



An
Bord
Pleanála

Board Order
ABP-312523-22

Planning and Development Acts 2000 to 2022

Planning Authority: Galway City Council

Planning Register Reference Number: P/DC/3/25/21

WHEREAS a question has arisen as to whether drawing number DoE2 (elevations/fenestration patten) is materially consistent with the granted planning under planning register reference numbers 13/94 and 18/178 at 63 Threadneedle Road, Salthill, Galway is or is not development or is or is not exempted development:

AND WHEREAS Cormac and Rosemary Small care of Feeney McMahon Architects of The Old School House, Bishops Street, Limerick requested a declaration on this question from Galway City Council and the Council issued a declaration on the 14th day of December, 2021 stating that the development is not exempted development:

AND WHEREAS Cormac and Rosemary Small care of Feeney McMahon Architects of The Old School House, Bishops Street, Limerick referred this declaration for review to An Bord Pleanála on the 19th day of January, 2022:

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

- (a) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act, 2000, as amended,
- (c) Section 4(1) (h) of the Planning and Development Act, 2000, as amended,
- (d) Section 4(4) of the Planning and Development Act, 2000, as amended,
- (e) Article 6(1) and Article 9(1)(a)(i) and (viiB) of the Planning and Development Regulations, 2001, as amended,

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the referral concerns changes made to the fenestration of a house during the course of construction, which comprises works, and therefore comes within the scope of the definition of development as set out at Section 3 of the Planning and Development Act, 2000, as amended,
- (b) the development carried out differs from that for which planning permission was granted under planning reference 13/94, as extended under planning reference 18/178, and the Board is satisfied that the deviations from the permitted development are significant and material, and are not immaterial or de minimis, and are not, therefore, within the scope of the development granted planning permission,
- (c) there are no exemptions in the Planning and Development Act, 2000, as amended, or in the Planning and Development Regulations, 2001, as amended, whereby such material deviations would constitute exempted development,

- (d) the works which are the subject of this referral are not likely to have significant effects on any European sites, and
- (e) the works which are the subject of this referral do not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, as amended, and therefore are not subject to Environmental Impact Assessment requirements.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by Section 5 (3)(a) of the Planning and Development Act, 2000, as amended, hereby decides that changes made to the fenestration of the house during the course of construction at 63 Threadneedle Road, Salthill, Galway is development and is not exempted development.



Una Crosse

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

Dated this 16th day of October 2023.