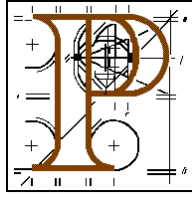


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2004

Galway City

Planning Register Reference Number: 04/1049

An Bord Pleanála Reference Number: PL 61.214045

APPEAL by John and Marie Rafferty of Rusheen Lodge, Barna Road, Galway and by Emer Kearns of Barna Road, Galway against the decision made on the 10th day of August, 2005 by Galway City Council to grant subject to conditions a permission to Declan Maloney care of Galway Contract Consultancy Limited of 1 Dún a Rí, Kingston, Galway in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Construction of two number two-storey detached houses, complete with all associated site works, carparking and refuse stores, including revised tree preservation proposals as amended by the revised public notice received by the planning authority on the 15th day of July, 2005.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

REASONS AND CONSIDERATIONS

Having regard to the 'Residential' zoning objective for the area in the current Development Plan, it is considered that, subject to compliance with the conditions set out below, the proposed development of two two-storey detached houses on the site would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the application made on the 23rd day of December 2004, as amended by the details and drawings submitted on the 26th day of April 2005, and 20th day of June 2005, but subject however to the requirements of the further conditions hereinafter incorporated. In particular the finished floor levels of the two houses shall not exceed in any location the specified levels of 19.30 metres on the submitted drawings.

Reason: To ensure that the development is undertaken in accordance with the permission and that effective control is maintained.

2. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001 the two dwellings shall be used solely for the purposes of private single family residential use and shall not be used for Bed and Breakfast purposes or for any commercial purposes. The attic spaces shall not be converted for additional residential accommodation use and the dwellings shall not be subdivided to accommodate any apartments.

Reason: To protect the residential amenities of the area and to prevent any further additional traffic generation onto the heavily trafficked Barna Road at this location.

3. (a) The width of each proposed house shall be reduced by one metre and the width of the side passageways to the west of house A and the east of house B increased accordingly. Prior to commencement of development, revised drawings showing compliance with this requirement shall be submitted to and have received the written agreement of the planning authority.
- (b) Prior to commencement of development on the site, a detailed landscaping scheme shall be submitted to and have received the written agreement of the planning authority. The landscaping scheme shall include the following:-
 - (i) detailed proposals relating to the retention of existing trees at the site boundaries (taking into account the increased distances between the side walls of the proposed houses and the side boundaries of the development site), and provision of additional screen planting along all site boundaries, and in particular screen planting to a minimum height of three metres for the full depth of the two houses;

- (ii) a detailed programme for the above additional screen planting which shall be undertaken and completed within the first planting season following construction of the two houses, with replacement of any failures thereafter in the following planting season, and full maintenance of the screen planting thereafter.

Reason: In the interest of residential amenities of future residents and to protect the residential amenities of adjoining properties.

- 4. The windows above ground floor level in the side elevation of the proposed two houses shall be fitted with obscure glazing, with any opening sections designed to prevent any overlooking of adjoining residential properties.

Reason: In the interest of the residential amenities of the adjoining properties.

- 5. A kerbed footpath shall be constructed outside the new boundary wall to Barna Road which shall be set back in accordance with the requirements of the planning authority, with omission of the proposed car parking space number three for Dwelling B and with bollards installed at a maximum three metre spacing, details of which shall be agreed on site and in writing with the planning authority. All works including the footpath and bollards and boundary walls shall be completed prior to the occupation of the dwellings. The pier and the boundary wall of the western boundary shall not exceed one metre in height for a minimum of two metres back from the line of the boundary wall or otherwise as required by the planning authority. Landscaping proposals for the overall car parking area and front garden areas of the proposed houses shall be agreed in writing with the planning authority and shall include natural stone facing to the boundary and retaining walls, and the retaining wall shall be constructed to the design and specifications of a qualified Structural Engineer.

Reason: In the interest of traffic safety and visual amenity on Barna Road.

- 6. (a) Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.
- (b) Surface water run-off associated with this development shall not be permitted to discharge onto the public road or footpath. In addition to the proposals submitted relating to surface water drainage, drainage channel gullies capable of taking the full run-off should be located within the site away from the entrance with appropriate falls from all surfaces to the gullies. All details shall be submitted for agreement with the planning authority prior to the commencement of development.

Reason: In the interest of public safety on Barna Road and the proper planning and sustainable development of the area

7. Prior to commencement of construction of houses, details of the materials, colours and textures of all the external finishes to the proposed houses shall be submitted to the planning authority for agreement.

Reason: In the interest of orderly development and the visual amenities of the area.

8. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.

Reason: In the interest of orderly development and the visual amenities of the area.

9. The developer shall pay to the planning authority a financial contribution of €21,700 (twenty one thousand seven hundred euro) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any specified indexation provisions of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

Dated this day of 2006.