

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Galway City

Planning Register Reference Number: 15/141

An Bord Pleanála Reference Number: PL 61.245657

APPEAL by Edwin F. and Eleanor Ryan of 9 D'Alton Drive, Salthill, Galway against the decision made on the 25th day of September, 2015 by Galway City Council to grant subject to conditions a permission to D. Ryan care of Seán Dockry and Associates of First Floor, Hynes Building, Saint Augustine Street, Galway in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Construction of a two storey, three bedroom mews house dwelling and associated external works on lands at the rear of number 1 Montpellier Terrace, Sea Road, Galway, as amended by the revised public notice received by the planning authority on the 31st day of August, 2015 as follows: reduced dwelling (from three bed to two bedroom).

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.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the residential zoning objective for the area, to the pattern of development in the area and the relationship of the site to the protected structures on adjacent sites, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not adversely affect the character or setting of any protected structure or Architectural Conservation Area 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 plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 17th day of August, 2015, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) The onsite car parking space shall be omitted from the development and integrated into the landscape private amenity space to serve the occupants of the proposed dwelling.
 - (b) The proposed 'proprietary cladding' to the elevations of the dwelling shall be either in timber or shall be replaced with stone or render.
 - (c) The south east facing side of the first floor terrace shall be fitted and thereafter permanently maintained with opaque glazing to a minimum height of 1.8 metres above the internal floor level of the terrace.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential amenity.

3. With the exception of a pedestrian access to the site, on completion of construction works for the proposed dwelling, the south eastern boundary of the site facing the existing yard area shall be reinstated with a stone boundary wall to match the existing. Details of the wall and opening to include materials and pedestrian access location and gate shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual amenity, and of pedestrian and traffic safety.

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0900 to 1300 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

6. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house, without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of private amenity space is retained for the benefit of the occupants of the proposed dwelling.

7. All service cables associated with the proposed development shall be located underground.

Reason: In the interests of visual and residential amenity.

8. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including construction traffic access, noise management measures, parking for staff working on the site and proposed location for site offices/compound (which shall not be within the yard area to the front of the site), and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

9. The developer shall pay to the planning authority a financial contribution of €13,331 (thirteen thousand three hundred and thirty one 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, as amended. 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 applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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 2016.