



Planning and Development Acts 2000 to 2022

Planning Authority: Galway City Council

Planning Register Reference Number: 23/153

APPEAL by Elizabeth and Clodagh Connolly of 16 Seacrest, Barna Road, Galway and by Emer Kearns, care of NJ Kearns and Company Limited, Architects of Unit 6 Dun Eibhir, Na Forbacha, Contae na Gallimhe against the decision made on the 27th day of July, 2023 by Galway City Council to grant subject to conditions a permission to Edwina Maloney care of James Roche, Consulting Engineer of 16 Forster Street, Galway.

Proposed Development: (a) Retain first floor decking to rear of dwelling and to incorporate proposed raised side screens (2.0 metres in height above deck level), (b) Install two number windows at ground floor level to rear bedrooms on east and west elevation and to remove and replace existing ground floor windows to north elevation (rear bedrooms) with French Doors, (c) Open double doors from rear of dwelling onto first floor decking area and all associated site works at Valhalla, Barna Road, Galway.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Reasons and Considerations

Having regard to the established pattern and layout of residential development in the area and to the size and configuration of the application site and that of surrounding residential development, it is considered the first floor decking area proposed for retention, would seriously injure the residential amenities of adjoining properties by reason of obtrusiveness and overlooking, and from noise disturbance associated with the use of the elevated decking area. Furthermore, if permitted, the proposed development would set an undesirable precedent for further similar development resulting in negative impacts on the residential amenities of the area. The proposed development would be contrary to the zoning objective R - Residential "To provide for residential development and for associated support development which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods" as set out in the Galway City Development Plan 2023-2029, and to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission for retention, the Board considered that the presence of the elevated decking area proposed for retention at first floor level would injure the established amenity and privacy of properties adjoining the site. The Board noted the proposed enclosure of the elevated deck by high screens on its boundaries as recommended by the Inspector. However, the Board did not agree that the provision of such screens would be sufficient to address the significant adverse impacts on existing residential amenity of adjoining properties arising from the provision of a deck/terrace at first floor level and refused permission for retention accordingly.



Stewart Logan

Member of An Bord Pleanála

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

Dated this *28th* day of *May* **2024**