

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Galway City**

**Planning Register Reference Number: 15/287**

An Bord Pleanála Reference Number: PL 61.246053

**APPEAL** by Eoin MacCormaic care of Sweeney Architects of Unit 1, Templemichael Business Park, Ballinalee Road, Longford against the decision made on the 10<sup>th</sup> day of December, 2015 by Galway City Council to refuse permission in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Change of use of part of front ground floor of existing dwelling as dental surgery to incorporate changes to layout as approved under planning register reference number 15/113 to include additional on-site parking and ancillary works at 6 Devon Park, Salthill, Galway.

## **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 zoning of the site which 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' as set out in the Galway City Development Plan 2011-2017 where the care of health, safety or welfare of the public are identified as compatible uses, to the planning history of the site, to the minor nature and scale of development which includes the associated renovation of the existing structure on site, to the pattern of development in the area and to the submissions and documentation on file, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the zoning objective for the site as set out in the development plan, would not contravene the permission previously granted on this site, would not seriously injure the amenities of the area, and would be acceptable in terms traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that there was significant benefit in having the existing structure refurbished and re-used. The Board further considered that the very small dental surgery proposed, located adjacent to a very large residential catchment, was an acceptable use that would not give rise to significant traffic generation or a traffic hazard. The Board did not consider that the residential amenity value of the dwelling which has no private rear open space would be significantly compromised by the use or the car parking layout proposed.

## CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 residential use and the proposed dental surgery shall be used as a single live/work unit and the surgery shall not be sold, let or otherwise transferred or conveyed save as part of the dwelling.

**Reason:** To ensure that the demand for onsite car parking is minimised in the interest of residential amenity.

3. The site shall be landscaped in accordance with a scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The scheme shall include a timescale for its implementation.

**Reason:** In the interest of visual amenity.

4. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

5. 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.

6. The developer shall pay to the planning authority a financial contribution 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. Details of the application of the terms of the Scheme 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 the proper application of the terms of the Scheme.

**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.**