



An  
Bord  
Pleanála

**Board Order  
PL 07.249274**

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

**Planning Authority: Galway County Council**

**Planning Register Reference Number: 17/946**

**Appeal** by Raymond Glynn care of Grealish Glynn and Associates of 1 The Punchbowl, Ennis Road, Gort, County Galway against the decision made on the 23<sup>rd</sup> day of August, 2017 by Galway County Council to refuse permission for the proposed development.

**Proposed Development:** Construction of a dwelling house, garage, treatment unit and all associated services at Ballyturin, Gort, 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 documentation submitted and to the revisions made to the proposed development from that previously refused by An Bord Pleanála in appeal reference number PL07.247397, and to the undulating topography and pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would generally be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Appropriate Assessment**

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site.

In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the sites' conservation objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on European Sites – the Lough Cutra Special Area of

Conservation (Site Code 000299) and the Slieve Aughty Mountains Special Protection Area (Site Code 004168), or any other European site, in view of the sites' conservation objectives.

## 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 received by An Bord Pleanála on the 19th day of September, 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) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.
- (b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

**Reason:** To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.

3. (a) The external wall finishes of the proposed dwelling shall be nap plaster, dry dash and/or natural stone, unless otherwise agreed in writing with the planning authority.
- (b) The roof of the dwelling shall be of a blue/black, black or dark grey colour (including ridge tiles).
- (c) The external finishes of the garage shall match those of the dwellinghouse.

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

4. (a) The existing trees and hedgerows on site, including those along the roadside frontage, shall be retained and only removed where necessary to achieve sightlines at the entrance to the site.
- (b) The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details including any replacement boundary planting, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

- (c) Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

- 6. (a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to An Bord Pleanála on the 19th day of September, 2017, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009. No system other than the type proposed in the submission shall be installed unless agreed in writing with the planning authority.
- (b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.
- (c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the dwellinghouse and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.
- (d) Surface water soakaways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.

- (e) Within three months of the first occupation of the dwelling, 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 and that the polishing filter is constructed in accordance with the standards set out in the EPA document.

**Reason:** In the interest of public health.

7. The water supply to serve the proposed dwelling shall have sufficient yield to serve the proposed development, and the water quality shall be suitable for human consumption. Details, demonstrating compliance with these requirements, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure that adequate water is provided to serve the proposed dwelling, in the interest of public health.

8. The recessed entrance to the public road, including gradients, wing walls boundary treatment and surface water arrangements, shall comply with the detailed standards of the planning authority for such works.

**Reason:** In the interest of amenity and traffic safety.

9. In order to facilitate sightlines at the proposed entrance, the developer shall submit proposals for the removal of the signage adjacent to the entrance for the former Derrybrien National School for agreement with the planning authority prior to the commencement of development.

**Reason:** In the interests of traffic safety.

