



Planning and Development Acts 2000 to 2021

Planning Authority: Galway City Council

Planning Register Reference Number: 22/149

Appeal by Mary Mc Kearney of 43 Linn Bhui, Bothair Stiofain, Ragoon, Galway against the decision made on the 25th day of July, 2022 by Galway City Council to grant subject to conditions a permission to Amanda and Frank Daly care of ORA Architects of 14 Father Burke Road, Claddagh, Galway for development comprising retention of changes to planning permission 21/35 which consist of increased footprint of rear extension on ground floor and wider dormer to rear at 26 Riasc na Rí, Ragoon Road, Galway in accordance with plans and particulars lodged with the said Council.

Decision

GRANT permission for the changes to planning permission 21/35 which consist of increased footprint of rear extension on ground floor in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. **REFUSE** permission for changes to planning permission 21/35 which consist of wider dormer to rear based on the reasons and considerations marked (2) under.

Reasons and Considerations (1)

Having regard to the Galway City Development Plan 2023-2029 and the planning history of the site, it is considered that, subject to compliance with the conditions set out below, the increased footprint of the rear ground floor extension to the dwelling house would fulfil the residential objective zoning of the site and be compatible with the visual and residential amenities of the area. The retention of the increased footprint 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 unsolicited additional information submitted on the 11th day of July 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 retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to the recommencement of development, a scheme shall be submitted to, and agreed in writing with, the planning authority for the provision of a surface water soakaway within the site.

Reason: In the interest of orderly development.

3. Site development and building works shall be carried out only between the hours of 0700 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.

4. 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 the recommencement 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.

Reasons and Considerations (2)

Having regard to Section 11.3.1(l) of the Galway City Development Plan 2023-2029 and the pattern of development in the area, it is considered that the retention of the wider dormer to rear of the dwelling house would, due to its size and design, overwhelm the rear roof plane and, as such, fail to complement the character and form of the host dormer bungalow. The retention of the wider dormer would, therefore, materially contravene Section 11.3.1(l) and would seriously injure the visual amenities of the area. The retention of the wider dormer would also establish an adverse precedent for large rear dormers within the area and would be contrary to the proper planning and sustainable development of the area.



Mary Henchy

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



Dated this *14* day of *June* 2023.