



An
Bord
Pleanála

Inspector's Report ABP-309845-21.

Development	Construction of a detached two storey dwelling, including ancillary site services.
Location	Junction of Mountpleasant and Sarsfield Road, Ballinasloe, Co. Galway. Townland of Garbally, Demense.
Planning Authority	Galway County Council.
Planning Authority Reg. Ref.	21/12.
Applicant(s)	Michael McCullagh.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party
Appellant(s)	Michael McCullagh
Observer(s)	Pat & Colette Murphy.
Date of Site Inspection	29/05/2021 ¹ .
Inspector	A. Considine.

¹ Due to a camera malfunction, the photographs I took on site did not save.

1.0 Site Location and Description

- 1.1. The appeal site is located on the south-eastern corner of the junction of Sarsfield Road with Mountpleasant. Sarsfield Road is the main road which runs through the town of Ballinasloe from the west and comprises the junction of Station Road and Garbally Demesne, both regional roads. There is a variety of house types in the general area of the subject site, with a terrace of four two storey houses located immediately to the east of the site, fronting onto Sarsfield Road.
- 1.2. The subject site lies to the south of Sarsfield Road. Mountpleasant is a small mature, cul-de-sac residential estate which comprises 10 existing two storey houses, all of which have generous plot sizes. The subject site has a stated area of 0.034ha and comprises a long and narrow area of unkept land. The eastern boundary of the site comprises a stone wall associated with the adjacent house fronting Sarsfield Road. There is a low plinth concrete block wall around most of the boundary of the site with the public footpath, to the north and west.

2.0 Proposed Development

- 2.1. Permission is sought, as per the public notices for the construction of a detached two storey dwelling, including ancillary site services, all at Junction of Mountpleasa and Sarsfield Road, Ballinasloe, Co. Galway. Townland of Garbally, Demense.
- 2.2. The application included plans, particulars and completed planning application form.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse planning permission for the proposed development for the following stated reasons:

1. The proposed development, having regard to the narrow, restricted nature of the site, to its open character and prominent location at the entrance to the Mount Pleasant estate, and to the character of the area which consists of low density housing on generous plots, would by reason of the scale, bulk and footprint and the inappropriate house design, result in overdevelopment of the

site, create an overbearing obtrusive feature adversely impacting the residential amenity of adjoining residential development and would erode the established character of the area. It would, therefore, result in serious injury to the visual and residential amenities of the area and would conflict with Objectives LU17 and UD1 and DM LU1 of the current Ballinasloe Development Plan 2015-2021 in respect of density, responsiveness to connect, established character of the street and the existing building grain and proportions of adjoining properties.

2. It is considered that the proposed development on this narrow, corner site in a residential area would generate additional traffic movements which would endanger public safety by reason of traffic hazard due to the restrictive nature of the proposed vehicular access and parking area and the inadequate sightlines available to the north, and would interfere with the safety and free flow of traffic on this residential road and therefore if permitted, would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning report considered the proposed development in the context of the details submitted with the application, internal technical reports, the zoning afforded to the site, planning history and the Ballinasloe Local Area Plan policies and objectives. The report also includes an Appropriate Assessment Screening and FRA.

The planning report considers the development under a number of headings concluding that the proposed development is at odds with the urban grain and pattern of development in the area and that the scale of the development is significant in the context of the adjoining houses. The orientation of the building is raised as a concern, as well as the extension of the building to the rear of the established rear building line of adjacent houses by 5m and the report concludes that, notwithstanding the planning history of the site, the development would detract from the residential amenity of adjoining property and would result in overdevelopment of the subject site.

The Planning Officer concludes that the proposed development is not acceptable and recommends that permission for the dwelling be refused. This Planning Report formed the basis of the Planning Authority's decision to issue a decision to refuse permission.

3.2.2. Other Technical Reports

None.

3.2.3. Prescribed Bodies

None.

3.2.4. Third Party Submissions

There is one third party submission noted on the planning authority file. The issues raised are summarised as follows:

- Impact on light & heating
 - The construction will eliminate all benefits of light and heat currently enjoyed.
 - Setting sun will be lost.
 - The new construction will avail of the heat and sunlight from the western sun to the detriment of the existing houses.
- Drainage
 - The development will impact on the drainage of the adjacent site due to lack of heat and light in the garden.
 - If their garden floods, they will be unable to take remedial action.
- Impact of construction noise.
- Impact of the development on existing privacy and use of rear garden.
- The development would prevent the objector to retro fit their home with any solar type power as the sun and heat will be blocked. The gable wall will need drylining as the sun will not heat the wall.
- The development will result in road dangers.

4.0 Planning History

The following is the relevant planning history pertaining to the subject site:

PA ref: 04/044: Outline planning permission granted by P.A. on 4th November 2004 for a 2- storey house subject to 8 conditions. Design, location, height and scale of the house were reserved for permission consequent stage. Condition 5 required window openings to be vertical, chimneys to be wide and robust and door designs to be strong, simple and rectangular with minimal glazing. The site plan shows two on-site parking spaces at the rear and access from the southern end of the site.

PA ref: 06/073: Permission refused for dwelling on the grounds of overdevelopment and visual amenity. This related to a 2-storey plus basement house including an external staircase, first floor terrace and pergola, which PA considered to be obtrusive.

PA ref: 07/9049: Permission for new dwelling and store refused on two grounds, namely overdevelopment of a restricted site and injury to visual amenity by reason of visual dominance and obtrusiveness due to excessive scale and bulk. This related to a 2½ storey, 4-bedroom dwelling with a large footprint (GFA stated as 261m²).

PA ref: 08/9047: Permission consequent/permission for a dwelling and store withdrawn.

PA ref: 09/9017: Outline permission for a dwelling refused based on overdevelopment, injury to visual and residential amenity and traffic hazard.

ABP ref. PL37.235664 (PA ref: 09/9030): Permission granted following a first party appeal for the construction of a 2-storey domestic dwelling with a basement (GFA stated as 232m²).

PA ref: 15/867: Permission granted to extend the duration of the grant of permission ABP ref. PL37.235664 (PA ref: 09/9030).

PA ref: 17/1217: Permission granted for the change of house plans from that previously permitted under ABP ref. PL37.235664 (PA ref: 09/9030) primarily relating to the change of the roof profile to include a pitch. The gross floor area permitted was 196m².

PA ref: 20/1130: Permission refused to extend the duration of the grant of permission **PA ref: 17/1217** (ABP ref. PL37.235664 (PA ref: 09/9030) refers) as the development did not comply with the Section 42(4) of the Planning and Development Act 2000, as amended, as it had already obtained permission extending the appropriate period under PA ref: 15/867.

5.0 Policy and Context

5.1. National Planning Framework – Project Ireland 2040, DoHP&LG 2018

5.1.1. The NPF includes a Chapter, No. 6 entitled ‘People, Homes and Communities’. It sets out that place is intrinsic to achieving good quality of life. A number of key policy objectives are noted as follows:

- National Policy Objective 33 seeks to “prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location”.
- National Policy Objective 35 seeks “to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”.

5.1.2. National Planning Objective 13 provides that “in urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected”.

5.2. Sustainable Residential Development in Urban areas, Guidelines (DoEHLG, 2009):

5.2.1. These statutory guidelines update and revise the 1999 Guidelines for Planning Authorities on Residential. The objective is to produce high quality – and crucially – sustainable developments:

- quality homes and neighbourhoods,
- places where people actually want to live, to work and to raise families, and
- places that work – and will continue to work - and not just for us, but for our children and for our children's children.

5.2.2. The guidelines promote the principle of higher densities in urban areas as indicated in the preceding guidelines and it remains Government policy to promote sustainable patterns of urban settlement, particularly higher residential densities in locations which are, or will be, served by public transport under the *Transport 21* programme.

5.2.3. Section 5.6 of the guidelines suggest that there should be no upper limit on the number dwellings permitted that may be provided within any town or city centre site, subject to the following safeguards:

- compliance with the policies and standards of public and private open space adopted by development plans;
- avoidance of undue adverse impact on the amenities of existing or future adjoining neighbours;
- good internal space standards of development;
- conformity with any vision of the urban form of the town or city as expressed in development plans, particularly in relation to height or massing;
- recognition of the desirability of preserving protected buildings and their settings and of preserving or enhancing the character or appearance of an Architectural Conservation Area; and
- compliance with plot ratio and site coverage standards adopted in development plans.

5.3. Development Plan

5.3.1. The Galway County Development Plan 2015 – 2021, is the relevant policy document relating to the subject site. Section 3.6 deals with Urban Housing Policies and Objectives. Chapter 13 deals with development management standards and section 13.3 deals with guidelines for Residential Development (Urban and Rural).

Ballinasloe Local Area Plan 2015-2021:

- 5.3.2. The subject site lies within the development boundary of the town of Ballinasloe and is zoned R – Existing Residential, Residential Development where the following Land Use Zoning Objectives are relevant:

Objective LU 3 – Residential (R) (Refer to Maps 1A/1B and Objective RD1)

Promote a phased, sequential approach on Residential zoned lands, with a strong emphasis on consolidating existing patterns of development, encouraging infill opportunities and promoting sustainable transport options. It is an objective to:

1. Promote the development of appropriate and serviced lands to provide for high quality, well laid out and well landscaped sustainable residential communities with an appropriate mix of housing types and densities, together with complementary land uses such as community facilities, local services and sustainable transport options, to serve the residential population of the area and the surrounding environment.
2. Protect existing residential amenities and facilitate compatible and appropriately designed new infill development, in accordance with the proper planning and sustainable development of the area.
3. Existing commercial businesses in Residential Zonings shall, as far as is practicable, be facilitated to expand and develop their commercial activity.

A Phasing Scheme shall apply to residential uses on Residential (R) zoned lands, as set out under Objective RD1 in Section 3.2.2.

Objective LU 17 – Residential Densities (Refer to DM Guideline LU1)

Promote a range of residential densities within the plan area appropriate to the prevailing development pattern, supporting infrastructure, urban character and heritage resources in accordance with the guidance in the Sustainable Residential Development in Urban Areas Guidelines 2009 (or any updated/superseding document within the lifetime of this Local Area Plan). Higher residential densities should be encouraged at locations where it is

appropriate to the existing context and density of the plan area, for example around the town centre and within convenient walking distance of public transport facilities, and where it will not unduly impact on built or natural heritage or impact adversely on the integrity of European sites that form part of the Natura 2000 Network. The density of residential developments will generally be in accordance with the guidance set out under DM Guideline LU 1, although the Planning Authority may consider higher residential densities where this is considered appropriate to the context and necessary to secure the urban design or other objectives of the plan. Development will only be permitted where adequate infrastructural capacity and/or services can be made available.

Policy RD 1 – Residential Development

It is the policy of Galway County Council to support the creation of sustainable communities and high-quality residential areas at appropriate locations with a range of housing options and adequate support services, facilities and amenities, having regard to the guidance contained in the following policy documents or any updated/amended versions:

- Galway County Housing Strategy 2015 - 2021
- Sustainable Residential Developments in Urban Areas: Guidelines for Planning Authorities, 2009 and the accompanying guidance document Urban Design Manual: A Best Practice Guide – A Companion Document to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009 (or any updated/superseding document)
- Architectural Heritage Protection Guidelines for Planning Authorities 2011
- Design Manual for Urban Roads and Streets (DMURS) 2013
- Galway Clustered Housing Guidelines, where appropriate, in the assessment of any proposals for new multiple unit housing developments within the Ballinasloe Local Area Plan area.
- Galway County Council's Traveller Accommodation Programme.

- Smarter Travel A Sustainable Transport Future - A New Transport Policy for Ireland 2009- 2020 including the National Cycle Policy Framework 2009-2022 and any other related national documents.
- EU Water Framework Directive and the Planning System and Flood Risk Management, Guidelines to Planning Authorities 2009.

Objective RD 1 – Phased Residential Development (Refer to Maps 1A/1B)

Support the development of lands designated as R - Residential (Phase 1) within the lifetime of the Local Area Plan, subject to normal planning, environmental, access and servicing requirements. Reserve the lands designated as R - Residential (Phase 2) for the longer-term growth needs of the town. R - Residential (Phase 2) are generally not developable within the lifetime of this plan, with the exception of the following developments, which may be considered by the Planning Authority within the lifetime of this Local Area Plan and subject to a suitable case being made for the proposal:

- a) Single house developments for family members on family-owned lands.
- b) Non-residential developments that are appropriate to the site context, any existing residential amenity and the existing pattern of development in the area.
- c) Where it is apparent that R-Residential (Phase 1) lands cannot or will not be developed within the plan period, residential development may be considered in a phased manner on some Residential (Phase 2) lands. Development on Residential-Phase 2 lands will normally only be considered where 50% of the lands in Residential-Phase 1 are committed to development.

The above exceptions will be subject to compliance with the Core Strategy in the current Galway County Development Plan, the policies and objectives in this Local Area Plan, the principles of proper planning and sustainable development and to meeting normal planning, environmental, access and servicing requirements. Developments will only be permitted where a substantiated case has been made to the satisfaction of the Planning

Authority and the development will not prejudice the future use of the lands for the longer-term growth needs of Ballinasloe.

5.4. Natural Heritage Designations

The site is not located within any designated site. The closest Natura 2000 site is the River Suck Callows SPA (Site Code: 004097) which are located approximately 245m to the north of the site.

5.5. EIA Screening

The subject appeal does not relate to a class of development which requires mandatory EIA. Having regard to nature and scale of the development, together with the brownfield nature of the site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

This is a first-party appeal against the decision of the Planning Authority to refuse planning permission for the proposed development. The issues raised are summarised as follows:

- The appeal document cites the planning history of the site where the site was purchased with the benefit of OPP in 2004.
- Notes that a previous refusal was overturned by the Board, ABP ref. PL37.235664 (PA ref: 09/9030) refers.
- Notes that the floor area of the previously permitted house was 232m² and that the current proposal is 164.21m² with improving outcomes for Objectives LU17 (residential densities objective), UD1 (urban design & landscape policy) and DMLU1 (development densities).

- In relation to the Boards previous decision, the comments and decision in relation to the current proposal are unjustified.
- The previous application to change the design of the house, PA. ref: 17/1217 was granted and is similar in layout to the current proposal.
- With regard to the third-party objections, the following is noted:
 - The existing houses in the Mount Pleasant estate date back to the 1970s and were individually designed.
 - The proposed development is reduced from the previously permitted house on the site and the current proposal provides a 1m separation between the building and the boundary wall.
 - The house has been designed to blend in with existing developments and to address objections.
 - The applicant is happy to erect a STOP sign at his own expense at the main road junction.

It is requested that permission be granted.

6.2. Planning Authority Response

None.

6.3. Observations

There is one observation noted on the appeal, from the original objector to the proposed development during the PAs assessment of the proposal. The issues raised are summarised as follows:

- The development would be out of place and destroy the vision, landscape, value and character of the area.
- Three independent teams of local planners have refused permission for development on the site.
- The protection of the character and design of existing buildings should take precedence over any new development.

- The development will impact existing adjacent property.
- Many neighbours wish to support the third-party objection.
- Road safety issues.
- No allowances for visitor parking on the site which will impact existing road users.
- Requests that the Board consider the original objection to Galway County Council too.

It is requested that the proposed development be refused permission.

7.0 **Assessment**

Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the nature and scale of the proposed development and the nature of existing and permitted development in the immediate vicinity of the site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

1. Compliance with National Guidelines & Standards, the Development Plan & General Development Standards
2. Visual & Residential Amenity Impacts
3. Roads & Traffic
4. Other Issues
5. Appropriate Assessment

7.1. **Compliance with National Guidelines & Standards, the County Development Plan & General Development Standards:**

- 7.1.1. Given that the subject site is located on lands zoned for residential purposes, the principle of development at this location is considered acceptable and in compliance with the general thrust of national guidelines and strategies. The Sustainable Residential Development in Urban Areas (DoEHLG, 2009) guidelines updated the

Residential Density Guidelines for Planning Authorities (1999) and continue to support the principles of higher densities on appropriate sites in towns and cities and in this regard, I consider that it is reasonable to support the development potential of the subject site in accordance with said guidelines and in this regard, I have no objection to the proposed development in principle.

- 7.1.2. In terms of compliance with the Ballinasloe Local Area Plan, the Board will note the location of the subject site within the development boundary of the town and in an area zoned R - Residential where the following land use zoning objective is applicable; LU 3 'Promote a phased, sequential approach on Residential zoned lands, with a strong emphasis on consolidating existing patterns of development, encouraging infill opportunities and promoting sustainable transport options.' Objective LU 17 – Residential Densities also seeks to promote a range of residential densities and notes that higher residential densities should be encouraged at appropriate locations. In this regard, I am satisfied that the proposed development is acceptable in principle.
- 7.1.3. Chapter 13 of the Galway County Development Plan deals with Development Management Standards and Guidelines and Section 13.3 relates to Urban and Rural residential development. The Board will note that the Core Strategy of the County Development Plan supports infill opportunities on zoned lands within the urban areas, Objective CS 5 – Phasing of Development of Lands, and Section 3.2 identifies promotion of 'the consolidation of existing built-up area by facilitating good quality appropriate infill development, whilst protecting essential amenities' as a strategic aim. The plan notes that 'infill residential development may range from small gap infill, unused or derelict land and backland areas, up to larger residual sites or sites assembled from a multiplicity of ownership', and Section 3.5.1 of the Plan states that 'a balance has to be struck between protection of amenities, privacy and established character and the need to provide residential infill. Innovative and contemporary design solutions will be encouraged to maximise the potential of these sites, subject to the protection and enhancement of residential amenity.'
- 7.1.4. Section 3.1.3 of the Ballinasloe LAP deals with Development Management Guidelines and sets out the following standards for density of development on lands zoned R:

Land Use Zone	Plot Area Ratio	Maximum Site Coverage	Minimum Public Open Space
Zone R	0.10 to 0.50	50%	15%

In terms of the above, I am generally satisfied that the circumstances of the subject site have been considered in the overall proposed development design and layout. The development in principle, can be accommodated on the site and would accord with the general thrust of the national and local policy framework.

7.2. Visual & Residential Amenity Impacts

- 7.2.1. With regard to the proposed design of the house, the development proposes the construction of a, two storey house which will rise to an overall height of 7.8m in total. The house will have a total floor area of 163.23m² (as detailed on the plans). The building includes a kitchen diner and living room at ground floor level with three double ensuite bedrooms at first floor level. The building proposes an overhang at first floor level along the western elevation and will be finished in smooth plaster finish. The hipped roof reflects the existing roof style of the existing houses to the east of the site. The Board will note that the house is to be located approximately 1.2m from the eastern boundary and the existing house to the east is set a further approximate 4m from the site boundary. In terms of the size and scale of the proposed house, I have no objections and would consider it comparable to the existing houses which front onto Sarsfield Road to the east.
- 7.2.2. The proposed development provides for a lawned area to the front (north) of the house with a paved and gravelled area to the rear. The vehicular access to the site is from the rear (south) where parking for up to two cars is proposed. Vehicular access is proposed off the existing Mount Pleasant estate road. I will discuss matters relating to roads and traffic further below in section 7.3 of this report.
- 7.2.3. In terms of residential amenity, I am satisfied that the proposed house provides for adequate accommodation and space for the future residents. I am also satisfied that the development proposes adequate private amenity space for future occupants. While I acknowledge the separation distance between the proposed house and the existing house, I am generally satisfied that the overall design of the proposed house

has addressed any potential for significant overlooking through a variety of means including the lack of first floor windows on the eastern elevation save for one serving the ensuite of Bedroom 3.

- 7.2.4. I note that the existing boundary with the house to the east comprises a stone wall with trees planted in the existing garden. I also note that the proposed development will extend approximately 2.2m beyond the rear wall of the two-storey extension to the existing house to the east. The proposed kitchen window at ground floor level has the potential to overlook the adjacent garden, but not to such an extent as to give rise to significant impacts on existing residential amenity. I note that no landscaping plan has been submitted with the application, and it would appear that existing trees on the subject site have been removed since the previous appeal to the Board. Should the Board be minded to grant permission in this instance, I recommend that a landscaping plan, to include details of species of trees and plants to be included, and a timescale for implementation, be submitted for agreement with the planning authority prior to commencement of any development on the site. Subject to compliance with a landscaping plan to minimise any potential for overlooking, I am satisfied that the development is acceptable.
- 7.2.5. The Board will note that the third-party observer raises concerns in terms of the density of the development proposed and the potential impacts arising with regard to overshadowing. The proposed development if permitted, will result in a plot ratio of 0.48 and a site coverage of 48.1%. Having regard to the location of the site within Ballinasloe and on lands zoned R, the Ballinasloe LAP provides that a plot ratio of between 0.1- 0.5 and site coverage of 50% is appropriate. In this regard, the development is deemed acceptable in terms of these stated requirements. Having regard to the context of the subject site, I am satisfied that the density as proposed is acceptable.
- 7.2.6. With regard to overshadowing, the Board will note the concerns of the third party with regard to loss of light and heat from the sun, as well as the loss of the setting sun from their private amenity space. No sunlight analysis has been prepared for the proposed development. However, the Board will note the southern aspect of the third-party's existing rear garden. I also note that there are three windows on the western elevation of the existing house which are likely to be impacted by the proposed house in terms of the evening sun. Having regard to the separation

distance between the proposed eastern wall of the proposed house and the western wall of the existing house, approximately 5m, I am satisfied that the potential impacts in terms of overshadowing or loss of light from the existing windows will not be so significant as to warrant a refusal of permission for a development which is supported by both national and local policy. Having regard to the orientation of the existing site, and the proposed site layout, the existing amenity space will continue to receive high levels of sunlight and daylight. I am satisfied that the proposed infill development is acceptable and will not significantly impact on the existing residential amenities of the area.

7.3. Roads & Traffic

- 7.3.1. The Board will note the concerns of the Planning Authority with regard to the impact of additional traffic movements arising from the development, concluding that a public safety issue will arise due to the restrictive nature of the proposed vehicular access and parking area and inadequate sight lines available to the north. The site is accessed via a cul-de-sac estate road where the speed of moving cars is low. Having undertaken a site inspection, and noting the planning history of the site, I do not consider that the traffic generated by a single house will significantly impact on the existing road network or give rise to a traffic hazard.

7.4. Other Issues

7.4.1. Servicing of the site

No issues arise in relation to the servicing of the proposed development.

7.4.2. Development Contribution

The subject development is liable to pay development contribution, a condition to this effect should be included in any grant of planning permission.

7.4.3. Other third-party issues

The Board will note that the third-party observer raised a number of concerns in relation to the proposed development including matters in terms of the impact of the development on retrofitting of solar power as the sun and heat will be blocked.

Having regard to the orientation of the site, together with the separation distance between the existing house and the proposed house, I am satisfied that no issues arise in this regard.

In terms of the drainage issues referred to, I am satisfied that there is currently no access to the third-party rear garden across the subject site. I also note that access to the rear of the third-party's home is achievable within their own site.

With regard to construction noise, I am satisfied that any such impacts will be temporary in nature.

7.5. Appropriate Assessment

- 7.5.1. The site is not located within any designated site. The closest Natura 2000 site is the River Suck Callows SPA (Site Code: 004097) which are located approximately 245m to the north of the site. I note no potential hydrological connections to the Natura 2000 site from the subject site.
- 7.5.2. Overall, I consider it is reasonable to conclude on the basis of the information available that the proposal individually or in combination with other plans or projects, would not adversely affect the integrity of a Natura 2000 site having regard to the nature and scale of the proposed development and separation distances involved to adjoining Natura 2000 sites. It is also not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European Site.

8.0 Recommendation

I recommend that planning permission be Granted for the proposed development for the following stated reason and subject to the following stated conditions.

9.0 Reasons and Considerations

Having regard to the provisions of the Galway County Development Plan and the Ballinasloe Local Area Plan 2015-2021, the residential zoning of the site, the planning history of the site, the pattern of development in the vicinity and the scale of the development as proposed, it is considered that the proposed development, subject to compliance with the conditions set out below, would be an appropriate infill development and would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would not, therefore, be contrary to the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed 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 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 shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the proposed dwelling house without a prior grant of planning permission.

Reason: In the interest of residential amenity.

4. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. The site shall be landscaped in accordance with a scheme of landscaping, details of which shall be submitted to the planning authority for agreement before development commences. The scheme shall include a timescale for its implementation.

Reason: In the interest of visual amenity.

6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of visual and residential amenity.

7. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 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 residential amenities of property in the vicinity.

8. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

A. Considine
Planning Inspector
21st July 2021