



An
Bord
Pleanála

Board Order
ABP-312800-22

Planning and Development Acts 2000 to 2022

Planning Authority: Galway County Council

Planning Register Reference Number: 21/2170

Appeal by Patrick and Mary Sheridan of Laghtonora, Tiaquinn, Ballinasloe, County Galway against the decision made on the 24th day of January, 2022 by Galway County Council to grant subject to conditions a permission to John Langan care of Aidan Doyle of Colemanstown, Ballinasloe, County Galway in accordance with plans and particulars lodged with the said Council.

Proposed Development: The construction of a dwelling house (226 square metres), garage, treatment system and percolation area at Laghtonora, Cuddoo, Ballinasloe, 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.

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Reasons and Considerations

Having regard to the provisions of the Galway County Council Development Plan 2022-2028, and the nature and scale 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 character of the area or the amenities of property in the vicinity and would be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board had regard to the specific information provided by the applicant, during the application and appeal, in respect of the applicant's ownership of, and engagement in, the family farm. In this regard, it was considered that the applicant, in addition to meeting the qualifying criteria in the Galway County Development Plan 2022-2028, also demonstrated an economic and social need as set out in NPO19 of National Planning Framework.

Conditions

1. 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 the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.



2. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.
- (b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.

3. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.



- (b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

Reason: In the interest of traffic safety and to prevent pollution.

4. (a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority, and in accordance with the requirements of the document entitled "Code of Practice - Domestic Wastewater Treatment Plant Manual" – Environmental Protection Agency, 2021. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

5. The developer shall enter into a water connection agreement with Uisce Éireann, prior to the commencement of development.

Reason: In the interest of public health.

6. The proposed front boundary wall shall consist of unplastered natural local stone, the exact height and location of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

7. Details of the treatment of the area between the proposed boundary wall and edge of the margin of the roadway shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of road safety.

8. (a) The roof colour of the proposed house shall be blue-black, black, dark brown or dark-grey.
- (b) The colour of the ridge tile shall be the same as the colour of the roof.
- (c) The colour of soffit/fascia and rainwater goods shall be dark in colour.
- (d) The external walls shall be a nap plaster finish in neutral colours such as grey or off-white.
- (e) Windows shall be of powder coated aluminium or timber frames or non-white uPVC and the doors shall be of timber construction.
- (f) The proposed domestic garage shall harmonise in finish and colour with the finishes and colour of the proposed dwelling.

Reason: In the interest of visual amenity.



9. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

10. The site shall be landscaped, using only indigenous deciduous trees and hedging species in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) the establishment of a hedgerow along all side and rear boundaries of the site, and
- (b) planting of trees along the boundaries of the site.

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 order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

11. The proposed domestic garage shall not be used for habitable or commercial purposes or any other purposes other than those incidental to the enjoyment of the dwelling house.

Reason: In the interest of orderly development.



12. 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.



Una Crosse

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this *3rd* day of *August* 2023.

