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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Galway City Council**

**Planning Register Reference Number: 22/309**

**Appeal** by Alan O'Dowd care of James O'Donnell, Planning Consultancy Services of Suite 3, Third Floor, Ross House, Victoria Place, Eyre Square, Galway against the decision made on the 1<sup>st</sup> day of February, 2023 by Galway City Council to refuse permission.

**Proposed Development:** (1) Demolish existing shed to rear of existing dwelling. (2) Change of use of part of ground floor from residential to office use. (3) Construct single storey extension to rear of existing dwelling to be used as residential use. (4) New sign to front. (5) New domestic shed/bike store, and (6) All associated site works and services at Number 8 New Street West, Galway City.

**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 zoning objectives on the site as provided in the Galway City Development Plan 2023-2029, in consideration of the pattern of usage in the immediate surroundings of the development and in view of the limited nature of the development proposed, in deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the part conversion of this private residence to small enterprise use by the occupier of the dwelling was at a scale that would not unduly interfere with the primary use of the dwelling or prevailing residential amenity. The proposed development would, therefore, be in compliance with the zoning objective as set out in section 11.2.8 of the Development Plan and would be consistent with the principles of proper planning and sustainable development.

## Conditions

1. The 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. The ancillary office shall not be sold, conveyed or leased separately from the main residence.

**Reason:** To prevent unauthorised development.

3. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or projecting elements other than those detailed in the planning application shall be displayed or erected on the building or within the curtilage of the site, unless authorised by a further grant of planning permission.

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

4. Drainage arrangements for the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services.

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

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 the 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.

  
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**Stephen Brophy**

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

Dated this 3<sup>rd</sup> day of July 2023