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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Galway City Council**

**Planning Register Reference Number: 22/5**

**Appeal** by Maureen and Fiona Lawless care of Daniel Melia of Collinamuck, Roscahill, County Galway against the decision made on the 31<sup>st</sup> day of May, 2022 by Galway City Council to grant subject to conditions a permission to Kendra Glynn care of Anita Doyle of The Studio, 13 Bangor Road, Hollywood, County Down in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Construction of two and a half storey dwelling (407.0 square metres), and all associated ancillary site works at 12 Canal Road Upper, Galway City.

**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 planning history of the site, the established pattern of development in the area, the site size and configuration and the footprint, scale, form, height and design of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development can be accommodated within the site and would not seriously injure the visual amenities of the area or the residential amenities of the adjoining property by reason of overdevelopment, visual obtrusiveness or overbearing impact, overshadowing or overlooking. 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, as amended by the further plans and particulars lodged with the planning authority on the 12<sup>th</sup> day of May, 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 development shall be carried out and completed in accordance with the agreed particulars.

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

2. The development shall be modified to provide for the ground floor side elevations to be at a minimum separation distance of 1.5 metres from the side boundaries with the exception of the proposed porch.

Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority, revised plan, section and elevation drawings showing compliance with the above requirements.

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

3. Details of the materials, colours and textures of all the external finishes to the proposed development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The use of timber on the front façade shall be omitted and replaced with natural stone facing.

**Reason:** In the interest of visual amenity.

4. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including construction traffic routing and management, construction parking, materials storage, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

5. Site development and building works shall be carried only out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 hours 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.

6. Landscaping shall be carried out in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to commencement of development. The scheme shall be prepared by and implemented under the direction of a suitably qualified professional within the first planting season following the substantial completion of external construction works. The scheme shall include planting of two semi-mature/mature oak trees and all existing party boundary walls, trees and hedgerow shall be retained and protected with fencing to the extent of the branch spread throughout the construction period. 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. A certificate of completion issued by suitably qualified person shall be submitted to the planning authority.

**Reason:** In the interest of residential and visual amenities.

7. 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.

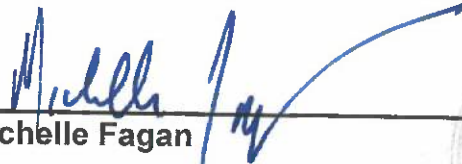
**Reason:** In the interest of public health.

8. The developer shall enter into water supply and wastewater connection agreements with Irish Water, prior to commencement of development.

**Reason:** In the interest of public health.

9. 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.



Michelle Fagan

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



Dated this 8<sup>th</sup> day of November 2022.