



An
Bord
Pleanála

Ordú Boird Board Order ABP-304643-19.

**Na hAchtanna um Pleanáil agus
Forbairt 2000 go 2018**

**Planning and Development Acts
2000 to 2018**

**Údarás Pleanála: Comhairle
Contae na Gaillimhe
Uimhir Thagartha i gClár Pleanála:
18/1789**

**Planning Authority: Galway County
Council
Planning Register Reference
Number: 18/1789**

**Uimhir Thagartha an Bhoird
Phleanála: ABP-304643-19**

**An Bord Pleanála Reference
Number: ABP-304643-19**

**Iarratas ar chead chun achomharc
a dhéanamh** i gcoinne cinneadh an
údaráis pleanála ag Thomas Glyndwr
Powell agus Iris Tamsin Powell faoi
chúram Stephen Dowds Associates
ag 5 Sráid Mhuire, Gaillimh atá leas
acu i dtalamh atá taobh le talamh i
dtaca le cinneadh a rinne Comhairle
Contae na Gaillimhe ar an 15
Bealtaine 2019 cead a thabhairt faoi
réir coinníollacha do Benny Higgins
faoi chúram Thomas Walsh ó Ghlann,
Uachtar Ard, Contae na Gaillimhe.

Application for Leave to Appeal
against the decision of the planning
authority by Thomas Glyndwr Powell
and Iris Tamsin Powell care of Stephen
Dowds Associates of 5 Mary Street,
Galway, having an interest in land
adjoining the land in respect of which
Galway County Council decided on the
15th day of May, 2019 to grant subject
to conditions a permission to Benny
Higgins care of Thomas Walsh of
Glann, Oughterard, County Galway

An Fhorbairt Bheartaithe:

Chun sean teach a leagan agus teach cónaithe, córas séarachais agus garáiste príobháideach a thógáil. Spás urláir comhlán na n-oibreacha beartaithe: 210 méadar cearnach. Spás urláir comhlán d'aon scartáil: 65 méadar cearnach, Corr Chuilinn, Contae na Gaillimhe.

Proposed Development:

Demolition of existing house and construction of a residential house, sewerage system and private garage. Total ground space for the proposed works: 210 square metres. Total demolition ground space: 65 square metres, Corcullen, County Galway.

An Cinneadh

CEAD A THABHAIRT chun achomharc a dhéanamh faoi alt 37 (6) den Acht um Pleanáil agus Forbairt, 2000, arna leasú, ag brath ar na cúiseanna agus na tuisceana a leagtar amach thíos.

Decision

GRANT leave to appeal under section 37 (6) of the Planning and Development Act, 2000, as amended, based on the reasons and considerations set out below.

Na hÁbhair a bhí Curtha san Áireamh

Ag déanamh a chinnidh, thug an Bord aird ar na nithe áirithe atá dualgas air, de bhua na n-Achtanna um Pleanáil agus Forbairt agus na Rialachán arna ndéanamh fúthu, aird a thabhairt dóibh. San áireamh bhí aon aighneacht agus tuairim a fuair an Bord faoi réir forálacha reachtúla.

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.

Cúiseanna agus Tuisceana

Ag féachaint do na haighneachtaí agus na doiciméid a fuarthas maidir leis an iarratas ar chead chun achomharc a dhéanamh agus na coinníollacha a leagtar amach i gcinneadh an údaráis pleanála, meastar go dtaispeántar –

- (i) go mbeidh difríocht shuntasach idir an fhorbairt, a ndearnadh cead a thabhairt ina leith, agus an fhorbairt mar a leagtar amach san iarratas ar chead pleanála mar gheall ar choinníoll uimhir 1 a chuir an t-údarás pleanála i bhfeidhm air a bhfuil an cead ag brath, agus
- (ii) beidh feidhm ag forchur choinníoll 1, a thagraíonn do phleananna leasaithe agus do shonraí leasaithe mar a cuireadh faoi bhráid an údaráis pleanála mar thuilleadh eolais, ar an aoibhneas a fhaigheann an t-iarratasóir ón talamh atá taobh leis an talamh a rinneadh cinneadh cead a thabhairt ina leith nó

Reasons and Considerations

Having regard to the submissions and documents received in connection with the application for leave to appeal and the condition(s) set out in the planning authority's decision, it is considered that it has been shown that -

- (i) the development, in respect of which a decision to grant permission has been made, will differ materially from the development as set out in the application for permission by reason of condition numbered 1 imposed by the planning authority to which the grant is subject, and
- (ii) the imposition of condition numbered 1, which refers to revised plans and particulars submitted to the planning authority as further information, will materially affect the applicant's enjoyment of the land adjoining the land in respect of which it has been decided to grant permission or reduce the value of the land.

laghdófar luach an talaimh
dá réir.

Maria FitzGerald
Ball den Bhord Pleanála a
bhfuil Údarás aige séala an
Bhord a fhíordheimhniú

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

Dátaithe ar an lá seo de 2019

Dated this the day of 2019