



An
Coimisiún
Pleanála

Inspector's Report

ABP-322383-25

Development	Permission for the demolition of an existing single storey extension and for the construction of a single storey detached dwelling,
Location	No 58, John Coogan Park, Newcastle, Galway City
Planning Authority	Galway City Council
Planning Authority Reg. Ref.	25/7.
Applicant	John Burke
Type of Application	Permission
Planning Authority Decision	Refuse planning permission
Type of Appeal	First Party v Decision
Appellant	John Burke.
Observer(s)	Four received
Date of Site Inspection	17 th day of June 2025
Inspector	Fergal Ó Bric

1.0 Site Location and Description

- 1.1 The appeal site has a stated area of 0.048 hectares and is centrally located within the established 'John Coogan Park' residential development which is located on the eastern side of the 'Siobhan McKenna' Road and north east of the Westside shopping centre and the 'Seamus Quirke' Road (the N6) and west of the Thomas Hynes (N59) road. The appeal site is located approximately three and a half kilometres north-west of Galway City centre (Eyre Square).
- 1.2 The appeal site comprises an established two storey semi-detached dwelling with an attached single storey extension which is surrounded by a walled masonry wall with a height of approximately 1.8 metres. There is on site carparking within the site curtilage. The red line appeal site boundary extends beyond the walled garden area and includes an unused waste ground area, surrounded by a 1.2 metre masonry wall where grass cuttings were being dumped. The appeal site narrows slightly from north-west to south-east, towards the front of the property. The appeal site is surrounded by other two storey semi-detached and terraced dwellings within the John Coogan Park residential development, further, north, south, east and west of the appeal site. The internal service road within the residential development runs along the western and southern boundaries of the appeal site. Alongside the internal service road is a public footpath, grass verge and public street lighting. There is an area of public open space located south-west of the appeal site on the opposite side of the internal service road.
- 1.3 The topography of the site falls gradually from north-east to south-west towards the front of the site. Site levels vary from c. 11.14 metres OD Malin in the north-eastern section of the site to c. 10.00 metres OD Malin in the south-western section of the site.
- 1.4 There are a number of bus stops located in proximity to the appeal site, along the Siobhan McKenna road to the north-west of the appeal site and two bus stops (along routes 401, 404 and 405) located proximate to the appeal site, one on either side of the Seamus Quirke Road (N6), adjacent to the Parkside Shopping centre, located approximately 340 metres south-west of the appeal site boundary. There is footpath connectivity linking the appeal site to the bus stops. There is a public footpath and street lighting along the appeal site road frontage leading towards Galway city centre.

2.0 Proposed Development

2.1 The development as proposed would comprise:

- Demolition of the existing single storey attached extension to the side of the existing dwelling on site (floor area 23 square metres).
- Permission to construct a single storey dwelling (92 square metres).

2.2 The Planning Authority carried out an Appropriate Assessment (AA) screening exercise and concluded 'Having regard to the limited nature and scale of the proposed development within a built up urban area, with connections to existing services, and the absence of connectivity to European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually, or in combination with other plans or projects on these European sites'.

2.3 The Planning Authority carried out a preliminary Environmental Impact Assessment (EIA) screening exercise and concluded 'Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity of the site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required'.

3.0 Planning Authority Decision

The Planning Authority issued a Notification of Decision to refuse planning permission on the 1st day of April 2025 for two reasons as follows:

- 1- The Galway City Development Plan 2023-2029, Section 3.6 Sustainable Neighbourhoods-Established suburbs states 'Potential exists in the established suburbs for smaller infill development opportunities which can enhance the diversity of house type and contribute to local character. 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, The protection of

existing residential amenity and character is a priority but must be balanced with opportunities for sustainable high quality regeneration and appropriately scaled infill'. In this case, the new single storey dwelling positioned on a corner site, is located within direct views of all persons/traffic entering the estate, has breached the established building line to the north and, if permitted, the dwelling would have an obtrusive feature positioned beyond the front building line of the dwellings to the north, would be a prominent negative visual feature within an established housing estate area, be out of character with the prevailing pattern and architectural symmetry of residential development and would adversely impact upon the residential amenities of the area and contrary to the policies of the Galway City Development Plan 2023-2029.

- 2- The applicant has failed to provide sufficient legal interest, consent of permission for the inclusion and development of the eastern strip of land, which also contains Uisce Eireann assets, and if permitted, would adversely impact water service infrastructure and be contrary to the proper planning and sustainable development of the area.

3.1 Planning Authority Reports

Planning Report

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

3.2 Other Technical Reports

Drainage Section: No objections.

3.3 Prescribed Bodies

None received.

3.4 Third Party Observations

The report of the Planning Officer states that four no third-party observations were received. The main issues raised within the observations related to the following matters:

- The site was designated as an area of communal space within the original development as permitted.
- The proposed dwelling would be located in close proximity to the site boundaries.
- No landscaping proposals have been submitted.
- Is there sufficient capacity available within the piped water services to serve the development.
- The development could increase the risk of flooding in the area.
- The dwelling is not consistent with the design of adjacent dwellings in the area.
- The site has a modest area and would result in overdevelopment of the site and would be out of character within the estate,
- There is insufficient car parking to serve the dwelling.
- The development would generate considerable noise during the construction period.

4.0 Planning History

I am not aware of any relevant planning history pertaining to the appeal site.

5.0 Policy Context

5.1 Development Plan

5.1.1. The Galway City Development Plan (GCDP) 2023-2029 came into effect on the 4th day of January 2023 and is the relevant development plan.

5.1.2 The appeal site is zoned 'Residential' (R) under the Galway City Development Plan 2023 – 2029, with an objective 'to provide for residential development and for

associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods.

5.1.3. The appeal site is located within the 'Established Suburbs' (see Fig. 3.1 within the Galway City Development Plan 2023 – 2029).

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

Section 3.6 Sustainable Neighbourhoods Established Suburbs. Within the established suburbs – 'Potential exists in the established suburbs for smaller infill development opportunities which can enhance the diversity of house type and contribute to local character. 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. The protection of existing residential amenity and character is a priority but must be balanced with opportunities for sustainable high-quality regeneration and appropriately scaled infill'

- Policy 3.5 - Sustainable Neighbourhood Established Suburbs

(1) Facilitate consolidation of existing residential development and densification where appropriate while ensuring a balance between the reasonable protection of the residential amenities and the character of the established suburbs and the need to provide for sustainable residential development and deliver population targets.

(2) Encourage additional community and local services and residential infill development in the established suburbs at appropriate locations.

- Policy 8.7 - Urban Design and Placemaking

- Encourage high quality urban design in all developments.
- Promote the reuse and adaptation of derelict and vacant buildings.

Chapter 11, Part B includes development standards and guidelines, the following are of relevance to this assessment:

Section 11.3.2-Established suburbs which in the main references the Development Management standards for the Outer city suburbs.

5.2 National Policy

National Planning Framework 'Project Ireland 2040'

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

- National Policy Objective 2a: A target of half (50%) of future population and employment growth will be focused in the existing five cities and their suburbs.
- National Policy Objective 3a: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.
- National Policy Objective 3b: Deliver at least half (50%) of all new homes that are targeted in the five cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.

5.3. Ministerial Guidelines

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

- Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024).
- Design Manual for Urban Roads and Streets (2019).
- Appropriate Assessment of Plans and Projects in Ireland, Guidelines for Planning Authorities, 2010.

5.4 Natural Heritage Designations

- Lough Corrib SAC (Site Code: 000297), is located approximately 1.03 kilometres north-east of the appeal site.
- Lough Corrib SPA (Site Code: 004042), is located approximately 1.03 kilometres north-east of the appeal site
- Galway Bay Complex pNHA (Site Code: 000268), c. 1.71 kilometres south-east of the appeal site.
- Galway Bay Complex SAC (Site Code: 000268), c. 1.71 kilometres south-east of the appeal site.
- Inner Galway Bay SPA (Site Code: 004031), c. 1.91 kilometres south-east of the appeal site.

5.5 EIA Screening

(See Form 1 attached). Having regard to the limited nature and scale of development on a residentially zoned and serviced brownfield site 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.

5.6 WFD Screening

The appeal site is located approximately 1.03 kilometres south-west of the nearest boundary of the Lough Corrib SAC (site code 000297).

The proposed development relates to the demolition of an existing single storey side extension and the construction of a detached single storey dwelling in its place, within the confines of an established residential development. The detailed development description is set out within Section 2.0 of my report above.

Potential for impact upon water quality was not raised by the Planning Authority nor by any of the observers. The appeal site is an urban brownfield one which is fully serviced in that there is access to the public watermains and foul sewer network. The

appeal site is located within Flood zone C as per the flood mapping set out within the current Galway city Development Plan 2023 where a low risk of flooding is identified.

I have assessed the planning documentation and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks to protect and, where necessary, restore surface and ground water bodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, in relation to surface water management, I am satisfied that it can be eliminated from further assessment, as the applicant has demonstrated that there is no conceivable risk to the Lough Corrib SAC in terms of its water quality.

The reason for this conclusion is as follows:

- The location of the subject site, removed from the nearest boundary of the the Lough Corrib SAC.
- The absence of hydrological connections to Lough Corrib or any other Natura 2000 site.

Conclusion

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

6.0 The Appeal

6.1 Grounds of Appeal

The applicant submitted a first party appeal submission addressing issues raised within the Planning Authority (PA) report and specifically addressing the two reasons for refusal as set out within the PA's decision. The issues raised relate to the following matters:

Principle of Development:

- The Council have no objection in principle to the construction of an additional dwelling within the subject site.
- The subject site is presently underutilised.
- The development of this site would be significantly more sustainable than developing on a greenfield site.
- The proposal would accord with Section 3 of the current City Development Plan policy regarding Housing and sustainable neighbourhoods, the Housing and Core Strategies, the Sustainable Neighbourhood Concept and housing Mix.
- The National Planning Framework and the Sustainable Residential Development and Compact Settlement Guidelines (SRDCSG,s) for Planning Authority's (PA. s) 2024, promote higher density housing to achieve compact development within brownfield sites within our cities.

Design and Layout:

- The development would be in keeping with the prevailing architectural character and pattern of development in the area and would not detract from the residential amenity of surrounding properties.
- The proposals are fully consistent with the objectives and policies set out within the current Galway City Development Plan 2023-29 and would conform with the proper planning and sustainable development of the area.
- The City Development plan does not prohibit building line variations, rather it states that development should 'have regard to existing plots and blocks, allowing for sensitive deviations, if well designed'.
- The City Council have routinely granted planning permission for development that deviate from established building lines, at Carn Ard in Newcastle, Galway, and Corrib Park, both of these instances on prominent corner plots, yet the Planners Reports made no reference to a departure from the established building lines. In these instances, it was considered that the deviation from the established building line had no negative impact on the

overall character of the estate, residential amenity of adjoining properties or architectural symmetry of the surrounding area.

- These examples demonstrate that there is sufficient visual capacity within the estate particularly within larger corner plots to accommodate additional residential development without detriment to the character of the area.
- The proposed development proposes no greater impact on the prevailing character than the examples cited above which have supported the effective utilisation of urban zoned serviced lands.
- Due to the quality of the design, it will enhance and not diminish the access to the estate. The City Council permitted a similar style single storey house last year in Newcastle, Galway.
- The existing single storey extension, two-metre-high dividing wall and one-metre-high un-rendered boundary wall offers nothing in terms of architectural merit that needs retaining.
- There is not any residential amenity and character within this section of the site that needs protection.
- The proposed development meets the requirements for car parking spaces (1 space per unit), plot ratio (0.46:1), private open space (not less than 50% of the gross floor area of dwelling).
- The proposed development would comprise a modest single storey dwelling
- Due to its modest scale, it would lend itself to use by older and/or less mobile persons.
- Due to its limited height and footprint, it would integrate appropriately within the streetscape and not result in undue visual or residential amenity impact.
- While the proposed dwelling would be positioned forward of the northern building line, its modest, single storey design means that very little of the structure would be visible above the 2-metre-tall rear boundary wall. The

single storey extension already breaches the established building line to the north.

- The proposed development would not breach the southern building line.
- The proposal strikes a balance between preserving existing residential amenity and character, while offering an opportunity for sustainable, high-quality regeneration on an underutilised site.

Other Issues:

- The refusal of planning permission was unduly influenced by an inaccurate assessment regarding land ownership and the presumed presence of Uisce Eireann infrastructure within the site.
- The Planning Officer's assertion that the applicant has not demonstrated sufficient legal interest in the eastern portion of the site and that Uisce Eireann have infrastructure within this area is factually incorrect.
- Documentation confirming legal interest in the entire site is submitted as part of the appeal submission.
- Documentation illustrating no Uisce Eireann assets being located within the appeal site boundaries is submitted as part of the appeal submission.
- The internal departments within Galway City Council did not raise any objections to the development.
- The site has all the services required to serve an additional dwelling unit.
- The site's location offers close proximity to all essential amenities, all within walking distance and the area is well served by a frequent bus service to /from the city.
- The City Council granted a certificate of Exemption under Section 97(3) of the Planning and Development Act 2000 (as amended), in relation to the requirements to provide for social and affordable housing. This application was accompanied by a certified copy of the land folio including a map

outlining the full extent of the land ownership. A copy of the folio map has been submitted.

- There are no Uisce Eireann assets within the site.
- Photographs of fire hydrants and sluice valve locations outside of the property along the public footpath have been submitted.
- Maps from Uisce Eireann have been submitted illustrating the location of the public water services.
- Correspondence from the applicants' solicitor confirming that the applicant is the owner of the site
- The board is respectfully requested to overturn the decision of the City Council and grant planning permission for the development.

6.2 Planning Authority Response

None received.

6.3 Observations

Four observations were received by the Board from neighbouring residents. The issues raised within the observations related to the following matters:

- The documentation offers no evidence of ownership of the green area to the east of Number 58 John Coogan Park.
- The site was designated as an area of communal space within the original development as permitted.
- There is insufficient area for parking of cars to serve the development.
- There are Uisce Eireann assets running behind the wall within the area to be developed.
- The subject site has a modest area and would result in overdevelopment of the site and would be out of character within the estate.
- The proposed dwelling design is of a poor quality and would constitute substandard development and would be located in close proximity to the site boundaries and would be visually obtrusive in this area and would establish an undesirable precedent.

- The proposal would breach the established building line created by numbers 59-62 in John Coogan Park.
- The private open space provision and separation distance from side boundaries would not comply with current National planning guidance.
- The precedents referenced by the applicants are not comparable to the current proposals.
- Surface water from the proposed development could run into neighbouring properties.
- The development would be contrary to the provisions of the current Galway City Development plan in terms of protecting existing residential amenity and would destroy the architectural symmetry of the original residential development, as permitted.
- The applicant is not resident within number 58 John Coogan Park and has no evident connection or commitment to the local community.
- No confirmation of feasibility from Uisce Eireann has been provided by the applicant.
- The applicant is seeking to maximise the financial return on this property.
- The street is very narrow, and the extra cars parked on the road arising from the development could inhibit access for emergency vehicles and generate a traffic hazard.
- The proposals would be contrary to the residential character that exists within this neighbourhood.
- The development would generate considerable noise during the construction period and result in significant inconvenience for neighbours.

7.0 **Assessment**

7.1 The main issues are those raised within the grounds of the first party appeal and the Planning Report, and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development
- Design and Layout

- Other Issues.
- Appropriate Assessment

7.2 Principle of Development

7.2.1 Within the National Planning Framework (NPF-as revised 2025) Galway is identified as being an important economic driver of national growth and as being a key regional centre within the northern and western region. Urban infill development is specifically referenced in the NPF, Section 4.5. The NPF targets a significant proportion of future urban development within urban infill/brownfield sites within the built footprint of existing urban areas. The Regional Spatial and Economic Strategy (RSES) for the northern and western region has identified the preparation of a Metropolitan Area Strategic Plan (MASP) for Galway city and its surrounds. Section 3.6.3 of the RSES sets out the following 'Galway Metropolitan area has considerable land capacity that can significantly contribute to meeting the housing demands based on population targets set out within the NPF and the RSES. The targets set out within the RSES are that the population within the MASP area is anticipated to grow by 27,500 persons to the year 2026 and by a further 14,500 persons to the year 2031 and the population growth within the city and suburbs is expected to growth by 23,000 persons by 2026 and 12,00 persons to 2031. It is anticipated that 50% of all new homes are to be delivered within the existing built-up footprint and 40% of these on infill/brownfield sites (RPO 3.6.2).

7.2.2 Section 3.6 of the City Development Plan (CDP) is entitled Sustainable Neighbourhoods-Established Suburbs. The potential for smaller infill opportunities exists subject to having regard to the character of the area and respecting existing residential amenities, which is identified 'as a priority'.

7.2.3 I acknowledge the context of the appeal site. The appeal site is located approximately 1.8 kilometres north-west of Eyre Square and is located in proximity to dedicated bus routes linking the appeal site to/from the city centre., further south of the appeal site along the Seamus Quirke (N6) road. The Seamus Quirke Road also forms part of the current Bus Connects network proposals for the Galway suburbs (as per the NTA website) which will provide a bus service every ten-fifteen minutes between the Dublin Road to/from Galway City centre along designated bus routes 401, 404 and 405 linking the appeal site with the city centre and the suburbs of

Merlin, Oranmore, Newcastle, Westside, Parkmore, Mervue, Roscarn, Doughiska and Briar Hill. A 10–15-minute bus frequency from the Seamus Quirke Road to the city centre is proposed under the bus connects project. Two bus stops are located within approximately 340 metres of the appeal site, one linking the appeal site to the city centre and the other going out of the city in a westerly direction towards Salthill. Presently the current bus frequency between the appeal site and the city centre varies from 15 minutes along route 401/405 to 30 minutes along route 404.

7.2.4 I consider from a sequential perspective, the appeal site would be suitable for development, given its access to public water services, its residential zoning status and given its location in proximity (340 metres) from a high frequency bus corridor and the location of the subject site within an established residential development. The current City Development Plan provides for development of the site given its residential zoning and, therefore, is not constrained by Core Strategy provisions.

7.2.5 In conclusion, the current proposals, located on a brownfield infill site on residentially zoned and serviced lands, could provide for an additional housing unit, as provided for within the Core Strategy. Section 3.6 of the CDP 2023 sets out locations suitable for residential development in urban areas, including the within the Sustainable Neighbourhoods-Established Suburbs and would be consistent with the Core and Settlement Strategies as set out in the current City Development Plan 2023-2029.

7.3 Design and Layout

I note that the Planning Authority within their planning assessment did not raise any particular issue with the dwelling design and layout of the development proposals from an overlooking, over shadowing, house type or the quality of residential unit that would be provided. Therefore, it is not considered necessary to specifically address these issues as part of this assessment.

Density:

7.3.1 In relation to the appropriateness of the density of the proposal, the report of the Planning Officer references The Sustainable Residential Development and Compact Settlements, Guidelines (SRDCSG) for Planning Authorities (2024) in terms of developing more sustainable and compact settlements and targeting at least 50% of

new housing growth in the five cities, one of which is Galway. The Planning Authority (PA) did not specifically raise the issue of density within their planning assessment and, therefore, it is considered that the PA did not consider the density of development as proposed to represent an area of concern.

7.3.2 The Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024) provides guidance in respect of the density of residential development at different locations/scales. Table 3.2 (Area and Density Ranges Limerick, Galway and Waterford City and Suburbs) provides three density ranges. In my opinion, the 'City – Urban Neighbourhoods' range is the most relevant typology to the appeal site. This typology is described as including: (i) the compact medium density residential neighbourhoods around the city centre that have evolved over time to include a greater range of land uses, (ii) strategic and sustainable development locations; and (iii) lands around existing or planned high-capacity public transport nodes or interchanges (defined in Table 3.8) all in the city and suburbs area. The appeal site is located in proximity to the Seamus Quirke Road route with a service frequency of 15-30 minutes. The appeal site is located along the Bus Connects route proposal with a service frequency of every 10-15 minutes to/from the city centre. There is presently a bus every 15-30 minutes connecting the two bus stops in proximity to the site, which are located approximately within approximately 340 metres further south-east of the appeal site, along the Seamus Quirke Road, adjacent to the Westside commercial and community complex.

7.3.3 In the context of accessibility, I note that Table 3.8 within the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024) refers to locations within 500 metres walking distance of an existing or planned Bus Connects 'Core Bus Corridor' stop. I note that the appeal site is comfortably within this range, with the existence of two bus stops along the Seamus Quirke Road adjacent to the Westside commercial and community complex.

7.3.4 SPPR 4 (1) of the Urban Development and Building Heights: Guidelines for Planning Authorities (December 2018) provides that 'is a specific planning policy requirement that in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure - the minimum densities for such

locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled “Sustainable Residential Development in Urban Areas (2007)” or any amending or replacement Guidelines. The Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024) have replaced the Sustainable Residential Development in Urban Areas (2007) Guidelines and in this regard, I consider that the density ranges set out in Table 3.2 of the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024) is, therefore, the appropriate guidance in this instance.

7.3.5 The appeal site comprises an area of 0.048 hectares. The applicant is seeking to retain the existing two storey semi-detached dwelling on side and to construct an additional single storey dwelling in the side garden area. This would result in a density of development of 41.6 dwellings per hectare (dph). The current Galway City Development Plan (GCDP) is not explicit in terms of density of development in quantitative terms. The Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024) where the following is set out ‘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. Therefore, a density of 41.6 dwellings per hectare is considered acceptable in principle, subject to adherence to the provisions of Policy 3.6 as set out within the current GCDP, which will be considered in the assessment below.

7.3.6 Residential Amenity:

Open Space:

In terms of private open space, as per the Site Layout Plan as submitted to the Planning Authority (PA) as part of his planning documentation, I consider that the extent of private amenity space provided for the existing and proposed residential units on site at 120 square metres (sq. m) and 53 sq. m would be sufficient and would accord with the Section 11.3.1 (c) amenity open space provision as set out within the current City Development Plan standards. The PA did not raise any issue in relation to the

quality nor quantum of private amenity space provision within its assessment of the proposals.

Infill Development:

As set out within Section 7.2 of the assessment above, the principle of infill development is acceptable within the established suburbs, especially in the context of the current proposals which relate to redevelopment of a brownfield serviced site that have the benefit of a residential land use zoning objective. The provisions of Section 3.6 within the City Plan refers to the development of sustainable neighbourhoods-established suburbs. The following is set out specifically in relation to small infill development opportunities 'Potential exists in the established suburbs for smaller infill development opportunities which can enhance the diversity of house type and contribute to local character. 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. The protection of existing residential amenity and character is a priority but must be balanced with opportunities for sustainable high-quality regeneration and appropriately scaled infill'.

The applicant has failed to illustrate on the Site Layout Plan submitted how the current proposals would relate to the dwellings further north within the John Coogan Park residential development, namely dwellings number 59-62 inclusive, which comprises a block of four terraced units in terms of the building line

In terms of having regard to the existing pattern of development within the John Coogan Park residential development, in relation to plots, blocks and streets, I note that the proposed development would breach the established building line located immediately north of the appeal site, that created by unit number 59-62 within the estate. This matter was raised within a number of the observations received from neighbouring residents

The appellant sets out that the single storey attached extension (to be demolished under the current proposals) already breaches this northern building line. However,

the current proposal relates to an entirely different development, whereby it would be detached from number 58 John Coogan Park, with a separation distance of 1.8 metres and the rear elevation is considerably wider at 7.2 metres than the existing attached extension which has a rear elevation width of 3.76 metres. The maximum ridge height of the proposed dwelling would be 4.9 metres and would have boundary walls of 1.8 metres in height behind its front building line. Therefore, the current proposal is considerably greater in scale (92 square metres) and height than the existing domestic extension (23 square metres) and, therefore, its potential to adversely impact the character of the area is considerably greater than the existing modest domestic extension, which is incomparable to the current proposals.

The appeal site is located on a prominent corner site when driving south-east within the access road from the Siobhan McKenna Road. There are some instances where the staggering of the building line within the terraces of four dwellings within the John Coogan estate has occurred however, the current proposal is considered excessive and would represent a material deviation from the established northern building line within this estate. I also note that no other precedent, has been constructed within the John Coogan Park development to date in terms of breaching a building line for the provision of an additional dwelling unit and neither has the applicant referenced any such precedent within his appeal submission. The current proposals would not respect the character of the existing John Coogan Park residential development, in terms of the block plan, its material deviation from the established street pattern further north of the appeal site would adversely impact the visual amenity within the area, when entering John Coogan Park from the adjacent Siobhan McKenna Road. The development would constitute haphazard and non-integrated development and would be contrary to the provisions of Section 3.6 within the current City Development Plan regarding development within the established suburbs.

I note that the applicant references other examples where Galway City Council permitted the breaching of a building line on prominent corner sites in other parts of the Galway city suburbs. However, each case must be considered on its individual planning merits no two sites would comprise the same characteristics in terms of dimensions, context, ground levels etc.

Notwithstanding the principle of the development would be acceptable in terms of the site being located on residentially zoned lands, being served by public water services, and proximity to amenities, facilities and public transport. However, I would concur with the Planning Authority and the observers that the established building line created by unit no's 59-62, located immediately contiguous to, and north of the appeal site would be materially breached by the proposals in this particular instance. The applicant also acknowledges this fact within his appeal submission. I consider that the breach of the northern building line would be material and, therefore, would warrant a refusal of planning permission in this instance, as it would establish an undesirable precedent within the John Coogan Park estate.

In conclusion, I consider that notwithstanding the applicants' proposals to provide for a dwelling on serviced residential zoned lands, that an appropriate design has been presented, adequate quality and quantum of private open space within the development. I consider that the proposal would be contrary to the provisions of Section 3.6 within the City Development Plan in relation to development within the established suburbs, and that the proposals would constitute haphazard and non-integrated development, by virtue of the material breach of the established northern residential building line.

7.4 Other Matters

7.4.1 The second refusal reason within the PA's decision references that the applicant had failed to provide sufficient legal interest or consent for the inclusion of and development of the eastern strip of land within the appeal site to carry out which the PA stated contains assets within the ownership of Uisce Eireann. The applicant within his appeal submission has submitted correspondence from his solicitor confirming legal interest in the entire appeal site (from Talite Eireann). The applicant has also submitted documentation illustrating no Uisce Eireann (in the form of services mapping from UE) illustrating water services assets being located within the public footpath, adjoining the appeal site. Photographic images to support this stance have also been submitted by the applicant.

7.4.2 The applicant has also submitted correspondence issued by Galway City Council where they issued a certificate of Exemption under Section 97(3) of the Planning and

Development Act 2000 (as amended) to the applicant, in relation to the requirements to provide for social and affordable housing. That application was accompanied by a certified copy of the land folio including a map outlining the full extent of the land ownership. A copy of the folio map has been submitted.

7.4.3 Therefore, based on the information submitted by the applicant as part of his appeal submission, I consider that he has demonstrated sufficient legal interest to include the full extent of the appeal site within his read line appeal site boundary. Section 5.13 of the Development Management Guidelines for Planning Authorities advise that the planning system is not designed as a mechanism for resolving disputes about rights over land and that these are ultimately matters for resolution in the Courts. Section 34(13) of the Planning and Development Act 2000 (as amended) states: A person shall not be entitled solely by reason of a permission under this section to carry out any development. I am satisfied that the provisions outlined above give the Board sufficient comfort to permit the completion of this residential development.

7.4.4 In Conclusion, I consider that the second reason for refusal as set out by the Planning Authority should be set aside in this instance based on the information set out within the paragraphs above within Section 7.4.

8.0 Appropriate Assessment

- 8.1 I have considered the development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located approximately 1.03 kilometres south-west of the Lough Corrib Special Area of Conservation (SAC-site code 000297 and the Lough Corrib Special Protection Area (SPA-site code 004042) and approximately 1.71 kilometres north-west of the Galway Bay Complex SAC (site code 000268) and approximately 1.91 kilometres north-east the Inner Galway Bay SPA (site code 004031). The development description was set out within Section 2 of the report above. Neither of the appellants referenced the potential for adverse impacts to arise upon Natura 2000 sites. The PA conducted an AA screening exercise, referenced in Section 2.2 of this report above.

- 8.2 The applicants did not submit an AA screening report as part of their planning documentation. I consider that the appeal site is not hydrologically/ecologically connected to any of the European sites, located north-east and north-west of the appeal site. There were no drainage ditches evident within the confines of the appeal site nor along its boundaries. Therefore, I am satisfied that there is no apparent surface water hydrological link between the appeal site and any European site.
- 8.3 I am satisfied that once the proposed development is developed in accordance with best practice construction standards and given that the site is connected to the public piped water services, that no adverse impacts on water quality, or the qualifying interests or conservation objectives of the European sites referenced in Section 8.1 above, would arise.
- 8.4 I am satisfied that the implementation of the standard control construction measures including those of surface water management in the form of SuDS measures and the installation of a hydrocarbon interceptor would not result in the residential unit adversely impacting upon surface nor groundwater quality in this area. I consider that even in the unlikely event that standard control measures should fail, an indirect hydrological link (via the Maam Clonbur groundwater body) represents a weak ecological connection. I consider this to be the case given the separation distance to the nearest European sites and the nature of the built-up urban environment between the appeal site and the nearest European sites, the absence of suitable habitat on site to serve the protected species for foraging/feeding purposes, As such any pollutants from the site that should enter groundwater during the construction stage, via spillages onto the overlying soils, will be subject to dilution and dispersion within the groundwater body, rendering any significant impacts on water quality within the nearest European sites unlikely. This conclusion is supported within the Planning Authority's AA screening determination, which concluded the following 'no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on these European sites'.

8.5 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 these or any other European Site. The reason for this conclusion is as follows:

- The modest scale of the development, which relates to an additional dwelling unit within a brownfield site.
- The separation distance from the nearest European site and the lack of hydrological or ecological connectivity to any Natura 2000 site.
- The AA screening exercise conducted by the Planning Authority which concluded that either alone or in combination with other plans or projects, there would be no likely significant effects on any European sites.

8.6 I conclude that on the basis of objective information, the proposed development would not have a 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 (as amended) is not required.

9.0 Recommendation

I recommend that planning permission be refused for the following reason:

10.0 Reason(s)

1-The proposed development is located within the established suburbs as set out within Section 3.6 of the current Galway City Development Plan 2023-2029. Section 3.6 requires 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. The protection of existing residential amenity and character is a priority'. The proposed dwelling would materially breach the established building line to the north of and immediately contiguous to the appeal site and, if permitted would be out of character with the prevailing pattern of development within the area. The proposals would constitute hap-hazard and non-integrated development, would establish an undesirable precedent and be contrary to the provisions of Section 3.6 with the

Development Plan and 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.

Fergal Ó Bric
Planning Inspectorate

20th day of August 2025

Appendix 1 - Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	322383-25		
Proposed Development Summary	Permission for the demolition of an existing single storey extension and for the construction of a single storey dwelling.		
Development Address	Number 58, John Coogan Park, Newcastle, Galway City		
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	x
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	Tick/or leave blank		
No	Tick or leave blank	A residential development of this scale does not fall within a class of development as per the P & D Regulations. Class 10, (b), (i) (threshold is 500 dwelling units)	x
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	Tick/or leave blank		

No	Tick/or leave blank		X
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	Tick/or leave blank	Proposals relate to the demolition of an existing single storey extension and for the construction of a single storey dwelling.	X

5. Has Schedule 7A information been submitted?		
No	Tick/or leave blank	X
Yes		

Inspector: _____ **Date:** _____