



Planning and Development Acts 2000 to 2019

Planning Authority: Galway City Council

Planning Register Reference Number: 19/139

APPEAL by Michael and Catherine Mullaney care of Gaynor Architectural and Design Services Limited of Fallon Avenue, Roscommon, County Roscommon against the decision made on the 6th day of December, 2019 by Galway City Council to refuse permission for the proposed development.

Proposed Development: Retention and completion of partly constructed extension to rear of dwelling, refurbishing works to existing dwelling internally and externally, relocation of front entrance door from sun room to front of dwelling in lieu of existing window, and planning permission lowering first floor window opes to front elevation and installation of new windows, removal of tiled pitched roof over sun room and replacing same with flat roof, removal of front boundary to provide car parking spaces facilities for residents, associated site works and services at 12 Cookes Terrace, Bohermore Townspark, Galway City, as amended by the further public notice received by the planning authority on the 13th day of November, 2019.

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

1. Having regard to the excessive depth, height, scale, massing and footprint of the rear extension to be retained and completed, it is considered that the extension constituted overdevelopment of the site that would be overbearing on adjacent residential properties. The proposed development would, therefore, seriously injure the residential amenities of adjoining properties and would be contrary to the proper planning and sustainable development of the area.
2. Having regard to section 11.3.1(c) of the Galway City Development Plan 2017-2021, which requires that private open space (areas generally not overlooked from a public road) exclusive of car spaces shall be provided at a rate of not less than 50% of the gross floor area of the residential unit, it is considered that the quantum of residual private open space would not be in accordance with the development plan provisions. Furthermore, it is considered that the overall quality of the open space is unsatisfactory by reason of the constrained nature of the area adjacent to walls/structures. The development to be retained and completed would be contrary to the provisions of the Galway City Council Development Plan 2017-2023, would seriously injure the residential amenity of future occupants of the dwelling and would therefore, be contrary to the proper planning and sustainable development of the area.

3. It is considered that the proposed porch extension by virtue of its two metres projection forward of the front building line and its proximity to the habitable window serving number 11 Cookes Terrace would obstruct access to natural daylight and would be visually imposing to occupants. The proposed porch extension would seriously injure the residential amenities of the adjoining property and would, therefore, be contrary to the proper planning and sustainable development of the area.

Maria FitzGerald

Member of An Bord Pleanála

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

Dated this day of 2020.