



An  
Bord  
Pleanála

Board Order  
ABP-318489-23

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## **Planning and Development Acts 2000 to 2022**

**Planning Authority: Galway City Council**

**Planning Register Reference Number: 23/60056**

**Appeal** by Paul Dilleen care of HRA Planning of 3 Hartstonge Street, Limerick against the decision made on the 24<sup>th</sup> day of October, 2023 by Galway City Council to refuse permission for the proposed development.

**Proposed Development:** Retention of subdivision of property to form a separate dwellinghouse attached to existing semi-detached dwellinghouse (14 Lakeview Road), including modification to condition 2 of the existing planning permission (Galway City Council planning register reference number 22/117) to facilitate that subdivision and permission for modification to existing vehicular entrance and provision of a new separate vehicular entrance and all associated site development works, all at 14 Lakeview Road, Greenfields, Newcastle, 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 condition set out below.**

## Reasons and Considerations

Having regard to the planning history pertaining to the site, specifically the development granted permission under planning register reference 22/117, the pattern of development in the area, including the variations in design of the existing dwellings in the Greenfields residential development, and also having regard to the provisions of the Galway City Development Plan 2023-2029, including the land use zoning objective pertaining to the application site, the Board considered that, subject to compliance with the conditions set out below, the proposed development would provide an appropriate form of consolidation and densification of an established residential area in a city location and would not adversely impact on the visual or residential amenities of this area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board noted, in relation to recommended refusal reason number 1, that the quantum of private open space remaining to serve the existing dwelling on the site and the dwelling subject of the retention application, in both instances, would exceed the minimum private open space standards specified in SPPR 2 of the 'Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities' (issued by the Department of Housing, Local Government and Heritage, 2024). The Board was, therefore, satisfied that both dwellings would have sufficient private open space to provide for an acceptable standard of residential amenity for the occupants of the dwellings. In relation to recommended refusal reason number 2, the Board noted that the application sought to address the contravention arising in relation to condition number 2 of planning register reference 22/117 and this was acceptable to the Board.

## Conditions

1. The development shall be carried out 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 (within six months of the date of this Order in relation to that part of the development subject of the retention permission and prior to the commencement of development for that part of the application subject of planning permission) and the development shall be carried out and completed in accordance with the agreed particulars.

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

2. The footpath shall be dished at the proposed site entrance in accordance with the requirements of the planning authority. Details of such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development on the proposed entrance.

**Reason:** In the interest of pedestrian safety.

3. Within six months of the date of this Order, the applicant shall submit to, and agree in writing with, the planning authority, a landscaping scheme, for both dwellings, for the area forward of the front building line which shall seek to minimise the area of hard surface and provide for an appropriate amount of soft landscaping.

**Reason:** In the interests of visual amenity and sustainable urban drainage.

4. Within six months of the date of this Order, the applicant shall enter into water and wastewater connection agreements with Uisce Éireann.

**Reason:** In the interests of public health and clarity.

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 within six months of the date of this Order 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.



**Tom Rabbette**

**Member of An Bord Pleanála**

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

Dated this 10<sup>th</sup> day of July 2024.