An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Galway City

Planning Authority Reference Number: P/DC/3/20/15

An Bord Pleanála Reference Number: 61.RL.3454

WHEREAS a question has arisen as to whether the removal of glazing at ground floor level as shown on accompanying drawings at 9 - 11 Prospect Hill, Eyre Square, Galway is or is not development or is or is not exempted development:

AND WHEREAS Rocco Stone Limited care of Manahan Planners of 31 Dawson Street, Dublin requested a declaration on the said question from Galway City Council and the said Council issued a declaration on the 16th day of December, 2015 stating that the said matter is development which materially affects the character and appearance of this building and the Eyre Square Architectural Conservation Area and, therefore, requires planning permission:

AND WHEREAS the said Rocco Stone Limited referred the declaration for review to An Bord Pleanála on the 21st day of January, 2016:

AND WHEREAS An Bord Pleanála, in the light of the documentation on the file, and the content of the declaration, has reformulated the question as follows:-

Whether the removal of glazing along with glazing bars from two ground floor window openings in the principal elevation of the building at 9-11 Prospect Hill, Eyre Square, Galway is or is not development or is or is not exempted development:

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) sections 2, 3, 4, 5 and 82 of the Planning and Development Act, 2000, as amended,
- (b) the documentation on file including the referrer's submission and the planning authority's response dated the 23rd day of February, 2016, and
- (c) the report of the Inspector:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the removal of glazing along with glazing bars from two ground floor window openings in the principal elevation of the building at 9 – 11 Prospect Hill are alterations to the premises that come within the scope of works under section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) these works comprise development as defined under section 3 of the Planning and Development Act, 2000,

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- (c) the removal of glazing along with glazing bars from two ground floor window openings in the principal elevation comprise alterations which materially affect the external appearance of the structure so as to render such appearance inconsistent with the character of the structure and neighbouring structures and the works do not, therefore, come within the scope of section 4(1)(h) of the Planning and Development Act, 2000, and
- (d) the works would materially affect the character of the Eyre Square Architectural Conservation Area:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the removal of glazing along with glazing bars from two ground floor window openings in the principal elevation of the building at 9-11 Prospect Hill, Eyre Square, Galway is development and is not exempted development.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Member of An Bord Pleanála duly authorised to authenticate the seal of the Board.

Dated this day of 2016.

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