

Planning and Development Acts 2000 to 2020

Planning Authority: Galway City Council

Planning Register Reference Number: 21/39

Appeal by Jamie Goggins care of Planning Consultancy Services of Suite 3, Third Floor, Ross House, Victoria Place, Eyre Square, Galway against the decision made on the 14th day of April, 2021 by Galway City Council in relation to an application by Jamie Goggins for permission for demolition of existing self-contained unit, alterations to existing house and extension to ground and attic/second floor and associated external works at 23 Saint Mary's Road, Galway in accordance with the plans and particulars lodged with the said Council (which decision was to grant, subject to conditions, permission for demolition of existing self-contained unit, alterations to existing house and extension to ground floor and associated external works, and to refuse permission for extension to attic/second floor).

Decision

GRANT permission for demolition of existing self-contained unit, alterations to existing house and extension to ground floor and associated external works in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below.

REFUSE permission for extension to attic/second floor based on the reasons and considerations marked (2) under.

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 provisions of the Dublin City Development Plan 2016-22, to the nature and scale of the proposed ground floor extension, the Board considerer that, subject to compliance with the conditions as set out below, the proposed ground floor extension would not seriously injure the visual or residential amenities of the area. This element of the proposed development would therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. This element of the development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 this element of the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The external finishes of the proposed development shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

3. Any alterations to public services, public areas or utilities necessitated by the development shall be carried out at the developers' expense with the prior written agreement of the planning authority or other bodies responsible for such areas or utilities.

Reason: In the interest of orderly development.

4. Surface water run-off associated with this development shall not be permitted to discharge onto the public road or footpath.

Reason: In the interest of traffic and pedestrian safety.

5. 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 noise management measures and off-site disposal of construction/demolition waste.

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

6. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0900 to 1300 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.

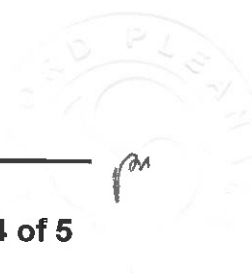
Reason: In order to safeguard the residential amenities of property in the vicinity.

7. 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 the interest of the amenities of the area.

8. (a) All development shall be carried out in compliance with Irish Water Standards codes and practices.
- (b) Any proposals by the developer to build over or divert existing water or wastewater services shall be submitted to and agreed in writing with Irish Water prior to commencement of development.

Reason: In the interest of public health and the proper planning and sustainable development of the area.



Reasons and Considerations (2)

Having regard to the location of the subject site within Saint Mary's Road, together with the semi-detached nature of the building, it is considered that the design and form of the proposed attic/second floor level extension to the existing dwelling, by virtue of a raised ridge height and the provision of a roof light on the front pitch of the roof, and notwithstanding the proposal to retain the existing chimney, would represent a visually incongruous element which would negatively impact on the visual integrity of the existing streetscape along Saint Mary's Road. The proposed raising of the ridge height of itself, would result in a new visual element in this residential area and would set an undesirable precedent for similar developments which would erode the character of the area. This element of the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



Paul Hyde

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board.

Dated this 21st day of September 2021.