



Planning and Development Acts 2000 to 2018

Planning Authority: Galway City Council

Planning Register Reference Number: 18/344

Appeal by Susan Thornton of 12 Sylvan Avenue, Fairlands, Newcastle, Galway and by Michael Mullaney care of OPC Design and Planning of Main Street, Loughrea, County Galway against the decision made on the 20th day of February, 2019 by Galway City Council to grant subject to conditions a permission to Michael Mullaney in accordance with plans and particulars lodged with the said Council.

Proposed Development: (a) Retention of changes to existing dwellinghouse to include demolition of single storey flat roof side extension, construction of single storey extension to rear and construction of a porch to front of dwelling, (b) retention of existing dwellinghouse on revised site boundaries and (c) construction of a new two and half storey dwellinghouse on the remainder of the existing site including new entrance and all associated works at 25 Greenfields Road, Newcastle, 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 zoning objective, the policies and objectives of the Galway City Development Plan 2017-2023, in particular Policy 2.6 Established Suburbs Section and Section 11.3 Residential Development, the design and layout of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the development for which retention is sought and the proposed development would not seriously injure the visual amenities of the area or the residential amenities of property in the vicinity. The development for which retention is sought and 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, completed and retained in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 24th day of January, 2019, 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 out in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The public footpath at the entrance to both sites shall be appropriately dished to the satisfaction of the planning authority.

Reason: In the interest of orderly development.

3. The developer shall ensure that the site is appropriately maintained and the public road and footpath remain free of any dirt and debris during the construction phase of development.

Reason: In the interest of orderly development.

4. Details, including samples, of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

6. Prior to commencement of development, proposals for the numbering of the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of orderly development.

7. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Paul Hyde

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

Dated this day of 2019.