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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Galway City Council**

**Planning Register Reference Number: 22/271**

**Appeal** by Raymond Carroll and Gloria Maguire of Lakeview Hill, Bushypark, Galway against the decision made on the 30<sup>th</sup> day of November, 2022 by Galway City Council to grant subject to conditions permission to Donna Costello care of MDP and Partners of 2/3 Colbeck Street, Viking Triangle, Waterford in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Change of house type to previously approved planning application (Planning Register 20/249) for the construction of a part two-storey, part one-storey, six-bedroom dwelling house, domestic garage, entrance gates and all associated landscaping and ancillary site works, all at Lakeview Hill, Barnacranny, Bushypark, 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 City Development Plan 2023 - 2029 and the emerging pattern of residential development at Lakeview Hill, it is considered that, subject to compliance with the conditions set out below, the proposed change of house type on the site would fulfil the 'R2' zoning objective for the site, as set out in the Development Plan, would be compatible with the visual and residential amenities of the area, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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. Except insofar as they are modified by the conditions set out below, the development shall be carried out in accordance with the conditions attached to the planning permission granted under planning register reference number 19/250.

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

3. The proposed development shall be amended as follows:
- (a) The entire exposed eastern side of the balcony over the playroom shall be enclosed by means of a privacy screen to a height of 1.8 metres above the floor level of the balcony.

Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development.


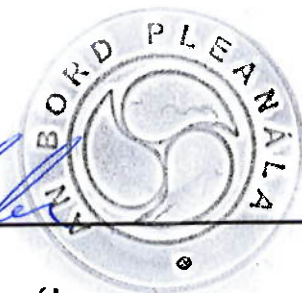
**Reason:** In order to safeguard residential amenity.

4. Prior to the commencement of development, a landscaping scheme for the planting of indigenous tree and hedge species along the north-eastern boundary of the site shall be submitted to, and agreed in writing with, the planning authority. This scheme shall be implemented no later than the first available planting season following the substantial completion of the development. Any trees which die, are removed or become seriously damaged or diseased, within a period of five years from being planted shall be replaced within the next available planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interests of visual and residential amenity.

5. 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.

**Stephen Bohan**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

Dated this *14<sup>th</sup>* day of *February* 2024.