



Planning and Development Acts 2000 to 2017

Planning Authority: Galway County Council

Planning Register Reference Number: 17/624

Appeal by Faye Bohan and Philip O'Neill care of McCarthy Keville O'Sullivan Limited of Block 1, G.F.S.C., Moneenageisha Road, Galway against the decision made on the 25th day of September, 2017 by Galway County Council to refuse permission to the said Faye Bohan and Philip O'Neill.

Proposed Development Extension, modifications and change of roof finish to an existing dwelling at Ballyquirke, Moycullen, County Galway.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations 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

1. The site of the proposed development is located in an area where the landscape is designated as Sensitivity Class 3, as set out in the current Development Plan for the area, where emphasis is placed on the importance of designing with the landscape and of siting of development in order to minimise visual intrusion, as set out in the current Galway County Council Rural House Design Guidelines, which Guidelines are considered to be reasonable. Having regard to the topography of the site, the elevated positioning of the proposed development, together with its excessive height and scale, and inappropriate and overcomplicated design, it is considered that the proposed development would form a discordant and obtrusive feature on the landscape at this location, would seriously injure the visual amenities of the area, would fail to be adequately absorbed and integrated into the landscape, and would militate against the preservation of the rural environment. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to insufficient information submitted in relation to the proposals for waste water treatment, in accordance with the "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)", 2009 and subsequent clarifications issued by the Environmental Protection Agency, the Board is not satisfied that the proposed development would not have the potential to pose an unacceptable risk to receiving waters, and in the absence of such information and of a Natura Impact Statement, the Board accordingly cannot be satisfied that the proposed development individually, or in combination with other plans or projects, would not be likely to have a significant effect on Loch Corrib Special Area of Conservation (Site Code Number 000297) and Loch Corrib Special Protection Area (Site Code Number 004042), in view of the sites' Conservation Objectives. In such circumstances, the Board is precluded from granting approval/permission.

3. The proposed development is in an area which is deemed to be at risk of flooding, by reference to the current Development Plan for the area and the documentation on file. Having regard to the provisions of the Development Plan in relation to development proposals in areas at risk of flooding, it is considered that, in the absence of a site-specific flood risk assessment, including analysis of such risk, and appropriate mitigating measures to address any risk, the proposed development would be contrary to the proper planning and sustainable development of the area.

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

Dated this day of 2018