

An
Bord
Pleanála

Board Order
ABP-313620-22

Planning and Development Acts 2000 to 2022

Planning Authority: Galway City Council

Planning Register Reference Number: 22/6

Appeal by Patrick Lynskey care of Michael Lynskey of 22 Fairhill Road Upper, Claddagh, Galway against the decision made on the 28th day of April, 2022 by Galway City Council to grant subject to conditions a permission to Cathriona Walsh care of KMF Design of Cloghscoltia, Barna, County Galway in accordance with plans and particulars lodged with the said Council.

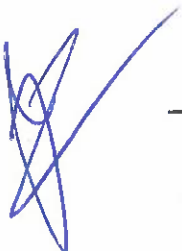
Proposed Development: Change of use from retail and community uses to residential use. Construction of a four-bedroom, two-storey dwelling incorporating the existing cottage structure. Roof replacement and external insulation of the existing cottage structure. Removal of 22 square metres of the existing workshop structure at the rear of the site. Relocation of the site entrance. All other ancillary site development and associated works, all at Fairhill Road Upper, The Claddagh, 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 Galway City Development Plan 2023-2029 according to which the site location is within a Neighbourhood Residential Area and subject to a zoning objective for residential development, the established pattern and character of development in the area, and the planning history of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of residential development in the area or the visual amenities of the area, and would, therefore, be in accordance with the proper planning and sustainable development of the area.



Conditions

1. The proposed 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 the planning authority on the 1st day of April, 2022, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

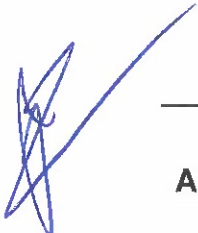
Reason: In the interest of clarity.

2. The proposed studio/workshop use shall be confined to use which is ancillary to the residential use of the main dwelling by the occupant and shall exclude commercial use or subletting or sale separately to third parties without a prior grant of planning permission.

Reason: In the interest of clarity and the protection of the residential amenities of the area.

3. The dwelling shall be occupied as a single dwelling unit only and shall not be subdivided and/or used for short-term letting without a prior grant of planning permission and, if and when it is no longer required for such occupancy, the use shall be confined to use associated with the residential use of the main dwelling.

Reason: In the interest of clarity, the protection of the supply of housing stock for long-term residential occupation, having regard to the location within a designated Rent Pressure Zone, and the proper planning and sustainable development of the area.



4. The developer shall submit to, and agree in writing with, the planning authority details of all the materials, textures and colours for the external facades, including fenestration, and shall implement the agreed works within six months of the date of this Order.

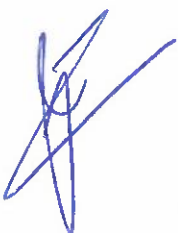
Reason: In the interest of residential amenities.

5. Water supply and drainage arrangements, including the attenuation and disposal of surface water and mitigation measures against flood risk, including in the basement area, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

6. The developer shall enter into water supply and wastewater connection agreements with Uisce Éireann (formerly Irish Water) prior to commencement of development.

Reason: In the interest of public health.



7. 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.



Joe Boland

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this *24TH* day of *August* 2023.