

Planning and Development Acts 2000 to 2020

Planning Authority: Galway City Council

Planning Register Reference Number: 20/180

Appeal by Patrick Meagher of Clybaun Surgery, Clybaun Road, Galway against the decision made on the 9th day of April, 2021 by Galway City Council to grant subject to conditions a permission to David McLoughlin care of Sean Hanniffy and Associates of Cottage, Maree, Oranmore, County Galway in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of a two-storey dwellinghouse and all associated services, at Clybaun Road, Knocknacarra, Galway. The proposed development was revised by further public notices received by the planning authority on the 15th day of March, 2021.

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 location of the site in the outer suburbs of the city, to the established pattern of development in the area, to the site size and configuration, and to the footprint, scale, form, height and design 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 visual and natural amenities of the area or the residential amenities of the adjoining property by reason of overdevelopment, visual obtrusiveness and overbearing impact, or overlooking, would be acceptable in terms of traffic safety and convenience and would, otherwise, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be and shall be carried out in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars lodged with the planning authority on the 27th day of November, 2020 and the 22nd day of February, 2021 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. The developer shall provide for and adhere to the following requirements to the satisfaction of the planning authority:
 - (a) A suitably qualified arborist shall be appointed for the duration of the construction period. Details in this regard shall be notified to the planning authority in writing prior to commencement of development.
 - (b) The tree protection measures specified in the arboriculture method statement submitted to the planning authority on the 22nd day of February, 2021 shall be fully implemented, and full details of the proposed monitoring system, to include provision for supervision throughout the duration of the excavation works by the appointed arborist, 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 protection of the existing trees and natural amenities within and in the immediate vicinity of the site.

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

The first-floor south elevation windows shall be top hung pivot only and fitted with obscure glazing.

Prior to commencement of development, revised elevation drawings showing compliance with this condition shall be submitted to and agreed in writing with the planning authority.

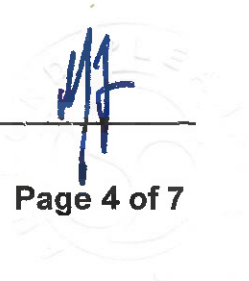
Reason. In the interest of the protection of the residential amenities of the adjoining property.

4. The existing gate in the rear boundary of the site shall be replaced with a hardwood timber gate opening inwards only prior to the occupation of the dwelling. Full details in plan, elevation and section 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 visual and residential amenities of the area.

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. The use of timber on the front façade shall be omitted and replaced with natural stone facing.

Reason: In the interest of visual amenity.



6. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including construction traffic routing and management, construction parking, materials storage, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

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

8. Landscaping shall be carried out in accordance with an agreed scheme and shall be completed within the first planting season following the substantial completion of external construction works. All existing party boundary walls and hedgerow shall be retained. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenities.

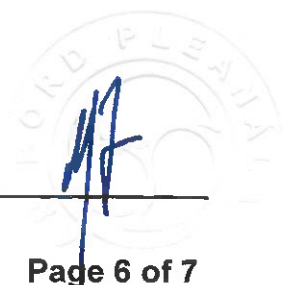
9. Water supply and drainage arrangements, including the attenuation and disposal of surface water and mitigation measures against flood risk including in the basement area, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

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

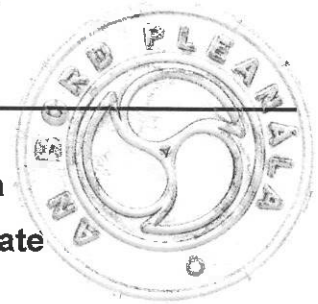
Reason: In the interest of public health.

11. 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.


Michelle Fagan
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.



Dated this 4th day of August 2021.