

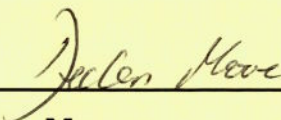
An
Coimisiún
Pleanála

Commission Direction
CD-001261
PL-501446-GC-26

The submissions on this file and the Inspector's report were considered at a meeting held on 10 September 2026.

The Commission decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Planning Commissioner:


Declan Moore

Date:

18th day of September 2026

DRAFT WORDING FOR ORDER

Reasons and Considerations

1. Section 11.23 of the Galway City Development Plan 2023-2029 states that all new developments shall connect to the public wastewater infrastructure, where available, and existing developments that are in close proximity to a public sewer are encouraged to connect to that sewer. In addition, based on the information available, it is not possible to establish that a connection to the existing Uisce Eireann wastewater network, which is the optimal solution to treat wastewater in this established urban location, is unviable. In the absence of this information, the proposal to retain an existing septic tank and permission to construct an individual wastewater treatment unit in this established urban location is contrary to the provisions of Section 11.23 of the Galway City Development Plan 2023-2029 and is not in the interests of the proper planning and sustainable development of the area.

2. The retention of the increase in site levels, notwithstanding the proposal to marginally reduce the height, would allow for raised views over adjacent rear gardens and to the rear of dwellings, and would if permitted, give rise to undue overlooking of adjoining properties and thus detract from the privacy and residential amenity of the adjacent properties. For this reason, the proposed development would be contrary to the proper planning and sustainable development of the area.

Note

The Commission noted the planning history of the site, specifically three consecutive refusals of retention/permission issued by the planning authority for essentially the same significant number of changes, and for essentially the same reasons. The Commission was not satisfied that the applicant adequately addressed the reasons for refusal in their latest application, or other matters raised as being of concern in successive planning reports, although none were included as reasons for refusal given the substantive reasons relied upon by the planning authority.

The Commission did consider whether a split decision might issue on some minor changes, but given the above, decided to refuse the application for retention in its entirety. Like the planning authority, given the substantive reasons for refusing retention as specified in the Direction (above) and in the final Order, the other matters were not pursued by the Commission on this occasion.

The Commission shares the concerns of the planning authority, and some expressed by the appellant and observers, as laid out in the Inspector's report, and has some of its own; and recommends that full consideration be given to the following observations, and how to satisfactorily address them, should any future planning application be contemplated by the applicant.

- No justification has been provided for each of the substantial number of changes proposed for retention.
- Significant material appears to have been imported to the site to achieve the (unauthorised) increase in ground levels. No information as to the source and amount of fill used, or what materials were included, photographs suggest that construction/demolition material has been used, so the possibility of buried asbestos or other health and/or ecologically harmful materials must be excluded. Similarly, the impact of the material on the

nature and direction of surface water runoff, given the substantial change in ground levels, and potential leaching impacts.

- There is no justification provided for the significant deviation in ground levels from that which was approved. Regardless of the Development Plan's requirement for new development to connect to the public sewer, no evidence was submitted to justify the expanse and depth of fill proposed for retention, on the basis of a requirement for a domestic wastewater treatment system, as contended by the applicant.
- A retaining wall adjacent the dwelling was previously approved, based on the gradient of the (then) existing ground level, for the benefit of the dwelling, not the garden. The (unauthorised) retaining walls have been built inside existing retaining walls/boundary walls, without evidence or assessment submitted of what structural calculations underpin the design and construction of the walls, what potential impact(s) might the resulting gaps between structures have on the structural integrity of the older structures and access for maintenance, what steps will be taken to prevent the build-up of garden litter, waste, and other materials within the gap, and the emission of odours?
- The provision of two separate vehicular entrances to a single dwelling is not consistent with the principle of proper planning and sustainable development. No justification has been provided to evidence the requirement for two entrances.
- No justification has been provided for repositioning the garage, and drainage details for the garage structure should be provided demonstrating how water run-off is managed (in the absence of guttering) within the site and that no part of the structure does or would overhang the boundary.

- There are conflicting statements about the status of the former laneway (ownership and rights of way) that the applicant included in the site plans, but not the site notice. The Commission notes the assertions made by the applicant's solicitor and the statement of an Observer about a current legal dispute; the Commission is not satisfied that either the applicant or the Observer has evidenced sufficient legal interest in the former laneway to assert sole rights. And, in either event, if the applicant does evidence ownership in the future, the matter of the Observer's access to their oil tank, gutters etc must be addressed.