



An  
Bord  
Pleanála

## Inspector's Report ABP-321099-24

### Development

*Permission for development which consists of; to retain existing shed for use as an outdoor room ancillary to the main living house, and to retain and complete an extension to the same shed for use as a gym and sauna. Permission is also sought to construct a domestic garage*

### Location

*Knocknacarra, Galway (Eircode H91 CXH5)*

### Planning Authority Ref.

*2460257*

### Applicant(s)

*Karl Moore*

### Type of Application

*Retention  
Permission*

### PA Decision

*Grant Retention  
Permission &  
Permission*

### Type of Appeal

*Third*

### Appellant

*Claire Heery*

### Observer(s)

*None*

### Date of Site Inspection

*11<sup>th</sup> February  
2025*

### Inspector

*Andrew Hersey*

**1. Site Location/ and Description.** The site is located in the northern suburbs of Galway City off the Ballymoneen Road in Knocknacarra. The house comprises of a detached unit with large front and rear gardens.

Access to the site is directly onto the Ballymoneen Road. The sheds subject to this application for retention are located along the eastern boundary of the site. The

site backs onto the rear gardens of the houses associated with Ashleigh Grove specifically house numbers 51-54.

**2. Proposed development.** The proposed development comprises of the retention of :

- To retain existing shed for use as an outdoor room ancillary to the main living house, and
- To retain and complete an extension to the same shed for use as a gym and sauna (total floorspace proposed for above elements -82sq.m)
- Permission is also sought to construct a domestic garage – 20sq.m.
- Site area is stated as being 2070sq.m.

**3. PA's Decision** Permission was granted on the 25<sup>th</sup> September 2024 subject to conditions. The following conditions are noted;

- Condition 2; The shed, gym/sauna and garage, hereby permitted, shall not be used for commercial purposes or for human habitation or for any other purpose other than a purpose incidental to the enjoyment of the dwellinghouse.
- Condition 3 relates to a S48 Development Contribution

**3.1 Submissions.** There are two submissions on file as follows:

Claire Heery of 51 Ashleigh grove Knocknacarra Galway H91NY9F (received 16<sup>th</sup> August 2024) objected to the proposal for the following reasons;

- Loss of privacy, loss of light, privacy and views.
- Fire safety issues
- Future use of the property

Veronica Helly of 53 Ashleigh Grove (dated 27<sup>th</sup> August 2024) raised the following issues;

- That this is a repeat application which was refused permission under Planning Reg. Ref. 2339

- Concerns that this will become a residential build
- The house already has an extension and porch and a significant outbuilding

### **3.2 Internal Reports.**

- Active Travel Section received 26<sup>th</sup> August 7<sup>th</sup> 2024- no objection

## **4. Planning History.**

- Planning Reg. Ref. 2339 Permission for development which consists of *alterations and additions to the existing house including the demolition of the existing sunroom and construction of a new side extension, the construction of a domestic shed to the front garden and the change of use and extension of the existing disused office to the rear to a two bed residential unit and all associated site services.* Split Decision Issued. Permission granted for the demolition of the existing sunroom and construction of a new side extension, and refused for the domestic shed and the proposed change of use of the disused office into a self-contained residential unit.

## **5. National/Regional/Local Planning Policy**

### **5.1 The Galway City Development Plan 2023-2029 came into effect on the 4<sup>th</sup> January 2023**

- The site is zoned 'R' the objective of which is 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.
- Section 11.3.1 (I) Residential Extensions of the Galway City Development Plan 2023-2029 states the design and layout of extensions to houses should complement the character and form of the existing building, having regard to its context and adjacent residential amenities.
- Section 11.3.1 (d) stipulates that residential units shall generally not directly overlook private open space or land with development potential from above ground floor level by less than 11 metres minimum.

- Policy 3.5 Sustainable Neighbourhoods: Established Suburbs states it is the policy of the Council to facilitate consolidation of existing residential development and densification where appropriate while ensuring a balance between the reasonable protection of the residential amenities and the character of the established suburbs and the need to provide for sustainable residential development and deliver population targets.

## **5.2 Natural Heritage Designations**

The nearest designated site is

- Inner Galway Bay SPA (Site Code 004031) is located 600m to the south
- Galway Bay Complex SAC (Site Code 000268) is located 600m to the south

## **6. The Appeal**

**6.1** A third party appeal was lodged by Claire Heery of 51 Ashleigh Grove on the 21<sup>st</sup> October 2024

The appeal in summary states;

- That an application on this site was previously rejected by Galway City Council under Planning Reg. Ref. 2329 The then application was in the applicants wife's name.
- The reasons for refusal are stated in the appeal and in summary are on the basis that the proposal contravened development plan policy, that the proposal would be injurious to the amenities of property in the vicinity and that the proposal was contrary to the proper planning and development of the area.
- The proposed development results in;
  - The loss of her privacy
  - Loss of light and views
  - Potential fire hazard by way of a diesel tank located less than 1.8 metres away from a non-fire rated structure
  - That the said development for retention will be used for human habitation.

- Devaluation of her property
- Proximity to her boundary wall
- Photographs of the development are enclosed with the appeal.

## **6.2 P.A. Response**

None received

## **7. EIA Screening**

See completed Form 1 on file. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required

## **8. AA Screening**

Having regard to the. modest nature and scale of development, its location in an urban area, connection to existing services and absence of connectivity to European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **9.0 Assessment**

### **9.1 Introduction**

9.1.1 I have examined the application details and all other documentation on file and I have inspected the site and have had regard to relevant local development plan policies and guidance.

9.1.2 I am satisfied the substantive issues arising from the grounds of this third party appeal relate to the following matters

- Principle of Development
- Planning History

- Visual & Residential Amenities
- Other Issues

## 9.2 Principle of Development

9.2.1 The site is located in the northern suburbs of Galway City in an area zoned 'R' in the Galway City Development Plan 2023-2090 the objective of which is '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'

9.2.2 Having regard to the same and having regard to the existing residential use on site I consider that the proposed elements for which retention permission and permission is being sought, i.e. retention of buildings for use as outdoor gym and sauna and for permission to construct a domestic garage, are acceptable in principle within this land use zoning designation.

## 9.3 Planning History

9.3.1 It is noted that permission was previously sought on this site under Planning Reg. Ref. 2339 for;

*alterations and additions to the existing house including the demolition of the existing sunroom and construction of a new side extension, the construction of a domestic shed to the front garden and the change of use and extension of the existing disused office to the rear to a two bed residential unit and all associated site services.*

9.3.2 Permission was granted for the additions to the house and refused for the change of use of existing disused office to a two bed residential unit and refused for the domestic shed to the front of the house. I note that permission was refused for the domestic shed on the basis of its location forward of the established building line. Permission was also refused for the detached two bed on the basis that it contravened Section 11.3.1 (k) of the then (previous) Galway City Development Plan which in effect required that such a unit would be required to be an integral part of the main dwelling and capable of re-assimilation into the main dwelling when no longer needed.

9.3.3 The current application subject to this appeal now includes for the retention of what the former application referred to as a disused office and which the current application refers to as a shed. While it would appear that this building has been present for a considerable time, the planning status of the same is unclear – it is clear from the site visit that the use is for domestic storage. In any rate the proposed development includes for the retention of this building for use as, in accordance with the drawings submitted, a games room, or as stated in the development description an outdoor room.

9.3.3 The proposal also includes for the retention of an extension to this for use as a gym and a sauna. I consider that this use, and the use of the shed as a games room is acceptable on lands zoned as Residential in the statutory plan serving the area so long it is ancillary to the use of the main house on site and is not for commercial purposes.

9.3.4 The proposed detached garage, which is a steel clad structure is located at the rear of the dwellinghouse in the south east corner of the site. I consider that this garage is also an acceptable use on site subject to being for domestic purposes ancillary to the use of the house only.

#### **9.4 Visual & Residential Amenities**

9.4.1 In general I do not consider that the design and scale of the shed and extension to the same, subject to this retention application and the design and scale of the proposed garage is inappropriate in the context of this site. These buildings will not be visible in the wider area other than from the residents of Ashleigh Grove to the east and in particular the appellants house at No. 51. The rear of the extension to the existing shed will be visible from her garden as it is higher than the boundary wall.

9.4.2 The material finishes associated with the said extension comprise of timber cladding with an overhanging flat roof with an overall stated height of 3006mm. The extension is lower in elevation than the existing shed on site (stated as being 4310mm). I note from the site visit that the roof does not overhang the party boundary wall.

9.4.3 I do not consider that the said building will result in any impacts to the residential amenities of the adjacent appellants property in terms of overshadowing. There are no windows proposed that would result in overlooking to the appellants property.

9.4.4 The impact therefore relates to the visual impact from the appellants garden. In this respect, I do not consider that the visual impact is significant and as such the same is deemed acceptable in this context.

## **9.5 Other Issues**

9.5.1 I note that the appellant has also raised issues relating to a fuel tank which is located to the rear of the proposed extension for retention and adjacent to the party boundary. I am of the opinion that this is an issue relating to building control rather than a planning issue and there I do not consider it appropriate to address this issue in the assessment of this application.

The appellant also raises concerns that the proposed development will devalue her property, again I do not consider that this is a planning issue.

It is further noted that the case planner has imposed a Section 48 Development Contribution in accordance with the development contribution scheme. In the case where the Board decides to grant permission, I recommend that a condition requiring a development contribution is imposed.

## **10. Recommendation**

I recommend that retention permission and permission be granted

## **11. Reasons & Considerations**

Having regard to the information submitted with the application and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development for retention would comply with the zoning objective for the site as set out in the Galway City Development Plan



2023 – 2029, would not be injurious to the visual or residential amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 12. Conditions

1.	<p>The development shall be retained, completed and carried out 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. 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><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The shed, gym/sauna /games room and detached garage, hereby permitted, shall not be used for commercial purposes or for human habitation or for any other purpose other than a purpose incidental to the enjoyment of the dwellinghouse.</p> <p><b>Reason:</b> To define the scope of the permission</p>
3	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health</p>
4.	<p>The developer shall pay to the planning authority a financial contribution 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. Details of the</p>

	<p>application of the terms of the Scheme 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 the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> 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>
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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.

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Name: Andrew Hersey

Planning Inspector

Date: 26<sup>th</sup> February 2025

## Form 1

### EIA Pre-Screening

<b>An Bord Pleanála Case Reference</b>	ABP321099-24		
<b>Proposed Development Summary</b>	Retention and Permission for ancillary residential buildings		
<b>Development Address</b>	<i>Knocknacarra, Galway (Eircode H91 CXH5)</i>		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>	<b>Yes</b>	√	
	<b>No</b>		

(that is involving construction works, demolition, or interventions in the natural surroundings)			
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>	Tick/or leave blank	State the Class here.	
<b>No</b>	Tick or leave blank		√
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>		State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
<b>No</b>			Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>		State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.	Preliminary examination required (Form 2)

<b>5. Has Schedule 7A information been submitted?</b>		
<b>No</b>		<b>Screening determination remains as above (Q1 to Q4)</b>
<b>Yes</b>		<b>Screening Determination required</b>

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_