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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Galway County Council**

**Planning Register Reference Number: 22/60637**

**APPEAL** by Ann Marie Kearney care of OAS Architects of Oran Business Centre, Unit 9A, Howley Square, Oranmore, County Galway against the decision made on the 5<sup>th</sup> day of October, 2022 by Galway County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

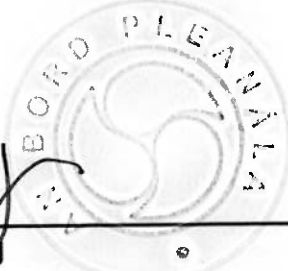
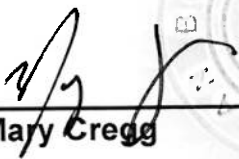
**Proposed Development:** Changes to the original development granted under planning register reference number 09/745 on the property as follows:  
Retention for additional floor area of 14 square metres to existing dwellinghouse (overall floor area = 223.70 square metres). Retention of garage structure (area 60.73 square metres). Permission to complete the development, including the installation of the proprietary effluent treatment system and all associated site services. Permission to remove condition number 2 from planning permission 09/745 (enurement clause), all at Tonroe, County Galway.

## Decision

Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act 2000, as amended, to REMOVE condition number 2 and the reason therefor.

## Reasons and Considerations

Having regard to the nature and scale of the development which was originally permitted as a replacement dwelling, the planning and development history pertaining to the site, and the provisions of the RH6 policy objective in the Galway County Development Plan 2022-2028, it is considered that the inclusion of an enurement clause, as required by the planning authority in its imposition of condition number 2 under planning reference number 22/60637, is not warranted nor reasonable, and that the development, with the omission of condition number 2, would be in accordance with the proper planning and sustainable development of the area.



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Mary Cregg

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

Dated this 20<sup>th</sup> day of December 2023.