

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Galway County

Planning Register Reference Number: 16/251

An Bord Pleanála Reference Number: PL 07.247726

APPEAL by Matthew and Hillary Daniels care of James O'Donnell Planning Consultancy Services of Suite 3, Third Floor, Ross House, Victoria Place, Eyre Square, Galway against the decision made on the 17th day of November, 2016 by Galway County Council to refuse permission for the proposed development.

PROPOSED DEVELOPMENT: Retention of extension to rear and front of dwellinghouse, alterations to elevations, extension to existing garage and creation of new driveway entrance for dwellinghouse at Moyveela, Oranmore, County Galway.

DECISION

GRANT permission for the above proposed development in accordance with the plans and particulars lodged with the said council, 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 established residential use on the site, it is considered that, subject to compliance with the conditions set out below, the retention of the development as proposed would not increase the risk of flooding on the site, would be acceptable in terms of traffic safety and convenience, would not seriously injure the residential or visual amenities of the area and would not materially contravene the policies and provisions of the Galway County Development Plan 2015 to 2021. The development proposed for retention would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board noted the contents and conclusions of the Stage 1 Appropriate Assessment Screening submitted with the planning application. The Board concluded that, on the basis of the information submitted, which it considered to be adequate in order to complete a screening determination, the development proposed for retention either individually or in combination with other plans or projects, would not be likely to have a significant effect on the Galway Bay Complex Special Area of Conservation (Site Code 000268) or the Inner Galway Bay Special Protection Area (Site Code 004031) or any other European Site, in view of the sites' conservation objectives and that, therefore, a Stage 2 Appropriate Assessment and the submission of a Natura Impact Assessment was not required.

CONDITIONS

1. The development shall be retained in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 24th day of October, 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 and the development shall be retained in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The garage shall be used solely for purposes incidental to the enjoyment of the dwellinghouse and shall not be used for commercial or industrial purposes or for human habitation.

Reason: In the interest of residential amenity.

3. (a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 24th day of October, 2016, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. \leq 10)" - Environmental Protection Agency, 2009. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority within one month of the date of this order.

(b) Treated effluent shall be discharged to a raised percolation area constructed from imported fill with a suitable T value and depth to ensure adequate attenuation of the effluent prior to discharge to ground. The percolation area shall be provided in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. \leq 10)" - Environmental Protection Agency, 2009.

- (c) Within three months of the commissioning into use of the effluent treatment system, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the Environmental Protection Agency document.

Reason: In the interest of public health.

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

Dated this day of 2017.