



An
Bord
Pleanála

Inspector's Report ABP-317956-23

Development	<i>Permission for development which consists of the construction of a new two storey, end of terrace dwelling, the subdivision of the existing site into two separate sites, the extension of the existing porch entrance, connection to existing site services and all ancillary site works.</i>		
Location	<i>23 St. Nicholas Road, The Claddagh, Galway.</i>		
Planning Authority Ref.	<i>23/36</i>		
Applicant(s)	<i>Nora Heneghan.</i>		
Type of Application	<i>Permission.</i>	PA Decision	<i>Grant Permission.</i>
Type of Appeal	<i>Third Party</i>	Appellant	<i>Michael & Pat Lynskey</i>
Observer(s)	<i>None</i>		
Date of Site Inspection	<i>16-02-2024</i>	Inspector	<i>Adam Kearney</i>

Context

1. Site Location/ and Description

The subject site is a corner/end of terrace property located at No. 23 St. Nicholas Rd., Cladagh, Galway City. The Claddagh is a mature residential area comprised of former local authority housing and interspersed with more modern multi storey apartments and modernised dwellings. The site is located at the junction of Upper Fairhill Rd and St Nicholas Rd. with the existing and proposed vehicular access onto Upper Fairhill Road.

2. Description of development

Permission is being sought primarily for an end of terrace dwelling in the available garden area and for a minor porch area extension to the main dwelling and 1 no. off street parking space per dwelling.

3. Planning History.

No Recent Planning History on subject site.

Nearby, on opposite side of Upper Fairhill Road, permission was sought for: *Change of Use from retail and community uses to residential use. Construction of a four bedroom, two-storey dwelling incorporating the existing structure and other ancillary site development and associated works.*

Permission was granted (Ref. 22/6) and upheld following on from a third-party appeal from the same appellants on the subject file (ABP-313620-22).

4. Local Planning Policy

The operative development plan is the Galway City Development Plan, 2023-2029 according to which the site is 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.

Policy 3.6 Sustainable Neighbourhoods: Inner Residential Areas

1. Protect the quality of inner residential areas including **Claddagh**, Shantalla and Newcastle (to Quincentenary Bridge) by ensuring that new development through consolidation, infill and redevelopment does not adversely affect their character and has regard to the prevailing pattern, form and density of these areas.
2. Enhance inner residential areas such as **Claddagh**, Shantalla and Bohermore, through the implementation of environmental improvement schemes and the protection of all open spaces, including existing green spaces.
3. Prioritise the provision of new homes on designated Regeneration and Opportunity Sites in the Inner Residential Areas at appropriate scales to enable the development of new sustainable communities.

11.3.3 (a) Car Parking Standard

Maximum 1 car parking space per dwelling.

For new developments in the inner residential areas at locations that are served by public transport or close to high density employment areas, a reduced overall car parking standard can apply, in particular on grounds of sustainability or urban design.

5. Natural Heritage Designations

- The site is located c. 300 m north of the Galway Bay Complex SAC (000268) and Inner Galway Bay SPA (004031)

Development, Decision and Grounds of Appeal

6. PA Decision

Planning Authority Granted Permission on the 16-08-2023 subject to 17 Conditions.

The application was assessed within the restrictions imposed by the principles of proper planning and sustainable development and having regard to the policies and objectives of Galway City Council as set out in the City Development Plan

2023-2029. Based on this assessment it was considered that the proposed development was in accordance with the proper planning and sustainable development of the area and the provisions of the Galway City Development Plan 2023-2029.

7. Third Party Appeal

- Claims the site is smaller than stated, 403 square metres rather than 430 square metres as per Application Form
- Is of the view that an incorrect area has consequences for the plot ratio calculation and the integrity of the vehicle autotracking submitted.
- Concerns about the difficulty using the proposed entrance.
- Conditions 1, 4 & 5 are not sustainable given the congested confines of the site.

8. First Party Response to Appeal

- Site was surveyed and the layout was overlaid on the survey.
- The area is correct at 430m².
- Plot ratio is 0.44:1
- New Development plan has dispensed with plot ratios.
- Focus now on compact development.
- Proposed dwelling is infill and respects the character of the area.
- Engineers responsible for auto tracking have provided a letter confirming accuracy.
- Current entrance has been in operation pre 1963 and there has never been an incident entering or exiting the site.

9. PA Response

- Late Response/Submission from PA Returned.

Environmental Screening

9. EIA Screening

Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, 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.

10. AA Screening

Having regard to the modest nature and scale of development (end of terrace dwelling and minor alterations to an existing dwelling), the location in an inner urban area, connection to existing services and absence of connectivity to European sites, it is concluded that no Appropriate Assessment issues arise as 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.

2.0 Assessment

2.1. I have visited the site, reviewed the planning file and the planning appeal and consider the main issues as follows;

- Principle of Development
- Accuracy of Application Data
- Design, Access and Parking

2.2. *Principle of Development*

The Cladagh area is defined as an 'Inner Residential Area' in the Galway City Development Plan 2023 – 2029, where it is an objective to protect the quality of Inner Residential Areas including Claddagh, Shantalla and Newcastle (to Quincentenary Bridge) by ensuring that new development through consolidation, infill and redevelopment does not adversely affect their character and has regard to the prevailing pattern, form and density of these areas.

The residential 'R' zoning of the subject site coupled with its location on a generous corner site at the junction of St Nicholas Road and Upper Fairhill Rd less than 0.5km from Galway City Centre lends itself to compact development and an efficient use of urban serviced lands. There is ample space available for an additional dwelling within the side garden area and I am satisfied with the approach presented in the application.

2.3. Accuracy of Application Data

The appellant has made claims about the size of the site insisting that the area is 403m² rather than 430m² or circa 6% less than the stated area in the application and how that this has knock on consequences for plot ratio calculations and the autotracking.

I note the response of the applicant's agent, that the drawings were produced based on a topographical survey compiled by a reputable firm of surveyors and that the survey formed the basis of all subsequent layouts.

The appellant has offered no evidence to substantiate the claimed discrepancy and I am satisfied that the survey and site layouts are accurate and that the autotracking produced based on the survey is accurate.

2.4. Design, Access & Parking

The proposal seeks to extend the terrace, adding a modest end of terrace dwelling and also to construct a small area to the front of the existing dwelling with the provision of 1 no. parking space per dwelling. The drawings illustrate how the applicant will utilise similar finishes such as painted wet dash and a tiled roof. With this approach the completed development should integrate quite well with the prevailing fabric in the area.

The site layout, as evidenced by the auto tracking will allow for a single vehicle to enter the existing access and park within the curtilage of the new sub divided property. I note from the applicants documentation that this entrance has been in use for many decades without incident and see no change with the proposed arrangement and if anything, the ability to drive in and drive out should make the manoeuvre less difficult. I did not witness a large volume of traffic using this road and

am satisfied that the development of an additional dwelling with 1 no. additional car space will not impinge upon traffic safety,

A condition by the PA was included seeking to omit the off-street parking proposal from the front area of No. 23, however I feel this is short sighted and note that such arrangements are widely used successfully in the locality, and which serves to reduce the amount of clutter associated with excessive on-street parking and gives use to often redundant semi-private open space.

The occupier of No.23 is also said to carry a disability badge for an ongoing physical impairment and as such I feel that the ad hoc nature of on-street parking and having to, on occasion, park at some remove from her dwelling depending on how busy the area is, would be unfair, unnecessary and problematic due to her mobility issues.

3.0 Recommendation

3.1. I recommend that permission for the development be Granted.

4.0 Reasons & Considerations

Having regard to the Galway City Development Plan 2023-2029 according to which the site location is within an Inner Residential Area and subject to a zoning objective for residential development, to the established pattern and character of development in the area it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of residential development in the area, the visual amenities of the area or impact upon traffic safety and, would be in accordance with the proper planning and sustainable development of the area.

Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and lodged with the application as amended by the Further Information plans and particulars submitted on the 25th of July 2023 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The off-street parking space for the existing dwelling (No. 23) as per the Further Information Response 'Site Layout Plan' shall be retained as part of the proposal and details of the opening and surface treatment to be agreed in writing with the Planning Authority prior to commencement.</p> <p>Reason: In the interests of orderly development.</p>
3.	<p>The new dwelling shall be occupied as a single dwelling unit only and shall not be subdivided and/or used for short-term letting without a prior grant of planning permission and, if and when it is no longer required for such occupancy, the use shall be confined to use associated with the residential use of the main dwelling.</p> <p>Reason: In the interest of clarity, the protection of the supply of housing stock for long-term residential occupation, having regard to the location within a designated Rent Pressure Zone, and the proper planning and sustainable development of the area.</p>
4.	<p>The developer shall submit to, and agree in writing with, the planning authority details of all the materials, textures and colours for the external facades, including fenestration, and shall implement the agreed works within six months of the date of this Order.</p> <p>Reason: In the interest of residential amenities</p>

5.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water and mitigation measures against flood risk, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
6.	<p>The developer shall enter into water supply and wastewater connection agreements with Uisce Eireann (formerly Irish Water) prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>
7.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from Galway City Council.</p> <p>Reason: In order to safeguard the amenities of property in the vicinity.</p>
8.	<p>The construction of the proposed 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 proposed development, including noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interest of public safety and residential amenity.</p>
9.	<p>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</p>

	<p>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 Pleanala to determine the proper application of the terms of the Scheme.</p> <p>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.</p>
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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.

Name: Adam Kearney

Planning Inspector

Date: 20-02-2024