

An
Bord
Pleanála

Board Order
ABP-321853-25

Planning and Development Acts 2000 to 2022

Planning Authority: Galway City Council

Planning Register Reference Number: 24/60177

Appeal by Pat and Barbara Sheehan of 61 Threadneedle Road, Salthill, Galway against the decision made on the 16th day of January, 2025 by Galway City Council to grant subject to conditions a permission to Cormac and Rosemary Small care of Feeney Mahon Architects of Old School, Bishop Street, Limerick in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention of minor changes to elevations of the permitted dwelling, including amended fenestration at 63 Threadneedle Road, Salthill, Galway.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the modest nature of the changes to fenestration for which retention permission is sought, to the residential use of the subject property and to the pattern of development in the area, it is considered, subject to compliance with the condition set out below, that the proposed development for which retention permission is sought would not seriously injure the amenities of the area, including residential property in the vicinity and would constitute an appropriate form of fenestration as part of a dwelling at this location. The development for which retention permission would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board first off agreed in full with the Inspector that the changes to fenestration which form the subject of this application, (particularly windows A and D which are the focus of the appellants' concerns) would not result in adverse impact on the residential amenity of the neighbouring residential property. The Inspector's recommended reason for refusal is derived from an opinion that it appears other unauthorised development has occurred (the Inspector refers to a reduced dwelling footprint with internal reconfiguration). In this context the Board considered that, even should any such alterations be confirmed as unauthorised (and it is not for the Board to reach a determination on that matter), they would not materially impact on concerns regarding the amenity of adjoining property as set out in the current appeal, nor materially change the totality of the permitted use at this location, namely a single dwelling. In this context, the Board did not share the view of the Inspector that the fenestration changes subject of this appeal would consolidate and intensify unauthorised development at the site and determined that the very limited change to fenestration subject of this appeal is appropriate for the permitted use as a dwelling and that a grant of permission is warranted in this instance. In reaching this decision, the Board

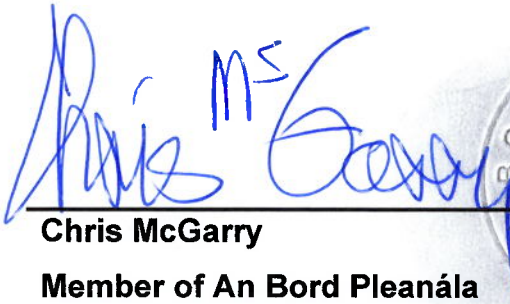
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notes that any matter of potential unauthorised works at the dwelling in the form of a reduced footprint and internal reconfiguration, remains a matter for the planning authority.

Condition

The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 16th day of December 2024, except as may otherwise be required in order to comply with the following conditions. For the avoidance of doubt, the alterations for which retention permission is sought, are confined to the alterations as outlined in red (namely four windows) in the plans and particulars received by the planning authority on the 16th day of December, 2024. 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.


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

Dated this 26th day of May 2025.