

An
Bord
Pleanála

Board Order
ABP-312862-22

Planning and Development Acts 2000 to 2021

Planning Authority: Galway County Council

Planning Register Reference Number: 21/2242

Appeal by Nicholas Tinne of Emlaghmore Lodge, Ballyconneely, County Galway against the decision made on the 1st day of February, 2022 by Galway County Council to grant subject to conditions a permission to John and Frances Corless care of Cantrell and Crowley Architects of Priory, Stillorgan Road, Blackrock, County Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: (a) Restoration of existing single storey cottage including elevational modifications (existing floor area 55 square metres), and (b) provision of single storey extensions to side and rear (157 square metres). The development will include a new wastewater treatment system and new vehicular entrance from the existing private lane, along with associated site works in the townland of Emlaghmore, Ballyconneely, 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.

Reasons and Considerations

Having regard to the established structure on the site and the pattern of development in the area, to the provisions of the Galway County Development Plan 2022-2028, and to the nature, layout and design of the proposed restoration and refurbishment and extension of the existing cottage, the Board considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the requirements of Objective RH7 – Renovation of Existing Derelict Dwelling, would not seriously injure the residential or visual amenities of adjoining properties, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, 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, 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 house 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. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the proposed dwellinghouse without a prior grant of planning permission.

Reason: In the interest of residential amenity.

4. All of the mitigation measures cited in Section 2.3 of the Natura Impact Statement and the Construction and Environmental Management Plan submitted with the application shall be implemented in full.

Reason: In the interest of the natural heritage of the area and protecting the environment.

5. Water supply and drainage arrangements, including the 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.

6. The site shall be landscaped in accordance with a scheme of landscaping, details of which shall be submitted to the planning authority for agreement prior to commencement of development. The scheme shall include a timescale for its implementation.

Reason: In the interest of visual amenity.

7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Reason: In the interest of visual and residential amenity.

8. (a) The treatment plant and polishing filter 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 "Wastewater Treatment Manual: Treatment Systems for Single Houses (p.e. < 10)", issued by the Environmental Protection Agency in 2021. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.
- (b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.
- (c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the dwellinghouse and thereafter shall be kept in place at all times. Signed and dated copies of the contract

shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.

- (d) 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 and that the polishing filter is constructed in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

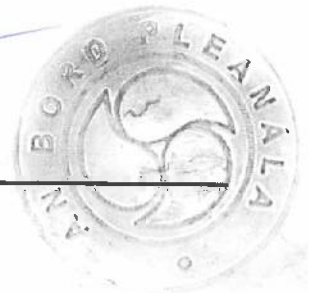
9. Site development and building works shall be carried only out between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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



Tom Rabbette

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



Dated this 14th day of April 2023.