



Planning and Development Acts 2000 to 2017

Planning Authority: Galway County Council

Planning Register Reference Number: 17/712

Appeal by Tom Burke care of AOCA Engineering Consultants of Lismard House, Timahoe Road, Portlaoise, County Laois against the decision made on the 14th day of December, 2017 by Galway County Council to grant permission for development comprising (a) construction of a porch to the front elevation of the existing dwelling with all associated site works (gross floor area 2.67square metres, and (b) permission to remove condition number 11 from permission granted under planning register reference number 01/1656. Gross floor space of proposed works 2.67 square metres, at Shannafreaghoge, County Galway in accordance with the plans and particulars lodged with the said Council.

Decision

GRANT permission for construction of a porch to the front elevation of the existing dwelling with all associated site works in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for removal of condition number 11 from permission granted under planning register reference number 01/1656based on the reasons and considerations marked (2) under

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)

Having regard to the pattern of development in the vicinity and the nature, scale and design of the proposed extension, it is considered that this element of the proposed development, subject to compliance with the conditions set out below, would not seriously injure the residential amenities of the existing or neighbouring property. 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 on the 20th day of November 2017, except as may otherwise be required in order to comply with the following condition.

Reason: In the interest of clarity.

2. The conditions of planning register reference number 01/1656, including condition number 11, shall continue to apply to the dwelling to which it is proposed to erect the subject porch.

Reason: In the interest of the proper planning and sustainable development of the area.

Reasons and Considerations (2)

The proposed development which seeks the removal of the lifetime inurement clause imposed by condition number 11 of planning register reference number 01/1656 does not comply with Objective RHO-13 of the Galway County Development Plan 2015-2021 which requires that a period of seven years of full time occupancy by the applicant elapse before a lifetime inurement clause can be considered to be expired. The applicant of planning register reference number 01/1656 has not demonstrated a period of seven years of full time occupancy of the subject dwelling and therefore does not comply with Objective RHO-13. The proposed removal of the lifetime inurement clause, therefore, is not in accordance with the development plan and not in accordance with the proper planning and sustainable development of the area.

Terry Ó Niadh

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2018.