

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Galway County

Planning Register Reference Number: 16/1167

An Bord Pleanála Reference Number: PL 07.247539

APPEAL by Daniel and Mary Ludden of Killower, Belclare, County Galway against the decision made on the 13th day of October, 2016 by Galway County Council to grant subject to conditions a permission to John and Eileen Ludden care of Paul Feeney Consulting Engineers Limited of Unit 1 Riveroaks Centre, Claregalway, County Galway in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Retention of a store at Killower, Belclare, County 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 limited scale and size of the development and to the designation of the area as being of “low sensitivity” in the Galway Development Plan, the Board considered that the proposal, subject to compliance with the conditions set out below, would be acceptable in terms of visual amenity and in terms of traffic safety and convenience and 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 if carried out in accordance with the conditions attached that it would be acceptable in terms of visual amenity. The Board further considered that the proposal would be acceptable in terms of traffic safety given attachment of a condition precluding commercial use. The Board further considered that any potential risk to a Special Area of Conservation would be removed by a condition requiring removal of commercial use and of toilet from the facility.

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 proposal to be retained shall be amended as follows:
 - (a) Metal cladding shall be removed and the walls shall be finished in a plastered finish to be agreed with the planning authority.
 - (b) The toilet shall be removed from the premises.

Reason: In the interests of visual amenity and orderly development.

3. The store shall not be used for habitable or commercial/industrial purposes or any other purpose other than those incidental to the enjoyment of the dwellinghouse.

Reason: In the interest of orderly development.

4. All surface water generated by the development shall be disposed of within the site and shall not be discharged onto the road or the adjoining property.

Reason: In the interests of the proper planning and sustainable development of the area.

5. Site perimeter augmentation planting consisting of tree and shrub species native to the area (and save for maintaining the requisite sight visibility distance at vehicular access) shall be carried out in the first planting season follow receipt of final grant of permission.

Reason: In the interest of visual amenity.

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

Dated this day of 2017.