



Planning and Development Acts 2000 to 2022

Planning Authority: Galway City Council

Planning Register Reference Number: 23/36

Appeal by Michael Lynskey and Pat Lynskey of 22 Upper Fairhill Road, Claddagh, Galway against the decision made on the 16th day of August, 2023 by Galway City Council to grant subject to conditions a permission to Nora Heneghan care of Brian Finegan of Kilcurriff, Tuam, County Galway in accordance with plans and particulars lodged with the said Council.

Proposed Development: The construction of a new two-storey, end of terrace dwelling, the subdivision of the existing site into two separate sites, the extension of the existing porch entrance, connection to existing site services and all ancillary site works at 23 Saint Nicholas's Road, The Claddagh, 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 Galway City Development Plan 2023-2029 according to which the site location is within an Inner Residential Area and subject to a zoning objective for residential development, to the established pattern and character of development in the area, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of residential development in the area, the visual amenities of the area or impact upon traffic safety and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and lodged with the application, as amended by the further plans and particulars submitted on the 25th day of July 2023, 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 off-street parking space for the existing dwelling (number 23) as per the Further Information Response 'Site Layout Plan' drawing number 01 submitted to the planning authority on the 25th day of July, 2023 shall be retained as part of the proposal and details of the opening and surface treatment shall be agreed in writing with the planning authority prior to commencement.

Reason: In the interest of orderly development.

3. The new dwelling shall be occupied as a single dwelling unit only and shall not be subdivided and/or used for short-term letting without a prior grant of planning permission and, if and when it is no longer required for such occupancy, the use shall be confined to use associated with the residential use of the main dwelling.

Reason: In the interest of clarity, the protection of the supply of housing stock for long-term residential occupation, having regard to the location within a designated Rent Pressure Zone, and the proper planning and sustainable development of the area.

4. The developer shall submit to, and agree in writing with, the planning authority details of all the materials, textures and colours for the external facades, including fenestration, and shall implement the agreed works within six months of the date of this Order.

Reason: In the interest of residential amenities.

5. Water supply and drainage arrangements, including the attenuation and disposal of surface water and mitigation measures against flood risk, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

6. The developer shall enter into water supply and wastewater connection agreements with Uisce Éireann (formerly Irish Water) prior to commencement of development.

Reason: In the interest of public health.

7. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

8. The construction of the proposed development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the proposed development, including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

9. 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 *28th* day of *May* 2024.