

An
Bord
Pleanála

Board Direction
BD-019756-25
ABP-321870-25

The submissions on this file and the Inspector's report were considered at a Board meeting held on 22/05/2025.

The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

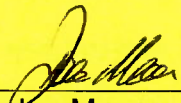
Reasons and Considerations

The site of the proposed development is located within Flood Zone A and Flood Zone B on lands identified as a constrained land use as set out in the Land Use Zoning Map for Bearna in Volume 2 of the Galway County Development Plan 2022-2028. In the absence of a Flood Risk Assessment, and in conjunction with the application of the precautionary principle, it is considered that the proposed development would be contrary to Policy Objective FL 2, Policy Objective FL 3, Policy Objective GCMA 19 of the Galway County Development Plan 2022-2028, and the Planning System and Flood Risk Management Guidelines 2009. Therefore, in the absence of assurance in respect to the aforementioned, and in conjunction with the application of the precautionary principle, as set out under the Planning System and Flood Risk Management Guidelines 2009, the Board is not satisfied that the development if permitted as proposed, would not materially contravene DM Standard 68, Policy Objective FL 2, Policy Objective FL 3, Policy Objective FL 8 and Policy Objective GCMA 19 of the Galway County Development Plan 2022-2028 and would be contrary to Ministerial Guidelines issued under Section 28 of the Planning and Development Act 2000 (as amended) and would set an undesirable precedent for similar future developments and would therefore be contrary to the proper planning and sustainable development in the area.

Note

Notwithstanding the reason for refusal, the Board agreed with the Inspector's general assessment that the applicant had provided sufficient justification for the demolition of the existing dwelling and also agreed with the Heritage Council's observation that an Architectural Heritage Assessment would have been of assistance in this regard. The Board agreed that while the proposed design would change the façade in scale and window form at upper levels, the new design would be largely consistent with the design of the dwellings on either side, would integrate with the streetscape and built form in this regard and would retain a sufficient degree of the original front façade design, such that there would be no undue negative impact on the character of the ACA, having shown due regard to the scale, plot, form and mass of the dwelling and to the dwellings in the streetscape.

Board Member


Declan Moore

Date: 26/05/2025