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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Galway City Council**

**Planning Register Reference Number: 18/366**

**Appeal** by Declan and Sandra Owens of 18 Walsh's Terrace, Woodquay, Galway against the decision made on the 26<sup>th</sup> day of March, 2019 by Galway City Council to grant subject to conditions a permission to Donal Gallagher care of O'Neill O'Malley of Technology House, Galway Technology Park, Parkmore, Galway in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Change of use from existing residential, end of terrace dwelling to guest house use and the demolition of existing out-buildings at the rear. The new guest house will incorporate the existing two-storey end of terrace house as well as a new two-storey extension at the rear and will comprise of 11 en-suite guest rooms with communal lounge and breakfast room along with a landscaped courtyard and a new pedestrian gate access at the rear and all ancillary site works, landscaping and service connections. All at 20 Walsh's Terrace, Woodquay, 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 pattern of development in the area, the site location and context, the nature and scale of the proposed development and the residential land use zoning for the site as set out in the Galway City Development Plan 2017-2023, which states that guesthouse use may contribute to the zoning objective, subject to location and scale of development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of its use and visual impact and in terms of traffic and pedestrian safety and would not seriously injure the residential amenity of property in the vicinity. 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 28<sup>th</sup> day of February, 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 in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The development hereby permitted shall be operated as a guesthouse and for no other purpose without a prior grant of permission for change of use. One bedroom shall be allocated for permanent use as staff accommodation only. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority, a floor plan identifying the bedroom which is to be allocated for permanent use as staff accommodation.

**Reason:** In the interest of residential amenity and to limit the scope of the proposed development to that for which the application was made.

3. No advertisements or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building or within the curtilage of the site in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

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

4. Details of the materials, colours and textures of all the external finishes to the proposed development 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. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority:

- (a) Details of parking layout which shall include secure cycle parking spaces.

- (b) Details of the landscaping scheme.

**Reason:** In the interest of encouraging the use of sustainable modes of transport and in the interest of visual amenity.

6. Water supply and drainage arrangements, including the attenuation and 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.

7. The construction of the development shall be managed in accordance with a construction management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

8. Site development and building works shall be carried out only between the hours of 0800 to 1900 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.

9. Prior to commencement of development, or as otherwise agreed with the planning authority, the developer shall pay a transportation contribution of €5,000 (five thousand euro) to the planning authority, in lieu of on-site parking spaces, (beyond the two on-site spaces included within the proposed development), in accordance with section 11.10.1 of the Galway City Development Plan 2017-2023.

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

10. 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.

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**Chris McGarry**

**Member of An Bord Pleanála**

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

**Dated this            day of            2019.**