

An  
Bord  
Pleanála

Board Order  
ABP-314494-22

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Galway County Council**

**Planning Register Reference Number: 21/2235**

**Appeal** by Sean Noone of Lydacan, Claregalway, County Galway against the decision made on the 5<sup>th</sup> day of August, 2022 by Galway County Council to grant subject to conditions a permission to Gerry Giles of Kiltroque, Claregalway, County Galway in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** (a) Retain dwellinghouse and associated services on revised site boundaries, (b) retain garage as constructed in revised location, (c) retain existing shed for storage at Kiltroque Townland, Claregalway, 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.**

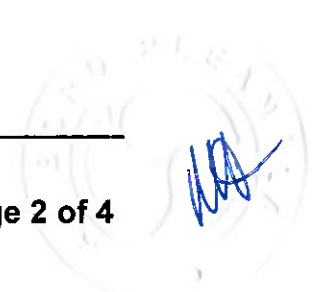
## Reasons and Considerations

Having regard to the Galway County Development Plan 2022 -2028, and the scale and nature of the development it is proposed to retain, it is considered that the proposed development would not seriously injure the amenities of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and visual amenity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be retained, 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 11<sup>th</sup> day of July 2022 and by the further plans and particulars received by An Bord Pleanála on the 28<sup>th</sup> day of September 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 proposed development shall be amended as follows:
- (a) Within six months of the date of this order, the existing rear boundary wall shall be demolished and a replacement boundary treatment shall be repositioned within the ownership boundary of the site, detailed in red on drawing number 22/546-01, dated the 8<sup>th</sup> day of July 2022 and received by the An Bord Pleanála on the 29<sup>th</sup> day of September 2022.
  - (b) A revised layout map shall show the position of the new boundary treatment within the ownership boundary of the site and this shall be submitted to the planning authority as a record of works completed.

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

3. (a) The development shall be served by the existing effluent treatment and disposal system installed on site and shall be operated and maintained in accordance with the details submitted to the planning authority on the 21<sup>st</sup> day of January 2022, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e.  $\leq$  10)" – Environmental Protection Agency, 2021. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) A maintenance contract for the treatment systems shall be kept in place at all times. The maintenance contract shall be signed by a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system is working in a satisfactory manner in accordance with the standards set out in the EPA document.

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


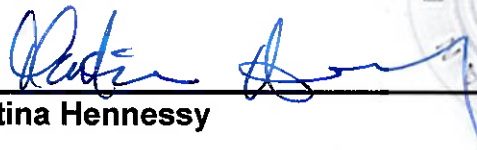
4. The domestic garage and the domestic store shed shall not be used for habitable or commercial purposes or any other purpose other than those uses incidental to the enjoyment of the dwelling house.

**Reasons:** In the interest of residential amenity.

5. The site shall be landscaped, using only indigenous deciduous trees and hedging species. This scheme shall include the following:
- (a) the establishment of a hedgerow along all side and rear boundaries of the site.

Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the date of this order, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.



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

Dated this 8<sup>th</sup> day of November 2023