



---

**Planning and Development Acts 2000 to 2020**

**Planning Authority: Galway City Council**

**Planning Register Reference Number: 20/109.**

**Appeal** by Trudy Kelliher care of Planning Consultancy Services of Suite 3, Third Floor, Ross House, Victoria Place, Eyre Square, Galway against the decision made on the 9<sup>th</sup> day of July, 2020 by Galway City Council to refuse permission for the proposed development.

**Proposed Development:** Retention of works comprising of rear ground floor kitchen extension, storage semi basement and patio timber deck structure and fencing at Adrigoole House, 186 Upper Salthill, 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 permitted development in the area, to the provisions of the Galway City Development Plan 2017-2023, and to the layout and design as submitted, it is considered that, subject to compliance with the conditions set out below, the development for which retention permission is sought would not seriously injure the residential or visual amenities of adjoining properties, and would be acceptable in terms of pedestrian and traffic safety. The development for which retention permission is sought would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be retained in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to An Bord Pleanála on the 5<sup>th</sup> day of August, 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 and the development shall be retained in accordance with the agreed particulars.

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

2. The development shall be amended in accordance with the details as submitted to An Bord Pleanála on the 5<sup>th</sup> day of August, 2020 as follows:
  - (a) Removal of existing timber patio deck, railing and stairs.
  - (b) Replacement stairs to link existing balcony to lower garden.
  - (c) Convert timber patio deck area to form an extended part of the lower garden.
  - (d) Lower the timber fence to rear of number 188 Upper Salthill by 0.3 metres.

- (e) Plant native trees between the converted lower garden area and the rear of number 188 Upper Salthill.
  
- (f) Install a 1.8-metre high opaque glass privacy screen to south-western and north-eastern edges of the balcony.

All of the above works shall be carried out within six months of the date of this Order and photographic evidence showing the completed works shall be submitted to the planning authority within this timeframe.

Details of the proposed planting scheme, prepared by a suitably qualified person, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of clarity, residential amenity and the proper planning and sustainable development of the area.

3. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house without a prior grant of planning permission.

**Reason:** In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the extended dwelling and in the interest of the amenities of the area.

4. 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 within six months of the date of this Order 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.

---

**Chris McGarry**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2020.**