



An
Coimisiún
Pleanála

Inspector's Report

ACP-323126-25

Development	(1) Construct new two-storey dwelling house with access through existing development; and (2) all associated site works and services
Location	Gurteen, Renmore Road, Galway City
Planning Authority	Galway City Council
Planning Authority Reg. Ref.	25/60130
Applicant	Joe Harris
Type of Application	Permission
Planning Authority Decision	To refuse permission
Type of Appeal	First Party
Appellant	Joe Harris
Observer	Mary Egan
Date of Site Inspection	18 th September 2025
Inspector	Trevor Rue

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1.0 Site Location and Description

- 1.1. The application site is located in the suburb of Renmore, about 2.8 kilometres by road from the centre of Galway. It has a stated area of 0.063 hectares and is generally L-shaped. It includes a two-storey building containing four apartments, at the junction of Renmore Road and a cul-de-sac known as Gurteen. The site also includes a tarmacked parking area to the north west of the building and an area of grass which extends behind the building. The area to the south east of the building, facing Renmore Road, is poorly maintained and surrounded by a wall only 800 millimetres in height.
- 1.2. The north-western boundary of the application site, which separates it from a semi-detached dwelling, 9 Gurteen, is defined by a block wall. There is a line of trees on the north-eastern site boundary. A 1½-storey dwelling, 32 Renmore Road, and its outbuilding, lie to the south east of the site. On the south-western side of Gurteen, oppose the apartment building, there is a linear grassed area with trees.

2.0 Proposed Development

- 2.1. It is proposed to construct a two-storey townhouse in that part of the site which is to the rear of 32 Renmore Road. It would have a ridge height of 7.915 metres. Measured internally, it would be 3.65 metres wide and 10.3 metres long. It would accommodate an open-plan kitchen/dining and living room on the ground floor and two bedrooms on the first floor. The roof would have a slate finish and the walls would be finished partly in brick and partly in plaster.
- 2.2. The site layout plan submitted to the Council showed five communal parking spaces to serve the existing apartments and the new dwelling. It showed three areas of communal open space with a total area of 200 square metres within the site, as well as a private amenity space of 14 square metres to the rear of the proposed dwelling. It also showed provision for a bin store and bicycle storage close to the northern corner of the apartment building.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On 1st July 2025, Galway City Council decided to refuse planning permission, giving the following reasons:

1. The proposed residential development is in an area reserved under planning reference number 91/394/ ABP ref. no. PL 61/5/86580, as open space, for the benefit of residents of the existing apartment building. If permitted as proposed, the development would result in a significant reduction in quantum, quality and functionality of the existing amenity space, which would be detrimental to the residential amenity of existing and future residents. Furthermore, the proposed development would be contrary to the Policy 3.3 Sustainable Neighbourhood Concept of the current City Development Plan 2023-2029 which is to ensure designated residential amenity open spaces allied to existing residential developments are protected for such use, and to Section 11.1 Introduction of Chapter 11 Land Use Zoning Objectives and Development Standards and Guidelines which stipulates that there will be a presumption against development on all open space in residential estates, unless otherwise specifically referenced in the planning permission for development and such lands shall be protected for recreation, open space and amenity purposes. In addition, the proposed development would be contrary to Section 11.3.1(c) Amenity Open Space Provision in Residential Developments which requires that all residential developments provide for good quality active and passive communal and private recreation and amenity open space. The proposed development would therefore erode the open space provision for the apartment building permitted under planning reference number 91/394/ABP ref. no. PL61/5/86580, seriously injure residential and visual amenities, and be contrary to the policies of the City Development Plan and consequentially would be contrary to the proper planning and sustainable development of the area.

2. The site forms a principal part of an area designated as open space in accordance with planning permission reference number 91/394/ ABP ref. no. PL 61/5/86580. The proposed development would materially contravene Condition no. 2 of planning

reference number 91/394/ ABP ref. no. PL 61/5/86580 which specified that this site shall be developed as amenity open space to ensure that substantial open space can be beneficially used for the enjoyment of residents of the apartment building and safeguarded to maintain residential amenity and prevent overdevelopment of the site. The proposed development, by reason of the loss of open space of recreational value for the existing apartment building would be contrary to the terms of this planning permission and would, therefore, seriously injure the residential amenity of the apartment building and properties in the vicinity and be contrary to the proper planning and sustainable development of the area.

3. The proposed development involves the development of designated residential open space which is identified under Table 5.2 Open Spaces within the Green Network of the City Development Plan 2023-2029 as an integral part of the city's green network of open spaces, natural resources and habitats, providing for general amenity, biodiversity, passive and active recreation in particular children's play. The proposed residential development would be contrary to Policy 5.1 Green Network and Biodiversity to ensure sufficient recreation and amenity open space for the future development of the city and retain, extend, and enhance opportunities for recreation within the green network for all members of the community. The proposed development would be contrary to the policies of the City Development Plan 2023-2029 and would therefore, be contrary to the proper planning and sustainable development of the area.

4. The proposed location of two car parking spaces at the junction of the Gurteen housing development and Renmore Road would endanger public safety by reason of traffic hazard where the traffic movements likely to be generated by development would interfere with the safety of traffic, pedestrians and other road users at the road junction. It is considered therefore that the proposed development would be contrary to the proper planning and development of the area and could endanger public safety by reason of traffic hazard.

5. The proposed development by reason of its height, scale and proximity to the east/south-eastern side boundary would result in the overshadowing of the adjacent rear garden and dwelling to the east, no. 32 Renmore Road and would if permitted,

be seriously injurious to the residential amenities of this adjoining property and contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

Planning Report

3.2.1. A planner's report dated 13th June 2025 provided the reasoning for the authority's decision. The main points were as follows:

- It is apparent from the planning history of this residential estate that the application site was designated as open space for the visual and recreation amenity of residents of the apartment block, and to encourage biodiversity. It was an integral part of the apartment development, which would be seriously eroded and reduced by the proposed development. The proposal is contrary to the terms and conditions of the original planning permission and the policies of the City Development Plan.
- The application site is not underutilised land. While the current presentation and quality of the existing open space and public realm for the existing apartment block is poor and neglected, this does not subtract from its important amenity function or the necessity to preserve it for the benefit of apartment residents. There is a duty on the management of the apartment complex to ensure these spaces are appropriately maintained and enhanced and to protect the visual and residential amenities of the surrounding residential neighbourhood
- The removal of the open space would not improve the residential amenities associated with the apartments or the quality of the neighbourhood. It would not enhance the built environment or the public realm.
- Approximately 50 square metres of open space would be provided to the rear of the proposed dwelling, including 14 square metres of private amenity space. The proposed floor area of the dwelling house is 73 square metres. Proposals for new two-bed houses should meet a minimum private open space standard of 30 square metres.

- The total open space requirement for four two-bedroom apartments, including communal and private open space, is 56 square metres. The site layout plan indicates a proposed open-space area of 87 square metres [immediately to the north west of the apartment block]. However, when circulation areas are excluded the usable open-space area is reduced to approximately 48 square metres. The amenity value and functionality of this space would be severely compromised as it would be beside car-parking spaces, the public road, the proposed new dwelling and a bin store.
- The existing communal open space to the front of the apartment building would be reduced by the provision of two car-parking spaces. The proximity of these spaces to the junction raises significant traffic safety concerns.
- The submitted site layout plan indicates a separation distance of 1.5 metres between the side gables of the proposed dwelling and the north-western and south-eastern site boundaries. The proposed first-floor windows serving Bedroom 1 on the rear elevation of the dwelling would be positioned approximately 8.5 metres from the north-eastern site boundary. Other first-floor windows serving a bathroom and a storage space would be obscurely glazed, which is acceptable and standard practice. Obscure glazing would also be used on the side elevation of the first-floor Bedroom 2. However, the necessity for this window is questioned. It would not achieve the minimum 16-metre distance from opposing windows serving habitable rooms of the existing apartment building.
- Given its orientation and proximity to site boundaries, the proposed dwelling would overshadow the property at 32 Renmore Road, resulting in a negative impact on the residential amenities of that property.
- The proposed development accumulated with the existing apartment building would produce a density of 78.49 dwellings per hectare, which falls within the recommended density range for Galway.

Other Technical Reports

- 3.2.2. No reply was received from the Council's Transport and Infrastructure, Flood Risk Assessment and Drainage/Water departments.

3.3. Prescribed Bodies

- 3.3.1. Uisce Éireann advised that a water connection and a wastewater connection were feasible without an infrastructure upgrade.

3.4. Third Party Submissions

- 3.4.1. The Council received a submission from Mary Egan, who also made observations at appeal stage (please see Section 7.3 of this report below).
- 3.4.2. The Council also received a submission from Maurice Power, which may be summarised as follows. The scale of development would be out of character with the area and would represent a significant change in the urban fabric. The increase in units would be excessive for the area. The resultant increase in traffic would adversely impact on public safety. There would be a significant reduction in open space contrary to proper planning. The development would overlook the garden, kitchen and rear bedrooms of 32 Renmore Road. This is a serious concern and would have a negative impact on the residents with loss of privacy and less sunlight.

4.0 Planning History

- 4.1. **90/767:** On 2nd February 1991, Galway Corporation decided to grant permission for the erection of a block of two apartments to the rear of 32 Renmore Road; and the renovation and extension of a dwelling house (then known as 33 Renmore Road) and its conversion four apartments. The permission was granted subject to four conditions, including the following:

2. The proposed two storey block shall be reduced to a single storey structure by the omission of apartment No. 6.

Reason: *To ensure the development shall not unduly overshadow and thereby reduce the amenity of adjoining rear gardens.*

- 4.2. **PL 61/5/85120:** On 12th September 1991, following a Third Party appeal, An Bord Pleanála granted permission for the aforementioned development, subject to four conditions, which included the following:

1. The proposed detached apartment block shall not be constructed. The area of the site to the rear of 32 Renmore Road shall be grassed and made available to the residents of the proposed apartments in 33 Renmore Road.

Reason: *In order to prevent overdevelopment of the site and injury to the amenity of adjoining residential properties.*

4.3. **91/394:** On 30th July 1991, Galway Corporation decided to grant permission, subject to three conditions, for the demolition of the house at 33 Renmore Road and the erection of five apartments.

4.4. **PL 61/5/86580:** On 4th March 1992, following a Third Party appeal, An Bord Pleanála granted permission for the aforementioned development, subject to six conditions which again included the following:

2. The proposed detached apartment block shall not be constructed. The area of the site to the rear of 32 Renmore Road shall be grassed and made available to the residents of the proposed apartments in 33 Renmore Road.

Reason: *In order to prevent overdevelopment of the site and injury to the amenity of adjoining residential properties.*

4.5. **05/891:** On 10th February 2006, Galway City Council decided to refuse permission for renovation and extension of the existing apartment block (now known as 11-15 Gurteen, Renmore Road) to provide three new one-bedroom apartments including a second-floor penthouse. It gave seven reasons, which may be summarised as: excessive scale; excessive number of one-bedroom apartments; traffic hazard; insufficient private open space; overlooking; visual impact; and inadequate refuse storage facilities. The floor plans submitted with the application showed four two-bedroom three-person apartments in the existing building.

5.0 Policy Context

5.1. Development Plan

5.1.1. Map A of the Galway City Development Plan 2023-2029 shows the Gurteen cul-de-sac, including the application site, in Zone R, Residential. The land-use zoning objective for Zone R, set out in Table 11.1 of the Plan, 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. Section 11.3.8 of the Plan gives examples of uses which are compatible with and contribute to the R zoning objective. These include residential and outdoor recreational use.

- 5.1.2. Section 3.6 of the Plan refers to Renmore as one of five established residential areas on the eastern side of the city. It states that 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. Such development will be required to demonstrate a positive contribution to the urban fabric, respect and contribute to existing amenity and character and deliver sustainable benefits.
- 5.1.3. Section 3.6 of the Plan goes on to say that there are neighbourhoods in the established suburbs which have extensive tracts of communal open space lands. The scale and layout of the communal open space in these areas has created pockets of open space lands which are under-utilised and that do not contribute to the urban structure. This can consequently lead to these areas becoming derelict and attracting uses that have no community value. These areas can also represent latent opportunities to contribute to addressing the current housing crisis and to achieve a more efficient use of the built environment
- 5.1.4. Paragraph 1 of Policy 3.3 of the Plan is to promote the development of compact, well designed, safe and attractive neighbourhoods that deliver efficient use of land and have effective integration with social and physical infrastructure, including public transport, that will enable the development of successful communities and facilitate the growth strategy for Galway City.
- 5.1.5. Paragraph 9 of Policy 3.3 is to ensure designated residential amenity open spaces, which are in use and reflect high residential value and are allied to existing residential developments are protected for such use. Exceptions to allow for infill

development will only be considered on underutilised lands which do not contribute positively to the urban structure and form and lack community value. Such development will only be considered where it contributes to place making and community, improves the quality of the neighbourhood and can enhance the built environment with better informal supervision of the public realm and can, where housing is part of the proposal, provide a mix in size and type of housing units.

- 5.1.6. Paragraph 1 of Policy 3.5 of the Plan is to 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.
- 5.1.7. Section 5.2 of the Plan is headed “The Green Network”. It states that a fifth of the total land area within the city boundary is comprised of green space, designated protected habitats, recreation and amenity open space and agricultural land. Figure 5.1 comprises a map of the green network. The application site is not included.
- 5.1.8. Table 5.2 of the Plan sets out the typology of open spaces within the city’s green network. One of the categories is residential open space. The primary purpose of these areas is to provide for general amenity, biodiversity, passive and active recreation, in particular children’s play. In general all open space lands above 0.2 hectares in residential areas are zoned RA, Recreation and Amenity.
- 5.1.9. Paragraph 7 of Policy 5.1 of the Plan is to ensure sufficient recreation and amenity open space for the future development of the city, while Paragraph 13 is to retain, extend and enhance opportunities for recreation within the green network for all members of the community including people with disabilities.
- 5.1.10. Chapter 11 of the Plan is concerned with the standards and guidelines which will be applied to development proposals. Section 11.1 states that provision is made for a flexible application of standards and guidelines, in particular circumstances where the proposed development is otherwise consistent with the proper planning and sustainable development of the area and achieves high architectural urban design quality. It says that the achievement of the policies and the objectives of the Plan and the encouragement of good design, rather than the mechanistic application of development standards, will be the aim of development management.

5.1.11. Section 11.1 of the Plan goes on to say that many areas of open space within residential areas are not specifically zoned as public open space and may be zoned R for residential use. It states that irrespective of zoning, there will be a presumption against development on all open space in residential estates unless otherwise specifically referenced in the planning permission for development. Such lands shall be protected for recreation, open space and amenity purposes.

5.1.12. Section 11.3.1(c) of the Plan sets out standards and guidelines for amenity open space in the outer suburbs, which also apply in established suburbs, such as Renmore, by virtue of Section 11.3.2. All residential developments are required to provide for communal recreation and amenity space at a rate of 15% of the gross site area; in small restricted infill sites, a minimum of 10% may be provided. Private open space (areas generally not overlooked from a public road) exclusive of car spaces shall be provided at a rate of not less than 50% of the gross floor area of the residential unit.

5.1.13. Section 11.3.1(c) states that communal open space in all types of residential development should, among other things:

- Be visually as well as functionally accessible to the maximum number of dwellings within the residential area.
- Be overlooked by residential units.
- Integrate natural features (for example natural contours, outcrops of rock), where appropriate, as part of the open space.
- Be viable spaces, linked together where possible, designed as an integral part of the overall layout and adjoining neighbouring communal open spaces.
- Create safe, convenient and accessible amenity areas for persons of all abilities regardless of mobility or age.
- Generally no rear boundaries should face on to public open space. Blank gables shall not, generally face onto roads or streets. Side boundary walls, which face on to public open space, should be minimised.
- Provide for quality hard and soft landscaping and incorporate urban greening and encourage biodiversity.

5.1.14. Section 11.3.1(d) of the Plan 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. Section 11.3.1(f) states that the distance between side gables and side boundaries of dwellings shall generally be a minimum of 1.5 metres. Both these provisions apply in established suburbs.

- 5.1.15. Section 11.3.2(c) of the Plan specifies the following car-parking standards: one on-site space per dwelling and one grouped visitor space per three dwellings, or one space per dwelling if grouped. It says that, generally, these standards should not be exceeded.

5.2. Ministerial Guidelines

- 5.2.1. Section 4.10 of **“Sustainable Urban Housing: Design Standards for New Apartments”** (July 2023) states that the provision and proper future maintenance of well-designed communal amenity space will contribute to meeting the amenity needs of residents. In particular, accessible, secure and usable outdoor space is a high priority for families with young children and for less mobile older people. While private and communal amenity space may adjoin each other, there should generally be a clear distinction with an appropriate boundary treatment and/or a “privacy strip” between the two. For two-bedroom, four-person apartments, Appendix 1 to the Guidelines specifies a minimum private amenity space requirement of 7 square metres and a minimum communal amenity space requirement of 7 square metres. For two-bedroom, three-person apartments, each of these minimum requirements is 6 square metres.
- 5.2.2. Section 4.20 of the Guidelines states that the quantum of car parking or the requirement for any such provision for apartment developments will vary, having regard to the types of location in cities and towns that may be suitable for apartment development, broadly based on proximity and accessibility criteria. Section 4.23 says that in suburban/urban locations served by public transport and particularly for housing schemes with more than 45 dwellings per hectare net, planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard.
- 5.2.3. Section 4.25 of the Guidelines states that where it is sought to eliminate or reduce car parking provision, it is necessary to ensure, where possible, the provision of an appropriate number of drop off, service, visitor parking spaces and parking for the

mobility impaired. Provision is also to be made for alternative mobility solutions including facilities for car sharing club vehicles and cycle parking and secure storage. It is also a requirement to demonstrate specific measures that enable car parking provision to be reduced or avoided. Section 4.29 says that for urban infill schemes on sites of up to 0.25 hectares, car parking provision may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality and location.

- 5.2.4. The Ministerial Guidelines on **“Sustainable Residential Development and Compact Settlements”** (2024) set out detailed growth criteria to support the development of sustainable and compact settlements in light of the national 50% target for new housing growth in five cities, including Galway, within the existing built-up footprint, on infill or brownfield lands. The Guidelines state that to achieve compact growth, it will be necessary to increase the scale of new buildings in all parts of our cities and towns, with highest densities at the most central and accessible urban locations. Accessible locations are defined in Table 3.8 as lands within 500 metres (up to 5-6 minute walk) of existing or planned high frequency (10 minute peak hour frequency) urban bus services.
- 5.2.5. Specific Planning Policy Requirement 1 of the Guidelines stipulates a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units above ground floor level. Separation distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces.
- 5.2.6. Specific Planning Policy Requirement 2 requires proposals for new two-bed houses to meet a minimum private open space standards of 30 square metres. A further reduction below the minimum standard may be considered acceptable where an equivalent amount of high quality semi-private open space is provided in lieu of the private open space, subject to at least 50% of the area being provided as private open space. The planning authority should be satisfied that the compensatory semi-private open space will provide a high standard of amenity for all users and that it is well integrated and accessible to the housing units it serves. For urban infill schemes on smaller sites (up to 0.25 hectares), the private open space standard

may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality and proximity to public open space.

5.3. Natural Heritage Designations

5.3.1. The application site is not in any Natura 2000 site of European nature conservation importance. The nearest Natura 2000 sites are:

- Galway Bay Complex Special Area of Conservation (SAC), about 200 metres to the west, designated for mudflats and sandflats, coastal lagoons, large shallow inlets and bays, reefs, perennial vegetation of stony banks, vegetated sea cliffs, annuals colonising mud and sand, salt meadows, turloughs, juniper formations, semi-natural dry grasslands, fens, limestone pavements, otter and harbour seal;
- Inner Galway Bay Special Area of Conservation (SPA), about 200 metres to the west, designated for various bird species;
- Lough Corrib SAC, about 2.1 kilometres to the west, designated for water bodies, semi-natural dry grasslands, meadows, raised bogs, depressions on peat substrates, fens, petrifying springs, limestone pavements, oak woods, bog woodland, freshwater pearl mussel, white-clawed crayfish, lamprey, salmon, lesser horseshoe bat, otter, slender naiad and slender green feather moss; and
- Lough Corrib SPA, about 4.5 kilometres to the north west, designated for various bird species.

5.3.2. Moycullen Bog Natural Heritage Area (NHA), an extensive lowland blanket bog, is located about 5 kilometres to the west of the site. According to Section 5.3.2 and Table 5.4 of the Development Plan, there are two proposed NHAs in the city, Galway Bay Complex and Lough Corrib, which for the most part also have SAC status.

6.0 Environmental Impact Assessment Screening

6.1. 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. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIA report is not required.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. The grounds of appeal may be summarised as follows:

- The application site consists of a small, narrow, unkempt and underutilised fallow grassed area. A bus stop is located directly to the south east at the junction of Gurteen with Renmore Road, from which buses run at a 30-minute frequency. Bus services with a 15-minute frequency pass along Old Dublin Road, about 600 metres to the north east. By reason of the site's underutilised infill characteristics and the convenient walking distances to bus services, the proposed development is consistent with the principles of compact growth. It would be unsustainable to sterilise the site forevermore.
- An Bord Pleanála's Condition 2 did not explicitly dedicate the rear of the site as open space. That area was never a viable communal open space. It is located off-centre to the rear side of the apartment building and bounded by a blank gable and a side boundary wall. It is overlooked only partially by the apartment building and is not overlooked by 9 Gurteen. This poorly supervised space does not function as a safe, convenient and accessible amenity area and does not provide quality landscaping. It does not contribute positively to the urban structure and lacks community value.
- The proposed detached house would be more beneficial to the estate and would complete the residential development. It would enhance the built environment and improve passive supervision of the existing parking area and street and of the communal open space across the road to the south west. It would also contribute towards a mix of housing types. Reference was made to a grant of permission for an infill dwelling at 1 Clifton Crescent, Newcastle, Galway (23/230).

- The appellant proposes to rededicate the area to the rear of the infill house exclusively as private open space for the house. That would meet all relevant private open space requirements.
- It is also proposed that the tarmacked area between the front of the apartment building and Renmore Road would become an enhanced communal open space, with landscaping to include a planting strip / hedge with pollinator-friendly species. The two parking spaces previously proposed in that area would be omitted to enlarge the communal open space. An updated site layout plan was submitted with the appeal.
- The proposed communal open space to the front of the apartment building would be visually and functionally accessible to the apartment residents. It is bounded by animated gables and low side walls. It would be overlooked from the first floor of the apartments and Renmore Road. This well supervised space would have the potential to provide a safe, convenient, accessible and viable open space and to provide for urban greening and biodiversity. There is also an expansive public open space about 240 metres to the north east along Renmore Road.
- The omission of the two proposed car-parking spaces near the junction of Gurteen with Renmore Road would result in five residential units being served by three spaces. National planning policy allows for reduced car parking for higher density developments in urban areas served by public transport.
- The rear garden of 9 Gurteen has a north-eastern aspect and is generously proportioned. The rear of the proposed dwelling would not project significantly beyond that of No. 9. It would have a narrow profile and a pitched roof, which would minimise overshadowing. The rear of 32 Renmore Road is located to the north of the apartment building. Given the generous proportion of its rear garden to the east of the proposed infill house, no undue overshadowing concerns arise.

7.2. Planning Authority Response

7.2.1. None

7.3. Observations

7.3.1. The submission and observations of **Mary Egan** may be summarised as follows:

- Gurteen is made up of two parts – the nine houses of the estate and the apartment block that backs on to it. The environment surrounding the apartments has been deteriorating over the years. In these times of increased car ownership, the area around the apartments is very heavily populated with cars. Entry of vehicles, including delivery vans, oil trucks and waste disposal trucks is already at times quite challenging. Any guests coming to the area are finding it increasingly difficult to find room to park.
- Having lived in Gurteen since 2008, she can attest that the open space did once function as an amenity. It was somewhat maintained when she moved in and the residents were able to use the area for washing lines, recreation and play. The neglect of the site has been most pronounced in the past few years, perhaps in order for it to seem underutilised.
- Certainly this plot is underutilised space but it does not follow that it is underutilised housing space. Developing it into a fully functional and managed amenity would bring this estate to completion. The addition of another unit, rather than completing the estate, would diminish the overall quality of the existing space.
- It is unclear how any additional cars could be accommodated or how the apartment tenants could afford to lose any currently available parking spaces. An additional household with potential additional cars and reduced parking for the existing tenants would cause the narrow entry way into the estate to be even more cluttered and potentially hazardous. There is an impression of crowding and congestion produced by the idea of squeezing a detached property into this small fallow plot.

8.0 Assessment

8.1. Issues

8.1.1. Having inspected the site and considered in detail the documentation on file for this First Party appeal, it seems to me that the main planning issues are:

- whether the development is acceptable in principle at this location;
- its effect on the character of the area;
- whether it makes adequate provision for private and communal open space;
- its effects on the residential amenity of 32 Renmore Road; and
- its effects on the safety and convenience of road users.

8.2. Acceptability in Principle

8.2.1. In the Galway City Development Plan 2023-2029, the application site is zoned R, residential. It is not zoned RA, recreation and amenity. Under the R zoning, residential and associated development is acceptable provided it protects existing residential amenity and contributes to sustainable residential neighbourhoods. It is for the decision-making body to determine whether these provisos are met when considering specific development proposals.

8.2.2. The Development Plan does not prohibit small infill developments in established residential areas such as Renmore. It says at Section 3.6 that 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. Policies 3.3 and 3.5 refer to protection of open spaces, residential amenity and the character of established suburbs, but also to efficient use of underutilised land, densification and growth. It follows that each proposal for infill development must be assessed individually on its own merits.

8.2.3. The application site is not part of the green network identified in Figure 5.1 of the Plan and the requirement contained in Policy 5.1 to retain opportunities for recreation does not apply to it. It seems to me that the Council's third reason for refusal is based on a misreading of the Plan.

- 8.2.4. Section 11.1 of the Plan introduces a presumption against development on all open space in residential estates unless otherwise specifically referenced in the planning permission for development. It requires such lands to be protected for recreation, open space and amenity purposes. I find it difficult to reconcile this presumption with the R zoning objective and the qualified support for infill development in Section 3.6, and also with the reference to flexible application of standards and guidelines in Section 11.1 itself. As there are conflicting provisions in the Development Plan, it seems to me that it is not unequivocally opposed to all building on open spaces.
- 8.2.5. The planning authority did not decide to refuse permission on the ground that the proposed development materially contravenes the Development Plan. The requirements of Section 37(2)(b) of the Planning and Development Act 2000 do not apply in this appeal.
- 8.2.6. The Council's second reason for refusal states that the development would materially contravene Condition 2 of the permission granted by An Bord Pleanála referenced PL 61/5/86580. The reason for refusal inaccurately embellishes Condition 2 by referring to the open space being "safeguarded". That word, which implies long-term protection, does not appear in the condition or in the reason given for it. To my mind, it is incorrect to equate a planning condition with a designation in a Development Plan.
- 8.2.7. It is not unusual for developers to submit proposals which, if approved, would modify or cancel the effect of a previous planning condition. Planning history is a material consideration in the assessment of such proposals and often carries substantial or decisive weight. However, conflict between a current planning application and a previous planning condition does not automatically or inevitably mean that the application must be rejected. The planning authority and/or the Commission must give such proposals due consideration and evaluate whether there is a continuing justification for the condition in the light of current policies and circumstances.
- 8.2.8. My conclusion on this issue is that the proposed development cannot be ruled out in principle on the basis of conflict with the Development Plan, read as a whole, or with the previous planning condition. What is required is detailed scrutiny of the site-specific effects of the development.

8.3. Effect on the Character of the Area

- 8.3.1. I noted during my site visit that the land to the rear of 32 Renmore Road represents a visually anomalous gap in the built-up appearance of the cul-de-sac. Leaving aside for the moment the implications for open space, it seems to me that a suitably designed new dwelling could fill this gap and provide a sense of completeness. The proposed development would make a modest contribution to compact growth in an accessible location within the city of Galway. Having studied the proposed elevations, plans and sections, I do not accept the scale of built development being proposed would be out of character with the area.
- 8.3.2. In reaching this conclusion, I have not found the planning permission granted for a dwelling at Clifton Crescent, Galway to be of assistance, as the physical characteristics of that site are quite different.

8.4. Open Space Provision

- 8.4.1. It seems to me that the requirements of An Bord Pleanála's Condition 2 have been honoured. The land to the rear of 32 Renmore Road has been grassed and is available to the residents of the apartment building. While Condition 2 did not place a duty on the developer to maintain or enhance the land, it has not been allowed to become overgrown. Someone has been keeping the grass down, except at the margins. A local resident has given evidence that the land has been used as amenity open space, though not recently.
- 8.4.2. However, the fact remains that the land to the rear of 32 Renmore Road is a poor-quality space. It has an air of neglect. It is unattractive and underutilised. In my opinion, a reduction in the amount of open space on the application site could be acceptable provided open space sufficient in size were retained and its quality significantly upgraded to serve the existing apartments and the new development.
- 8.4.3. Section 11.3.1(c) of the Development Plan lists essential characteristics of communal open space in residential development. These include visual and functional accessibility, safety and convenience, integration into the overall layout,

linkage with other communal open spaces, provision for quality hard and soft landscaping and encouragement of biodiversity. Section 11.3.1(c) also states that private open spaces should generally not be overlooked from a public road.

- 8.4.4. The Ministerial Guidelines on Design Standards for New Apartments refer to the need for accessible, secure and usable outdoor space. The minimum requirement for four two-bedroom, three-person apartments is 24 square metres of communal open space and 24 square metres of private amenity space. The Ministerial Guidelines on Sustainable Residential Development require at least 30 square metres of private open space for new two-bed houses but allow relaxations in certain circumstances. The Development Plan requires private open space to be provided at a rate of not less than 50% of the gross floor area of the residential unit.
- 8.4.5. An area 64 square metres in size to the rear of the proposed townhouse is shown as communal open space on the revised layout plan submitted with the appeal. However, according to the appellant's written evidence it is to be rededicated as private open space exclusively for the house. That would exceed the size requirement of the Ministerial Guidelines. The ratio of the open space to the gross floor area of the dwelling would be 88% and the area would not be overlooked from the public road. I find this element of the proposed development to be acceptable.
- 8.4.6. It is proposed that three areas of communal open space with a combined area of 206 square metres would be provided for the apartment dwellers. That would far exceed the size requirement of the Ministerial Guidelines for communal open space. The existing layout of the building does not lend itself to the provision of private open space for each apartment. The areas would be visually and functionally accessible to the residents, linked together via a system of pathways and integrated into the overall layout.
- 8.4.7. The 93-square-metre area proposed for communal open space at the junction of Renmore Road and Gurteen, has at present a rundown appearance and is wide open to view from the public road. The revised layout plan indicates that this area would be landscaped to include a planting strip and a hedge with pollinator-friendly species. It seems to me that if this area were planted in grass and suitably enclosed by a wall of say 1.8 to 2 metres, reinforced by a fast-growing hedge, it could become a viable open space attractive to the residents and also to wildlife. The usefulness

of the space could be further enhanced, for example by the provision of garden furniture. The proposed communal open space of 26 square metres adjoining the front elevation of the apartment building would also need to be grassed and enclosed by an extended boundary wall and a boundary hedge.

- 8.4.8. The Council planner criticised the proposed communal open space of 87 square metres to the north west of the apartment building, pointing out that it would be beside car-parking spaces, the public road, the proposed new dwelling and a bin store. That is factually correct but it seems to me that mitigations are possible. In my opinion, it would be essential to fence the area off, especially from the parking spaces for safety reasons, but also on the other sides for privacy reasons. I consider that with suitable landscaping in place, this area could become a valued amenity space for the residents of the apartments and the townhouse.
- 8.4.9. Should the application be approved, the developer could be required to submit detailed landscaping proposals for approval prior to the commencement of development. Agreement with the planning authority on arrangements for the long-term maintenance of the communal open-space areas would also be necessary.
- 8.4.10. It is noted on the revised layout plan that with the proposed development in place, 42% of the overall application site would be in open-space use. In my judgement, the improvements to the quality of open-space provision that could be secured if the development were approved outweigh the reduction in the quantum of open space on the site. The proposed amenity spaces, if upgraded, are far more likely to be used than the existing amenity space. I conclude that the revised layout plan makes adequate provision for private and communal open space.

8.5. Residential Amenity

- 8.5.1. The proposed townhouse would be over 10 metres long but it would sit forward of the site boundary with 32 Renmore Road. Only the back two thirds of the building, would be adjacent to that boundary. The middle section of the building would be opposite a large, heavily vegetated outbuilding in the rear garden of No. 32.
- 8.5.2. The proposed townhouse would be positioned about 10 metres from the rear of No. 32 and roughly 12 to 13 metres from the dormer window on the rear elevation of that dwelling. The windows which would address No. 32 would serve a bathroom and a

storage area. All windows above ground-floor level on the south-eastern elevation of the townhouse would have obscure glass. I conclude that there is no danger of No. 32 being overlooked by the proposed townhouse.

- 8.5.3. The proposed townhouse, with a ridge height of 7.915 metres, would lie to the north west of No. 32. It would cause some overshadowing to the back garden in the late afternoon or early evening. However, taking account of the juxtaposition of the existing and proposed dwellings and the existing outbuilding and vegetation, I am not persuaded that the overshadowing would be of such significance as to warrant the withholding of planning permission.

8.6. Safety and Convenience of Road Users

- 8.6.1. The Council's fourth reason for refusal, responding to the originally submitted site layout plan, stated that locating two car-parking spaces at the junction of Gurteen and Renmore Road would endanger public safety. I agree that that layout was unsafe and would have created a traffic hazard. The appellant has now abandoned that layout and reduced the overall number of proposed parking spaces.
- 8.6.2. A local resident has expressed concern that an additional household with potential additional cars and reduced parking for the existing tenants would cause the narrow entry way into the estate to be even more cluttered and potentially hazardous. At the time of my site visit, which took place in the middle of the afternoon on a Thursday, two vehicles were parked straddling the footpath and the hard-surfaced area to the front of the apartment building and one car was parked on the tarmacked area to the north west of the building. I judged by eye that the tarmacked area could accommodate up to four cars, parked informally.
- 8.6.3. The revised layout provides for three defined car-parking spaces to serve four apartments and one townhouse. This falls short of the Development Plan standard of one grouped space per dwelling. While the Ministerial Guidelines on Design Standards for New Apartments advocate that planning authorities adopt reduced car-parking standards for locations served by public transport, they also require demonstration of specific measures that enable car parking provision to be reduced or avoided. The appellant has not proposed any such measures. I find that in regard to car parking, the proposed development is in conflict with the Development Plan

and the Ministerial Guidelines. I consider that approving this development without the required number of spaces and without alleviating measures would set a widespread precedent and undermine the car-parking provisions of the Plan.

- 8.6.4. The proposed reduction in the parking potential of the site may, in my opinion, result in a contest for spaces between the occupants of the five residential units. The drivers of the displaced vehicles would have to find somewhere else to park. The enclosure of the proposed open space to the front of the apartment building is likely to lead to vehicle parking on a curved section of the cul-de-sac near the junction with the busy Renmore Road. Using the junction on foot or in a car would then become more hazardous. I find that the proposed development would unacceptably prejudice the safety and convenience of road users.

8.7 Conclusion

- 8.7.1. The proposed townhouse would fill a visually anomalous gap in the built-up appearance of the cul-de-sac and contribute to compact growth in Galway. The proposed amenity spaces could be upgraded to become more usable than the existing open space. It is my opinion, however, that these positive aspects of the development are outweighed by the inadequacy of the car-parking proposals and their capacity to create a traffic hazard. This weakness in the proposed layout is symptomatic of overdevelopment and there is no obvious way of overcoming it. I have therefore come to the view that the development should not proceed.

9.0 Appropriate Assessment Screening

- 9.1. Having considered the nature, location and modest scale of the proposed development, the nature of the receiving environment as a built-up urban area, the nature of the foreseeable emissions therefrom, the availability of public piped services to accommodate the foul effluent arising therefrom, the distance from the nearest European site and the absence of any known hydrological link between the application site and any European site, I am content on the basis of objective information that the development is not likely to have a significant effect on any European site, either alone or in combination with other plans or projects. I therefore

conclude that the carrying out of an appropriate assessment under Section 177V of the Planning and Development Act 2000 is not required.

10.0 Water Framework Directive

- 10.1. The application site is located about 280 metres from Lough Atalia, about 720 metres from Corrib Estuary, about 1.8 kilometres from Terryland River and about 5 kilometres from Oranmore Bay. The proposed development comprises the construction of one dwelling. No water deterioration concerns were raised in the planning appeal.
- 10.2. I have assessed the development and have considered the objectives as set out in Article 4 of the Water Framework Directive (WFD) which seek to protect and, where necessary, restore surface and ground water waterbodies 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, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.
- 10.3. The reasons for this conclusion are the nature and modest scale of the proposed works, the distance of the application site from the nearest water bodies and the absence of any known hydrological connections.
- 10.4. 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.

11.0 Recommendation

- 11.1. I recommend to the Commission that planning permission be refused.

12.0 Reasons and Considerations

- 12.1. Having regard to the Galway City Development Plan 2023-2029 and in particular to the car-parking standards set out in Section 11.3.2(c) thereof, and to the Ministerial Guidelines “Sustainable Urban Housing: Design Standards for New Apartments”, it is considered that insufficient provision has been made for the parking needs of the proposed townhouse and the existing apartments. It is considered that the proposed development would be likely to prejudice the safety and convenience of road users and would set a widespread precedent which would undermine the car-parking provisions of the Plan. The 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.



TREVOR A RUE

Planning Inspector

29th September 2025

Appendix A: Form 1 – EIA Pre-Screening

Case Reference	ACP-323126-25
Proposed Development Summary	Construction of a two-storey dwelling
Development Address	Gurteen, Renmore Road, Galway
	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)	☒ 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)?	
☒ 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?	
☒ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2)	2001 Regulations, Schedule 5, Part 2, Class 10(b)(i) Threshold: More than 500 dwelling units Size of development: One dwelling unit
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)?	
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: 
 TREVOR A RUE

Date: 29th September 2025

Appendix B: Form 2 – EIA Preliminary Examination

Case Reference	ACP-323126-25
Proposed Development Summary	Construction of a two-storey dwelling
Development Address	Gurteen, Renmore Road, Galway
This preliminary examination should be read with, and in the light of, the rest of the Inspector's report attached herewith.	
Characteristics of the 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)	Briefly comment on the key characteristics of the development, having regard to the criteria listed. <i>The development has a modest footprint, comes forward as a standalone project, and does not require demolition works or the use of substantial natural resources. It does not give rise to a significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster and is not vulnerable to climate change. It presents no risks to human health.</i>
Location of Development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance)	Briefly comment on the location of the development, having regard to the criteria listed <i>The development is removed from sensitive natural habitats and designated sites and landscapes of identified significance in the County Development Plan.</i>
Types and Characteristics of Potential Impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation)	Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects. <i>Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, the likely limited magnitude and spatial extent of effects and absence of in-combination effects, there is no potential for significant effects on the environmental factors listed in Section 171A of the Planning and Development Act 2000.</i>

Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
<i>There is no real likelihood of significant effects on the environment.</i>	<i>EIA is not required.</i>

Inspector: 
TREVOR A RUE

Date: 29th September 2025