



An
Bord
Pleanála

Board Order
ABP-320751-24

Planning and Development Acts 2000 to 2022

Planning Authority: Galway City Council

Planning Register Reference Number: 2460191

Appeal by Richard Byrne care of RW Nowlan and Associates of Basement Office, 54 Fitzwilliam Square, Dublin against the decision made on the 9th day of August, 2024 by Galway City Council in relation to an application by Richard Byrne for permission for development comprising retention of new single storey glazed conservatory at 4.8 metres height and 132 square metres safety drain at the south elevation of the new conservatory, outdoor seating limited to patio area at area of 167 square metres, raised deck 34 square metres floor area to be used as planter with access for maintenance only, new fire escape stairs to facilitate escape from first floor bedrooms to place of safety, hard and soft landscaping, existing 1.8 metres high palisade fence to be fitted with painted timber privacy screen to be fixed on top of existing R.C. retaining wall to prevent overlooking from escape route, guard rail to walkway and flat roof and all ancillary development at Salthill Hotel, The Promenade, Salthill, County Galway in accordance with the plans and particulars lodged with the said Council (which decision was to grant permission, subject to conditions, for retention of outdoor seating limited to patio area at area of 167 square metres, raised deck 34 square metres floor area to be used as planter with access for maintenance only and hard and soft landscaping and to refuse permission for retention of new single storey glazed conservatory at 4.8 metres height and 132 square metres safety drain at the south elevation of the

new conservatory new fire escape stairs to facilitate escape from first floor bedrooms to place of safety, existing 1.8 metres high palisade fence to be fitted with painted timber privacy screen to be fixed on top of existing R.C. retaining wall to prevent overlooking from escape route, guard rail to walkway and flat roof and all ancillary development.

Decision

GRANT permission for retention of new fire escape stairs to facilitate escape from first floor bedrooms to place of safety and existing 1.8 metres high palisade fence to be fitted with painted timber privacy screen to be fixed on top of existing R.C. retaining wall to prevent overlooking from escape route in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below.

REFUSE permission for retention of new single storey glazed conservatory at 4.8 metres height and 132 square metres safety drain at the south elevation of the new conservatory based on the reasons and considerations marked (2) under.

Reasons and Considerations (1)

It is considered that, subject to compliance with the conditions set out below, the proposed retention of fire escape stairs and painted timber privacy screen fence would not have a material impact on amenity of neighbouring dwellings. It is considered that the fire escape to be used in emergency situations only is a necessary intervention to ensure safe passage of all personal from the hotel building. This element of development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. This element of development proposed for retention, comprising the fire escape and erection of painted timber privacy screen at the western site boundary, shall be carried out, completed and retained 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.

Reason: In the interest of clarity.

2. (a) The fire escape stairs shall be used in case of emergency only.
Within three months from the date of this order, the applicant shall submit photographic detail for the written agreement of the planning authority indicating one way-only gate at the bottom of the stairs.
- (b) A painted timber privacy screen shall be erected to a height of 1.8 metres along the western boundary of the site where the escape stairs run adjacent to the boundary. All works shall be within the applicant's own redline boundary. Full details of proposed privacy screen fencing shall be submitted to, and agreed in writing with, the planning authority within three months from the date of this order.

Reason: In the interest of clarity.

Reasons and Considerations (2)

The retention of the single storey glazed conservatory would undermine and be injurious to the residential amenities of the surrounding area, as the location of the structure, in close proximity to existing residential development, which extends the operation of the function room closer to existing residential properties, in addition to its layout and connectivity, actively encourages patrons to exit the function room through the conservatory to use the terraced area. Therefore, the retention of the conservatory, if permitted, would be contrary to Section 9.8 of the Galway City Development Plan 2023-2029, as it would generate significant adverse noise impacts, and would, therefore, seriously injure the residential amenities of the surrounding area, would generate adverse impact on adjacent rear communal gardens and bedrooms of residences by noise generated and hours of such activities, and would, therefore, be contrary to the proper planning and sustainable development of the area.



Declan Moore

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this 14th day of APRIL 2025.