



An  
Bord  
Pleanála

## Inspector's Report ABP-310183-21

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<b>Development</b>	Permission for development which will consist of demolition of existing self-contained unit, alterations to existing house and extension to ground and attic/second floor, and associated external works
<b>Location</b>	23 St. Marys Road, Galway, Co. Galway.
<b>Planning Authority</b>	Galway City Council
<b>Planning Authority Reg. Ref.</b>	21/39
<b>Applicant(s)</b>	Jamie Goggins
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Split Decision
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Jamie Goggins
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	31/07/2021.
<b>Inspector</b>	Auriol Considine

## **1.0 Site Location and Description**

- 1.1. The proposed development site is located on St. Mary's Road, the R864, to the west of Galway City Centre and on the main road to Salthill from the city. The site is located within a primarily residential area and St. Mary's College and its associated grounds which include a park and playing pitches, lie immediately across the road from the site. The area includes a variety of house types, including detached and semi-detached to the north of the site, and terraced housing and three storey apartment building to the south, Sancta Maria House.
- 1.2. The existing site comprises a semi-detached house which rises to two storeys in height. The information submitted notes that there are 3 bedrooms in the existing house and a basement level. To the rear of the house, there is an existing self-contained residential unit which is accessed via an existing laneway to the south of the house, running between two houses. This laneway provides access to the rear of other properties which front onto St. Mary's Road, and the rear of houses which front onto Palmyra Avenue to the south of the site.
- 1.3. The site has a stated area of 0.0175ha and the existing house on the site has a stated floor area of 154m<sup>2</sup> while the basement storage area has a floor area of 41m<sup>2</sup>.

## **2.0 Proposed Development**

- 2.1. Permission is sought Permission for development which will consist of demolition of existing self-contained unit, alterations to existing house and extension to ground and attic/second floor, and associated external works, all at 23 St. Marys Road, Galway, Co. Galway.
- 2.2. The application includes the relevant plans and particulars, as well as a cover letter setting out the need for the works to extend the living space for the family including the conversion of the attic space to provide a larger fourth bedroom.
- 2.3. Unsolicited further information was submitted to the PA in the form of a letter of support from the applicants' neighbour.

## 3.0 Planning Authority Decision

### 3.1. Decision

The Planning Authority decided to issue a split decision as follows:

Grant permission for the demolition of existing self-contained unit, alterations to existing house and extension to ground, subject to 10 conditions; and

Refuse permission for the proposed attic/second floor extension.

The reason for refusal of the attic/second floor extension is stated as follows:

The proposal to construct an attic/second floor level extension to the existing dwelling at 23 St. Mary's Road, which is a semi-detached dwelling, is considered to be unacceptable as the design / form of the extension does not integrate well with the existing dwelling nor the neighbouring semi-detached. It is considered that the proposed attic / second floor level extension, by virtue of a raised ridge height, demolition of an existing chimney and the provision of a roof light on the front pitch of the roof, would result in a discordant, visually unbalanced elevation to existing dwelling and neighbouring semi-detached dwelling, which would result in a negative impact on the visual integrity of the existing streetscape along St. Mary's Road and, if granted, would create an undesirable precedent for similar proposals in the future. The proposal is therefore considered to be contrary to the Galway City Development Plan 2017-2023 and to the proper planning and sustainable development of the area.

### 3.2. Planning Authority Reports

3.2.1. The planning Report noted the planning history of the site and considered the proposed development in two separate elements.

Rear domestic extension:

- the proposal to demolish the existing self-contained unit, along with ancillary buildings / structures, to the rear of the site and the proposal to construct a ground floor extension was acceptable.

- the proposed rear extension is considered not to give rise to any particular development management concerns.
- The level of private amenity space is stated to measure 33m<sup>2</sup>, which is deemed an improvement on the existing space and would be larger than the previously permitted development under PL. ref. 20/149.

Attic / Second floor extension:

- The Planning Officer noted that this element of the proposed development includes the raising of the existing ridge height by 0.6m with the front pitch of the existing roof extended back on the same plain, rising from a height of +8.005 to +8.605.
- The new attic level would have a flat roof and would incorporate expansive side walls.
- The proposal would see the removal of the chimney which currently mirrors the chimney on the neighbouring semi-detached house.
- A roof light is also proposed.
- The report notes the first-party submission regarding the variety of ridge heights along St. Mary's Road, as well as the letter of support from the neighbour.
- The report concludes that this element of the proposed development would impact negatively on the visual integrity of the streetscape and would create an unbalanced pair of semi-detached houses.
- The report concludes that the proposed attic development would not assimilate into the existing dwelling, the adjoining dwelling or the streetscape and is therefore unacceptable.

3.2.2. The Planning Officers report concluded recommending a split decision. This report formed the basis of the Planning Authority decision to issue a split decision in relation to the proposed development, permitting the demolition of the existing self-contained unit and the construction of a ground floor extension and refusing the proposed attic / second floor extension.

### 3.3. Other Technical Reports

None.

### 3.4. Prescribed Bodies

None.

### 3.5. Third Party Observations

None.

## 4.0 Planning History

4.1.1. The following is the relevant planning history pertaining to this site:

**PA ref: 20/149:** Permission granted for alterations to the existing house and self-contained unit, including extension and associated demolitions and external works.

## 5.0 Policy Context

### 5.1. Development Plan

The Galway City Development Plan 2017-2023 is the relevant policy document pertaining to this appeal. The site is located on lands zoned Objective R where it is the stated objective of this zoning 'to provide for residential development and for associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods.'

### 5.2. Natural Heritage Designations

The subject site is not located within any designated site. The closest Natura 2000 site lies approximately 500m to the west being the Lough Corrib SAC, Site Code 000297. The Galway Bay Complex SAC, Site Code 000268 and the Inner Galway Bay SPA, Site Code 004031 are located approximately 800m to the south of the site. The Lough Corrib SPA, Site Code 004042, is also located approximately 3.8km to the north of the site.

### 5.3. Environmental Impact Assessment

5.3.1. The subject appeal does not relate to a class of development which requires mandatory EIA. Item (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units
- Urban development which would involve an area greater than 2ha in the case of a business district, 10ha in the case of other parts of a built-up area and 20ha elsewhere.

(In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

5.3.2. The proposed development comprises an extension to an existing semi-detached house in an urban area. The proposed development, if permitted, will not result in the construction of more than 500 dwelling units. The site is located in an urban area that does not come within the above definition of a “business district” and is more akin to ‘other parts of a built-up area’. The site is substantially below the 10ha threshold for ‘other parts of a built-up area’ which would trigger the need for a statutory EIAR. It is therefore considered that the development does not fall within the above classes of development and does not require mandatory EIA.

5.3.3. In accordance with section 172(1)(b) of the Planning and Development Act 2000 (as amended), EIA is required for applications for developments that are of a class specified in Part 1 or 2 of Schedule 5 of the 2001 Regulations but are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment.

5.3.4. Having regard to:

- (a) the nature and scale of the development,
- (b) the urban / built nature of the site,

- (c) the zoning afforded to the site and the availability of public services and infrastructure,
- (d) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

It is concluded that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 The Appeal

6.1. This is a First Party appeal, against the decision of the PA to issue a split decision and refuse planning permission for the proposed attic / second floor extension only. There is no appeal in relation to the permitted elements of the development. The submission sets out the location and context of the site as well as details of the planning history and the need for the proposed development. The appeal is summarised as follows:

- In terms of the increase in ridge height, it is submitted that:
  - The increase is 0.6m which represents a minor increase over existing.
  - The proposed ridge height would not appear significant from St. Mary's Road to the front.
  - The proposed ridge height would be in keeping with the semi-detached houses of Nos. 21, 20, and 19 to the north.
  - The height is significantly lower than the Sancta Maria apartments to the south.
  - The proposed ridge height increase would not represent a significant design intervention as viewed from the grounds of St. Mary's College.
- In terms of the demolition of the chimney:
  - The existing house is not a protected structure and is not within an ACA.

- A revised front elevation is submitted with the appeal which retains the existing chimney.
- This respects the character of chimneys at this location and will provide for a balanced elevation in response to the PAs concerns.
- In terms of the proposed roof light on the front pitch:
  - The roof light applied for is modest in size and would not adversely affect the visual amenities of the area.
  - It is submitted that the roof light would result in a lesser visual impact compared with a solar panel for example, which would be exempt from planning permission.
  - In response to the PAs concerns, the roof light has been revised to align with the position of the first-floor window to improve the visual balance of the front elevation.
  - The proposed frame of the rooflight will match the colour of the slate of the house.
- In terms of the impact on the visual integrity of the existing streetscape, it is submitted that:
  - Owing to the variances of roof ridge heights along this stretch of St. Mary's Road, together with the minor extent of the proposed increase in the roof height, the proposed development can be considered at this location.
  - The revised proposals to retain the chimney and realign the proposed roof light will provide for a more successfully balanced external elevation, which respects the character of the area.
  - It is submitted that the development will result in an unobtrusive and successful design intervention at this location and would not adversely affect the visual integrity of the streetscape.
- In terms of the concerns raised with regard to the setting of an undesirable precedent, it is submitted that:



- The amended proposal will note adversely affect the visual amenities of the streetscape.
- The proposal would not result in an undesirable precedent and represents a more successful extension design intervention compared to other previously permitted developments on St. Mary's Road.

It is requested that permission be granted for the proposed development.

## 6.2. **Planning Authority Response**

The Planning Authority has not responded to this appeal.

## 6.3. **Observations**

There are no observations noted.

## 7.0 **Assessment**

Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the nature and scale of the proposed development and the nature of existing and permitted development in the immediate vicinity of the site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

- Principle of the proposed development
- Reason for Refusal
- Other Issues

### 7.1. **Principle of the proposed development**

- 7.1.1. The proposed development seeks to demolish an existing self-contained unit which is located to the rear of the site and accessed via a lane between the subject site and the adjacent house to the south, as well as alterations to the existing house which will include an extension to ground and an attic/second floor, all at 23 St. Marys Road, Galway, Co. Galway. The subject site is located on lands zoned for

residential purposes and I am satisfied that the principle of the development can be considered as acceptable in terms of the zoning objective.

7.1.2. The Board will note that the Planning Authority considered the proposed development as two separate elements as follows:

- a) Ground floor rear extension
- b) Proposed attic conversion / second floor

7.1.3. With regard to the ground floor rear extension, the Board will note that the existing situation on the site provides for a small, separate self-contained residential unit along the rear boundary of the site. This existing unit is bound on two sides by the lane, which also provides access to the rear of other properties and is accessed via the shared rear yard with the main house on the site. The proposed development seeks to demolish this unit, as well as the stairwell which provides access to the kitchen at ground floor level and the basement level of the house.

7.1.4. The proposed extension in this area will comprise a single storey flat roofed extension which will provide for a new living room while the internal layout of the ground floor will be altered to provide a kitchen / dining room connecting to the new living room. The existing sitting room to the front of the house will be used as a playroom. The works will result in the private amenity space to the rear of the house rising from the existing 25m<sup>2</sup> to approximately 27.6m<sup>2</sup>. Given the south-eastern orientation, I am satisfied that this is acceptable.

7.1.5. The Board will note that the Planning Authority granted permission for part a) of the development and refused permission for part b). The submitted appeal relates solely to part b) and schedule 2 of the PAs decision, issued on the 14<sup>th</sup> of April 2021.

## 7.2. Reason for Refusal

7.2.1. With regard to part b) the proposed development seeks to increase the height of the existing ridge of the house and incorporate a second floor into the current two storey, flat roofed return to the rear of the main house. This section of the house is currently occupied by the kitchen at ground floor level and a bedroom at first floor level. Having undertaken a site inspection, I noted that most of the houses adjacent to the subject site have similar two storey, flat roofed return to the rear, with the attached

semi-detached house to the north-east having a mirrored return in place. I also noted that the adjacent house also has a dormer window in the roof, which does not break the ridge, and is likely to provide light to the attic space of this house.

7.2.2. If permitted, the attic space, and associated extension, will be converted into a master suite. The proposed stairs to access the attic will be located within the current 'box room' which is used as an office, as detailed on the submitted plans. The original proposal included proposals to remove the existing chimney on the house.

7.2.3. The proposed increase in the ridge height gave rise to concerns for the Planning Authority, who refused permission for the following stated reason:

The proposal to construct an attic/second floor level extension to the existing dwelling at 23 St. Mary's Road, which is a semi-detached dwelling, is considered to be unacceptable as the design / form of the extension does not integrate well with the existing dwelling nor the neighbouring semi-detached. It is considered that the proposed attic / second floor level extension, by virtue of a raised ridge height, demolition of an existing chimney and the provision of a roof light on the front pitch of the roof, would result in a discordant, visually unbalanced elevation to existing dwelling and neighbouring semi-detached dwelling, which would result in a negative impact on the visual integrity of the existing streetscape along St. Mary's Road and, if granted, would create an undesirable precedent for similar proposals in the future. The proposal is therefore considered to be contrary to the Galway City Development Plan 2017-2023 and to the proper planning and sustainable development of the area.

7.2.4. The first-party appeal includes revised plans for this element of the development with the retention of the chimney which is considered to respect the character of chimneys at this location and will provide for a balanced elevation in response to the PAs concerns.

7.2.5. I note that the proposed increase in the ridge height of the semi-detached house is in the order of 0.6m. This, together with the proposed roof light on the front of the pitched roof is considered by the Planning Authority to result in a discordant, visually unbalanced elevation to existing dwelling and neighbouring semi-detached dwelling,

which would result in a negative impact on the visual integrity of the existing streetscape along St. Mary's Road.

- 7.2.6. There are a variety of houses along this area of St. Mary's Road including semi-detached houses and a detached house to the north of the site and a terrace of 3 houses and an apartment building to the south. The scale and features of the houses, although not identical, are generally uniform. I would, in this regard, agree with the Planning Authority, that there is a potential visual impact arising with the proposed increased ridge height due to the semi-detached nature of the house.
- 7.2.7. While I accept the submission of the appellant with regard to the variety of ridge heights on St. Mary's Road, I would note that the roofline of any building is one of its most dominating features. In addition, I would note that the variety of ridge heights is not so significant as to be an obvious feature in the streetscape in the vicinity of the site, save for the apartment building. While I accept that the site is not a protected structure, or located within an ACA, I consider that the proposed increased ridge height on its own, will impact on the character of the wider St. Mary's Road streetscape, and in particular, the attached house to the north. I further consider that the introduction of the roof light on the front elevation of the roof, would also impact on the character of the streetscape.
- 7.2.8. As such, I consider that a grant of planning permission for this element of the proposed development would introduce a new visual element to this residential area would set an undesirable precedent for similar developments in the area, which would erode the character of the area.

### 7.3. **Other Issues**

- 7.3.1. No development contribution is payable in relation to the proposed development.
- 7.3.2. I am satisfied that no issues with regard to the servicing of the subject site arise.
- 7.3.3. I am satisfied that no issues in terms of roads and traffic arise.

## 8.0 **Appropriate Assessment**

### 8.1. **Introduction**

- 8.1.1. The EU Habitats Directive 92/43/EEC provides legal protection for habitats and species of European importance through the establishment of a network of designated conservation areas collectively referred to as Natura 2000 (or 'European') sites.
- 8.1.2. Under Article 6(3) of the Habitats Directive, an Appropriate Assessment must be undertaken for any plan or programme not directly connected with or necessary to the management of a European site but likely to have a significant effect on the site in view of its conservation objectives. The proposed development is not directly connected with or necessary to the management of a European site. The applicant did not submit an Appropriate Assessment Screening Report or a Natura Impact Statement with the application.
- 8.1.3. In accordance with these requirements the Board, as the competent authority, prior to granting a consent must be satisfied that the proposal individually or in combination with other plans or projects, is either not likely to have a significant effect on any European Site or adversely affect the integrity of such a site, in view of the site(s) conservation objectives.
- 8.1.4. Guidance on Appropriate Assessment is provided by the EU and the NPWS in the following documents:
- Assessment of plans and projects significantly affecting Natura 2000 sites – methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC (EC, 2001).
  - Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities (DoEHLG), 2009.

Both documents provide guidance on Screening for Appropriate Assessment and the process of Appropriate Assessment itself.

## 8.2. Consultations

- 8.2.1. The Board will note that there were no third-party observations, prescribed bodies or Local Authority submissions relating to the subject appeal. No issues relating to AA are noted as having been raised in the Planning Officers report.

## 8.3. Screening for Appropriate Assessment

- 8.3.1. The applicant did not prepare an Appropriate Assessment Screening Report as part of the subject application. The site is not located within any designated site. The closest Natura 2000 site lies approximately 500m to the west being the Lough Corrib SAC, Site Code 000297. The Galway Bay Complex SAC, Site Code 000268 and the Inner Galway Bay SPA, Site Code 004031 are located approximately 800m to the south of the site. The Lough Corrib SPA, Site Code 004042, is also located approximately 3.8km to the north of the site.
- 8.3.2. In terms of AA, the Board will note that the development is not directly connected or necessary to the management of a European Site. There are 10 Natura 2000 Sites occurring within a 15km radius of the site. I am satisfied that following sites can be screened out in the first instance, as they are located outside the zone of significant impact influence because the ecology of the species and / or the habitat in question is neither structurally nor functionally linked to the proposal site. There is no potential impact pathway connecting the designated sites to the development site and therefore, I conclude that no significant impacts on the following sites is reasonably foreseeable. I am satisfied that the potential for impacts on the following 7 Natura 2000 sites can be excluded at the preliminary stage:

Site Name	Site Code	Assessment
Lough Corrib SPA	004042	Site is located entirely outside the EU site and therefore there is no potential for direct effects. No habitat loss arising from the proposed development. No disturbance to species. No pathways for direct or indirect effects. <b>Screened Out</b>

Ross Lake & Woods SAC	001312	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No habitat loss arising from the proposed development.</p> <p>No disturbance to species.</p> <p>No pathways for direct or indirect effects.</p> <p><b>Screened Out</b></p>
Connemara Bog Complex SAC	002034	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No habitat loss arising from the proposed development.</p> <p>No disturbance to species.</p> <p>No pathways for direct or indirect effects.</p> <p><b>Screened Out</b></p>
Cregganna Marsh SPA	004142	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No habitat loss arising from the proposed development.</p> <p>No disturbance to species.</p> <p>No pathways for direct or indirect effects.</p> <p><b>Screened Out</b></p>
East Burren Complex SAC	001926	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No habitat loss arising from the proposed development.</p> <p>No disturbance to species.</p> <p>No pathways for direct or indirect effects.</p> <p><b>Screened Out</b></p>
Moneen Mountain SAC	000054	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No habitat loss arising from the proposed development.</p> <p>No disturbance to species.</p>

		No pathways for direct or indirect effects. <b>Screened Out</b>
Lough Fingall Complex SAC	000606	Site is located entirely outside the EU site and therefore there is no potential for direct effects. No habitat loss arising from the proposed development. No disturbance to species. No pathways for direct or indirect effects. <b>Screened Out</b>

8.3.3. I consider that the following Natura 2000 sites, located within 15km of the subject site, can be identified as being within the zone of influence of the project, for the purposes of AA Screening, as follows:

- Lough Corrib SAC (Site Code 000297)
- Galway Bay Complex SAC (Site Code 000268)
- Inner Galway Bay SPA Site (Code 004031)

#### 8.4. Qualifying Interests for Natura 2000 Sites within Zone of Influence

8.4.1. The closest Natura 2000 sites, and those considered to be within the zone of influence for the proposed development, as there are potential pathways via the surface water drainage and wastewater drainage infrastructure, and therefore, hydrological links to the designated sites, are the Galway Bay Complex SAC (Site Code 000268) and the Inner Galway Bay SPA Site (Code 004031) which are located approximately 0.8km to the South of the site. The following table sets out the qualifying interests for each of these sites:

European Site	Qualifying Interests
<b>Lough Corrib SAC (Site Code 000297)</b>	<ul style="list-style-type: none"> <li>• Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]</li> <li>• Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoeto-Nanojuncetea</i> [3130]</li> </ul>



<p>Located approx. 500m to the west of the site</p>	<ul style="list-style-type: none"> <li>• Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140]</li> <li>• Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]</li> <li>• Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</li> <li>• Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</li> <li>• Active raised bogs [7110]</li> <li>• Degraded raised bogs still capable of natural regeneration [7120]</li> <li>• Depressions on peat substrates of the Rhynchosporion [7150]</li> <li>• Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210]</li> <li>• Petrifying springs with tufa formation (Cratoneurion) [7220]</li> <li>• Alkaline fens [7230]</li> <li>• Limestone pavements [8240]</li> <li>• Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</li> <li>• Bog woodland [91D0]</li> <li>• Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</li> <li>• Austropotamobius pallipes (White-clawed Crayfish) [1092]</li> <li>• Petromyzon marinus (Sea Lamprey) [1095]</li> <li>• Lampetra planeri (Brook Lamprey) [1096]</li> <li>• Salmo salar (Salmon) [1106]</li> <li>• Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]</li> <li>• Lutra lutra (Otter) [1355]</li> <li>• Najas flexilis (Slender Naiad) [1833]</li> </ul>
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	<ul style="list-style-type: none"> <li>• Hamatocaulis vernicosus (Slender Green Feather-moss) [6216]</li> </ul>
<p><b>Galway Bay Complex SAC (Site Code 000268)</b></p> <p>Located approx. 800m to the south of the site.</p>	<ul style="list-style-type: none"> <li>• Mudflats and sandflats not covered by seawater at low tide [1140]</li> <li>• Coastal lagoons [1150]</li> <li>• Large shallow inlets and bays [1160]</li> <li>• Reefs [1170]</li> <li>• Perennial vegetation of stony banks [1220]</li> <li>• Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</li> <li>• Salicornia and other annuals colonising mud and sand [1310]</li> <li>• Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330]</li> <li>• Mediterranean salt meadows (Juncetalia maritimi) [1410]</li> <li>• Turloughs [3180]</li> <li>• Juniperus communis formations on heaths or calcareous grasslands [5130]</li> <li>• Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</li> <li>• Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210]</li> <li>• Alkaline fens [7230]</li> <li>• Limestone pavements [8240]</li> <li>• Lutra lutra (Otter) [1355]</li> <li>• Phoca vitulina (Harbour Seal) [1365]</li> </ul>
<p><b>Inner Galway Bay SPA (Site Code 004031)</b></p> <p>Located approx. 800m to the south of the site.</p>	<ul style="list-style-type: none"> <li>• Black-throated Diver (Gavia arctica) [A002]</li> <li>• Great Northern Diver (Gavia immer) [A003]</li> <li>• Cormorant (Phalacrocorax carbo) [A017]</li> <li>• Grey Heron (Ardea cinerea) [A028]</li> <li>• Light-bellied Brent Goose (Branta bernicla hrota) [A046]</li> </ul>

	<ul style="list-style-type: none"> <li>• Wigeon (<i>Anas penelope</i>) [A050]</li> <li>• Teal (<i>Anas crecca</i>) [A052]</li> <li>• Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</li> <li>• Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</li> <li>• Golden Plover (<i>Pluvialis apricaria</i>) [A140]</li> <li>• Lapwing (<i>Vanellus vanellus</i>) [A142]</li> <li>• Dunlin (<i>Calidris alpina</i>) [A149]</li> <li>• Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</li> <li>• Curlew (<i>Numenius arquata</i>) [A160]</li> <li>• Redshank (<i>Tringa totanus</i>) [A162]</li> <li>• Turnstone (<i>Arenaria interpres</i>) [A169]</li> <li>• Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</li> <li>• Common Gull (<i>Larus canus</i>) [A182]</li> <li>• Sandwich Tern (<i>Sterna sandvicensis</i>) [A191]</li> <li>• Common Tern (<i>Sterna hirundo</i>) [A193]</li> <li>• Wetland and Waterbirds [A999]</li> </ul>
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8.4.2. It is noted that the subject development site is located outside all of the Natura 2000 sites identified above, and therefore there is no potential for direct effects to any designated site. The subject development site is a developed urban site and is not located within any designated site. The site does not contain any of the habitats or species associated with any Natura 2000 site being composed entirely of buildings and artificial surfaces, within a built-up area of Galway City. I would note that the only pathway between the site and the Natura 2000 sites in Galway Bay are via surface water drainage and wastewater drainage system.

8.5. **Conservation Objectives:**

8.5.1. The Conservation Objectives for the relevant designated sites are as follows:

European Site	Conservation Objectives
<p><b>Lough Corrib SAC (Site Code 000297)</b>                      Located approx. 500m to the west of the site</p>	<ul style="list-style-type: none"> <li>• The NPWS has identified a site-specific conservation objective to <b>maintain</b> the favourable conservation condition of the following Annex I habitat listed as a Qualifying Interest, as defined by a list of attributes and targets:                             <ul style="list-style-type: none"> <li>○ Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]</li> <li>○ Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</li> <li>○ Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</li> <li>○ Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210]</li> <li>○ Petrifying springs with tufa formation (Cratoneurion) [7220]</li> <li>○ Alkaline fens [7230]</li> <li>○ Limestone pavements [8240]</li> <li>○ Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</li> <li>○ Bog woodland [91D0]</li> <li>○ Austropotamobius pallipes (White-clawed Crayfish) [1092]</li> <li>○ Lampetra planeri (Brook Lamprey) [1096]</li> <li>○ Salmo salar (Salmon) [1106]</li> <li>○ Lutra lutra (Otter) [1355]</li> <li>○ Drepanocladus vernicosus (Slender Green Feather-moss) [1393]</li> </ul> </li> <li>• The NPWS has identified a site-specific conservation objective to <b>restore</b> the favourable</li> </ul>

	<p>conservation condition of the following Annex I habitat listed as a Qualifying Interest, as defined by a list of attributes and targets:</p> <ul style="list-style-type: none"> <li>○ Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]</li> <li>○ Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoeto-Nanojuncetea</i> [3130]</li> <li>○ Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> spp. [3140]</li> <li>○ Active raised bogs [7110]</li> <li>○ <i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</li> <li>○ <i>Petromyzon marinus</i> (Sea Lamprey) [1095]</li> <li>○ <i>Rhinolophus hipposideros</i> (Lesser Horseshoe Bat) [1303]</li> <li>○ <i>Najas flexilis</i> (Slender Naiad) [1833]</li> </ul> <ul style="list-style-type: none"> <li>● The long-term aim for Degraded raised bogs still capable of natural regeneration [7120] is that its peat-forming capability is re-established; therefore, the conservation objective for this habitat is inherently linked to that of Active raised bogs (7110) and a separate conservation objective has not been set in Lough Corrib SAC</li> <li>● Depressions on peat substrates of the <i>Rhynchosporion</i> [7150] is an integral part of good quality Active raised bogs (7110) and thus a separate conservation objective has not been set for the habitat in Lough Corrib SAC</li> </ul>
<p><b>Galway Bay Complex SAC (Site Code 000268)</b> Located approx. 800m to the south of the site.</p>	<ul style="list-style-type: none"> <li>● The NPWS has identified a site-specific conservation objective to <b>maintain</b> the favourable conservation condition of the following Annex I habitat listed as a Qualifying Interest, as defined by a list of attributes and targets: <ul style="list-style-type: none"> <li>○ Mudflats and sandflats not covered by seawater at low tide [1140]</li> <li>○ Large shallow inlets and bays [1160]</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>○ Reefs [1170]</li> <li>○ Perennial vegetation of stony banks [1220]</li> <li>○ Salicornia and other annuals colonising mud and sand [1310]</li> <li>○ Turloughs [3180]</li> <li>○ Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</li> <li>○ Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210]</li> <li>○ Alkaline fens [7230]</li> <li>● The NPWS has identified a site-specific conservation objective to <b>restore</b> the favourable conservation condition of the following Annex I habitat listed as a Qualifying Interest, as defined by a list of attributes and targets: <ul style="list-style-type: none"> <li>○ Coastal lagoons [1150]</li> <li>○ Atlantic salt meadows (Glaucopuccinellietalia maritimae) [1330]</li> <li>○ Mediterranean salt meadows (Juncetalia maritimi) [1410]</li> <li>○ Juniperus communis formations on heaths or calcareous grasslands [5130]</li> <li>○ Lutra lutra (Otter) [1355]</li> <li>○ Phoca vitulina (Harbour Seal) [1365]</li> </ul> </li> </ul>
<p><b>Inner Galway Bay SPA</b>  <b>(Site Code 004031)</b>  Located approx. 800m to the south of the site.</p>	<ul style="list-style-type: none"> <li>● The NPWS has identified site-specific conservation objectives to <b>maintain</b> the favourable conservation condition of the bird species listed as Qualifying Interests, as defined by a list of attributes and targets.</li> </ul>

## 8.6. Potential Significant Effects

- 8.6.1. The AA Screening Report, submitted with the application, includes an assessment of Significance of Effects of the proposed development on qualifying features of Natura 2000 sites, having regard to the relevant conservation objectives. In order for a significant effect of the proposed development on qualifying features of Natura 2000

sites, having regard to the relevant conservation objectives, to occur, there must be a pathway between the source (the development site) and the receptor (designated sites). As the proposed development site lies outside the boundaries of the European Sites, no direct effects are anticipated. With regard to the consideration of a number of key indications to assess potential effects, the following is relevant:

- **Habitat loss / alteration / fragmentation:** The subject site lies at a remove of some 500m to 800m from the boundary of any designated site. This separation distance is increased in terms of the course of the drainage network in Galway City. As such, there shall be no direct loss / alteration or fragmentation of protected habitats within any Natura 2000 site.
- **Disturbance and / or displacement of species:** The site lies within an urbanised environment. No qualifying species or habitats of interest, for which the designated sites are so designated, are noted to occur at the site. As the subject site is not located within or immediately adjacent to any Natura 2000 site and having regard to the nature of the construction works proposed, there is little or no potential for disturbance or displacement impacts to species or habitats for which the identified Natura 2000 sites have been designated.
- **Water Quality:** The proposed development is to connect to existing public water services, and the Mutton Island Wastewater Treatment Facility. It is noted that the Mutton Island Treatment Plant was upgraded under the Capital Investment Plan 2014-2016 (Galway Sewerage Scheme Phase 3 – Network Upgrade Contract No. 1 Volume D). This upgrade increased the capacity of the plant from 92,000 to 170,000 p.e. Having regard to the limited scale of the proposed development in the context of the overall licenced discharge at the Mutton Island WWTP, I am generally satisfied that the development, if permitted, is unlikely to impact on the overall water quality within Galway Bay.

8.6.2. The potential for likely significant effects on the qualifying interests of Natura 2000 sites in Galway Bay can be excluded given the distance to such sites, the nature and scale of the development and the lack of a direct hydrological connection.

## **8.7. In Combination / Cumulative Effects**

8.7.1. In relation to in-combination impacts, I note a very small number of planning permissions granted in the immediate vicinity, primarily for small residential developments / extensions. Having regard to the contribution of the proposed development to the wastewater discharge from Mutton Island WWTP, together with all other matters raised above, I consider that any potential for in-combination effects on water quality in Galway Bay can be excluded. In addition, I would note that all other projects within the Galway area which may influence conditions in Galway Bay via rivers and other surface water features are also subject to AA.

## **8.8. Conclusion on Stage 1 Screening:**

I have considered the detail of the proposed development, the NPWS website, aerial and satellite imagery, the limited scale of the proposed works, the nature of the Conservation Objectives, Qualifying and Special Qualifying Interests, the separation distances and I have had regard to the source-pathway-receptor model between the proposed works and the European Sites. It is reasonable to conclude on the basis of the information available, that the proposed development, either individually or in combination with other plans or projects, would not adversely affect the integrity of a Natura 2000 site having regard to the nature and scale of the proposed development and separation distances involved to adjoining Natura 2000 sites. It is also not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European Site.



## 9.0 Recommendation

It is recommended that the decision to refused planning permission of the Planning Authority with regard to the proposed attic/second floor be upheld for the following stated reason.

## 10.0 Reasons and Considerations

Having regard to the location of the subject site within St. Mary's Road, together with the semi-detached nature of the building, it is considered that the design and form of the proposed attic/second floor level extension to the existing dwelling, by virtue of a raised ridge height and the provision of a roof light on the front pitch of the roof, and notwithstanding the proposal to retain the existing chimney, would represent a visually incongruous element which would negatively impact on the visual integrity of the existing streetscape along St. Mary's Road. The proposed raising of the ridge height of itself, would result in a new visual element in this residential area would set an undesirable precedent for similar developments which would erode the character of the area. This element of the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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A. Considine

Planning Inspector

1<sup>st</sup> August 2021