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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Galway City Council**

**Planning Register Reference Number: 21/380**

**Appeal** by Emer Kearns care of NJ Kearns and Company Limited Architects of Unit 6, Dun Eibhir, na Forbacha, Contae na Gaillimhe against the decision made on the 21st day of January, 2022 by Galway City Council to grant permission, subject to conditions, to Edwina Maloney care of James Roche of 16 Forster Street, Galway for development comprising (a) retention of first floor decking to rear of dwelling and permission to incorporate proposed raised side screens, (b) permission to amend existing first floor, unauthorised opening to window and replace same with a window measuring 770 millimetres in width by 1750 millimetres in depth; this window is proposed to have no opening and be glazed in obscure glass, and (c) permission to open double doors from rear of dwelling onto first floor decking area and all associated works, all at Valhalla, Barna Road, Galway in accordance with the plans and particulars lodged with the said Council.

**Decision**

**GRANT permission to amend existing first floor, unauthorised, opening to window and replace same with a window measuring 770 millimetres in width by 1750 millimetres in depth 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 retention of first floor decking to rear of dwelling, raised side screens, and double doors from rear of dwelling onto first floor decking area based on the reasons and considerations marked (2) under**

## **Reasons and Considerations (1)**

It is considered that the proposed development, subject to the compliance with the conditions set out below, would not seriously injure the amenities of adjoining residential property by reason of undue overlooking and would otherwise 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 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.

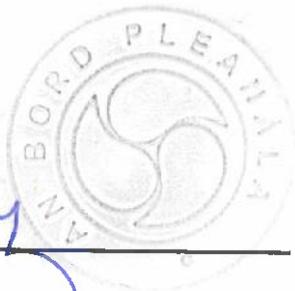
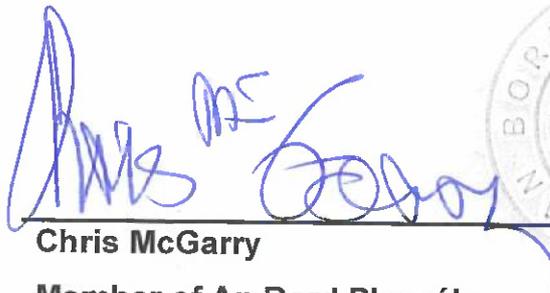
**Reason:** In the interest of clarity.

2. The replacement east elevation first floor landing window shall be installed within four months of the date of this Order and shall be retained as an unopenable, obscured glazed window on an indefinite basis.

**Reason:** In the interest of clarity and the residential amenities of adjoining property.

## Reasons and Considerations (2)

Having regard to the nature and extent of the decking structure for which retention permission is sought, specifically the depth of the decking from the rear wall of the existing dwelling and the consequent adverse impact on the residential amenity of the two rear north-facing bedrooms at ground floor level, it is considered that the proposed first floor decking area, would seriously injure the residential amenities of the existing dwelling by reason of poor daylight within the two north-facing bedrooms and would result in a substandard form of residential amenity at this location. The proposed development for which retention permission is sought would, therefore, be contrary to the proper planning and sustainable development of the area.



**Chris McGarry**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

Dated this 11<sup>th</sup> day of May 2023.