



An  
Bord  
Pleanála

**Board Order  
PL 61.248381**

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## **Planning and Development Acts 2000 to 2017**

**Planning Authority: Galway City Council**

**Planning Register Reference Number: 16/212**

**Appeal** by Desmond and Ann Mackey of Arche House, Maunsells Road, Galway against the decision made on the 30<sup>th</sup> day of March, 2017 by Galway City Council to grant subject to conditions a permission to Fort Eyre Developments Limited care of Mulcaire Heffernan Limited of Barna Village, Galway in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** (1) Demolition of roof and rear return of the existing two-storey commercial building, (2) part demolition and replacement of the ground floor façade fronting onto Shantalla Road, (3) Construction of new ground floor and first floor with roof over, to accommodate a total of four number apartments, consisting of two number two bedroom apartments and two number one bedroom apartments, (4) new first floor balconies and ground floor terrace enclosure to rear, (5) conservation and upgrading works to the front façade onto Shantalla Road and to the chimney on party wall with number 59 Shantall Road, with all original features to be retained where possible and (6) the proposed development will be integrated with the adjoining site of number 57 Shantalla and Fort Eyre and will include all associated site works and services. All at number 58 Shantalla Road, Galway (a protected structure - RPS Reference: 9203).

## **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 objective for the site, the pattern of development in the vicinity and the policies of the Galway City Development Plan 2017-2023, it is considered that, subject to compliance with the conditions set out below, the proposed development would not detract from the character or setting of the Protected Structure and would not seriously injure the residential or visual amenities of the area. 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 to the planning authority on the 27<sup>th</sup> day of October, 2016 and on the 3<sup>rd</sup> day of March, 2017, 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. A schedule and appropriate samples of all materials to be used in the external treatment of the development to include proposed brick, roofing materials, windows, doors and gates shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure an appropriate standard of conservation.

3. (a) A conservation expert shall be employed to manage, monitor and implement the works on the site and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric.
- (b) All repair works to the protected structure shall be carried out in accordance with best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in 2011. The repair works shall retain the maximum amount of surviving historic fabric in situ, including structural elements, plasterwork (plain and decorative) and joinery and shall be designed to cause minimum interference to the building structure and/or fabric. Items that have to be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.
- (c) All existing original features, including interior and exterior fittings/features, joinery, plasterwork, features (including cornices and ceiling mouldings) staircases including balusters, handrail and skirting boards, shall be protected during the course of refurbishment.

**Reason:** To ensure that the integrity of the retained structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

4. There shall be no access from the private open space of Apartment 3 (as shown on Drawing Number 1408.PL.204 Rev A) to the adjacent laneway. A wall, 1.8 metres in height, shall be erected along the section of the site abutting the laneway. Details of the wall shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of orderly development.

5. 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 hours of working, noise management measures, traffic management measures and off-site disposal of construction/demolition waste.

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

6. No additional development shall take place above roof parapet level, including air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

**Reason:** To protect the residential amenities of property in the vicinity and the visual amenities of the area.

