



An
Bord
Pleanála

Inspector's Report ABP-321493-24

Development	Demolition of house and construction of 2 apartment blocks (15 no. apartments), together with all ancillary site works.
Location	99 Upper Newcastle Road, Galway City
Planning Authority	Galway City Council
Planning Authority Reg. Ref.	2460071
Applicant(s)	Shawder Ltd
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Shawder Ltd
Observer(s)	None
Date of Site Inspection	19 th May 2025
Inspector	Ian Boyle

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1.0 Site Location and Description

- 1.1. The appeal site comprises an existing residential property in the western suburbs of Galway City. It has an address at 99 Upper Newcastle Road, Galway, H91 C5FE.
- 1.2. The site accommodates an existing single storey detached dwelling which is setback from the established building line facing onto Upper Newcastle Road. A large front garden takes up the majority of the site and a mature strip of trees run along part of its southeastern boundary. The property is accessed via a narrow access road running off Greenfields Road to the north. There is an existing vehicular entrance and pedestrian gate at the front of the site.
- 1.3. The surrounding vicinity is characterised by a mix of mainly residential development with some employment, commercial, education and retail uses. The vintage and style of housing in the area is varied. There are some single detached houses on large plots, older suburban estate type housing (detached and semi-detached units), and newer higher-density infill schemes and apartments blocks, respectively.
- 1.4. The University of Galway and University Hospital Galway are a short distance to the south of the site (approx. 1km). Galway Business Park is roughly 700m to the north and also within walking distance. The area is well served by public transport services, including regular bus routes. The nearest bus stop is directly in front of the site on the Upper Newcastle Road.
- 1.5. The site has a stated area of roughly 0.148ha.

2.0 Proposed Development

- 2.1. The proposed development is for the demolition of an existing house and sheds and the construction of a residential apartment scheme. The scheme comprises two apartment blocks containing twelve two-bedroom apartments and three one-bedroom apartments (15 no. apartments in total).
- 2.2. The proposal also includes alterations to the existing vehicular site entrance, carparking facilities and ancillary site works.
- 2.3. The Planning Authority requested further information on 8th May 2024, including the following:

- Item 1: Concerns over the proposed residential density.
- Item 2: Compliance with the relevant fire regulations.
- Item 3: Concerns regarding overshadowing, provision of a privacy strip, car parking, distance between buildings, and separation distances.
- Item 4: Overlooking / minimum separation distances.
- Item 5: Minimum apartment floor areas.
- Item 6: Provision of communal open space.
- Item 7: Provision of private amenity open space.
- Item 8: Concerns over the potential impact of proposed works on the adjacent open space and bus shelter at the front of the site,
- Item 9: Bicycle parking.

2.4. The Applicant responded with Further Information (FI) and a revised scheme layout on the 30th July 2024.

2.5. The Planning Authority requested clarification of further information on 3rd October 2024, including the following:

- Item 1: The concerns raised regarding the scale, mass, overshadowing and overbearing issues posed by proposed Block A have not been addressed.
- Item 2: Updated shadow profile required, concerns over the number of single aspect units, lack of dividers/planted areas between rows of car parking and the omission of a safe access for pedestrians and cyclists.
- Item 3: The layouts and positioning of windows now overlook adjacent properties and are substandard in design terms. In addition, the layout of the units are all single aspect apartments and there has been no consideration of sun movement optimisation.
- Item 4: Bicycle storage area should be sheltered and secure. Also, there is no provision for non-standard bikes. The bin storage area is currently proposed for the northwest corner of the site abutting the rear gardens of adjacent single residential dwellings. It would be far away from the front entrance of the site for collection purposes.

- 2.5.1. The Applicant responded with Clarification of Further Information (CFI) and a revised scheme layout on the 7th November 2024. This comprised the removal of Block B so that the revised proposal was reduced from 15 units to 12 units.
- 2.6. The CFI scheme therefore comprises 12 apartments in a single block near the centre of the site. The block is three storeys in height with the upper floor setback slightly. It has a parapet height of c. 8.9m over a length of c.31m. There is an area of car parking proposed at the front of the property. Communal amenity space is to the rear of the building in the west and northwest corner of the property.

3.0 Planning Authority Decision

3.1. Decision

- 3.2. The Planning Authority issued a Notification of Decision (NoD) to Refuse Permission on 27th November 2024, subject to 2 no. conditions. The reasons for refusal are summarised as follows:

1. The proposed apartment building due to its design, scale, massing and proximity to side boundaries and by virtue of its precedent and impact on adjoining properties would, if permitted, result in the provision of a development that is contrary to the Galway City Council Development Plan 2023 – 2029 (Chapter 8.8 Urban Design and Placemaking). This is due in particular to the excessive length, height and scale of the rear three level element which would be overbearing and adversely impact upon the residential amenities of adjacent properties.
2. The proposed development would have inadequate daylight and sunlight due to its layout and the configuration of windows.

3.3. Planning Authority Reports

3.3.1. Planning Reports

- The site is zoned 'R – Residential' in the Galway City Development Plan 2023 – 2029 (Development Plan / CDP), which is 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’.

- The demolition of an existing house to provide for a higher density development in this location is generally in accordance with the zoning objective.
- The site is in the ‘Established Suburbs’ as per the Development Plan. Therefore, an infill higher density residential development on these zoned lands would generally be in accordance with the CDP. However, this is an infill site with older suburban estates and one-off dwellings on the adjacent boundaries in proximity to the site. This raises concerns regarding the potential density achievable in terms of the need to protect the residential amenity of adjoining lands and property.
- The Planner’s Report(s) examines issues such as apartment sizes, height / scale and mass, daylight / overshadowing, dual aspect, window positions, separation distances between dwellings, overlooking, car parking, bicycle parking and private amenity space.
- The Planning Authority requested further information, and clarification of further information, as noted above. However, upon receipt of this, it was considered that the height and length of the proposed apartment block would be excessive, particularly in terms of its scale and massing. This would result in unacceptable overshadowing and overbearance, particularly on the rear gardens of dwellings situated to the north and south of the subject site.
- It was therefore considered that the proposed development would be contrary to the Galway City Development Plan 2023 – 2029, Chapter 8.8 Urban Design and Placemaking,
- The proposed development would also be contrary to Section 11.3.1 (e) ‘Daylight’ of the CDP due to the layout and configuration of windows and limited availability of light entering the apartments.
- Therefore, the proposal would not meet the requirements of the CDP, would be a substandard form of development, and would adversely impact the residential amenities of the area, respectively.
- The report recommended that permission be refused.

3.3.2. Other Technical Reports

Chief Fire Officer: Objected, stating that the proposed development does not comply with the fire regulations with regards to fire brigade access and means of escape.

[Note: The Applicant states in their Clarification of Further Information that the proposed development has been assessed by their own Fire Engineer and DAC Consultant and has been found to comply with the relevant fire regulations.]

Active Travel Department: Recommended Further Information be requested.

3.4. Third Party Observations

The Planning Authority received several third party observations. The main concerns raised are in relation to:

- The removal, felling and lopping of trees along the site boundary.
- The shared boundary is unstable and needs to be assessed.
- There is a well on the site which should be retained as part of the proposal.

4.0 Planning History

Subject Site

Reg. Ref. 23/180: The Planning Authority **refused** permission in September 2023 for the demolition of the existing house and sheds on the site and the construction of two apartment blocks (18 no. units in total) and ancillary site works.

Surrounding Area

The surrounding area comprises existing residential development, much of which has been permitted and constructed in recent years. The appeal site is within a suburban setting and surrounded by older suburban estate type developments. The locality is therefore characterised by mainly one and two-storey houses spread across terrace and semi-detached houses.

However, there are also some larger detached dwellings on more spacious plots in the area, some of which face towards the Upper Newcastle Road. In recent years, some of these sites have been redeveloped for more intensive forms of housing, including apartments. Examples of this include Reg. Refs. 20/248 and 02/539.

4.1. Galway City Development Plan 2023-2029

Background

- 4.1.1. The Galway City Development Plan 2023-2029 ('Development Plan' / 'CDP') sets out the policies and objectives for the development of Galway City over the plan period. The Elected Members of Galway City Council adopted the CDP at a Full Council Meeting held on the 24th November 2022.
- 4.1.2. The CDP came into effect on the 4th of January 2023.

Zoning

- 4.1.3. The appeal site is zoned 'R – Residential' in the Galway City Development Plan 2023 – 2029, where the objective is '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'.

Chapter 3 Housing and Sustainable Neighborhoods

- Section 3.6 is in relation to 'Sustainable Neighbourhoods: Established Suburbs'.

Chapter 8 Built Heritage, Placemaking and Urban Design

- Section 8.7 is in relation to 'Urban Design and Placemaking'.

Chapter 10 Compact Growth and Regeneration

Chapter 11 Land Use Zoning Objectives and Development Standards and Guidelines

- Section 11.3 is in relation to Residential Development. It states that in considering residential development proposals, the Council shall have regard to a broad range of issues, including:
 1. Design quality (urban design, architecture, landscape, biodiversity, DMURS, SUDS)
 2. Site features and context
 3. Residential Density
 4. Building Height

5. Residential mix (dwelling type, size, tenure, and specialist housing)
6. Existing neighbourhood facilities and the need for additional facilities
7. Integration with the surrounding environment in terms of built form and the provision of walking / cycling permeability
8. Infrastructural requirements with respect to water will require evidence to be provided by the developer of consultation with Irish Water prior to applying for planning permission to ensure that adequate water services will be available to service the development and that existing water services will not be negatively impacted.

Section 11.3.1 (c) is in relation to 'Amenity Open Space Provision in Residential Developments' and states that all residential developments shall provide for amenity open space areas made up of the following ratios (see CDP for further information, Pages 299 to 300):

Section 11.3.1 (d) is in relation to 'Overlooking' and states that:

- Residential units shall generally not directly overlook private open space or land with development potential from above ground floor level by less than 11 metres minimum.
- In the case of developments exceeding 2 storeys in height a greater distance than 11 metres may be required, depending on the specific site characteristics.
- With regard to domestic extensions, architectural resolutions to prevent overlooking may be considered, where the linear 11m standard is marginally less, and the overlooking impact is reduced through design.

Section 11.3.1 (e) is in relation to 'Daylight' and states that all buildings should receive adequate daylight and sunlight. All habitable rooms must be naturally ventilated and lit and living rooms and bedrooms shall not be lit solely by roof lights. Daylight sunlight and/or overshadowing assessment, utilising best practice tools, may be required to assess the impact of development on the amenity of adjoining properties. The requirement for such assessments will be agreed with the planning authority prior to planning application. In this regard, development shall be guided by the quantitative performance approaches and recommendations under the 'Site Layout Planning for Daylight and Sunlight' (2nd edition): A Guideline to Good

Practice (BRE 2011) and BS 8206-2: 2008 – ‘Lighting for Buildings – Part 2: Code of Practice for Daylighting’ or any updated guidance.

Section 11.3.2 (f) is in relation to ‘distance between dwellings for new residential development’ and states:

- The distance between side gables and side boundaries of dwellings shall generally be a minimum of 1.5 metres.
- Within all other residential developments, including apartment buildings and large dwellings, (greater than 200m²), the distance between buildings shall generally be greater unless deemed acceptable under specific site performance-based criteria, this is to provide a good layout and context for the development.

Other Relevant Chapters

Chapter 9: Environment and Infrastructure

4.2. Galway City Council – Urban Density and Building Heights Study

The Galway City Urban Density and Building Heights Study (2021) (Density & Heights Study) sets out density and building height ranges which are open for consideration in various parts of the city centre. The study states that the densities and heights are not absolute measures to be pursued or achieved and that each site should be considered on its merits.

- Section 18.2 of the Study requires that with regards to height:
Heights open for consideration: Between 2 - 3 within the established suburbs, rising to between 2 - 4 at key community centres and nodes and that infill development along the main street should respect the prevailing height.
- Section 19.2 states that for this area where there are opportunities for infill housing development, densities of 30dph rising to around 50dph around key community centres, and along key public transport corridors, would be appropriate subject to local conditions.

4.3. **National and Regional Planning Policy**

National Policy

- The National Planning Framework, 2025
- Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities, 2024 ('Compact Settlement Guidelines').
- The Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities, 2022 ('Apartment Guidelines')
- Design Manual for Urban Roads and Streets, 2019 ('DMURS').
- BRE Guide 'Site layout Planning for Sunlight and Daylight', 2011
- Flood Risk Management Guidelines for Planning Authorities, 2009
- Development Management Guidelines for Planning Authorities, 2007 ('Development Management Guidelines')

Regional Policy

- Regional Spatial and Economic Strategy (RSES) for the Northern and Western Region, 2020-2032

4.4. **Natural Heritage Designations**

The subject site is not directly located within, or directly adjacent, any European Site.

The following Natural Heritage Designations are of note:

SAC's

- The nearest European Site is the Lough Corrib SAC (Site Code: 000297), which is roughly 320m to the east at its nearest point.
- The Galway Bay Complex SAC (Site Code: 000268) is roughly 2km to the south.
- The Connemara Bog Complex SAC (Site Code: 002034) is roughly 11.5km to the west.

SPA's

- The Lough Corrib SPA (Site Code: 004042) is roughly 1.7km to the north.
- The Inner Galway Bay SPA (Site Code: 004031) is roughly 1.9km to the southeast.
- The Connemara Bog Complex SPA (Site Code: 004181) is roughly 15.8km to the west.

NHA

- The Moycullen Bogs NHA (Site Code: 002364) is roughly 1.7km to the west at its nearest point.

pNHA's

- The pNHA Lough Corrib (Site Code: 000297) is roughly 330m to the east.
- The pNHA Galway Bay Complex (Site Code: 000268) is roughly 2km to the southeast.
- The pNHA Ballycuirke Lough (Site Code: 000228) is roughly 10.2km to the northwest.
- The pNHA Connemara Bog Complex (Site Code: 002034) is roughly 11.3km to the west.

4.5. EIA Screening

- 4.5.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment.
- 4.5.2. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

5.0 The Appeal

5.1. Grounds of Appeal

The First Party Appeal was received by the Board on 18th December 2024. It provides an introduction, description of the site context, a description of the proposed development, and an outline of the relevant planning history and planning policy.

It also set out the grounds of appeal which is summarised as follows:

Design, Scale and Massing

- The first reason for refusal does not specify any objective or policy which the proposal contravenes. Instead, it is general in nature.
- The proposed development is for a standalone scheme and is of a modern energy efficient architectural design that would improve the public realm. It would integrate with recently permitted apartment developments in the area.
- It has been designed to minimise overlooking and would not unduly interfere with the daylight of other existing properties (see attached shadow diagrams).
- The separation distances are acceptable.
- This is a suburban site where the character of the area is changing. A precedence has been set in the area for redeveloping sites which presently accommodate detached dwellings for higher density schemes. This is in accordance with national, regional and local policy by achieving compact settlements.
- The site is within walking distance of Galway City and NUIG and is served by a bus connection beside the site.
- The proposed development is acceptable in terms of mass and scale and does not impact on the amenities of adjoining properties. It would result in the sustainable redevelopment of this suburban site.

Inadequate daylight and sunlight

- All 12 apartments would receive adequate light and ventilation.

- Eight apartments are dual aspect which is more than the requirement of 50% as stipulated in SPPR 4 of the 'Apartment Guidelines'.
- The top floor has skylights / roof lights into the living/kitchen/dining rooms.
- The living rooms of the one-bedroom apartments at the groundfloor and first floor are dual aspect.
- All habitable rooms are naturally ventilated and will receive adequate daylight in accordance with the Guidelines and the Development Plan.
- Contrary to the reason for refusal, there is no living room that is lit solely by roof light as each living room has glazed doors with window openings either facing east or west (see Figure 8 of appeal).

Note: Appendix B of the appeal submission includes a set of shadow diagrams.

6.0 **Assessment**

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

- Density, Design, Scale and Massing
- Sunlight and Daylight

6.1. **Density, Design, Scale and Massing**

Context

- 6.1.1. The appeal site comprises an existing residential property in the western suburbs of Galway City. It has an address at 99 Upper Newcastle Road, Galway, H91 C5FE.
- 6.1.2. The site accommodates an existing single storey detached house and associated out buildings. The house is setback from the established building line and faces onto the Upper Newcastle Road (N59). It sits on a slightly elevated position. A spacious front garden takes up the majority of the site and a mature strip of trees are positioned on part of its southeastern boundary. The trees are proposed to be removed.

- 6.1.3. The proposed development is for the demolition of the existing dwelling and sheds and the construction of a residential apartment scheme. The scheme was amended as part of further information, and clarification of further information, as submitted by the Applicant to the Planning Authority. This was to address concerns raised by the Council in relation to scale, mass, overshadowing and overbearance, as well as other concerns.
- 6.1.4. Therefore, the version of the scheme before the Board for consideration comprises 12 apartments in a single block near the centre of the site. The block is three storeys in height with the upper floor setback a small distance. It has a height of c. 8.9m (to parapet level) and a length of c.31m along the side boundaries of the site (north and south, generally). There is a small smoke shaft near the centre of the block which extends upwards a further 1.5m approx.
- 6.1.5. The Planning Authority's first reason for refusal is in relation to excessive scale and massing, and proximity of the proposed development to its side boundaries. It is also stated in the Decision that the apartment block would be of an excessive length such that this – together with the height and scale of the block – would lead to significant overbearance and negatively impact upon the residential amenity of adjacent properties. The Applicant argues that the Decision does not reference any specific policies or objectives from the Galway City Development Plan 2023-2029. They also state that the scheme would improve the public realm.

Zoning

- 6.1.6. The site is zoned 'R – Residential' in the Galway City Development Plan 2023 – 2029. Its objective is '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'. The proposed development would provide a higher density residential scheme on the site and would generally be in accordance with the zoning objective for the site, but only if it can be established that the residential amenity of the receiving area is protected.
- 6.1.7. Therefore, while the principle of a more intensive form of residential development may potentially be appropriate on the site, the Applicant is also required to demonstrate that there would not be an unacceptable impact arising in terms of visual and residential amenity for other nearby and adjoining properties.

Density

- 6.1.8. In terms of density, I note that the site is within a suburban setting. It is surrounded by older suburban estate type developments. There are also some larger detached dwellings on more spacious plots facing towards the Upper Newcastle Road. Some of these sites have been redeveloped for more intensive forms of residential housing in recent years, including apartments.
- 6.1.9. Both the Council's Planners Reports and Applicant reference nearby sites where permission has been granted for these types of higher-density, infill apartment schemes. For example, the Planning Authority under Reg. Ref. 20/248 permitted an independent living scheme of 10 one-bedroom units in a three-storey block in November 2020. The site has an address at 111 Upper Newcastle Road and the permitted density equated to 110 units per hectare (uph). The Planning Authority also permitted the construction of 8 apartments under Reg. Ref. 02/539 in September 2002. In this case, the site had an address 115 Upper Newcastle Road, and the permitted density equated to 125 uph.
- 6.1.10. Notwithstanding this, I note that given the specific circumstances that apply to the site given the presence of other residential properties in the area and highlight for the attention of the Board that careful consideration must be given to the protection of existing residential amenity pertaining to adjoining lands and properties. In this regard, I note that the Planning Authority recently refused permission for a proposal involving the appeal site (September 2023).
- 6.1.11. This application sought permission for the demolition of the existing house and sheds and the construction of two apartment blocks (18 no. apartments in total), alterations to the existing vehicular site entrance, carparking facilities and ancillary site works. The reasons for refusal were in relation to an overprovision of one-bedroom units, excessive building height, excessive density, overshadowing of adjacent residential properties, poor layout and insufficient separation distances between buildings, excessive scale, massing and overbearance, insufficient private amenity space, and excessive shortfall in car parking provisions, respectively. [A first party appeal was subsequently lodged with the Board but deemed invalid].

6.1.12. Therefore, while a higher density may be appropriate in principle on the site, it is important to fully consider the site context and its receiving environment before determining an appropriate residential density. The relevant document in this case is the 'Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities, 2024 ('Compact Settlement Guidelines')'. The Guidelines under Section 3.3 'Settlements, Area Types and Density Ranges 3.3.1 Cities and Metropolitan (MASP) Areas') state that:

'City - Suburban/Urban Extension Suburban areas are the low density car orientated residential areas constructed at the edge of cities in the latter half of the 20th and early 21st century, while urban extension refers to greenfield lands at the edge of the existing built-up footprint that are zoned for residential or mixed-use (including residential) development. It is a policy and objective of these Guidelines that residential densities in the range 35 dph to 50 dph (net) shall generally be applied at suburban and urban extension locations in Limerick, Galway and Waterford, and that densities of up to 100 dph (net) shall be open for consideration at 'accessible' suburban / urban extension locations (as defined in Table 3.8).' [Emphasis added.]

6.1.13. I note that the CFI version of the scheme would have a density 84uph. This is derived from 12 units on a site measuring 0.148ha. I am satisfied that this density is in accordance with Table 3.8 ('Accessibility') of the Compact Settlement Guidelines. This is particularly the case given the proximity of the site to existing bus stops, which are served by regular bus routes and services, and that the site can be described as an 'accessible location' for this reason.

Design, Scale and Massing

6.1.14. In terms of design, scale and massing, I note that the Planning Authority raised particular concerns regarding the length, extent and height of the proposed apartment block in relation to the rear gardens of dwellings situated to the north and south of the appeal site. The Planner's Report (signed by the Planning Officer on 25th November 2024) also states that the height and length of the building is a concern and that this would lead to significant scale, massing and overbearing issues.

- 6.1.15. I note that the proposed apartment block adopts a conventional rectangular format and is setback roughly 1.8m and between 1.5m and 3.2m from its northern and southern boundaries, respectively. This is evident from viewing the proposed site layout (Drwg. No. PP.03, Rev. 2) and the elevational drawings (Drwg. No. PP.002.01, Rev. 2) on the file.
- 6.1.16. However, before examining the potential amenity impact on adjoining residential lands, I should say that I consider the presentation of the proposed scheme onto the street frontage as acceptable. It would make for an appropriate insertion as an infill scheme within the context of this particular streetscape. The block is well setback and the area of surface car parking lying in front would be adequately landscaped and screened. The structure would be positioned deep within the site such that it would not be excessively visible from the street (i.e., the Upper Newcastle Road). However, it is partly because of this generous front setback that the bulk of the proposed development has been focussed on the centre of the site and this, unfortunately for the Applicant, has resulted in other difficulties in terms of design, layout, scale, and microclimatic impacts.
- 6.1.17. It is evident that the proposed apartment block would be positioned very close to the rear gardens of residential properties to the sides of the appeal site. As noted above, the proposed development has a height of c. 8.9m (to parapet level) and a length of c.31m along the rear boundary of the site. There are a series of windows – some large – facing directly towards the properties north and south of the appeal site, albeit some of these have obscured glazing to assist with overlooking issues. I note that while there is a setback provided for the upper floor on each side of the structure, this is relatively small, and that the top level would still likely be visible from most vantage points off the site.
- 6.1.18. I would also note the comments of the Planning Authority in relation to this facet of the design. The Planner's Report (Page 15) notes that the Applicant, as a solution to overlooking, proposes angled obscured windows for all side elevation windows, while opposing bedroom windows are to be screened with a louver. The Report goes on to state that these solutions are not acceptable and are poor retrofit solutions to a poor design. An example of this thoughtless design is to obscure and angle the groundfloor windows, which do not overlook anything, are not necessary, and were sought for this floor.

- 6.1.19. I consider that the proposed development would be a significant physical intervention in the site, particularly so when viewed from the adjoining properties to the north and south. In my opinion, the proposed apartment block would result in a significant and unacceptable departure from the existing residential character of the area. The application does not include a full visual impact assessment or detailed booklet of photomontages, as would be expected for such infill schemes where visual impact and impact on residential amenities are key considerations. This is a deficiency in the application, in my opinion. [I note that there is a document on the file entitled 'Visual Impact Assessment' (date stamped 14/03/2024). However, this provides no actual analysis or viewpoints which assist in the assessment of the proposed development on properties to the north, south or west of the appeal site.]
- 6.1.20. In summary, I consider that were such a scheme to proceed that it would visually jar and be incongruous with its surrounding environment. The proposal is not in accordance with the provisions of the Galway City Development Plan 2023-2029, including Policy 8.7 (Dot Point 9) which requires that proposals for buildings which are taller than the prevailing benchmark heights should only be considered where they do not have an adverse impact on residential amenity in accordance with the Urban Density and Building Height Study, and that of Section 3.6 of the CDP which states that infill development will be required to have regard to the existing pattern of development, plots, blocks, streets and spaces and should not be of such a scale that represents a major addition to, or redevelopment of, the existing urban fabric.
- 6.1.21. The proposed development would also not be in accordance with the zoning for the site ('R – Residential'), in my opinion, as the zoning requires residential development *'to ensure the protection of existing residential amenity'* and this, in my opinion, has not been achieved by the application.
- 6.1.22. I conclude that the design, layout, orientation, scale and massing of the proposed development would give rise to unacceptable overbearing and domineering impacts on the adjoining properties to the north and south of the appeal site, such that it would seriously injure the visual and residential amenities of the receiving environment.
- 6.1.23. The proposed development should be refused permission for these reasons.

6.2. Sunlight and Daylight

Sunlight

- 6.2.1. The Planning Authority's second reason for refusal is that the proposed development would receive inadequate daylight and sunlight due to its layout and configuration of windows. I note that Section 11.3.1(e) of the Development Plan explicitly states that all developments should receive adequate daylight and sunlight. It requires that development shall be guided by the quantitative performance approaches and recommendations under the 'Site Layout Planning for Daylight and Sunlight' (2nd edition): A Guideline to Good Practice (BRE 2011) and BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting' or any updated guidance ('the BRE Guidelines').
- 6.2.2. I will address the issue of sunlight first, noting that the appeal submission is supported by a series of shadow diagrams. The diagrams are contained in a report entitled 'Shadow Profile for Further Information'. The purpose of the diagrams is to illustrate how the new development would cast shadows on certain days and months of the year, particularly in relation to surrounding properties and buildings.
- 6.2.3. The diagrams are also useful in terms of gauging whether adequate sunlight will be available to the communal amenity space serving the proposed development. In this regard, I note that the private open space has been positioned in a location that would maximise its access to direct sunlight. The space occupies the rear (western) part of the property. In terms of sunlight, I note that an amenity space can be regarded as being of sufficient quality under the BRE Guidelines if more than 50% of the space achieves at least two hours of sunlight on 21st March. Having viewed the shadow diagrams, I am satisfied that this would be the case, and that the required test regarding the provision of sunlight to the communal amenity space can be met.

Daylight

- 6.2.4. Regarding the provision of daylight to the proposed apartments, I note that the application does not include an assessment of the BRE Guidelines. This would be typically required to aid in the assessment of a high-density apartment scheme on a relatively tight infill site such as this. The analysis could have been provided as part of the appeal to the Board, but that is not the case.

- 6.2.5. Section 11.3.1(e) of the CDP states that all habitable rooms must be naturally ventilated and lit and living rooms and bedrooms shall not be lit solely by roof lights. The Apartment Guidelines also state that the provision of acceptable levels of natural light for new apartments is an important planning consideration as it can contribute to the liveability and amenity enjoyed by residents. The CDP therefore requires the proposed development to be informed by an assessment informed by the BRE Guidelines.
- 6.2.6. In the absence of this assessment, it is difficult to ascertain whether the apartment units would receive an adequate amount of internal daylight given their orientation and size and, in some cases, what might be described as relatively small windows serving larger rooms. I note also the use of obscured glazing in several of the kitchen / living / dining rooms and bedrooms. Obscured or frosted glass typically has a lower light transmittance compared to clear glazing. This means less daylight will typically enter the room and daylight calculations can be affected. The use of obscured glass could therefore undermine the physical and mental wellbeing and overall quality of life for future occupants of the apartments.
- 6.2.7. Furthermore, the BRE Guidelines state that windows with obscure glazing should not be relied upon when assessing daylight provision. This is particularly the case where such windows are the only daylight source for a room which, I note, is the situation for some of the proposed bedrooms (see Apartment Nos. 10 and 12). A bedroom qualifies as a habitable room where residents may spend extended periods of time and where good levels of daylight are important for wellbeing and comfort. This is a significant deficiency in the proposed scheme, in my opinion, and I am not satisfied that the issue of daylight provision has been properly addressed within the application.
- 6.2.8. In conclusion, I am not satisfied that the proposed development would have adequate levels of daylight provision. The application is not in accordance with the provisions of the Galway City Development Plan 2023-2029, including Section 11.3.1(e), the Apartment Guidelines or the BRE Guide for Site layout Planning for Sunlight and Daylight.
- 6.2.9. The proposed development should be refused for this reason.

7.0 Appropriate Assessment - Screening

Development can be screened out at Stage 1

- 7.1. The appeal site is not directly affected by, or adjacent to, any designated European Sites. The nearest European Site is Lough Corrib SAC (Site Code: 000297), which is roughly 320m to the east at its nearest point.
- 7.2. I note also that:
- the Lough Corrib SPA (Site Code: 004042) is roughly 1.7km to the north,
 - the Inner Galway Bay SPA (Site Code: 004031) is roughly 1.9km to the southeast, and
 - the Galway Bay Complex SAC (Site Code: 000268) is roughly 2km to the south.
- 7.3. The application is not accompanied by an AA Screening Report or Natura Impact Statement. However, it is clear that the proposed development could not have any effect on a European site, in my opinion. This is based on the nature, scale, timing, duration and location of the development being unconnected to a European site and that there is an absence of any hydrological connection between the subject lands and of the above-listed European Sites.
- 7.4. The proposal is for a relatively small infill development situated on a brownfield site which accommodates an existing dwelling. The site is in a built-up and established urban environment and there is no connection to any ecological receptors that are linked to a Natura 2000 Site. The application does not include any measures which are intended to avoid or reduce potentially harmful effects on a European site. Furthermore, the new development would be connected to the existing public sewer serving the area.
- 7.5. Having regard to the nature and modest scale of the proposed development, which is for the demolition of an existing house and sheds and the construction of 12 no. apartments on an existing brownfield and infill site, the separation distances from the nearest European Sites, and that the proposal would connect into and would be adequately served by the existing public sewer network, it is considered that no Appropriate Assessment issues arise.

7.6. Therefore, and in summary, it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on any European Site and the requirement for a Stage 2 Appropriate Assessment is not required in this instance.

Finding of No Likely Significant Effects

7.7. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Site, including the Lough Corrib SPA (Site Code: 004042), the Inner Galway Bay SPA (Site Code: 004031), or the Galway Bay Complex SAC (Site Code: 000268), in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

7.8. This conclusion is based on the following:

- the proposed nature of works, which are small in scale and nature and comprise the construction of 12 apartments and related sites works on a brownfield (infill) site in an existing urban and built-up area,
- the location and distance from the nearest European site and lack of any ecological connection(s), including a waterbody, such as a river, stream, drainage channel, or ditch, and
- the proposal would connect into, and be adequately served, by the existing public sewer network operated by Uisce Éireann.

8.0 Recommendation

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

9.0 Reasons and Considerations

- 9.1. Having regard to the existing built form and character of the area, the configuration of adjacent residential properties next to the appeal site, and the design, layout, orientation, scale and massing of the proposed apartment block; it is considered that the proposed development would be incongruous, visually obtrusive, overbearing, and fail to achieve the high quality design required to respect the existing character and amenity of adjoining properties. The proposal would therefore seriously injure the visual and residential amenities of the area, be contrary to the stated policy of the Planning Authority, as set out in the Galway City Development Plan 2023-2029, including the zoning objective for the site ('R – Residential') which has the objective 'to provide for residential development and for associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods'. Furthermore, it is considered that the proposed development would be contrary to Section 3.6 of the Development Plan, which requires infill development to have regard to the existing pattern of development, plots, blocks, streets and spaces, and should not be of such a scale that represents a major addition to, or redevelopment of, the existing urban fabric. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
- 9.2. The proposed development due to its poor layout, configuration of windows, and excessive use of obscure glazing, would be contrary to the provisions of the Galway City Development Plan 2023-2029, including Section 11.3.1(e) Daylight, which requires that all buildings should receive adequate daylight. It is considered that the proposed development would also be contrary to the 'Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities (2022)' and the 'Site Layout Planning for Daylight and Sunlight' (2nd edition): A Guideline to Good Practice (BRE 2011) and BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. 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].

Ian Boyle
Planning Inspector

11th June 2025

Appendix A: Form 1 EIA Pre-Screening

Case Reference	ABP-321493-24
Proposed Development Summary	The proposed development is for the demolition of an existing dwelling house and sheds and the construction of a residential apartment scheme comprising 12 no. apartments.
Development Address	The appeal site comprises an existing residential property in the western suburbs of Galway City. It has an address at 99 Upper Newcastle Road, Galway City, H91 C5FE.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.

2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	NA
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	

<p>✓ Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, provides that an Environmental Impact Assessment (EIA) is required for Class 10(b)(iv) urban development which would involve an area greater than 2 hectares (business district) 10 hectares (built up area) or 20 hectares (elsewhere).</p> <p>Preliminary examination required. (Form 2). See below under Appendix B.</p>
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4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	
No ✓	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: Ian Boyle

Date: 11 June 2025

Appendix B: Form 2 EIA Preliminary Examination

Case Reference	ABP-321493-24
Proposed Development Summary	The proposed development is for the demolition of an existing dwelling house and sheds and the construction of a residential apartment scheme comprising 12 no. apartments in total.
Development Address	The appeal site comprises an existing residential property in the western suburbs of Galway City. It has an address at 99 Upper Newcastle Road, Galway City, H91 C5FE.
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).	<p>The size, design and nature of the proposed development is not exceptional in the context of its existing environment. The surrounding area comprises a mix of mainly residential development with some employment, commercial, education and retail uses in the wider locality.</p> <p>The vintage and style of housing in this area is mixed. There is a variety of single detached houses on large plots, older suburban estate type housing, and newer higher-density infill schemes and apartments blocks, respectively.</p> <p>The appeal site is zoned 'R – Residential' in the Galway City Development Plan 2023 – 2029, where the objective is 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.</p>

	<p>During the construction phase the proposed development would generate demolition waste. This would be mainly through the removal of the existing house, levelling of the site and various other groundworks required to accommodate the new development.</p> <p>However, given the relatively modest size of the proposed development, which is for 12 apartments, I do not consider that the demolition waste arising would be significant in a local, regional or national context.</p> <p>No significant waste, emissions or pollutants would arise during the operational phase due to the nature of the proposal, which for residential use.</p>
<p>Location of development</p> <p>(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).</p>	<p>Briefly comment on the location of the development, having regard to the criteria listed</p> <p>The appeal site is not directly affected by, or adjacent to, any designated European Sites.</p> <p><u>SAC's</u></p> <ul style="list-style-type: none"> • The nearest European Site is the Lough Corrib SAC (Site Code: 000297), which is roughly 320m to the east at its nearest point. • The Galway Bay Complex SAC (Site Code: 000268) is roughly 2km to the south. • The Connemara Bog Complex SAC (Site Code: 002034) is roughly 11.5km to the west. <p><u>SPA's</u></p> <ul style="list-style-type: none"> • The Lough Corrib SPA (Site Code: 004042) is roughly 1.7km to the north.

	<ul style="list-style-type: none"> • The Inner Galway Bay SPA (Site Code: 004031) is roughly 1.9km to the southeast. • The Connemara Bog Complex SPA (Site Code: 004181) is roughly 15.8km to the west. <p>It is considered that no Appropriate Assessment issues arise, and the proposed development would not be likely to have a significant effect, individually, or in combination with other plans or projects, on any European Site.</p> <p>There is no potential for significant ecological impacts given the proximity of other residential housing and I do not consider that there is potential for the proposed development to negatively affect other environmental sensitivities in the area.</p> <p>The proposed development includes landscaping and planting to help soften the visual appearance of the new building. However, this would also provide some which would help provide some level of foraging and resting opportunities for birds and other species.</p>
<p>Types and characteristics of potential impacts</p> <p>(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>Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.</p> <p>The site is in an existing urban, residential area. The proposal is for the construction of 12 infill apartments in a single block. I do not consider there is potential for significant impacts in terms of those described.</p>

Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	<p>EIA is not required.</p> <p>The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.</p>
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	NA
There is a real likelihood of significant effects on the environment.	NA

Inspector: Ian Boyle

Date: 11 June 2025

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)