



Planning and Development Acts 2000 to 2019

Planning Authority: Galway City Council

Planning Register Reference Number: 19/115

APPEAL by Alan Garvey care of ORA Architects of 14 Father Burke Road, Claddagh, Galway against the decision made on the 11th day of June, 2019 by Galway City Council to refuse permission.

Proposed Development: Installation of pedestrian gate in the rear boundary wall and construction of access path through communal green space at 131 Baile an Chóiste, Headford Road, 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

It is considered that the insertion of a rear pedestrian gate and the construction of an associated pathway across an area of established open space would result in the fragmentation of this public open space, and would set an undesirable precedent for the establishment of further such access points which, if permitted, would seriously injure the amenities of property in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission for the pedestrian gate while not permitting the associated pathway, the Board considered that, in the absence of an overall coherent solution, entailing a shared footpath serving all rear gardens, to permit the proposed gate would lead to a fragmentation of the open space, and create a precedent for other such gates in the vicinity. In this regard, the Board noted that other pedestrian gates within the overall estate opened directly onto existing public footpaths, and not onto areas of public open space.

Philip Jones

Member of An Bord Pleanála

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

Dated this day of 2019.