



Client

Dean Raftery

Proposed Development

Change of use from Shop to Apartment

Address of Development

Bridge Street, Gort, Co. Galway

Address of Appellant

Bridge Street, Gort, Co. Galway

Ref. No. In Planning Register of Galway County Council

ED22/49

Date

3rd November 2022

Prepared by

Des Glynn BSc. Arch. T.
Grealish Glynn & Associates

1. Introduction

After receiving details of the Refusal of Declaration of Exempt Development for our client Dean Raferty, we judged that Galway County Council has dealt with this application unfairly. We have been instructed to prepare an appeal of this decision to An Bord Pleanála. I hope that the following information will lead you to making a just and speedy decision in relation to this matter.

This appeal consists of

Chapter 1 - Introduction

Chapter 2 - Reasons for Refusal

Chapter 3 - Assessment

Chapter 4 - Arguments against Refusal

Chapter 5 - Conclusions

Appendix - Containing a list of attachments to support this appeal

2. Reasons for Refusal

1. The definition of “works” set out in Section 2 of the Planning and Development Act 2000 (as amended);
2. The definition of “development” set out in Section 3 of the said Planning and Development Act;
3. Section (3) of the said Planning and Development Act;
4. Section (4) (1) (h) & (4) of the said Planning and Development Act;
5. Article 6 (1) of said Planning and Development Acts;
6. Article 9 (1) (a) subsections (i), (ii), (vi), (vi), (viiB) & (viiC) of said Planning and Development Regulations;
7. S.I. No. 30/2018 - Planning and Development (Amendment) (No.2) Regulations 2018;
8. S.I. No. 75/2022 - Planning and Development Regulations 2022;
9. Documents submitted from the referrer n this Section 5 application

3. Assessment

Having studied the reasons for refusal it is clear that Galway Co. Council has not assessed this application properly. Nowhere in the legislation does it state that the partial conversion of a shop unit is not exempt.

4. Arguments against Refusal

The development is for the conversion of shop floor area and associated storage space to use as 4 one bedroomed apartments. The apartments are accessed via a stairway from Bridge Street in Gort and also have rear access which opens onto a lane way which will provide refuge and deliveries and emergency services. There are no one bedroomed apartments available in the town of Gort and this type of housing is badly needed. The development is located in the Town Centre and has ample exterior green area and patio area. The development is located beside the Town Park to provide extra amenity for the development.

This Refusal goes against legislation which the Government is working hard to produce in order that such developments are provided in a speedy and timely manner. The development makes the best use possible of an existing structure. Such large shop units in the town of Gort are no longer required.

5. Conclusion

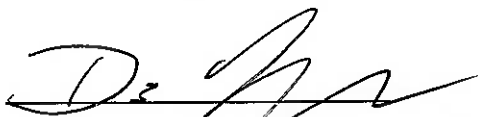
We seek that An Bord Pleanála to grant the Declaration of Exempted Development on the grounds that:

1. The Planning Authority have not given adequate reason for the refusal of this Exemption;
2. Refusing this Exemption creates an undesirable precedent and will discourage people from converting shop units to residential units under Section 5 of the Planning and Development Act.

Appendix

Attachments

1. Cover Letter
2. Copy of Refusal ED22/49
3. Fee €220



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