



An
Bord
Pleanála

Inspector's Report

ABP-320037-24

Development	Demolition of existing shed and construction of a home/office shed building, within rear garden.
Location	18 The Maples, Salthill, Galway.
Planning Authority	Galway City Council.
Planning Authority Reg. Ref.	24/22
Applicant(s)	Margaret Scott.
Type of Application	Permission
Planning Authority Decision	Grant Permission with conditions
Type of Appeal	Third Party
Appellant(s)	William and Sheila Connell
Observer(s)	None.
Date of Site Inspection	3 rd September 2024
Inspector	Kathy Tuck

1.0 Site Location and Description

- 1.1. The subject site, which has a stated area of 0.0473ha, is located at 18 The Maples, Salthill, Galway. The Maples is a mature residential estate which is located c.3.5km to the south-west of Galway City Centre.
- 1.2. The Maples comprises of detached houses which have been laid out in a semi-circle and all address a central area of public open space. The dwellings are all finished with pitched roof profiles with an open gable feature located along the front elevations.
- 1.3. The subject site comprises of a detached dwelling which comprises of carparking to the front and private amenity space to the rear. The private amenity space serving the dwelling is larger than that serving the adjoining properties and extends to the west.

2.0 Proposed Development

- 2.1. This is an application for permission for the demolition of the existing shed on site which has a stated area of 14.35sq.m and the construction of a garden room which has a stated area of 39sq.m. The proposed garden room is L-shape in form having a length of c.7.1m along the northern elevation, reducing to c.3.8m along the southern elevation and a length of c.9.74m along the eastern elevation.
- 2.2. The proposed structure will be finished with a flat roof profile with a ridge level of 2.9m. Plans submitted indicate that the proposed garden room will be split into 2 no. rooms with one being a home office and the second will provide for a shed.
- 2.3. The site layout plan submitted that the proposed structure is located from the c. 2.5m from the eastern boundary which is shared with no. 17 The Maples and 1.1m from the northern boundary which is shared with 16 D'alton Drive.

3.0 Planning Authority Decision

3.1. Decision

The Planning authority granted permission subject to 5 no. conditions.

Condition No. 2 – restrict the use of the proposed structure to remain ancillary to the main dwelling.

Condition No. 5 - Financial contribution of €1,260 Planning Authority Reports

3.1.1. Planning Reports

The planning authorities report considered the site's planning history, the policy context, reports received, and third-party submission made in respect of the planning application. The principle of the proposed development was considered acceptable given the zoning of the site.

The report concluded that the proposed development would be in accordance with the development plan and the proper planning and sustainable development of the area.

3.2. Prescribed Bodies

None received.

3.3. Third Party Observations

The Planning Authority received 2 no. third party observations. Concerns raised can be summarised as follows:

- Set an undesirable precedent for similar.
- Could be used as habitable accommodation.
- Overshadowing/Overbearance/Overlooking.
- Will block light.
- De-valuation of properties.
- Will restrict development potential of neighbouring properties.
- No details as to the proposed use of the home office as to whether or not members of the public will be visiting- requires clarity.
- No spot levels on drawing.
- Elevation Drawing (no. MG005) shows incorrect orientation.

4.0 Planning History

Subject site:

PA Ref 06/458 Permission GRANTED for a first floor extension to front and side of the dwelling.

5.0 Policy Context

5.1. Galway City Development Plan 2023-2029

The subject site is zoned under Objective R within the city plan which seeks 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.

Relevant Section:

Section 11.3.1 (j) Conversion and Subdivision of Dwellings.

Of particular relevance:

- Home offices shall only be for use by the applicant with no additional staff for the carrying out of office type work of a nature that doesn't demand face to face interaction and shall not operate as a conventional commercial office in particular where members of the public/clients/patients/other can or need to attend.
- The home office shall be used as a single residential unit and cannot be rented/leased or sold or otherwise conveyed save as part of the entire residential unit.
- It shall maintain minimum private open space requirements where an addition or new construction is proposed.

5.2. Natural Heritage Designations

The subject site is located c. 808m to the North of the Galway Bay SAC and the Inner Galway Bay SPA. The site is located 1.6km to the west of the Lough Corrib SAC. See appendix 2.

5.3. EIA Screening

The development does 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 is not subject to EIA requirements (See Form 1 Appendix 1).

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal was lodged on behalf of William and Sheila Connell who are the occupants of the neighbouring property to the south of the subject site. Grounds of the appeal can be summarised as follows:

1. Residential amenity

- Overlooking.
- Overbearance.
- Overshadowing – having regard to difference in site levels.
- Would be more appropriate to rural location.
- Restricts development potential to extend no. 17.
- Restricts the level of enjoyment of private amenity space.

2. Design

- Out of character with the area.
- Not appropriate in an urban context.
- Brakes building line.
- Visually Obtrusive.

3. Devalue property.

4. Sub-division of the site

- Layout reads as two structures.

- More appropriate to have longest elevation adjacent to the western boundary.
- No rationale provided to demolish existing shed – policy of development plan to re-use structures.
- Contravenes Section 3.11.3.1 (j) of the Galway City Plan which only allows for the conversion of part of the dwelling to provide for a home office.

5. Soakaway

- Concern that proposed location could leach to overflow into garden of no. 17.

6. Discrepancies in the application

- Description of development open to interpretation – could be used for habitable accommodation with the use of the word ‘studio’.
- The proposal is to the side and rear of the dwelling not the rear.
- Proposed site layout plan does not have any levels on it – does not accord with S.23(1)(c) of the Planning and development regulations 2001 (as amended).
- No contiguous elevations submitted.
- Labels on elevations incorrect on comparison to floor plans.
- A section through the garden of no. 17 should have been submitted.

7. Condition

- If granted a condition should be included restricting use and not allow for the insertion of sanitary facilities.

6.2. Applicant Response

None received.

6.3. Planning Authority Response

None received.

7.0 Assessment

The main issues arising in this case are:

1. Residential Amenity
2. Design
3. Use of structure.
4. Other issues.

7.1. Residential amenity

- 7.1.1. Concern has been raised by the appellant with regard to the proposed development and the negative impact it will have upon their current levels of residential amenities in terms of overlooking, overshadowing, overbearance, and impact on enjoyment of private amenity space.
- 7.1.2. The proposed structure is a single story structure which is located in an area of private amenity space which serves no. 18 The Maples and shares part of its eastern boundary with the private amenity space serving no. 17 The Maples, the property of the appellant, for a length of c.0.6m.
- 7.1.3. It is noted that there is a level change with the subject site sitting approximately 600mm higher than that of private amenity space serving the neighbouring property. The eastern elevation of the proposed structure is set, at the closest point, c.2m from the shared boundary with no. 17 and increase to c.2.5m. The proposed structure does not provide for any windows along the eastern elevation.
- 7.1.4. The appellants raised concern that location of the access doors to the structure being adjacent to the shared eastern boundary will give rise to overlooking. The proposed structure will be utilised as a home office which is ancillary to the main home and therefore I do not consider that it will increase any issues of overlooking. I consider that having regard to the single storey nature of the proposed structure, the separation distances provided and the design of the structure, that no undue issues of overbearing or overlooking would be anticipated.

- 7.1.5. With regard to overshadowing, having regard to the orientation of the site relative to the path of the sun and the level difference between the subject site and the private amenity space it is considered that while some minor level of overshadowing may be experienced it would not affect the entire private amenity space but rather just the north-western corner. I consider this to be acceptable in the urban context of the subject site
- 7.1.6. Overall, I consider that the proposed development will not negatively impact upon the current level of residential amenities enjoyed by the appellants to such an extent to warrant a reason for refusal.

7.2. Design

- 7.2.1. The appellant notes concerns that the proposed structure is not in keeping with the character of the surrounding area and is not appropriate for an urban context. It is stated that the structure will be visually dominant.
- 7.2.2. The subject site is located within a mature residential estate where it is a common occurrence for dwellings to be served with outdoor structure and/or sheds. While I note the structure proposed would be visible from the private amenity space serving the adjoining property, no. 17, I consider that having regard to the set back provided and the single-story nature of the proposal, it would not impede upon the visual amenities or be out of character with the surrounding area.

7.3. Use of the structure

- 7.3.1. The appellant raised concerns that the lack of development description or planning statement associated with the subject application leads to the end use of the structure being open to interpretation. It is stated that the reference to Home Office/Studio on drawing no. MG003 (Proposed Floor Plan) is confusing as the word studio can be interpreted as a residential use. The Development Plan does not provide a definition of the term 'studio' within the appendix 5- Glossary and Acronyms of said plan. The appellant also states that the proposed structure would not accord with Section 11.3.1 (j) of the Galway City Development Plan 2023-2029 'Conversion and Subdivision of Dwelling' given the scale and location.

- 7.3.2. I consider that the use of the structure is determined by the development description set out within the statutory notices associated with the application submitted. As such, the use of the proposed garden structure is to serve as a home office and a shed. I further note that there is no statutory requirement for the applicant to submit a planning statement as part of the planning application documentation.
- 7.3.3. With regard to Section 11.3.1(j) of the current development plan, I consider that the assertion of the appellant is incorrect as the section clearly states that where home offices are being provided in separate structure they shall not reduce the private open space to below that of the minimum standard required. The proposed structure still allows for private open space which exceeds that of the minimum standard.
- 7.3.4. In the event that the Board are minded to grant permission a condition should be included to limit the use of the proposed structure and ensure that it remain ancillary to the main dwelling on site.

7.4. Other Issues

7.4.1. Development Potential

Concern is raised with regard to the impact the existing extension to the rear of no. 18, the subject application site, together with the proposed development will have upon the potential to extend the appellants property.

Having regard to the requirements of Schedule 2 Part 1 Class 1 of the Planning and Development Regulations, 2001 (as amended) and its associated limitations, I consider that the proposed development would not impede upon the provision of works to the rear of no. 17 The Maples, given the scale of the rear garden serving no. 17 and the separation distance of the proposed structure to the eastern boundary wall.

7.4.2. Devaluation of Property

I note the concerns raised in the grounds of appeal in respect of the devaluation of the appellant property on foot of this permission being granted. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity. Furthermore, no evidence has been provided by the appellant to support their assertion.

7.4.3. Validity of Planning Application

The appellant has raised concerns over a number of inconsistencies with regard to the plans and documents submitted as part of the planning application. It was stated that Galway County Council should have invalidated the planning application as there were a number of discrepancies on the elevation drawing submitted with regard to the naming and labelling, that a section and contiguous elevation drawing should of been submitted and that there were no spot levels on the drawing submitted.

While some typographical errors are noted, I do not feel that this error would impede upon the Planning Authority in undertaking a full robust assessment of the proposed development.

With regard to the other discrepancies set out by the appellant, I note that plans submitted were considered acceptable by the planning authority. I am satisfied that this did not prevent the concerned party from making representations and raising such concerns. The above assessment represents my de novo consideration of all planning issues material to the proposed development.

8.0 Appropriate Assessment Screening

- 8.1. Having regard to the modest scale of the proposed development, and its location within an appropriately zoned area, I am satisfied that no appropriate assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site. See appendix 2 of this report.

9.0 Recommendation

Having regard to the above, I recommend that permission be granted for the proposed development based on the following reasons and considerations.

10.0 Reasons and Considerations

The proposed development which is seeking permission for the demolition of the existing shed structure and the construction of a new home office/shed building complies with the provisions of the Galway City Development Plan 2023-2029. It is considered that, subject to compliance with the conditions set out below, the proposed

development would not be out of character with the surrounding area, would not be visually detrimental to the area would not impact negatively upon the current levels of residential amenity enjoyed at this location and is in keeping with the proper and sustainable development of the area.

11.0 Conditions

1.	<p>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 26th April 2024, except as may otherwise be required in order to comply with the following conditions. 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed garden room shall not be used for human habitation or for the keeping of pigs, poultry or pigeons, ponies or horses or for any other purpose other than a purpose incidental to the enjoyment of the house and shall not be used for commercial purposes without a prior grant of planning permission. In addition, it shall not be separated from the principal dwelling by lease or sale.</p> <p>Reason: In the interest of residential amenity.</p>
3.	<p>Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity</p>

4.	<p>The disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.</p> <p>Reason: In the interest of public health.</p>
5.	<p>The developer shall pay to the planning authority a financial contribution of in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission</p>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Kathy Tuck

26th September 2026

Appendix 1 - Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-320037-24		
Proposed Development Summary	Demolition of existing garden shed and construction of a home office/shed building.		
Development Address	18 The Maples, Salthill, Galway.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	
		No	X
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			
No	X		
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No	X		No EIAR or Preliminary Examination required
Yes			Proceed to Q.4

4. Has Schedule 7A information been submitted?**No****X****Preliminary Examination required****Yes****Screening Determination required****Inspector:** _____**Date:** 26th September 2026

Appendix 2

Appropriate Assessment Screening

I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located c. 808m to the North of the Galway Bay SAC and the Inner Galway Bay SPA. The site is located 1.6km to the west of the Lough Corrib SAC.

The proposed development comprises of the demolition of the existing shed structure and the construction of a new home office/shed building. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site. The reason for this conclusion is as follows:

- Nature of works and the limited scale of what is being proposed.
- The location of the site from nearest European site and lack of connections.

I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

Inspector: _____

Date: 26th September 2026