 11.3.1. (h) of the Galway City Development Plan 2023 – 2029 are reflected in the Sustainable Urban Housing: Design Standards for New Apartments (2022). This is addressed at paragraph 7.4.2 (above).

7.4.9. Refuse Storage - Policy 11.3.1 (i) of the Galway City Development Plan 2023 – 2029 requires that 3 no. x 240 litre bins shall be provided for each pair of apartments, or a set of 3 no. 1100 litre bins shall be provided for a block of ten apartments. As the proposed development comprises 6 no. apartment/duplex units I consider there to be a requirement to provide 3 no. 240 litre bins per unit, therefore 18 no bins in total. The drawings submitted with the planning application/appeal indicates capacity for 12 no. bins within the bicycle/bin store building. The capacity of the bins provided for is unclear. Should the Board be minded to grant permission for the proposed development I recommend that this issue is addressed by condition, specifically that details indicating how a three bin per unit system will operate within the bin/bike store, or alternately how provision is made for 3 no. 1100 litre bins.

7.4.10. Car Parking - Policy 11.3.2 (c) of the Galway City Development Plan 2023 – 2029 requires 1 space per dwelling (if grouped), and states that generally these standards should not be exceeded. The proposed development, comprising 6 no. apartment/duplex units, is served by 8 no. grouped car parking spaces. In my opinion, based on Policy 11.3.2 (c), and noting the location of the site and proximity to public transport, there is an overprovision of car parking within the scheme. Should the Board be minded to grant permission for the proposed development I recommend that a maximum of 6 number car parking spaces are provided, and that a revised site layout be submitted prior to commencement of development indicating same.

## 7.5. **Place Making & Design**

7.5.1. The appellant contends that the proposal does not respect the character and architecture of the surrounding area and would set a negative precedent if permitted. In my opinion the character of the area in the vicinity of the appeal site is defined by a mixture of building typologies, including three storey apartments (to the south), a large education campus (to the west) and Glasán Student Village (to the east), and with the exception of a relatively uniform building line along Ballybane Road there is no evident unifying building or architectural typology by which to define the area by. The appeal site occupies a corner site at a junction and as such I consider that the site is appropriate to facilitate a transition from single storey housing to a 3 storey apartment development, as proposed. I note that views of the proposed development will be

experienced within a urban context, alongside buildings which are not of a dissimilar height, including Glasán and the ATU campus, and also the three storey apartment building to the south and as such I consider that the area has capacity to absorb the proposal and that the proposal would not represent a discordant feature in the urban landscape. In my opinion, the proposed blocks are sufficiently set back from Ballybane Road and from the entrance road into Glasán so as not to dominate the streetscape and the architectural design of the proposed development is of a high quality and would add a degree of visual interest to the area. In summation, I do not consider that the proposed development would result in significant adverse effects on the visual amenity of the area, and would contribute positively to the character of the area.

## **7.6. Impact on Residential Amenity**

- 7.6.1. Noting the nature of the proposal I consider that the main potential impacts from the proposed development arise in terms of overbearance, overshadowing, and impacts on sunlight and daylight on the appellant's property (Ashwood) to the north of the appeal site. I am satisfied that the proposed development will not have a significant negative impact on any other property in the vicinity.
- 7.6.2. Overbearance - Both blocks are three storeys and have a height of c. 9.3 metres. I note that the finished floor level of both apartment blocks are c. 0.7 metres lower compared to the property to the north. The westernmost block is located c. 6.1 metres - c. 7.3 metres from the property to the north (Ashwood), and the easternmost block is located c. 12 metres from Ashwood. Given the separation distances concerned I do not consider that the easternmost block would result in any overbearance of Ashwood. Having regard to the height of the westernmost block relative to Ashwood, and to the separation distance between it and Ashwood, I consider that some overbearance of Ashwood is likely, however in my opinion the degree of overbearance would not be significant and would fall within the bounds of acceptance for an urban site.
- 7.6.3. Overshadowing - The applicant submitted a 'Daylight Analysis and Overshadowing' report with the planning application. Section 4 of the study examines the impact of the proposed development in terms of overshadowing. The study examines the existing and proposed situation with regards overshadowing for the periods of 21<sup>st</sup> of March, 22<sup>nd</sup> of June, 21<sup>st</sup> of September and the 21<sup>st</sup> of December, and for a number of times

of the day. In my opinion the periods and times considered in the shadow analysis allow for a reasonable assessment of potential overshadowing of adjoining property. As a guide, Section 3.3.7 of BRE 209 states that on the 21st March, *'the centre of the garden should experience at least two hours of sunlight'*. Based on the shadow analysis I note that the centre of the garden of Ashwood would receive at least two hours of sunlight during this period. I note that the modelling contained in the report is based on the design and layout of the proposed development as initially proposed, that is prior to the applicant's response to the Planning Authorities request for Further Information, after which the westernmost block was repositioned further away from the northern site boundary while the easternmost block was repositioned closer to the northern site boundary. In this regard the study does not allow for a fully accurate estimate of overshadowing.

- 7.6.4. Sunlight - Section 3 of the 'Daylight Analysis and Overshadowing' report submitted by the applicant addresses sunlight. The potential for good internal sunlight amenity is assessed with regard to Annual Probable Sunlight Hours (APSH). This is the number of hours in the year when sunlight is likely to shine when typical cloud cover is accounted for. BRE 209 states that a main living room will appear reasonably sunlit in instances where one or more windows can receive at least 25% of annual probable sunlight hours, 5% of which should be available during winter months. The applicant has undertaken calculations for Annual Probable Sunlight Hours (APSH) in respect of Ashwood and notes that compliance with the guidance contained in BRE 209 is attained in the case of each window. The south elevation of Ashwood accommodates 5 no. window openings, including a window serving a kitchen. I note however that the windows on the southern elevation of Ashwood have not been surveyed for the purpose of the applicant's sunlight assessment and that the applicant has used a generic model for the elevation. The applicant contends in the appeal submission that the modelling used in the assessment overstates the fenestration on the southern elevation of Ashwood and as such it represents a worst case scenario. In my opinion, to allow for an accurate assessment of the impact of the proposed development on the adjoining property, accurate details, including the location, number and size of the windows on the south elevation of Ashwood are required, and as such I do not consider that the information submitted is sufficient to allow for a complete assessment of the impact of the proposed development on Ashwood in terms of sunlight.

7.6.5. Daylight - The Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2022), paragraph 6.6 provides that '*Planning Authorities should avail of appropriate expert advice where necessary and have regard to quantitative performance approaches to daylight provision outlined in guides like A New European Standard for Daylighting in Buildings IS EN17037:2018, UK National Annex BS EN17037:2019 and the associated BRE Guide 209 2022 Edition (June 2022), or any relevant future standards or guidance specific to the Irish context, when undertaken by development proposers which offer the capability to satisfy minimum standards of daylight provision*'. Additionally, Section 3.2 of the Urban Development and Building Height Guidelines 2018, in the context of 'the scale of the site and building' provides that appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'<sup>6</sup>.

Regrading internal daylight to the proposed apartments, the applicant has not submitted details indicating Average Daylight Factor (ADF)/LUX to each habitable room, however based on the information submitted I note that each unit is multi-aspect, and that windows serving living areas are in excess of 1.6 metres in length. Also, windows beneath the overhang of balconies serve entrance halls and toilets. Based on this I am satisfied that an adequate level of daylight to the proposed units would be achieved, in accordance with BRE 209, and BS EN 17037:2018.

7.6.6. In designing a new development, it is important to safeguard the daylight to nearby buildings. BRE guidance given is intended for rooms in adjoining dwellings where daylight is required, including living rooms, kitchens, and bedrooms. Figure 20 in BRE 209 sets out a tests to assist in assessing this potential impact, specifically:

- (i) Is the separation distance greater than three times the height of the new building above the centre of the main window (being measured); (if 'no' test 2 required)

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<sup>6</sup> Now superseded by BS EN 17037:2018.

- (ii) Does the new development subtend an angle greater than  $25^{\circ}$  to the horizontal measured from the centre of the lowest window to a main living room (if 'yes' test 3 required)
- (iii) Is the Vertical Sky Component (VSC)  $<27\%$  for any main window? (if 'yes' test 4 required)
- (iv) Is the VSC less than 0.8 the value of before ? (if 'no' test 5 required – if 'yes' daylighting is likely to be significantly affected)
- (v) In room, is area of working plan which can see the sky less than 0.8 the value of before ? (if 'yes' daylighting is likely to be significantly affected)

The 'Daylight Analysis and Overshadowing' report submitted by the applicant has not addressed daylight to Ashwood in the context of VSC. I have used the Guidance documents referred to in the Ministerial Guidelines and referenced in Policy 11.3.1.(e) of the Galway City Development Plan 2023-2029 to assist in identifying where potential issues/impacts may arise. Based on the information submitted by the appellant I note that with the exception of the kitchen window all other windows either serve non-habitable rooms, or based on my observations of the neighbouring property have a window on another elevation. I have carried out the assessment outlined in Figure 20 of BRE 209 (above) and in doing so have made an assumption regarding the height of the window<sup>7</sup> on the south elevation of Ashwood serving the kitchen. I estimate that the window serving the kitchen on the southern elevation of Ashwood would have a VSC of c.  $15\%$ <sup>8</sup> and is therefore likely to be significantly affected by the proposed development. Whilst the Board could, if minded to permit the proposed development, set the westernmost block further south on the site, and or omit the upper/second floor of this block to ameliorate the impact on Ashwood, this would in my opinion have implications for the wider layout of the proposal, including open space, the bin/bike store and the layout/design of the upper floor apartments. In my opinion, based on the information submitted with the planning application/appeal, including the 'Daylight Analysis and Overshadowing' report, and noting the relationship

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<sup>7</sup> Based on paragraph 2.1.12 of BRE 209 I have estimated VSC using a point 1.6 metres from ground level.

<sup>8</sup> See Appendix F, Table F1 for the calculation of equivalent VSC's.



of the proposed development to the property to the north, I consider that the proposed development would adversely affect the residential amenities of Ashwood as a result of a significant reduction in daylight. Additionally, I note that the information submitted is insufficient to allow for a complete assessment of the impact of the proposed development on Ashwood in terms of sunlight.

## **7.7. Access & Traffic Safety**

- 7.7.1. The appellant contends that a preliminary Traffic and Transport Assessment should have been carried out for the proposed development, that the proposal will result in significant disruption and safety issues noting its proximity to a busy junction, that the proposal will give rise to traffic safety issues for pedestrians using the footpath to the front of the site, and that the area to the front of the site is inadequate for vehicles to manoeuvre.
- 7.7.2. Having regard to the nature and scale of the proposed development, the proposed development does not meet the advisory thresholds for Traffic and Transport Assessment (see Table 2.2 'Traffic and Transport Assessment Guidelines', 2014 TII), and in my opinion nor would the proposal meet the criteria for a sub-threshold Traffic and Transport Assessment (see Table 2.3 'Traffic and Transport Assessment Guidelines', 2014 TII). Regarding traffic safety and conflicts with pedestrians, while the applicant has not submitted details of sightlines at the entrance based on my observations at the site entrance I consider that sightlines would accord with the requirements of DMURS<sup>9</sup> and as such I am satisfied that issues of vehicles exiting the appeal site can do so without conflict with vehicles using the R865. The design of the vehicular entrance is sufficiently wide and the front site boundary is of a height to prevent pedestrian-vehicular conflict. As addressed at paragraph 7.4.10, in order to comply with the car parking requirements of the Galway City Development, in the event of a grant of permission I recommend that a maximum of 6 number car parking spaces should be provided to the front of the site which would provide additional area for vehicles to manoeuvre. In summation, I am satisfied that the proposed development is acceptable from a traffic/pedestrian safety perspective.

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<sup>9</sup> DMURS requires sightlines in of 49 metres on bus routes (see Table 4.2).

## **7.8. Other Issues**

- 7.8.1. Condition No. 3 of the Notification of Decision to Grant Permission issued by the Planning Authority required to repositing of the air to water heat pumps from a location along the northern site boundary to a position flush with the northern elevation of the apartment blocks. I concur with the Planning Authority in this regard. Should the Board be minded to permit the proposed development I recommend that the heat pumps are attached/installed flush to the apartment blocks and not positioned flush with/or affixed to a party boundary with an adjacent property in the interest of residential amenity.

## **7.9. Appropriate Assessment**

- 7.9.1. Having regard to the nature and limited scale of the proposed development and the lack of a hydrological or other pathway between the site and European sites, it is considered that no Appropriate Assessment issues arise and that the proposed development would not be likely to have a significant effect either individually or in combination with other plans or projects on any European site.

## **8.0 Recommendation**

- 8.1. I recommend that planning permission for the proposed development should be refused for the reasons and considerations set out below.

## **9.0 Reasons and Considerations**

1. Having regard to the relationship between the proposed westernmost apartment block and the property to the north 'Ashwood', in particular noting the height of the block and the separation distance to Ashwood, it is considered that the proposal would seriously injure the residential amenities and depreciate the value of the adjoining property as a result of the loss of daylight to habitable room(s) within Ashwood. Additionally, such development would be contrary to Policy 11.3.1.(e) of the Galway City Development Plan 2023-2029, which requires that development shall be guided by the quantitative performance approaches and recommendations under the 'Site Layout Planning for Daylight and Sunlight' (2nd edition): A Guideline

to Good Practice (BRE 2011), or any updated guidance, and as such would be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Ian Campbell  
Planning Inspector

26<sup>th</sup> May 2023