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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Galway City Council**

**Planning Register Reference Number: 19/223**

**Appeal** by Damian McDonagh of 53 Father Burke Road, Claddagh, Galway against the decision made on the 6<sup>th</sup> day of April, 2020 by Galway City Council to grant subject to conditions a permission to Siobhan O'Shaughnessy care of O'Neill O'Malley Limited of Ground Floor, Unit 2/3, Galway Technology Park, Parkmore, Galway in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Permission is sought for the demolition of an existing semi-detached house, the division of the existing site into two new sites and the construction of two new houses as follows: House Number 1 to be a two-storey four-bed mid-terrace house to have a new vehicular entrance with House Number 2, end of terrace house to be a four-bedroom, two-storey, to retain the existing vehicular entrance, along with all associated site works and service connections, all at 54 Father Burke Road, Claddagh, 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 provisions of the Galway City Development Plan 2017 - 2023, to the existing pattern of development in the area and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and 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 11<sup>th</sup> day of March 2020 and by the further plans and particulars received by An Bord Pleanála on the 20<sup>th</sup> day of July, 2020, 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. Prior to commencement of development, revised drawings shall be submitted to, and agreed in writing with, the planning authority, showing the following:-
  - (a) Site boundary walls to the side and rear of the dwelling(s) as follows –
    - (i) 1.8 metres in height above ground level, on all sides and rear boundaries when measured from inside Site 1 (for House Number 1).
    - (ii) The southern boundary walls shall be no higher than 1.2 metres forward of the front building line of the permitted dwelling(s).

- (iii) All boundary walls shall be constructed in concrete block and suitably capped and rendered on both sides in a finish that matches the external finish of the dwelling(s).
  
- (b) The first-floor window serving bedroom number 1 to House Number 2 shall be bottom hinged and permanently of obscure glazing.
  
- (c) No part of the roof of either House Numbers 1 and 2 shall be used as a balcony/terrace/roof garden.
  
- (d) Details of the materials, colours and textures of all the external finishes to the proposed dwelling(s).

**Reason:** In the interests of residential and visual amenity.

- 3. (a) A suitably qualified bonded engineer shall supervise all works. On completion of works, the structural engineer shall submit to the planning authority a report detailing that works have been carried out to best practice.
  
- (b) Prior to commencement of development, detailed structural drawings and a construction methodology statement, indicating the means proposed to ensure the protection of the structural stability and fabric of the adjacent structure, shall be submitted to, and agreed in writing with, the planning authority. These details shall include demonstrating the excavation, construction and demolition methods proposed, the proposed foundation system and underpinning, structural bracing and support and method of construction.

**Reason:** To ensure the quality of the development and works commensurate with the protection to be afforded to the adjacent structure.

4. 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.

5. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 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.

6. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

**Reason:** In the interest of sustainable waste management.

7. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

**Reason:** In the interest of public health.

8. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

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

**Dated this            day of            2020.**