

An
Bord
Pleanála

Board Order
ABP-310508-21

Planning and Development Acts 2000 to 2020

Planning Authority: Galway City Council

Planning Register Reference Number: 20/293

APPEAL by Julie Sammon of Number 7 Wellpark Road, Galway against the decision made on the 18th day of May, 2021 by Galway City Council to grant subject to conditions a permission to Marguerite Gavigan care of Murphy Heffernan Limited of Barna Village, County Galway.

Proposed Development Demolition works 287.7 square metres and construction of 11 apartments in two x apartment buildings. Building A will provide four x two-bed apartments with a gross floor area of 443.9 square metres, Building B will provide six x one-bed and one x two-bed apartments with a gross floor area of 547.19 square metres. Works will also include driveway, car parking facilities, bin storage, bicycle stands, landscaping and all associated site works, all at 5 Wellpark Road, Galway, County Galway.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations 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

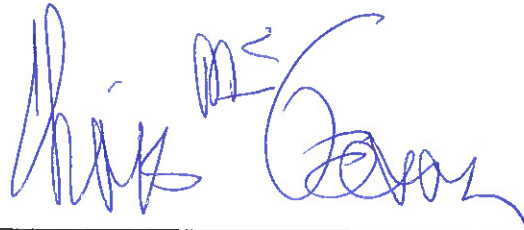
Having regard to the zoning objective for the subject site and to the pattern of residential development in the area, it is considered that the proposed development, by reason of the disposition of buildings on site, would seriously injure the amenities of adjoining residential property due to overbearance. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board noted and shared the view of the Inspector, that the proposed development would be acceptable in terms of the principle of development at this location, the quantum of parking, overlooking, traffic safety and the dwelling mix proposed.

The Board also considered and that the information submitted with the application was sufficient to enable a determination on overshadowing. However, having considered the totality of the material submitted with the planning application and the submissions from all parties, the Board considered that the specific location and scale of the buildings on site proximate to the property boundary to the east, would result in material

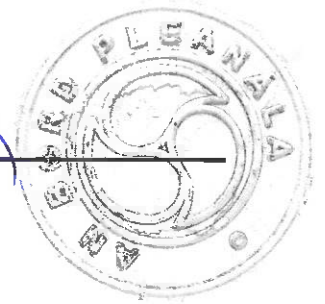
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overbearance to the front and rear of the adjoining residential property and that this would seriously injure the amenities of that property, noting also the current zoning of the site and adjoining property, which provides for residential development while ensuring the protection of existing residential amenity.



Chris McGarry

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



Dated this 11th day of October 2021.

