



An
Bord
Pleanála

Inspector's Report

ABP-320884-24

Development	Retain increase ridge height and alterations to existing garage and fuel store along with associated site works.
Location	Cluain Bú, Corrandulla, Co. Galway, H91 CC7V
Planning Authority	Galway County Council.
Planning Authority Reg. Ref.	24/60905
Applicant(s)	Martin Scully and Ashling Slattery.
Type of Application	Retention Permission.
Planning Authority Decision	Grant Retention Permission.
Type of Appeal	Third Party
Appellant(s)	John Forde.
Observer(s)	None.
Date of Site Inspection	10 th December 2024
Inspector	Kathy Tuck

1.0 Site Location and Description

- 1.1. The subject site, which has a stated area of c.0.213ha, is located at Cloonboo, Corrandulla, Co. Galway, c. 12.4km to the north of Galway City Centre. Access to the subject site is via a local road which runs in a westerly direction from the Annaghdown Road.
- 1.2. The surrounding area is defined by agricultural land uses and rural residential dwellings, with a mix of house types existing. The subject site is relatively flat in nature and comprises of a detached two storey dwelling and partially constructed shed structure.
- 1.3. The subject site shares its north-wester and north-eastern boundary with agricultural lands, while the south-eastern boundary is shared with the rear boundary of a dwelling which is accessed via the Annaghdown Road.

2.0 Proposed Development

- 2.1. Permission for retention is sought for increased ridge height and alterations to elevations to existing domestic garage. The works include:
 - 3 no. roof lights located along the north-western (side) elevation.
 - Addition of a window on the south-eastern (side) elevation.
 - Addition of 2 no. windows and a door along the north-western (side) elevation.
 - Addition of a window opening along the south-western (rear) elevation. and
 - The ridge height of the garage increased by 900mm.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority granted retention permission for the works on the 10th September 2024 subject to 10 no. conditions. Condition no. 3 of the grant of permission states:

The garage shall be used as ancillary domestic storage space to the existing dwelling house on site and shall not be used for habitable purposes or commercial/industrial purposes, or any other purpose other than that incidental to the enjoyment of the existing dwelling house on site. The attic space shall be used for storage purposes only also in strict accordance with the details submitted with the application, as received by the Planning Authority on 19th July 2024.

Reason: In the interest of proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report notes the location of the site, the planning history, submissions and relevant planning policy. The report concludes that having regard to the existing development on site, the limited scale and nature of the development, the contents of the planning application and the provisions of the Galway County Development Plan, 2022-2028 it is considered that, subject to compliance with conditions set out below, the proposed development would not seriously injure the amenities of the area or property in the vicinity and would be in accordance with the proper planning and sustainable development of the area. A recommendation to grant retention permission was made in line with that of the decision issued.

3.2.2. Other Technical Reports

None received.

3.3. Prescribed Bodies

None received.

3.4. Third Party Observations

The Planning Authority received 1 no. submissions which raised the following concerns:

- Failed to comply with conditions of PA Ref 20/1716.

- Garage is grater in size than what was permitted.
- Garage no longer domestic standard – strong indication that it will become habitable.
- Continuation of work is defiant to the planning process.

4.0 Planning History

Subject site

20/1716 Permission GRANTED to construct dwelling house, domestic garage and fuel store, wastewater treatment system and percolation area along with associated siteworks. Gross floor space of proposed works; 239sqm.

5.0 Policy Context

5.1. Galway County Development Plan 2022-2028

The site is located in a Low Landscape Sensitivity Area with Value Class of 1 in the Central Complex Landscape and is not within any scenic views or viewpoint angles.

Other relevant sections:

Chapter 4 Rural Living and Development.

Chapter 15 - Development Management Standards

5.2. Natural Heritage Designations

The subject site is not located within or adjacent to any natura 2000 sites. The subject site is approx.1km to the north-east of the Lough Corrib SAC and 2.1km to the north-east of the Lough Corrib SPA.

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 Appendix 1).

6.0 The Appeal

6.1. Grounds of Appeal

A Third Party appeal was received from John Forde of Clonboo, Corndulla, Co. Galway. The grounds of appeal are summarised as follows:

- Failure to build garage in accordance with the previous grant of permission PA Ref 20/1716.
- Garage is significantly larger in size – it was a condition of permission PA Ref 20/1716 that the proposed development shall not be used for habitable or commercial purpose or any other than that incidental to the enjoyment of the dwelling.
- Design of the present application is different design both internally and externally – no longer of domestic standard. Strong indication that the domestic garage will be adopted and used for living accommodation – contrary to sustainable development this includes for:
 - Internal design is configured such that there is a second door entrance with stairs to first floor level as presented – additional skylight in the south facing direction are to support additional light to 1st floor.
 - Separate entrance to the second half of the building provides privacy to support living accommodation.
 - Additional window on perimeter walls provides additional light.
- Building would be continued if no complaint made to enforcement. Section of local Authority.
- Building work continues to be ongoing – no consideration given to impact of increased size on the immediate neighbours.
- Cover letter from agent incorrect in that garage was never constructed as originally permitted.
- Clear violation of County Development Plan.

6.2. Applicant Response to Third Party Appeal

A response was received from the applicant by the Board on the 18th October 2024. The comments made are summarised as follows:

- Permission was received from Galway County Council on the 19th January 2021 for a dwelling, domestic garage and fuel store and waste water treatment plant.
- While building the garage some changes were made – retention permission was sought and granted by the Council on the 10th September 2024.
- The location of the garage to the rear of the dwelling adjacent to agricultural land – retained its original footprint and is not imposing on any adjoining properties.
- From the roadside the garage has the same profile as that of the front gable of the dwelling – further integrating the garage within the overall property.
- Planted hedging and trees along the boundaries of the property will further screen the property.

6.3. Planning Authority Response

None received.

6.4. Observations

None received.

7.0 Assessment

Having examined the application details and all other documentation on file, including the appeal, having inspected the site and having regard to the relevant policy guidance, I consider the main issues in relation to this appeal are as follows:

- Use of Structure.
- Amendments – Design

7.1. Use of Structure

- 7.1.1. The main concern raised by the Appellant relates to the use of the structure. The Appellant considers that having regard to the scale of the garage structure and the

inclusion of additional doors and windows that the structure will be adapted and used for living accommodation.

- 7.1.2. 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 structure is to serve as a domestic garage and fuel store. This is considered to be acceptable and was already deemed so as part of the parent permission. 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.

7.2. Amendments – Design

- 7.2.1. The Appellant contends that the garage is significantly larger in size than that permitted under PA Ref 20/1776 and that no regard has been had for the amenities of the adjoining properties in the construction of the garage/fuel shed.
- 7.2.2. The applicant has stated in their response that the location of the garage to the rear of the dwelling adjacent to agricultural land and the original footprint have been retained and it is not imposing on any adjoining properties.
- 7.2.3. I note that on comparison of the plans submitted under PA Ref 20/1776 and that submitted as part of this application that the footprint and location of the garage structure has remained unchanged. The subject garage is location at the north-western boundary of the site which is formed with agricultural lands. There are no adjoining dwellings within the vicinity of the garage which would be impacted.
- 7.2.4. I consider that the scale of works seeking retention permission to be minor in nature given that it relates solely to an increase in the ridge level with the overall floor area of the structure remaining unchanged.
- 7.2.5. Having regard to the scale of the amendments and the location of the garage on the subject site, I do not consider that the works would impact negatively upon the amenities of the surrounding area. Overall, I consider that the decision of the Planning Authority was correct and as such retention permission should be granted.

8.0 AA 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 retention 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 retention permission complies with the provisions of the Galway County Development Plan 2022-2028. 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.	The development shall be retained 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 19 th July 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.
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	Reason: In the interest of clarity
2.	<p>Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission Register Reference 20/1716 unless the conditions set out hereunder specify otherwise. This permission shall expire on the same date as the parent permission.</p> <p>Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission(s).</p>
3.	<p>The domestic garage /fuel store 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>

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
Planning Inspector

15th January 2025

Appendix 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-320884-24		
Proposed Development Summary	Retain increase ridge height and alterations to existing garage and fuel store along with associated site works.		
Development Address	Cluain Bú, Corrandulla, Co. Galway, H91 CC7V		
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)?			
Yes			Proceed to Q3.
No	X		Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	Tick/or leave blank	State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
No	X		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes			Preliminary examination required (Form 2)
5. Has Schedule 7A information been submitted?			
No	X	Screening determination remains as above (Q1 to Q4)	

Yes	Tick/or leave blank	Screening Determination required
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Inspector: _____ Date: _____

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 not located within or adjacent to any natura 2000 sites. The subject site is approx. 1km to the north-east of the Lough Corrib SAC and 2.1km to the north-east of the Lough Corrib SPA.

The applicant is seeking retention permission of an increase ridge height and alterations to existing garage and fuel store along with associated site works. 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: xx December 2024