



An
Bord
Pleanála

Board Order ABP-321768-25

Planning and Development Acts 2000 to 2022

Planning Authority: Galway City Council

Planning Register Reference Number: 24/60353

Appeal by JLH Property Holding Company Limited care of Peter Thomson Planning Solutions of 4 Priory Grove, Kells, County Kilkenny against the decision made on the 3rd day of January, 2025 by Galway City Council to refuse permission.

Proposed Development: Construction of two number dwelling units, comprising of two number one-bed single-storey units of 51 square metres, each in a semi-detached configuration along with enclosing side garden walls and gates and dividing rear garden walls and open amenity space, along with all necessary and associated site works to include extension of existing internal roadway, relocation of two number existing car park spaces and provision of two number additional car park spaces, provision of paths and continuation of street lighting, etc. and connection to existing service utilities to include potable, surface and foul water connections within the Garraí Caol development, all at 'Garra Caol' in the townlands of Doughiska and Merlin Park, Galway.

Decision

REFUSE permission for the above proposed development for the reasons and considerations set out below.

Reasons and Considerations

Having regard to the location of the proposed development in lands zoned Residential 'R' which aims, inter alia, to ensure the protection of existing residential amenity, to Policy 3.3 (Sustainable Neighbourhood Concept) of the Galway City Development Plan 2023-2029 which states under part (9) that it is the policy of the planning authority 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', and to the conditions of the parent permission (planning register reference number 19/95) for the Garraí Caol estate which provided the lands on which the development is proposed to be constructed as public open space for the benefit of residents of the development, it is considered that the construction of two dwellings on an area of public open space would contravene a condition of that permission, would seriously injure the residential amenity of the existing residents, and would be contrary to the residential zoning objective and with Policy 3.3 (9) of the development plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board had regard to the parent planning permission (planning register reference number 19/95) and considered that the public open space was an integral part of the residential amenity of that scheme and that the exceptional circumstances provided for under Policy 3.3 (9) of the Galway City Development Plan 2023-2029 did not apply. The Board considered that the proposed development, if permitted, would reduce the quantum and quality of open space, would not protect the residential amenity of existing residents, and would, therefore, be contrary to the proper planning and sustainable development of the area.



Mary Henchy

Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.



Dated this 27th day of May 2025.