



Planning and Development Acts 2000 to 2020

Planning Authority: Galway City Council

Planning Register Reference Number: 20/9

Appeal by Niall Connaire of Avila, Palmyra Avenue, Galway against the decision made on the 9th day of September, 2020 by Galway City Council to grant subject to conditions a permission to Castlecarrá Developments Limited care of Feeney McMahon Architects of King's Island, Bishop Street, Limerick in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of a two-storey dwellinghouse accessed from Palmyra Avenue, connection to existing services and all ancillary site works, and retention of the existing vehicular site entrance at Palmyra Avenue, to the rear of Ard Eibhin, 28 Saint Mary's Road, Galway. The proposed development was amended by further public notices received by the planning authority on the 22nd day of July, 2020 and on the 14th day of August, 2020 and now comprises a reduced sized dwelling and the omission of one number car parking space.

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 Galway City Development Plan 2017-2023 according to which, the site is located within the “Inner Residential Area” for which there is a requirement for compatibility with the scale, proportions, character and amenities of existing development, and to the established pattern and character of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of adjoining properties and the visual amenities of the area and would be acceptable in terms of pedestrian and vehicular safety and convenience. The proposed development 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 22nd 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. A masonry wall, to a maximum height of two metres shall be constructed along the east site boundary of the adjoining property (Avila) and completed prior to the occupation of the proposed dwelling. This should be within the applicant's own property unless written consent and agreement is received from the adjoining neighbour. Full details in plan, form and inclusive of materials and finishes shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of clarity and the residential amenities of the area.

3. The following requirements shall be provided for and adhered to in the development:

- (a) Full details for the proposed front boundary screen and gate which shall not exceed a height of 1.8 metres in height and of the proposed materials and finishes shall be submitted to and agreed in writing with, the planning authority prior to commencement of development.
- (b) Full details for the proposed hard and soft landscaping for the space at the front and the amenity space at the rear of the dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (c) No additional fenestration shall be fitted unless otherwise authorised by a prior grant of planning permission.

Reason: In the interest of clarity and visual and residential amenity.

4. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 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.

5. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Sample panels shall be erected on site for inspection by the planning authority in this regard.

Reason: In the interest of visual amenity.

6. Water supply and drainage arrangements, including the attenuation and disposal of surface water and mitigation measures against flood risk including in the basement area, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

7. The developer shall enter into water supply and wastewater connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

8. 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.

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

Dated this day of 2021