

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

## Galway City

**Planning Register Reference Number: 15/269**

An Bord Pleanála Reference Number: PL 61.246593

**APPEAL** by Ivan and Linda Gibbons care of Praxis Architecture of 1 Creagh House, Mary Street, Limerick against the decision made on the 18<sup>th</sup> day of April, 2016 by Galway City Council to grant subject to conditions a permission to Ross Burns and Aisling McNicholas care of Dooley Architects of Unit 3, Tom Barry House, Main Street, Clifden, County Galway in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Demolition of the existing dwellinghouse and construction of a new five bedroom dwellinghouse, garage and all associated site works and services at Rockbine, Taylor's Hill, 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 nature and scale of the proposed development, as modified in the revised plans and particulars, and to the pattern of development in the vicinity of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of adjoining residential properties and would not be out of character with the pattern and design of development in the area. 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 original recommendation to refuse permission, the Board considered that the revised proposals submitted by the applicant on the 21<sup>st</sup> day of November, 2016, in response to the Board's Section 132 Notice of the 11<sup>th</sup> day of October, 2016, adequately resolved the concerns outlined in the Inspector's report and recommendation.

## **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 revised plans and particulars submitted to An Bord Pleanála on the 21<sup>st</sup> day of November, 2016, 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. All existing trees on site, whose removal is not physically necessitated in order to carry out the permitted development, shall be carefully retained. Such trees shall be adequately protected during the period of construction in accordance with BS: 5837. Such measures shall include a protection fence which shall be erected, beyond the branch spread of these trees, before any demolition or construction works commence on the site. No construction work or storage shall be carried out within the protective barrier.

**Reason:** In the interest of visual amenity and to ensure the protection of residential amenities of adjoining properties.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour shall be blue-black or dark grey only, including ridge tiles.

**Reason:** In the interest of protecting the residential amenities of surrounding properties.

4. Site development and building works shall be carried out between the hours of 08.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 13.00 hours on Saturdays and not at all on Sundays or 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 the interest of protecting the residential amenities of adjoining properties.

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 room indicated as an office shall be used as a home office solely for the enjoyment by the applicants, no other persons/client shall use or call to this home office for any business purpose. The area of the home office shall be used as an intrinsic part of the overall residential dwelling unit.

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

7. Notwithstanding the provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no extension, shed, store, garage or other free-standing structure shall be erected within the curtilage of the dwellinghouse, without a prior grant of planning permission.

**Reason:** To prevent excessive building density and to protect the visual amenities of the area.

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

**Dated this            day of            2017.**