

An
Bord
Pleanála

Board Order
ABP-316451-23

Planning and Development Acts 2000 to 2022

Planning Authority: Galway County Council

Planning Register Reference Number: 2/360072.

Appeal by Mike Hynes of Ballylara, Labane, Ardahan, County Mayo against the decision made on the 29th day of March, 2023 by Galway County Council to refuse permission for the proposed development.

Proposed Development: Retention of garage, rear extension to existing house comprising sittingroom and kitchen and also permission to construct an extension to the side of existing house comprising bedroom and ensuite; all at Ballylara, Labane, Ardahan, 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 modest scale and bulk of the structures proposed to be retained and of the proposed domestic extension, which are considered to be domestic in their form, the modest increase in foul effluent that would be generated by the development and the suitability of the existing established domestic entrance, it is considered that, subject to compliance with the conditions set out below, the proposed development and the development proposed to be retained would assimilate with and would be subservient to the dwelling on site, would be in accordance with policy objective RD3 relating to assimilating buildings within rural areas in terms of their design and scale and also DM Standards 4 and 6 as set out in the Galway County Development Plan 2022-2028 relating to appropriate size and scale of domestic extensions/garages. The Board noted the location of the appeal site removed from any of the European sites with no identifiable hydrological nor ecological connectivity to any European site. The proposed development and the development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out, completed and retained 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 domestic garage shall be used for domestic storage purposes only and shall not be used for human habitation or commercial purposes. The shed shall not be sold, let or other transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the property in the interest of residential amenity.

3. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

(b) Water supply and drainage arrangements, including attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of proper planning and sustainable development.

- 4 The mature trees, walled boundaries and fencing within the appeal site and along the appeal site boundaries shall be maintained in situ.



Reason: In the interest of visual amenity.

- 5 Final details of the surface water management within the appeal site shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of public health.

6. 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.



Liam Bergin

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this 02nd day of May 2024.