

An
Bord
Pleanála

Board Order
ABP-314001-22

Planning and Development Acts 2000 to 2022

Planning Authority: Galway County Council

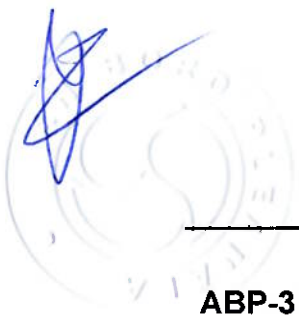
Planning Register Reference Number: 22/120

APPEAL by Thomas Lyons of Kinculla, Loughrea, County Galway against the decision made on the 9th day of June, 2022 by Galway County Council to grant subject to conditions a permission to Hazel Stratford care of Robert Nanasi of Derrydonnell North, Oranmore, County Galway in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a dwelling house and garage with treatment plant and percolation area at Lackalea, Loughrea, 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 plans submitted and reports on file, the Board considered that the proposed development could be assimilated into the landscape, would not give rise to a traffic hazard or impact on public health, and 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 Sections 4.6 and 2.11 of the Galway County Development Plan 2022-2028 wherein it is an objective to accommodate residential development proposals as they arise in Structurally Weak Rural Areas subject to satisfactory site suitability and technical considerations as well as compliance with its Chapter 15 Development Management Standards.

The Board also noted that the applicant demonstrated a rural based housing need in accordance with Section 4.6 of the Galway County Development Plan 2022-2028.

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 submitted on the 16th 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. (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 parking space, not than 15 metres long and three metres wide shall be provided immediately adjoining the edge of the margin of the roadway. This space shall be cleared, graded, levelled and surfaced to a standard suitable for use as off-road parking to the satisfaction of the planning authority.

Reason: In the interest of road safety.

4. (a) All surface water generated by the development shall be disposed of within the site and shall not be discharged onto the road or the adjoining property.
- (b) Only clean uncontaminated storm water shall be discharged to a soakaway system or surface waters.
- (c) The development shall not impair existing land or road drainage.

Reason: In the interest of the proper planning and sustainable development of the area.

5. (a) Sight distance triangles shall be maintained and kept free from vegetation or other obstructions that would reduce the minimum visibility required.
- (b) Any overhead lines and poles shall be set back in line with the new fence at the developer's expense before work commences on the development. No pole(s) shall be left in the lay-by or in the sight lines of the proposed development or any existing development where these poles might obstruct the view of the road of any existing road users and/or persons accessing the site.

Reason: In the interest of road safety.

6. Any new front boundary wall shall be of local unplastered natural stone and shall not exceed one metre in height or be of native hedgerow.

Reason: In the interest of visual amenity.

7. (a) The proposed wastewater treatment system and percolation area shall be designed, installed and operated in accordance with manufacturer's details submitted and shall be in accordance with the Environmental Protection Agency publication "Code of Practice Manual 2021 - Wastewater Treatment and Disposal Systems serving Single Houses".
- (b) Any polishing filter shall be a minimum separation distance of 10 metres from any house, existing or proposed land drain or watercourse.

- (c) The treatment plant and percolation system installation shall be supervised and certified by a suitably qualified, bonded and indemnified Engineer.
- (d) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum of three years from its installation and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be made available on request to the planning authority.

Reason: In the interest of public health.

- 8. Electricity, telecom, cable t.v. and other services shall be laid underground, where possible.

Reason: In the interests of visual amenity and the proper planning and sustainable development of the area.

- 9. (a) Site perimeter planting consisting of tree and shrub species native to the area shall be carried out in the first planting season following commencement of development on site.
- (b) Landscaping shall include thorough screen planting on the lateral boundaries and rear boundary of the site through the planting of mixed trees and plant species indigenous to the area concerned, and densely planting hedging of native species.

- (c) Any in-situ stonewalls, hedgerow and/or trees bounding the site shall be retained, except for the provision of the site entrance works.

Reason: In the interest of visual amenity.

10. The external finishes of the proposed garage shall harmonise in colour and texture with the finishes on the proposed dwelling house hereby permitted.

Reason: In the interest of visual amenity.

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

Reason: In the interest of orderly development.

12. The development shall be serviced with water from a private well which shall be protected against contamination and the well water tested and treated as necessary to EU Drinking Quality Standards.

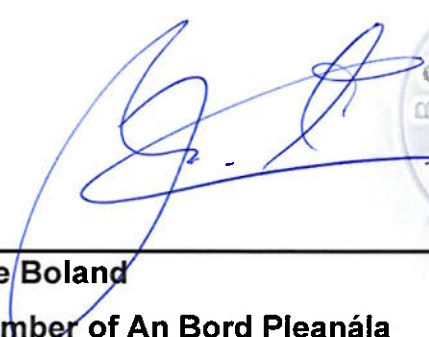
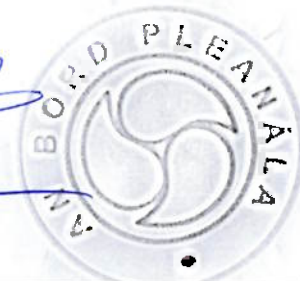
Reason: In the interest of public health.

13. (a) The proposed windows shall be of powder coated aluminium or timber framed or non-white uPVC, unless otherwise agreed in writing with the planning authority.
- (b) The external door shall be of timber construction.
- (c) The proposed dwelling house shall have a nap plaster and/or natural local stone finish only, unless otherwise agreed in writing with the planning authority.
- (d) The colour of the roof slates shall be blue/black.
- (e) The colour of the soffit/fascia and rainwater gods shall be dark in colour.

Reason: In the interest of visual amenity.

14. 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 *17TH* day of *October* 2023.