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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Galway City Council**

**Planning Register Reference Number: 23/60182**

**Appeal** by Cian Roche care of Ó Tuairisg Associates Limited of Unit 10 Fiontarlann, Westside, Galway against the decision made on the 23<sup>rd</sup> day of February, 2024 by Galway City Council in relation to an application for permission for retention of minor alterations to existing dwelling. Permission is also sought to construct an extension to the existing dwelling, and to construct a new vehicular access gate/opening onto the public road including all associated services at 65A Upper Newcastle, Galway in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions permission for retention sought for minor alterations to existing dwelling and to refuse permission to construction an extension to the existing dwelling, to undertake alterations to the existing dwelling and to construct a new vehicular access gate/opening onto the public road).

**Decision**

**GRANT permission for retention of minor alterations to the existing dwelling and the proposed extension to the rear of the existing dwelling in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below.**

**REFUSE permission for a new vehicular access gate/opening onto Newcastle Road based on the reasons and considerations marked (2) under.**

### **Reasons and Considerations (1)**

The Board accepted the Inspector's opinion that the proposed construction of the extension to the rear of the dwelling would not seriously injure the amenities of the area or to the residential amenities of properties in the vicinity. The Board considered that the proposed extension would not result in inadequate usable private open space and would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Conditions**

1. The development shall be retained and completed in accordance with the plans and particulars submitted to the planning authority, 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 flat roof over the proposed ground floor extension shall not be used as an amenity terrace or balcony.

**Reason:** To protect the residential amenities of existing residential properties in the vicinity.

3. No part of the structure including gutters and eaves shall oversail any lands in separate ownership or impact upon the common boundary wall, unless with the written agreement of the adjoining owner(s).

**Reason:** In the interests of clarity and orderly development.

4. 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.

**Reason:** In the interest of traffic safety and to prevent pollution.

5. The external finishes of the proposed extension shall be the same as those of the existing dwelling in respect of colour and texture. Samples of the proposed materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

6. The developer shall ensure that all construction activity within this site shall comply with the following:

(a) All construction activity shall be restricted to the following:

- (i) between 0800 hours and 1800 hours Monday to Friday,
- (ii) between 0900 hours and 1300 hours Saturday unless otherwise agreed in writing with the planning authority,
- (iii) no works shall take place on Sundays, Bank Holidays or Public Holidays,
- (iv) the site may be opened 30 minutes prior to the above outlined times in order to facilitate the arrival of workers, however no activity shall take place during this time, and
- (v) deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.




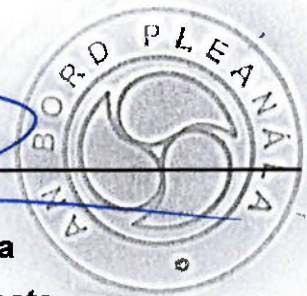
- (b) Any alterations to public services, public areas or utilities necessitated by the development shall be carried at the developer's expense having firstly obtained the agreement in writing of the planning authority or other public bodies responsible for utilities.
- (c) All works shall be carried out in accordance with the requirements for "Site Development Works for Housing Areas" as issued by the Department of the Environment, Heritage and Local Government unless required otherwise by the planning authority in which case the planning authority standards apply.

**Reason:** In the interests of residential amenity and the proper planning and sustainable development

## Reasons and Considerations (2)

The Board was of the opinion that the proposed new vehicular access gate/opening onto Newcastle Road, would interfere with existing on-street parking, resulting in traffic conflicts and significant health and safety risks. The Board considered the proposal to be premature, pending the adoption of a local area plan for the management of vehicular, cycle and pedestrian traffic in the area.

  
**Mary Rose McGovern**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**



Dated this *26* day of *November* 2024.