

An  
Coimisiún  
Pleanála

**Commission Order**  
**ABP-322370-25**

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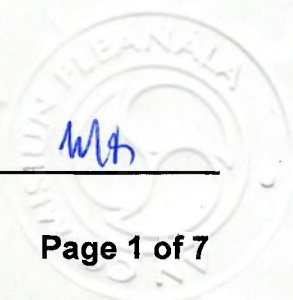
**Planning and Development Acts 2000, as amended**

**Planning Authority: Galway County Council**

**Planning Register Reference Number: 24254**

**Appeal** by John Doorly and Aisling McDonagh of Togherar House, Ballinamore Bridge, County Galway against the decision made on the 1<sup>st</sup> day of April 2025, by Galway County Council, to grant, subject to conditions, a permission to Daniel Smith care of Seamus Dowd & Associates Limited of Lisduff, Four Roads, County Roscommon in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Construction of a two-storey dwelling house and a domestic garage, as well as a wastewater treatment system together with all necessary ancillary siteworks. Gross floor space of proposed works: 236.53 sqm (house) & 40.00 sqm (garage), at Toghergar and Shanballeybeg, Ballinamore Bridge, 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 objectives of the Galway County Development Plan 2022-2028, the nature, scale and design of the proposed development, and the location of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely impact the character of the area or seriously injure the visual or residential amenities of the area. It is considered that the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspectors recommendation, the Commission, having reviewed the development plan Rural Housing Guidelines, considered the house design is substantially in compliance with the Appendix 5, Design Guidelines for Single Rural Housing. The visual impact of the bulk of the main structure, which at 9.9 metres is deeper than the 9-meter depth recommended in the guidelines, is reduced by the design and layout of the dining and living area which at 7.2 meters steps the building line and reduces the scale of the building and therefore is in keeping with traditional structures. The gable roof, limited pallet of materials, and window size and shape are also considered to be substantially in compliance with the requirements of the development plan Guidelines.



The Commission considered that condition 7(e), which was recommended by the planning authority, addressed the Inspectors concerns with respect to sight lines, and considered this condition should be attached as part of this grant of permission.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 4<sup>th</sup> day of September 2024 and 20<sup>th</sup> of March 2025, 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. Details of the materials, colours and textures of all the external finishes to the proposed dwelling, front boundary and garage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Any new front boundary shall be of local, unplastered natural stone or native hedgerow species and shall not exceed one meter in height.

**Reason:** In the interest of visual amenity and to ensure an appropriate high standard of development.

3. The proposed garage shall not be used for habitable or commercial purposes or any other purpose other than incidental to the enjoyment of the dwelling house.

**Reason:** In the interest of orderly development.

4. (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) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

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

5. The landscaping shall be carried out in accordance with details shown on the Site Layout Plan submitted to the planning authority on the 20<sup>th</sup> day of March 2025. The planning shall be carried out in the first planting season following the commencement of development on site. All planting shall be adequately protected from damage until established. Any failures within the first five years shall be replaced within the next planting season with others of similar size and species.

**Reason:** In the interest of visual amenity and in order assimilate the development into the wider area.



6. (a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ )" – Environmental Protection Agency, 2021.
- (b) Treated effluent from the wastewater treatment system shall be discharged to a polishing filter which shall be provided in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ )" – Environmental Protection Agency, 2021. (c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

**Reason:** In the interest of public health and to prevent water pollution

7. All service cables associated with the proposed development (such as electrical, telecommunications and television) shall be located underground.

**Reason:** In the interests of visual and residential amenity.

8. (a) Prior to commencement of development of any work on-site, the developer shall complete all works at the proposed access point and boundaries to achieve the required sightlines.
- (b) Any in-situ stonewalls, hedgerow and/or trees bounding the site shall be retained, except for the provision of the site entrance works/sight distance triangles.
- (c) A parking lay-by, a minimum 15 metres in length and a minimum three metres in width, shall be provided immediately adjoining the edge of the margin of the roadway. This space shall be cleared, graded, levelled and surfaced to the satisfaction of the local area engineer and planning authority for use as off-road parking.
- (d) Public roads shall be maintained free from dirt and debris during the construction stage of the proposed development. All necessary measures shall be undertaken by the applicant to prevent spillage or deposit of clay, rubble or other debris on adjoining lands during the course of the works.
- (e) Overhead lines and poles shall be set back in line with the new fence line at the developer's expense before work commences in the development. No poles shall be left in the lay-by or in the sightlines of the proposed development or any existing development where the poles might obstruct the view of the road of existing road users and/or persons accessing the site.

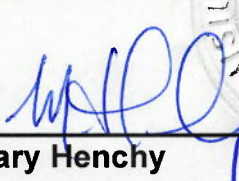
**Reason:** In the interest of public and road safety.



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 Coimisiún 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.



  
Mary Henchy

Planning Commissioner of An Coimisiún  
Pleanála duly authorised to authenticate  
the seal of the Commission.

Dated this 14<sup>th</sup> day of Sept 2025.