



An  
Bord  
Pleanála

## Inspector's Report

### ABP-318880-24

#### Development

Permission for alterations and extensions to existing commercial premises at No. 7 (Taylor's Bar) Dominick Street Upper, a Protected Structure (No. 3302) to include the following: a) demolition of 2 No. adjoining commercial units at No's 5 & 6 Dominick Street Upper and the construction of a ground floor extension to the existing bar at No. 7, a first floor licensed café and 2 no. residential units at second and third floor levels; b) new openings at ground and first floor between No. 6 and No. 7; c) demolition of outbuildings; d) construction of a basement level below the rear courtyard of No. 7 containing ancillary toilets, cold room/stores; e) construction of a two storey extension in the rear courtyard of No. 7 containing ancillary toilets, kitchen & stores and all associated site works.

#### Location

No.'s 5, 6 & 7 Dominick Street Upper, Galway.

<b>Planning Authority</b>	Galway City Council
<b>Planning Authority Reg. Ref.</b>	23/48
<b>Applicant</b>	BRTW Investment Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant</b>	BRTW Investment Limited
<b>Observers</b>	None
<b>Date of Site Inspection</b>	28 <sup>th</sup> May 2024
<b>Inspector</b>	Ian Campbell

## 1.0 Site Location and Description

- 1.1. The appeal site is irregular in shape, comprises 3 no. separate properties, No. 5, 6 and 7 Dominick Street Upper, has a stated area of 0.0532 Ha. and is situated on the northern side of Dominick Street Upper, in the centre of Galway City.
- 1.2. No. 5 Dominick Street Upper, a traditional style two storey building, is currently occupied by a fast-food take away at ground level with ancillary storage at first floor level.
- 1.3. No. 6 Dominick Street Upper, a traditional style two storey building, accommodates a retail unit at ground floor level. The use(s) at first floor level have not been indicated on the floor plans submitted with the application.
- 1.4. No. 7 Dominick Street Upper (a Protected Structure, RPS Ref. 3302) is a three storey, pitched roof building which accommodates a public house (Taylor's Bar) at ground level and ancillary stores at first and second floor level, and a manager's unit and bedroom at third floor level. Part of No. 6 Dominick Street Upper appears to be connected to Taylor's Bar. A yard is located to the rear/north and north-east of No. 7 Dominick Street Upper. This area is used as a beer garden and is surrounded by a 2.7 metre high wall. 2 no. gates provide access from the yard to Pump Lane.
- 1.5. The appeal site is partially bound to the north-west by Pump Lane, a narrow road which connects Dominick Street Upper/Henry Street to Eglinton Canal to the rear of the appeal site. A tow path along the canal runs to the rear/north of the appeal site. The appeal site is bound to the east by No. 8 Dominick Street Upper, a three storey public house ('Róisín Dubh').
- 1.6. The area is characterised by a tight urban grain of streets, predominantly two and three storey commercial buildings. A number of the buildings in the vicinity are also in residential use.

## 2.0 Proposed Development

- 2.1. The proposed development comprises;  
No. 5, 6 and 7 Dominick Street Upper

- Demolition of No. 5 and 6 Dominick Street Upper and annexes to rear of No. 7 Dominick Street Upper (stated area of demolition works c. 258 sqm).
- Provision of basement in north-west corner of yard to rear of No. 5, 6 and 7 to accommodate cold room and toilets.

#### No. 5, 6 Dominick Street Upper

- Construction of 4 storey, flat roof building.
  - The ground floors of No. 5 and No. 6 will connect with No. 7 (Taylor's Bar) to form an extended public house.
  - The first floor of No. 5 and No. 6 will provide a licenced café (with interconnection to first floor bar in No. 7 (Taylor's Bar)).
  - The second floor of No. 5 and No. 6 will comprise a two bedroom apartment with terrace to the rear/north.
  - The third floor of No. 5 and No. 6 will comprise a one bedroom apartment with terrace to the front/south.

Principle material finishes of new 4 storey building to comprise render; timber cladding; metal cladding and black glass (fronting Dominick Street Upper).

#### No. 7. Dominick Street Upper/Taylor's Bar

- Construction of two storey extension to rear (accommodating toilets).
- Outdoor beer garden (70 sqm).
- Replacement of windows on front elevation with 'heritage' sash windows.

2.2. The planning application was accompanied by the following;

- Architectural Heritage Assessment & Conservation Report
- Archaeological Assessment
- Photomontages

2.3. Following a request for Further Information the following amendments were made to the proposed development –

- The floor area of the proposed development was reduced by 64.3 sqm<sup>1</sup>.
- The roof profile of No. 5 and No. 6 Dominick Street Upper was changed, from a flat roof to an asymmetrical mono-pitch roof.
- The penthouse level has been set back.

2.4. The following reports were submitted following a request for Further Information;

- Ground Investigation
- Report from Structural Engineer re. Item No. 4 of FI request.
- Cultural Heritage Assessment and Final Results on the Results of Archaeological Testing

### 3.0 Planning Authority Decision

#### 3.1. Request for Further Information

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

##### 3.1.1. Further Information was requested on the 19<sup>th</sup> of April 2023 as follows:

- Item 1 – maximum plot ratio for the Dominick Street Upper/William Street West/Sea Road/Raven Terrace CC Zone and in the CC zone adjoining Father Burke Park is 1.60:1 whereas the proposal has a plot ratio of 2:1. Revisit scale/concept of proposal to address same.
- Item 2 – regarding No. 5 and 6 Dominick Street Upper, the scale form and external finishes of the proposal are considered overbearing and detract from the character of the area and No. 7 Dominick Street Upper, a Protected Structure. Submit revised plans and visuals to address these concerns.
- Item 3 – carry out and submit details of archaeological test excavations and carry out a visual impact assessment of recorded heritage in immediate area, indicating positive and negative impacts on same.

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<sup>1</sup> The reduction in floor area has been brought about by a reduction in the floor area of the 2<sup>nd</sup> floor apartment from 84 sqm to 74 sqm, the replacement of the 1 bedroom apartment at third floor level with a studio apartment, the floor area of which is 44 sqm, and reduction in the area of the basement.

- Item 4 – submit structural report commenting on potential for structural implications on nearby structures (No. 3 and 4 Dominick Street Upper; No. 7 Dominick Street Upper; Jostle-Stones; Bench-Mark; Shoeing Stone; Limestone Steps (RPS Ref: 7901); Eglinton Canal and associated infrastructure (RPS Ref. 8501); and details of protection measures.
- Item 5 – as the proposal entails a licensed premises, comment on, (i) the effect of the proposal on the amenities of the area; (ii) the effect of the proposal on the mix of uses in the area; (iii) the potential impacts on buildings on the RPS, NIAH or ACA; and (iv) the size, number and location of existing licensed premises in the area. Comment on amenity issues raised in third party submissions, and submit operation/management plan for proposal, to include details of servicing; parking; bin storage; amplified music; waste storage etc.
- Item 6 – clarify intended use of yard and compatibility with adjacent residential uses, including mitigation measures to address noise and servicing, e.g. disposal of bottles, deliveries etc.
- Item 7 – provide breakdown of floor area for each level, relative to previous permissions, PA. Ref. 18/295 and 20/106.

### 3.1.2. Further Information<sup>2</sup> submitted on 3<sup>rd</sup> of November 2023.

- Item 1 – revised proposal provides for reduction in development, resultant plot ratio is 1:84.
- Item 2 – revised design provides for a setback penthouse level to reduce the visual impact of the upper level. Response notes that design complements No. 7, and is consistent with the buildings along the street to the east, on the opposite side of the street and on Pump Lane. Response notes that small units are encountering feasibility issues, and given the location of the buildings on the north side of the street impacts to sunlight do not arise.
- Item 3 – archaeological assessment of the site, including test trenching submitted. No archaeological features identified. Report concludes that the

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<sup>2</sup> The information submitted by the applicant was deemed significant and the public notices were readvertised in accordance with Art. 35 of the Planning and Development Regulations, 2001, as amended.

proposal will not impact the setting of nearby archaeological monuments or sites. Report recommends that monitoring of ground works will be undertaken.

- Item 4 – structural report submitted. Report outlines methodology for construction of basement and mitigation measures to address potential impact on adjacent structures, including Protected Structures.
- Item 5 – report on operations and management submitted. Acoustic report submitted which notes the implementation of best practice measures during construction phase, and that the 50% reduction in the outdoor area and screening results in a reduction in noise versus the existing situation.
- Item 6 – report submitted regarding use of yard to rear of Taylor's bar, including servicing issues and noise.
- Item 7 – commercial area within No. 7 is 249 sqm. Commercial area within new build is 585 sqm.

### 3.2. Decision

The Planning Authority issued a Notification of Decision to **REFUSE** permission on the 14<sup>th</sup> of December 2023 for 3 no. reasons, summarised as follows.

1. The Galway City Development Plan 2023 - 2029 states "in the Dominick Street Upper/William Street West/Sea Road/Raven Terrace CC zone and in the CC zone adjoining Father Burke Park the maximum plot ratio permitted will be 1.60:1". The plot ratio of 1:1.84 is contrary to the Galway City Development Plan 2023 - 2029 and the proper planning and sustainable development of the area.
2. The proposed development would give rise to a negative impact on visual amenity due its discordant design relationship with No. 7 Dominick Street Upper (Protected Structure Ref. No. 3302) and lack of integration with the existing streetscape. The design and visual appearance of the proposed building/extension, specifically its scale, form and external materiality, gives rise to an overbearing expression onto the streetscape and establishes little relationship with the surrounding urban fabric.
3. In the absence of a Natura Impact Statement, the Planning Authority are not satisfied that the proposed development would not be likely to have a significant

effect on European Site, specifically, Lough Corrib SAC, Galway Bay Complex SAC and Inner Galway Bay SPA. The proposed development would materially contravene Policy Objectives 5.2 (1), (2) and (11) of the Galway City Development Plan 2023-2029.

### **3.3. Planning Authority Reports**

#### **3.3.1. Planning Report(s)**

3.3.2. The initial report of the Planning Officer generally reflects the issues raised in the request for Further Information. The report also notes;

- Proposed uses are compatible with the applicable land-use zoning.
- Proposal to demolish No. 5 and 6 Dominick Street Upper is acceptable, as they are not Protected Structures or within an Architectural Conservation Area (ACA).
- Proposed additional floor area would not give rise to any significant intensification of use on the site when compared to previously permitted development under PA. Ref. 18/295 and 20/106.
- Shop front and fenestration respect existing proportions, this is however undermined by the scale and form of the proposal.
- The design of the proposal is unacceptable due to the variety/nature of architectural features/materials (inc. the significant element of metal cladding to the front side and rear), disproportionate expansive windows and flat roof. The recessed third floor balcony is unsympathetic to the streetscape.

The second report of the Planning Officer notes;

- Notwithstanding the reduction in floor area proposed the plot ratio, at 1:1:84, remains in excess of 1:1:60. Section 11.4.2 of the Galway City Development Plan 2023-2029 allows for an increase in plot ratio in certain circumstances, e.g. in the case of infill development, in order to maintain uniform fenestration and parapet height or to obtain greater height for urban design reasons. The design of the proposal fails to achieve the required urban design standards and in this context the proposed plot ratio is unacceptable.



- Whilst revisions to the roof profile slightly reduce the scale of the building the west elevation would be in stark contrast to the existing buildings in the area, particularly due to its contemporary design and expansive use of metal cladding.
- The incorporation of contemporary and tradition elements does not assimilate with No. 7, a Protected Structure.
- The proposal is deemed to be a significant addition/redevelopment of the existing urban fabric.
- Should permission be granted, archaeology conditions could be included.
- The Structural Engineers' Report provides robust mitigation measures for the protection of neighbouring buildings and built heritage.
- The existing outdoor area will be reduced by 50% under the current proposal and a large portion of activities moved indoors, thereby reducing the impact on residential amenity. It is considered that the proposal would result in less operational noise than the current situation. In the event of a grant of permission a condition should be included restricting amplified music after 10.30pm.

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

### 3.3.3. Other Technical Reports

Heritage Officer – initial report notes inappropriate design of No. 5 and No. 6, specifically large glazed element on front elevation; preference for retention of both buildings; concerns regarding reduction in yard area which was traditionally used as stables; impact of basement in terms of loss of 19<sup>th</sup> century fabric; requirement for archaeological testing; appropriateness of the elevations facing Pump Lane and the canal; inappropriateness of metal and timber cladding; ambiguity in terms of the proposal as it relates to the internal fabric within No. 7 (the Protected Structure). Subsequent report reiterates points raised in initial report.

Environmental Health Officer (EHO)/HSE – report recommends standard conditions.

Environment Department - report recommends condition requiring submission of Construction and Demolition Resource Waste Management Plan. Subsequent report notes no comment to make.

Drainage Department - report recommends standard surface water/SuDS condition.

Transport Department - report recommends standard conditions.

#### Prescribed Bodies/Government Departments

An Taisce – submission notes the absence of visuals depicting the proposal from Pump Lane and the canal, and recommends that further information is sought to address same; demolition of No. 5 and No. 6 would considerably alter the character of the streetscape; and queries structural integrity of canal during construction of basement.

Department of Housing, Local Government and Heritage (DoHLGH) – submission notes that site is within Zone of Archaeological Potential for the Historic Town of Galway, and that the proposal has the potential to significantly impact the setting and amenity of the cultural heritage of the area, and No. 7 Dominick Street Upper (RPS No. 3302), Jostle Stone, Bench-Mark, Shoeing Stone and Limestone Steps (RPS No. 7901), and Eglington Canal and associated infrastructure (RPS No. 8501). Submission recommends the preparation of an Archaeological Impact Assessment to include a programme of test excavation and visual impact assessment of recorded heritage in the immediate area. Subsequent submission recommends inclusion of conditions, including archaeological monitoring and implementation of mitigation measures outlined in Cultural Heritage Assessment Report submitted by the applicant.

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

The report of the Planning Officer refers to observations having been received in relation to the planning application. The issues in the observations are summarised as;

- Impacts on residential amenity.
- Impacts on access along Pump Lane.
- Ambiguity in relation to the constructability of the proposal.

- Noise concerns.
- Insufficient assessment of bins, construction works etc.
- Lack of assessment of impacts on Jostle Stones on Pump Lane.

Submissions were also received in respect of the applicant's response to the Further Information request. Submissions note that meetings were held with the developer and support is now expressed for proposal, subject to specific conditions.

## 4.0 Planning History

### No. 6 and 7 Dominick Street Upper, Galway (relevant/recent)

PA. Ref. 20/106 – Permission GRANTED for revisions PA. Ref: 18/295, - (a) amendments and extensions to floor area at rear of premises at ground floor and first floor; (b) alterations of elevations facing rear courtyard and Pump Lane; and (c) 2 no. new automatically-opening-vents above stairwells, at No. 6 and 7 Dominick Street Upper, Galway. (No. 7 is a Protected Structure - RPS Ref. 3302).

This permission has not been implemented.

PA. Ref. 18/295 – Permission GRANTED for alterations and extension to an existing commercial premises – (a) change of use at ground and first floor from retail to licensed café; (b) alterations and extension at rear of first floor; (c) alterations to front elevation, all at No. 6 Dominick Street Upper; and (d) new openings (at ground and first floor) between No 6 and No 7 Dominick Street Upper; (e) demolition of outbuildings; (f) construction of new commercial space at ground (rear courtyard) and first floor including ancillary toilets, kitchen and stores at No. 7 Dominick Street Upper, Galway (a Protected Structure – No. 3302).

This permission has not been implemented.

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1. The Galway City Development Plan 2023-2029 is the relevant development plan. The appeal site is zoned 'CC' (City Centre) under the Galway City Development Plan 2023-

2029, the objective for which is *‘to provide for city centre activities and particularly those, which preserve the city centre as the dominant commercial area of the city’*. Uses including ‘residential’ and ‘recreation’ are stated in the Galway City Development Plan as being compatible with/contributing to the ‘CC zoning objective.

5.1.2. No. 7 Dominick Street Upper is a Protected Structure, RPS Ref. 3302 (described as a 3 Bay, 3 Storey, Commercial Building, Formerly Taylor's Pub. Shop interior with Carved woodwork c.1890. Building c.1830). There are a number of Protected Structures in the vicinity of the appeal site, including RPS Ref. 7901 - Jostle Stone, Showing Stone, and Limestone Steps and RPS Ref. 8501 - Rivers and Waterways (described as bridges, walling, embankments, piers and other associated infrastructure).

5.1.3. The appeal site is located within a Zone of Archaeological Notification (see Figure 8.12 of Galway City Development Plan).

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

- Policy 8.1 Record of Protected Structures
- Policy 8.4 Archaeology
- Policy 8.7 Urban Design and Placemaking
- Policy 10.1 City Centre
- Section 11.4.2 Plot Ratio

## 5.2. Natural Heritage Designations

- Lough Corrib SAC (Site Code 000297) – c. 150 m north-east.
- Galway Bay Complex SAC (Site Code 000268 c. 150 m south-east.
- Galway Bay Complex pNHA (Site Code 000268) – c. 150 m east.
- Inner Galway Bay SPA (Site Code 004031) – c. 750 m east.

### 5.3. EIA Screening

(See Form 1 and Form 2 attached to this report) Having regard to the limited nature and scale of the development and the absence of any significant environmental sensitivity in the vicinity of the site, as well as the criteria set out in Schedule 7 of the Planning and Development Regulations, 2001, as amended, 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 first-party appeal against the decision to refuse permission. The grounds for appeal can be summarised under the following headings as follows;

#### Re. Refusal Reason No. 1

- Section 11.4.2 of the CDP provides that *'in the case of infill development in an existing terrace or street, it may be necessary to have a higher plot ratio in order to maintain a uniform fenestration and parapet alignment or to obtain greater height for important urban design reasons. In such circumstances, an increased plot ratio may be permitted.* The proposal consists of an infill development along an existing street terrace. The proposed front elevation at 5 and 6 Dominick Street Upper provides for uniform fenestration alignment with No. 7 Dominick Street Upper. The front elevation provides for an adequate uniform fenestration and parapet alignment with No. 7 and the proposed height will reflect the prevailing 4 storey height of buildings across the street to the south.
- Section 11.4.2 also states that *'minor extensions, which infringe plot ratio, may be permitted where they are necessary to the satisfactory operation of the building'.* The proposed basement area should be categorised as a minor extension as it accommodates a cold room and toilets, and is necessary to the operation of a licensed premises.

- The provisions of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024, provides a definition of plot ratio and notes that it is a measure of the intensity of land use. Given that the proposed basement will not contribute to the overall "intensity of land use" on site, it can be excluded, resulting in a plot ratio of 1.76, which is akin the to the prevailing plot ratio along Dominick Street Upper.
- The "Galway Urban Density & Building Heights Study" (2021) notes, at Section 8.2, plot ratios of up to 1.7 along the northern edge of Dominick Street Upper, meaning that the "General Maximum" Plot Ratio of 1.6 for the area is actually lower than the prevailing plot ratio at this location.
- Developments with plot ratios higher than 1:6 have been granted by the Planning Authority in this part of the "CC" zone, e.g. the development permitted under PL. Ref. No. 06/804 at Ravens Terrace had a plot ratio of 1.94. The Planner's report in respect of PL. Ref. 06/804 noted that *'the maximum plot ratio permitted in this area is 1.60:1', and as part of the justification to grant permission the report noted 'plot ratios in themselves do not seek to establish what constitutes an acceptable form and density of development. Plot ratios need to be considered in conjunction with other effective planning standards, including the qualitative standards relating to built form and urban design, the site's physical and visual context and the scale and massing of adjoining buildings/structures'*. The Board should consider the proposed development in a similar manner.
- The applicant is willing to accept a condition to omit the upper floor residential unit, which would reduce the plot ratio to 1.75.

#### Re. Refusal Reason No. 2

- The third floor is set back from the front building line, reducing its visibility from the street. The proposed roof height is lower than the ridge height of No. 7. The front elevation provides for an adequate uniform fenestration and parapet alignment with No. 7.
- As noted in the Addendum to the Architectural Heritage Assessment & Conservation Report, *'a more modern metal and glass vertical element is used*

*on the end remote from the heritage structure. This finishes at a lower height and as a material expression it is carried across the elevation of the penthouse and on the gable material. The penthouse level is now set back so as to be imperceptible from the street level. In any event it is lower than the four storey "bookend" end building at the east end of the terrace (No. 9). The scale and proportions are complementary to the established pattern of the streetscape and the recent developments on the opposite side. An imitation or replication of historic styles would not be desirable, and would be contrary to the Architectural Heritage Protection guidelines from Duchas'.*

- Dominick Street Upper contains a number of varied building designs, forms, roofscape and materials, and the Planning Authority have permitted contemporary 4 storey development in the area in recent years, e.g. PL. Ref. No. 17/133, onto Mill Race and the Eglington Canal. The proposal would not therefore be out of character with the emerging pattern of development in the area.
- The applicant is amenable to a condition omitting the upper floor and providing an alternative roofscape, obviating the concerns of the Planning Authority with respect to the contemporary third floor design element and western elevation.
- The metal cladding along the western elevation could also be omitted and replaced with a nap plaster finish, if the Board consider appropriate. However, in the applicant's view, the proposed contemporary finishes should be retained.

#### Re. Refusal Reason No. 3

- The issue of Appropriate Assessment was not raised in the request for Further Information and it is unfair to refuse the application on this basis.
- There is no connectivity to the canal. The site is self-contained and bound by a wall which will remain in place during the development. Ground levels fall from the canal bank towards the site, meaning connectivity is not possible. Operational phase impacts can be ruled out as the development will connect to the existing public sewer and storm water network.
- The Planning Authority did not raise any concerns in respect of Appropriate Assessment under PA. Ref. 18/295 or 20/106. Similarly, the Planning Authority

did not require a NIS under PA. Ref. 17/133, which related to a hotel adjacent to the Mill Race, and An Bord Pleanála in assessing an amendment to PA. Ref. 17/133 under ABP 303761-19 did not consider the requirement for a NIS.

- Should the Board deem that a NIS is required the applicant states that this may be requested by way of a request for Further Information.

## 6.2. Planning Authority

None received.

## 6.3. Observations

None received.

## 7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including the appeal, and 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:

- Refusal Reason No. 1 (Plot Ratio)
- Refusal Reason No. 2 (Design/Visual Integration)
- Refusal Reason No. 3 (Appropriate Assessment)

### 7.2. Refusal Reason No. 1 (Plot Ratio)

7.2.1. The first reason for refusal cited by the Planning Authority is that the Galway City Development Plan 2023 - 2029 states '*in the Dominick Street Upper/William Street West/Sea Road/Raven Terrace CC zone and in the CC zone adjoining Father Burke Park the maximum plot ratio permitted will be 1.60:1<sup>3</sup>*' whereas the proposed development has a plot ratio of 1:1.84 and is therefore contrary to the Galway City Development Plan 2023 – 2029.

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<sup>3</sup> See Section 11.4.2. of the Galway City Development Plan 2023 – 2029.



- 7.2.2. The development as initially proposed had a plot ratio of c. 2:1<sup>4</sup>. The proposed development was amended following a request for Further Information. The floor area of the proposed development was reduced to c. 732 sqm, which when considered with the existing floor area (post demolition works) i.e. 247 sqm, resulted in a plot ratio of 1.84:1. The subsequent report of the Planning Officer noted that this plot ratio remained in excess of 1.60:1 and that whilst the Development Plan allows for flexibility in respect of plot ratio in certain situations the proposed design failed to achieve the required architectural/urban design standards, and in this context the proposed plot ratio was deemed unacceptable.
- 7.2.3. The crux of the applicant's case, as set out in the appeal submission to the Board, is that the proposed development meets the flexibility clauses provided under Section 11.4.2. The applicant notes that the proposal is an infill development along an existing street terrace; that the proposed front elevation of No. 5 and 6 Dominick Street Upper provides for uniform fenestration and parapet alignment with No. 7 Dominick Street Upper; and that the height of the proposal is reflective of the buildings on the southern side of Dominick Street Upper. The applicant also contends that the basement area should be discounted as it is analogous with a 'minor extension', which Section 11.4.2 makes allowance for where required for the satisfactory operation of the building, and as the basement area will not contribute to the overall intensity of land use on site. The applicant notes that this would result in a plot ratio of 1.76 which is akin the to the prevailing plot ratio along Dominick Street Upper. The applicant also states that there is precedent in the area for higher plot ratios than proposed under the current application, and that plot ratios of up to 1.7 are noted in the "Galway Urban Density & Building Heights Study" (2021) in the area, resulting in the maximum plot ratio of 1.6 being lower than the prevailing plot ratio at this location. The applicant indicates amenability to a condition providing for the omission of the upper floor residential unit, which the applicant notes would reduce the plot ratio to 1.75.
- 7.2.4. Section 11.4.2 of the Galway City Development Plan 2023 - 2029 provides a maximum plot ratio of 1.60:1 within the CC zone at locations within the city, including Dominick Street Upper. The proposed development, as amended following a request for Further

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<sup>4</sup> Based on the existing floor area (post demolition works) of 247 sqm + proposed new additional floor area 796 sqm = 1,043 sqm, and a site area of 532 sqm (i.e. 1,043/532).

Information, has a plot ratio of 1.84:1, which exceeds the maximum permissible plot ratio set out in the Galway City Development Plan 2023 – 2029 for this area. Section 11.4.2 of the Galway City Development Plan 2023 – 2029 provides for flexibility in the application of the prescribed maximum plot ratio of 1.60:1 in certain circumstances. In my opinion, the proposed development would not fall under any of the exceptions provided for under Section 11.4.2, specifically I note that the proposed development does not comprise infill development, but is rather the redevelopment of an existing developed site, and therefore reference to flexibility to facilitate a higher plot ratio in order to maintain a uniform fenestration and parapet alignment is moot in my view. Section 11.4.2 also provides that where a site has an established plot ratio in excess of the general maximum for its zone, re-development may, in exceptional circumstances, be permitted in line with its existing plot ratio. As part of the applicant's appeal reference is made to the prevailing plot ratio in the area being in excess of that stipulated under Section 11.4.2. I note however that this provision relates to the plot ratio of the subject site itself and not to the surrounding area and would therefore not provide for the plot ratio proposed under the current application. Additionally, the proposed development does not comprise a minor extension, but rather the comprehensive redevelopment of three amalgamated sites. On this basis, the maximum plot ratio requirement set out in Section 11.4.2 of the Galway City Development Plan 2023 – 2029 pertain (i.e. a maximum plot ratio of 1.60:1 within the CC zone at locations within the city, including Dominick Street Upper) and I concur with the Planning Authority that the proposal would contravene this part of Section 11.4.2 of the Galway City Development Plan 2023 – 2029. I recommend that refusal reason no. 1 is upheld.

- 7.2.5. I note that the applicant has indicated amenability to a condition requiring the omission of the upper floor of the proposal at No. 5 and 6, however I note that this would reduce the plot ratio to 1.75:1 and would therefore still be in excess of the requirements of Section 11.4.2.

### **7.3. Refusal Reason No. 2 (Design/Visual Integration)**

- 7.3.1. The second reason for refusal is that the proposed development would give rise to a negative impact on visual amenity due its discordant design relationship with No. 7

Dominick Street Upper, a Protected Structure, and the proposal's lack of integration with the existing streetscape. The Planning Authority note that the design and visual appearance of the proposal, specifically its scale, form and external materiality would have an overbearing impact on the streetscape and has little relationship with the surrounding urban fabric. The report of the Planning Officer identifies specific concerns in relation to the west elevation of the proposed new building, which the Planning Authority consider to be in stark contrast to the existing buildings in the area, particularly due to its contemporary design and expansive use of metal cladding. The Planning Authority also note that the combination of contemporary and traditional elements do not assimilate with No. 7.

- 7.3.2. In relation to the design of the proposal, the applicant's case, as set out in the appeal submission, is that the imitation of historic styles has been deliberately avoided; that the contemporary element of the proposal is remote from the Protected Structure/No. 7; that the penthouse level has been set back, reducing its visibility in the streetscape; that the scale and proportions of the proposal are complementary to the pattern of the streetscape, and that fenestration and parapets align with and provide uniformity with the Protected Structure/No. 7. The applicant also notes that building styles are varied in the area, that the Planning Authority have permitted contemporary style development in the area in recent years, and as such the proposal would not be out of character with the area.
- 7.3.3. The existing streetscape at this location is primarily characterised by traditional buildings which contribute to the character of the area. Careful consideration needs to be given to the impact of the proposal on the streetscape and on No. 7 Dominick Street Upper (a Protected Structure), which forms part of the proposal and which Nos. 5 and 6 abut. The demolition of Nos. 5 and 6 Dominick Street Upper has been accepted by the Planning Authority and the concerns of the Planning Authority principally relate to the side elevation of the proposed 4 storey building, the glazed element of the front elevation and the penthouse level.
- 7.3.4. The eastern gable of the proposed four storey building will be particularly prominent when viewed from the west along Dominick Street Upper as the adjoining buildings are two storey in nature. I consider that this elevation, which comprises metal cladding,

would be incongruous with the character of the area given the predominance of more traditional style buildings at this location, and that the impact of this elevation will be amplified given the expansiveness of this elevation. In my opinion, the asymmetrical profile of the roof of the 4 storey building (No. 5 and 6), which was altered from a flat roof following a request for Further information, and its juxtaposition with the roof profile of the penthouse level would be out of character with the streetscape at this location. Whilst the upper/penthouse level of the proposed four storey building will not be overtly visible when viewed front on, I note that the building, including the upper level, will be prominent when viewed from the west at the junction of Pump Lane/Dominick Street Upper/William Street West, and in my view the penthouse level would represent an incongruous feature when viewed from this location, particularly noting the relationship of this element with the front roof of No. 7. The Planning Authority expressed concerns in relation to the extensively glazed vertical element on the front façade of the four storey building accommodating the stairwell. Whilst I note that this element is located furthest from No. 7, a point noted by the applicant, in my view it nevertheless detracts from the symmetry and alignment of openings, eaves etc. established by the main façade of the 4 storey building and is unsympathetic to the character of the streetscape at this location and No. 7. The shop front to the new building is indicated as comprising black glass, which in my view would also significantly detract from the visual amenity of the street, noting the prevalence of traditional shop fronts, and would be detrimental to the character of No. 7, the shop front of which is of a traditional design idiom.

- 7.3.5. The applicant has suggested that the design of the proposed development could be amended by condition, providing for the omission of the upper floor, provision of an alternative roofscape and the provision of nap plaster in lieu of contemporary materials. I consider that, save for changes to material finishes, such amendments would be significant in the context of the overall proposal and it would not be appropriate for the Board to alter the design of the proposal to the extent required to address the issues raised above.
- 7.3.6. In summation, I consider that the design of the four storey building fails to integrate with the streetscape at this location, in particular the design of the roof, the upper floor/penthouse level, and the multiplicity and nature of the material finishes would

render the proposal out of character with the streetscape and adjacent buildings at this location, and incongruous with No. 7 Dominick Street Upper, a Protected Structure. Accordingly, the proposed development would be contrary to Policy 8.7 'Urban Design and Placemaking', specifically subsection 3, which requires that development delivers high quality urban design, placemaking and public realm, and to Policy 8.1 'Record of Protected Structures', specifically subsection 2, which seeks to ensure that new development enhances the character or setting of a Protected Structure. I therefore recommend that refusal reason no. 2 is upheld.

#### **7.4. Refusal Reason No. 3 (Appropriate Assessment)**

- 7.4.1. The third refusal reason cited by the Planning Authority in the Notification of Decision to refuse permission is that in the absence of a NIS, the Planning Authority are not satisfied that the proposed development would not be likely to have a significant effect on Lough Corrib SAC, Galway Bay Complex SAC and Inner Galway Bay SPA, and that as such the proposed development would materially contravene Policy Objectives 5.2 (1), (2) and (11) of the Galway City Development Plan 2023-2029.
- 7.4.2. I have considered the proposed development at No. 5, 6 and 7 Dominick Street Upper, Galway in light of the requirements S177U of the Planning and Development Act, 2000, as amended. The subject site is located c. 150 m south-west of Lough Corrib SAC (Site Code 000297), c. 150 m north-west of Galway Bay Complex SAC (Site Code 000268) and c. 0.75 km west of Inner Galway Bay SPA (Site Code 004031).
- 7.4.3. The proposed development comprises permission for the demolition of No. 5 and 6 Dominick Street Upper and annexes to rear of No. 7 Dominick Street Upper; the construction of extensions to the rear of No. 7 Dominick Street Upper; construction of 4 storey building at No. 5 and 6 Dominick Street Upper; and, the construction of a basement level below the rear courtyard of No. 7 Dominick Street Upper.
- 7.4.4. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is based on the following;

- The nature and scale of the proposed development, and location of the proposed development within an existing developed/urban site.
- The presence of a high wall (which is being retained in situ), blocking connectivity to Eglington Canal, which in turn connects downstream with Lough Corrib SAC, Galway Bay Complex SAC and Inner Galway Bay SPA, and the presence of a tow-path located between the development site and Eglington Canal.
- The distance from nearest European Site(s).
- The proposal to connect to the existing public sewer and storm water network at operational phase.

7.4.5. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act, 2000) is not required.

7.4.6. The third reason for refusal states that the proposed development would materially contravene Policy Objectives 5.2 (1), (2) and (11) of the Galway City Development Plan 2023-2029, which requires the protection of European Sites and the carrying out of Screening for Appropriate Assessment/Habitats Directive Assessment. For the reasons set out above, I do not consider that any material contravention of Policy Objectives 5.2 (1), (2) and (11) of the Galway City Development Plan 2023-2029 would occur should permission be granted for the proposed development, as contended by the Planning Authority. Should the Board decide to permit the proposed development I submit to the Board that it is not constrained by the requirements of Section 37 2 (b) of the Planning and Development Act, 2000 (as amended).

## 8.0 Recommendation

Having regard to the above it is recommended that permission should be refused for the reasons set out below.

## 9.0. Reasons and Considerations

1. Section 11.4.2. of the Galway City Development Plan 2023 - 2029 states 'in the Dominick Street Upper/William Street West/Sea Road/Raven Terrace CC zone and in the CC zone adjoining Father Burke Park the maximum plot ratio permitted will be 1.60:1. The proposed development has a plot ratio of 1.84:1, which exceeds the maximum permissible plot ratio set out in the Galway City Development Plan 2023 – 2029 for this area. It is therefore considered that the proposed development would be contrary to Section 11.4.2. of the Galway City Development Plan 2023 – 2029, and would constitute overdevelopment of the site, and would therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the prominent location of the site, to the established built form and character of Dominick Street Upper, it is considered that the proposed development, by reason of its form and design, including the use of a multiplicity of contemporary materials, would be out of character with the pattern of development in the vicinity, would materially affect and significantly detract from the character and setting of No. 7 Dominick Street Upper, a Protected Structure, and would constitute a visually discordant feature that would be detrimental to the distinctive character of this area, which it is appropriate to preserve. The proposed development would, therefore, 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  
Senior Planning Inspector

7<sup>th</sup> May 2025

## Appendix 1 - Form 1

### EIA Pre-Screening

<b>An Bord Pleanála</b>  <b>Case Reference</b>	ABP-318880-24		
<b>Proposed Development Summary</b>	<p>Permission for alterations and extensions to existing commercial premises at No. 7 (Taylor's Bar) Dominick Street Upper, a Protected Structure (No. 3302) to include the following:</p> <p>a) demolition of 2 No. adjoining commercial units at No's 5 &amp; 6 Dominick Street Upper and the construction of a ground floor extension to the existing bar at No. 7, a first floor licensed café and 2 no. residential units at second and third floor levels; b) new openings at ground and first floor between No. 6 and No. 7; c) demolition of outbuildings; d) construction of a basement level below the rear courtyard of No. 7 containing ancillary toilets, cold room/stores; e) construction of a two storey extension in the rear courtyard of No 7 containing ancillary toilets, kitchen &amp; stores and all associated site works.</p>		
<b>Development Address</b>	No.'s 5, 6 & 7 Dominick Street Upper, Galway		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	X
		<b>No</b>	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>	X	Part 2, Sch. 5, Class 10, (b), (i) Part 2, Sch. 5, Class 10, (b), (iv)	Proceed to Q3.
<b>No</b>			



3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	X		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	<p>Class 10, (b), (i) (threshold is 500 dwelling units) – proposal is for 2 no. dwelling units.</p> <p>Class 10, (b), (iv) (threshold is 2 Ha.) – site area is 0.0532 ha.</p>	<p>Preliminary examination required (Form 2)</p>

5. Has Schedule 7A information been submitted?		
No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: Ian Campbell

Date: 7<sup>th</sup> May 2025

## Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	ABP-318880-24
<b>Proposed Development Summary</b>	Permission for alterations and extensions to existing commercial premises at No. 7 (Taylor's Bar) Dominick Street Upper, a Protected Structure (No. 3302) to include the following: a) demolition of 2 No. adjoining commercial units at No's 5 & 6 Dominick Street Upper and the construction of a ground floor extension to the existing bar at No. 7, a first floor licensed café and 2 no. residential units at second and third floor levels; b) new openings at ground and first floor between No. 6 and No. 7; c) demolition of outbuildings; d) construction of a basement level below the rear courtyard of No. 7 containing ancillary toilets, cold room/stores; e) construction of a two storey extension in the rear courtyard of No 7 containing ancillary toilets, kitchen & stores and all associated site works.
<b>Development Address</b>	No.'s 5, 6 & 7 Dominick Street Upper, Galway

**The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.**

**This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.**

**Characteristics of proposed development**

(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).

The proposed development comprises the demolition of 2 no. buildings, the construction of a 4 storey building and extensions to an existing property. The site is located on a brownfield site within an urban area.

The proposed development will not give rise to the production of significant waste, emissions or pollutants.

**Location of development**

(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).

The development is located in an urban area on a brownfield site. The site is c. 150 metres from a European Site. Following screening for Appropriate Assessment, it has been ascertained that the proposed development would not have a likely significant effect on any European Site either alone or in

	<p>combination with other plans or projects.</p> <p>No. 7 Dominick Street Upper is a Protected Structure and there are a number of Protected Structures in the vicinity. No archaeological features were identified during archaeological testing of the site and mitigation measures and monitoring are proposed to address the potential for impacts on heritage in the area.</p> <p>The site is not at risk of flooding.</p> <p>Given the scale and nature of development there will be no significant environmental effects arising.</p>
<p><b>Types and characteristics of potential impacts</b> (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>During the construction phase noise, dust and vibration emissions are likely. However, any impacts would be local and temporary in nature and the implementation of standard construction practice measures would satisfactorily mitigate potential impacts.</p>
<p style="text-align: center;"><b>Conclusion</b></p>	

<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>	<b>Yes or No</b>
There is no real likelihood of significant effects on the environment.	EIA is not required.	<b>Yes</b>
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	<b>No</b>
There is a real likelihood of significant effects on the environment.	EIAR required.	<b>No</b>

**Inspector:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**DP/ADP:** \_\_\_\_\_

**Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)