



An
Bord
Pleanála

**Board Order
PL 07.249390**

Planning and Development Acts 2000 to 2017

Planning Authority: Galway County Council

Planning Register Reference Number: 17/686

Appeal by Cáit Ní Chonail care of Michael Walshe Architect of Derryloughane West, Spiddal, County Galway against the decision made on the 14th day of September, 2017 by Galway County Council to refuse a permission to the said Cáit Ní Chonail for the proposed development.

Proposed Development: Teach conaithe a thóghail, ina mbeidh seomraí agus fuinneoga sa díon, maraon le garáiste, coras séarachais, seirbhísí agus oibreacha talamh a bhaineann ar Baile Eamoinn, An Spidéal Thiar, Contae na Gaillimhe.

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 site-specific design of the dwelling which responds adequately to the topography of the site, to the pattern of development in the area which includes a variety of house styles including houses with upper floor accommodation, and to the provisions of the current Development Plan for the area, it is considered that the proposed house would not seriously injure the landscape character or the visual amenities of the area, and would, therefore, be acceptable in terms of 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 the extent of cut and fill on the site, as detailed in the further information drawings, would not be excessive. The elevation facing the roadside is restrained. The roof profiles and upper floor gable windows would not be incongruous or visually unacceptable. It was considered that the design responded adequately to the site constraints and would be visually acceptable.

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 on the 22nd day of August, 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. 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 the interest of the proper planning and sustainable development of the area.

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 22nd day of August, 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. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) 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 in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

4. The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:
 - (a) the establishment of a hedgerow along all side and rear boundaries of the site, and
 - (b) planting of trees along the boundaries of the site.

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.

5. The existing front boundary shall be retained except to the extent that its removal is necessary to provide for the entrance to the site.

Reason: In the interest of visual amenity.

