



An
Bord
Pleanála

Inspector's Report ABP-319345-24

Development	Retention of minor alterations and extension to existing dwelling
Location	65A Upper Newcastle, Galway, H91 Y4AW
Planning Authority	Galway City Council
Planning Authority Reg. Ref.	2360182
Applicant(s)	Cian Roche.
Type of Application	Permission
Planning Authority Decision	Split Decision
Type of Appeal	First
Appellant(s)	Cian Roche.
Observer(s)	None.
Date of Site Inspection	24 th of September 2024
Inspector	Darragh Ryan

1.0 Site Location and Description

- 1.1. The existing dwelling house is located at Upper Newcastle Road, Galway City. The dwelling house for which the permission relates is a two storey dwelling house which is accessed off a single shared access off of Newcastle road. The dwelling house has a stated floor area of 128sqm. The shared entrance and passage to the west of the property services 2 dwellings to the front and a number of houses/sheds to the rear.
- 1.2. There is a shared boundary wall with the footpath to the front of the site and the two houses are setback behind a common laneway which accesses both properties. There is a mature boundary to the east of the site and a 2m high wall to the rear of the property. The site area is stated at 0.31ha.

2.0 Proposed Development

- 2.1. The proposed development includes for the following:

Retention of minor alterations to existing dwelling – Granted by the Planning Authority

Proposed single storey extension to the rear of the dwelling – 31.13m²

Provision of a new vehicular access gate/opening onto Newcastle Road.

3.0 Planning Authority Decision

3.1. The planning authority issued a Split Decision for the Development Proposal .

- 3.1.1. Retention Permission was granted for minor alterations to existing dwelling house. The applicant indicates alterations to the front door and the insertion of rooflights to the rear roof of the dwelling, in this case there are no issue with regards to these alterations.
- 3.1.2. A refusal was recommended for the following:
- to construct an extension to the existing dwelling,
 - to undertake alterations to the existing dwelling,

- to construct a new vehicular access gate / opening onto the public road

for the following reasons:

1. The Galway City Council Development Plan 2023 – 2029 section 11.3.1 (c), requires the provision of an adequate area of private amenity space for such developments, taking consideration the size, scale and overall extent of the extension proposed, it is considered that there would be insufficient useable functional private amenity open space retained on site contrary to the requirements of the development plan standards, and if permitted would seriously injure residential amenities.
2. The proposal to insert a new vehicular entrance onto the Moycullen Road (N59), a heavily trafficked National Road, would be contrary and contravene the original grant of permission, Pl.Ref.No. 06/848, which specifically restricted vehicular access to the shared entrance with the other associated dwellings in this infill development. Any such new entrance would be in a location where there is an inadequate provision of sightlines in both directions due to authorised on street car parking, thereby endangering public safety by reason of traffic hazard and would have an adverse impact on traffic safety on the public road network

3.2. Planning Authority Reports

3.2.1. Planning Reports

There is a single planning authority report on file.

1. Rear Extension
 - Condition No. 9 of a previous planning permission (Pl. Ref. No. 06/848) restricted additional structures due to limited rear garden space.
 - The proposed extension would leave 48 sq.m of private open space, below the required 80 sq.m as per the Galway City Development Plan 2023-2029.
 - The remaining private space is considered insufficient, as it would be overshadowed and not functional for private amenity use.
2. New Vehicular Access Gate:

- The proposal involves creating a new entrance by removing 3 meters of the front boundary wall, impacting existing parking spaces not under the applicant's control.
- A joint access was previously required under Pl. Ref. No. 06/848, and individual access points were deemed unacceptable by the Transport Department.
- The new entrance would be hampered by on-street parking, limiting sightlines and making vehicular exit unsafe.

Having regard to the above a refusal was recommended for the extension and new access.

3.2.2. Other Technical Reports

- None

3.3. Prescribed Bodies

- Transport Infrastructure Ireland – no observations to make.

3.4. Third Party Observations

- None

4.0 Planning History

- PA reg ref 13/289: Granted permission for retention is sought for site boundaries and all associated services
- PA reg ref 06/848: Granted permission for the demolition of 2 houses and sheds and the construction of 4 dwellings along with parking, proposed new entrance onto Upper Newcastle Road from one of the proposed dwellings and associated services.
- PA reg ref 76/489: Refused by An Bord Pleanala for alterations to dwelling house.

- Pa reg ref 76/47: Refused permission under appeal for the change of use of dwelling house to flats at 65 Upper Newcastle.
- PA reg ref 72/38: Granted permission for erection of two storey dwelling house.

5.0 Policy Context

5.1. Galway City Development Plan 2023 - 2029

5.1.1. Section 11.3.1 (I) Residential Extensions

- The design and layout of extensions to houses should complement the character and form of the existing building, having regard to its context and adjacent residential amenities.

5.1.2. Private Open Space:

Private open space (areas generally not overlooked from a public road) exclusive of car spaces shall be provided at a rate of not less than 50% of the gross floor area of the residential unit. This open space should where practicable relate directly to the residential unit, which it serves. Some sites will not have the facility to accommodate all of the required provision of the total private amenity space directly and satisfactorily adjoining each individual unit. Therefore, in certain site conditions and development types, provision of private open space may be made up of areas of communal open space, for example, in apartment developments provision of private open space may be made up of areas of communal open space, balconies or terraces.

The scale of proposed extensions shall ensure that an adequate level of private open space is retained on site. Outdoor private space should allow space for ancillary domestic uses such as outside dining, clothes drying, reasonable circulation and landscaping. Consideration can be given to domestic extensions that result in less than the development plan standard of 50% of the GFA of the residential unit, where adequate level of private open space is retained on site, or on very constrained sites such as those located in the city centre. 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).

5.1.3. Section 11.3.1 (c) Amenity Open Space Provision in Residential

Developments states:

- Private Open Space:
- The scale of proposed extensions shall ensure that an adequate level of private open space is retained on site. Outdoor private space should allow space for ancillary domestic uses such as outside dining, clothes drying, reasonable circulation and landscaping.
- Consideration can be given to domestic extensions that result in less than the development plan standard of 50% of the GFA of the residential unit, where adequate level of private open space is retained on site, or on very constrained sites such as those located in the city centre.

5.2. Natural Heritage Designations

Lough Corrib SAC 200m to the East

5.3 EIA Screening

See completed Form 2 on file. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, or an EIA determination therefore is not required.

6.0 The Appeal

6.1. Grounds of Appeal

This is a first party appeal against the split decision issued by Galway City Council to refuse permission for proposed rear extension and provision of new access off the N59 Moycullen Road at 65A Upper Newcastle Road.

6.1.1. Rear Extension

- The planning authority erred in their calculation of remaining private open space to the rear of the dwelling once the extension is constructed. It stated the building line was defined as the area behind the proposed new extension which was unusual and irregular. The area to rear of the front building line which includes the side and rear of the property would have 103m² of open space post construction, this is in excess of the 80m² required to satisfy the 50% Open Space requirement as set out in the Galway city Development Plan.
- The referenced planning condition associated with Planning Permission 06/848 restricted further development on site including exempted extensions without a prior grant of permission owing to the limited level of open space on site. The applicant asserts this does not prohibit extensions only that permission is required. Furthermore this condition is associated with different Development Management standards associated with a different Development Plan.

6.1.2. New vehicular Access gate

- There was previously an existing historical original entrance to the site. The drop kerbs highlight the fact the entrance existed. The purpose of the driveway is to provide safe access and egress to Newcastle Road without the need to use the garden/driveway of adjoining residence at No 65 Upper Newcastle Road.
- The parent permission sought to restrict access to a shared entrance and hence the original entrance was closed up. The applicant states this was not strict requirement but a request to “consider to use” as per the report on file from the Transport and Infrastructure Department in 2006.
- The historic site of 65 was never accessed from the laneway. This existing entrance had always access to the house.
- The new access is required for on site health and safety. Owing to unique layout cars parked at number 65 have to park very close to their house so that a right of way is left to get across to 65A. This is a health and safety hazard for people on wheelchairs. It also result in dangerous traffic movements as there

is no space to turn vehicles meaning reversing out onto a private laneway. The owner of 65a has no control over how the owner of 65 uses the access therefore at times they can be blocked in their driveway. This may also prevent emergency services getting to them in case of emergency.

- There is precedence for allowing individual entrances where previously there was shared entrances along Newcastle Road. 07/787 – this precedence shows that the planning authority has permitted to move entrances from common laneway to Newcastle Road directly. Furthermore three new builds have been given planning permission for access to the road since 2006. These include 2 houses granted under planning permission 13/109 at 61 Upper Newcastle Road and another under Planning permission 18/51.
- The applicant has provided a sightline drawing indicating sightlines are achievable once the 3 no car parking spaces directly outside of No 65A and No 65 have been removed. The car parking spaces were installed post the 2006 Planning Application.
- In support of the application a letter of support has been provided in the appeal by the applicants neighbour residing at No 65. This letter echoes some of the statements of the applicant in terms of health and safety. and also states that the presence of the right of way/carriageway prevents them from

6.2.Planning Authority Response

6.3.Observations

- None

7.0 Assessment

- 7.1. Having examined the application details and all other documentation on file, including the submissions received in relation to this third-party appeal, the report of the local authority, having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this third-party appeal to be considered are as follows:

- Proposed Extension
- New vehicular Access
- Other Issues
- Appropriate Assessment

7.2. Proposed Extension

- 7.2.1. The applicant is proposing a single-storey extension to the rear (west) of the dwelling, covering a total area of 31 sqm and extending 4 meters from the rear building line of the dwelling. The extension would feature a flat roof with a parapet height of 2.5 meters. The planning authority raised concerns that the extension would reduce the amount of usable open space on the site, as the remaining post-construction open space would be limited to 48 sqm at the rear of the extension. The calculation of the planning authority did not account for the open space to the side of the existing dwelling.
- 7.2.2. According to the Galway City Development Plan 2023–2029, Section 11.3.1(c), the standard for private open space provision requires an area equivalent to at least 50% of the gross floor area of the residential unit, excluding car spaces. The applicant contends that excluding the side open space from the calculation is not standard practice and that if the entire site, including the side area, were considered, the total open space would amount to 103 sqm. In my assessment, the use of the side open space is acceptable in principle, as the Development Plan requires that private open space be closely linked to the residential unit and does not specify that it is required to be assessed from the rear of the property only. I find that the proposed open space provision exceeds requirements as set out in the Galway City Development Plan.
- 7.2.3. The planning authority expressed concerns about the usability of the proposed open space due to site orientation and potential overshadowing, which could limit its functionality as a private amenity. However, I do not concur with this assessment. The proposed extension, with a modest parapet height of 2.5 meters and a depth of 4 meters, is unlikely to cause significant overshadowing that would adversely affect the usability of the open space. I find the overall open space provision to be

adequate and in compliance with Section 11.3.1 (c) of the Galway City Development Plan 2023 - 2029.

- 7.2.4. The rear extension is designed for minimal impact at 31sqm. Parent Permission 06/848 for the construction of the dwelling contained a condition stating: Notwithstanding the provision in the Planning and Development Act 2000 and the Planning and Development Regulations 2001 as amended, no extension, shed, store, garage or other free standing structure(other than structures applied for in this application), shall be erected within the curtilage of the dwellinghouses without a prior grant of permission” Having regard to the above the proposal would come under the category of exempted development if it were not for the conditions set out in the parent permission. I consider the extension to be modest and will have limited impact on amenity of neighbouring residential property. Having regard to the extension I am satisfied the proposal is in line with Galway City Development Plan DM Standard Section 11.3.1 (l) with respect to Residential Extensions

7.3. New Vehicular Access

The planning authority refused permission for the creation of a new vehicular access at the northern boundary of the site. This decision was based on concerns that the proposal contradicted the terms of the original planning permission, which limited access to an existing shared entry point on the site. Additionally, it was deemed that the proposed new entrance would create a traffic hazard due to restricted sightlines caused by on-street car parking, which would pose a risk to public safety.

- 7.3.1. The applicant intends to reinstate the site’s original access, which was utilised prior to the 2006 planning permission. This proposal involves removing a 3-meter section of the boundary wall and utilising existing dropped kerbs on the footpath for access. To achieve adequate sightlines, the applicant has requested the removal of three on-street parking spaces outside the site boundary along Moycullen Road (N59). The removal of the car parking spaces would allow for adequate sightlines to the north and south of the propose access. The applicant argues that the current arrangement necessitates crossing the adjacent neighbour’s property (65a) to park their car, leading to safety hazards and awkward turning movements that require reversing onto a shared laneway. Further, a submission from the neighbouring property (65a) supports the applicant’s view, noting concerns over security and the inability to install

a gate due to shared access requirements. The applicant also cites precedent where similar properties along the same stretch of road have been granted direct access to the Moycullen Road N59.

- 7.3.2. The site is located on the Moycullen Road N59 (Upper Newcastle Road) within a 50 km/h speed limit zone. The applicant seeks the removal of three public parking spaces adjacent to their boundary wall to allow for safe sightlines from the proposed access point. However, there has been no formal comment from Galway City Council's Roads and Traffic Section regarding this proposal. The upper Newcastle area serves a variety of uses, including residential and educational institutions. Notably, a school and the University of Galway School of Business and Economics are directly opposite the dwelling, both of which have limited on-site parking facilities. The three car parking spaces in question have been in continuous use since 2007. The Galway City Development Plan, Section 4.5 on Transport Demand Management, promotes a reduction in on-street parking as part of a broader strategy to support alternative transportation modes in the city. Section 4.8 of the City Development Plan sets out that the N59 has also been identified for potential road network improvements as part of collaborative efforts between Galway City Council, Galway County Council, and agencies such as Transport Infrastructure Ireland (TII) and the National Transport Authority (NTA). These improvements may include future cycle infrastructure along the N59, connecting the city with nearby towns and villages, including Moycullen, as part of the forthcoming CycleConnects: Ireland's Cycle Network Plan. The removal of parking spaces on the Moycullen Road (N59), in this context, should align with broader strategic goals and involve coordination with Galway City Council. Granting permission to remove these spaces solely to accommodate the applicant's access would not contribute to these wider objectives and could hinder future efforts to enhance cycle and public transport infrastructure along Moycullen Road. Therefore, any decision to reduce public parking should be integrated into a comprehensive strategy developed in consultation with Galway City Council and relevant stakeholders.
- 7.3.3. The loss of these public parking spaces is not anticipated to provide a planning gain to the surrounding area in the medium term. The current onsite arrangement, which was established following the 2006 grant of permission, remains functional despite its narrow configuration. At the time of inspection, three vehicles were observed

parked in front of the neighbouring dwelling 65, with a total of five vehicles accommodated in front of two dwellings, exceeding the current Development Management standard (DM standard 11.3.1(g)) for the area of one parking space per dwelling. Although this situation predates the existing development plan, it highlights that the numbers of cars on site is a potential issue which causes an inconvenience for both the applicant and the neighbour, whereby a reduced number of cars could ease movement on the site. I do not consider the removal of three on street car parking spaces in this instance to be justifiable, especially given the proximity to educational facilities with limited parking.

- 7.3.4. In light of the considerations outlined above, it is recommended that planning permission for the proposed new entrance be refused. The proposed removal of three public parking spaces to facilitate the new access would result in a net loss of amenity for the local community, particularly for the adjacent educational institutions.

8.0 AA Screening

I have considered the proposal to construct a single storey extension and new entrance in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located within an urban location 200m east of Lough Corrib SAC. The development proposal consists of construction of a single storey rear extension of limited scale and provision of new vehicular access

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 as follows:

- scale and nature of the development
- Location-distance from nearest European site and lack of connections

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.

9.0 Recommendation

In accordance with the foregoing, I recommend that a split decision should be made as follows:

- (1) Grant permission for the construction of single storey rear extension and all associated site works based on the reasons and considerations marked (9.1) under and subject to the conditions set out below (section 9.2), and,
- (2) Refuse permission for the proposed new vehicular access.

9.1. Reasons and Considerations

The proposed construction of an extension to the rear of the existing dwelling complies with Section 11.3.1 (c) with respect to private open space and 11.3.1 (i) with respect to character and design of domestic extensions it is considered that, subject to compliance with the conditions set out below, the proposed development would not be seriously injurious to the amenities of the area or the residential amenities of properties in the vicinity and would provide sufficient useable private open space. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

9.2. Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars received by An Board Pleanála on the 21st of March 2024 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.

Reason: In the interest of clarity.

2. All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs,

paved areas or otherwise shall discharge onto the public road or adjoining properties.

Reason: In the interest of traffic safety and to prevent pollution.

3. The external finishes of the proposed extension shall be the same as those of the existing dwelling in respect of colour and texture. Samples of the proposed materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. The developer shall ensure that all construction activity within this site shall comply with the following:

- i. All construction activity shall be restricted to the following:
 - Between 0800 hours and 1800 hours Monday to Friday
 - Between 0900 hours and 1300 hours Saturday unless otherwise agreed in writing with Galway City Council.
 - No works shall take place on Sundays, Bank Holidays or Public Holidays;
 - The site may be opened 30 minutes prior to the above outlined times in order to facilitate the arrival of workers, however no activity shall take place during this time.
 - Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority.
- ii. Any alterations to public services, public areas or utilities necessitated by the development shall be carried at the developers expense having firstly obtained the agreement in writing of Galway City Council or other public bodies responsible for utilities.
- iii. All works shall be carried out in accordance with the requirements for "Site Development Works for Housing Areas" as issued by the Department of the Environment, Heritage and Local Government unless required otherwise by Galway City Council in which case Galway City Council Standards apply.

Reason: In the interest of residential amenity and the proper planning and sustainable development

9.3. Reasons and Considerations (2)

The proposal to insert a new vehicular entrance onto the Moycullen Road N59 would result in the loss of three on street car parking spaces. The Galway City Development Plan identifies the Moycullen Road N59 for future works with respect to cycle connects. In the absence of appropriate consultation for the removal of these car parking spaces, it is considered the proposed new access would not be considered acceptable as the proposal may impede future development works on the Moycullen Road. Any decision to reduce public parking should be integrated into a comprehensive strategy developed in consultation with Galway City Council and relevant stakeholders.

In this regard it is considered the proposal would not be in accordance with Section 4.8 Specific Objectives as outlined under Sustainable Mobility and Transportation of the Galway City Development Plan 2023 - 2029 regarding a Modal Change towards more sustainable travel methods. The proposed development would therefore, conflict with the objectives of the development plan and 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.

Darragh Ryan
Planning Inspector

28th October 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	319345-24		
Proposed Development Summary	Construction of rear extension Provision of new access		
Development Address	65 Upper Newcastle Road (Moycullen Road N59)		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No			
Yes	X		
			Conclusion
			No EIAR or Preliminary Examination required
			Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	X	Preliminary Examination required
Yes	X	Screening Determination required

Inspector: _____

Date: _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	319345-24	
Proposed Development Summary	Construction of a rear extension Provision of new vehicular access	
Development Address	65 Upper Newcastle Road (Moycullen Road N59)	
The Board carries 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.		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The proposed development is on a brownfield site on a .031ha site on residential zoned land. The proposed development is not exceptional in the context of existing environment.</p> <p>The proposed development will not result in the production of any significant waste, emissions or pollutants.</p>	No
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>No. The site area is .31ha.</p> <p>There are no other developments under construction in proximity to the site. All other developments are established uses.</p>	No
Location of the	No. The proposed development is not within a	No

<p>Development</p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>designated Natura 2000 site.</p> <p>There are no other locally sensitive environmental sensitivities in the vicinity of relevance.</p>	
<p style="text-align: center;">Conclusion</p>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p>		

Inspector: _____

Date: _____

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)