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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Galway County Council**

**Planning Register Reference Number: 21/369**

**Appeal** by Kieran and Catherine Ryan care of Fishamble Architects of 26 Fishamble Street, Dublin against the decision made on the 6<sup>th</sup> day of May, 2021 by Galway County Council to refuse permission for the proposed development.

**Proposed Development:** The demolition of the existing front porch, eastern side projection, and one chimney stack; the construction of a first floor pitched roof extension to the western elevation, a two-storey rear extension and boundary wall along the eastern boundary of the site, a rear single storey outbuilding; the provision of two roof lights to the front slope of the existing main roof and a dormer extension to the rear, new raised soil polishing filter and all associated site works at Forramoyle East, Barna, County 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 location of the proposed development on a site within an area zoned as existing residential, the nature of the proposed development which is an extension to an existing house, the high quality modest architectural design, the disposition and layout of the proposed development on the site which utilises the existing changes in level over the site, the proposed ridge heights which are consistent with those of the existing and permitted neighbouring developments in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area, would be a positive contribution to the visual and general amenities of the area and would, therefore, be in accordance with the proper planning and sustainability of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered the scale and massing of the proposed development to be modest, the design of the proposed development to be of a high quality, the varying roof styles to provide a positive visual impact on the area, and the disposition on the site including the utilisation of the change in level across the site to positively assimilate into the landscape. The proposed development would not have a negative effect on adjoining properties by reason of visual obtrusion and overshadowing. The proposed development would positively contribute to the visual and residential amenities 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 received by An Bord Pleanála on the 2<sup>nd</sup> day of June, 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. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

3. Drainage arrangements, including the attenuation and 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.

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

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



5. 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 curtilages of the existing or proposed houses 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 new and existing dwellings.

6. Site development and building works shall be carried out only between the hours of 0700 to 1900 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.



Michelle Fagan

Member of An Bord Pleanála

duly authorised to authenticate  
the seal of the Board.

Dated this 21<sup>st</sup> day of September 2021.

