



An  
Bord  
Pleanála

## Inspector's Report

**ABP 322146 25**

<b>Development</b>	To construct a new single storey extension to the rear of existing dwelling house, associated landscaping and connection to public sewer and assoc. works.
<b>Location</b>	Cosmona, Athenry Road, Loughrea.
<b>Planning Authority</b>	Galway County Council
<b>Planning Authority Reg. Ref.</b>	25 60033
<b>Applicant(s)</b>	Silver Task Ltd.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Atlantic Troy Limited.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	25 <sup>th</sup> April 2025
<b>Inspector</b>	Aisling Dineen

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## **Appendix 1 – Form 1: EIA Pre-Screening**

### **1.0 Site Location and Description**

- 1.1. The site is located on the western edge of Loughrea Town on the R380, known as the Athenry Road. The site area is stated to be 0.16ha. The site is accessed by a single access off the R380.
- 1.2. The site is occupied by a vacant bungalow dwelling, which is currently boarded up. The site is flat, with a high boundary wall to the rear along the east boundary. Vegetation and hedgerow form the other boundaries.
- 1.3. The Loughrea Hotel & Spa, with associated carparking is situated immediately to the west of the site. There are two number detached dwellings to the east. A new petrol station and 2 storey flat roof restaurant building is located 35 m to the east and the 2-storey flat roof Loughrea Shopping Centre is located immediately to the east of the filling station.
- 1.4. The site is in a suburban brownfield context, serviced by public footpath, lighting and pedestrian connectivity to the centre of Loughrea town to the east and south.

### **2.0 Proposed Development**

- 2.1. It is proposed to build a single storey extension onto an existing single storey boarded up dwelling unit. The existing house has a floor area of 86.2 square metres and the proposed extension has a floor area of 230.7 square metres.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

- 4.0 The planning authority made a decision to grant permission subject to 4 No conditions on the 7<sup>th</sup> March 2025.

The Chief Executive's decision reflects the planner's report.

#### 4.1.1. Conditions

Conditions are of a generic nature. Condition No 3 stipulated the following:

The dwelling house shall be used as a single residential unit only and shall not be sub-divided or used for any commercial purposes, and shall not be sold, let (including short-term letting), leased or otherwise transferred or conveyed, by way of sale, letting or otherwise save as single residential dwelling units.

(This condition shall be discussed hereunder however; I am of the opinion that there is a typographical error in the latter syntax and that it was intended to be stated as follows: 'save as a single residential dwelling unit').

#### 4.2. Planning Authority Reports

##### 4.2.1. Planning Reports

- The proposal is for an extension to an existing dwelling house. The existing house is boarded up.
- It is considered that the size, scale and nature of the proposed development will not diminish the residential or visual amenities of the area and is acceptable in principle.

##### 4.2.2. Other Technical Reports

None

#### 4.3. Prescribed Bodies

##### TII Transport Infrastructure Ireland

In the case of this planning application, Transport Infrastructure Ireland requests that the planning authority has regard to the provisions of official policy for development proposals as follows: proposals impacting national roads, to the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities and relevant TII Publications.

##### Uisce Eireann

Letter of feasibility on file.

#### 4.4. Third Party Observations

Atlantic Troy Ltd., made a submission on the application containing the following points in summary:

- The original proposal in 2023 was to provide a large commercial guesthouse of 658 sq. metres, demolishing the existing house on site (planning ref 23/44).
- The scale of the proposal is excessive and it has morphed into a single storey dwelling.
- The design of the development suggests that it is set up for conversion to a number of housing units or for rental as individual rooms. Three of the bedrooms have independent access doors to the outside and a study is also designed in the same way with its own independent access. This gives a total of 6 doors to the outside when added to the front and rear doors. There is also a corridor by the gym which seems set up to provide an additional door to the side.
- The planning authority should clarify what exactly is proposed for the site.
- There is no signature on the application form.
- Section 15.2.4 of chapter 15 of the County Development Plan requires that house extensions in general be subordinate to the existing dwelling in size. The current proposal is 2.6 times the size of the existing house.

#### 5.0 Planning History

##### Appeal Site

**Planning Register Reference No: 99/4996** – For the construction of 2 no. bedroom units, 2 no. commercial units (offices) and retain dwellinghouse on revised site. Refused.

**Planning Register Reference No: 00/4457** - To construct 2 no. dwelling units and to retain an existing dwellinghouse on revised site boundaries – Withdrawn

**Planning Register Reference No: 23/244 (ABP-317748-23)** - Permission for the development that will consist of: (1) permission to demolish existing sub-standard dwellinghouse (2) construct new two storey guesthouse (3) associated car parking, landscaping, connection to public sewer & (4) all associated site works & services - Refused on appeal to An Bord Pleanála for the following reasons and considerations:

It is considered that the proposed development, by reason of its scale, bulk and proximity to boundaries, would constitute overdevelopment of a restricted site, would seriously injure the amenities of the area and residential property in the vicinity, and would be contrary to Policy Objectives PM1, PM 8 and PM 10 of the Galway County Development Plan 2022 – 2028 which seek:

**Objectives PM 1 – Placemaking** sets out to create sustainable attractive communities with unique character and are safe accessible spaces for everyone to socialise.

**Objective PM 8 – Character & Identity** sets out to achieve high quality design for new development that respects and enhances the unique characteristics of the counties towns and villages.

**Objective PM 10 – Character and Identity** sets out that new buildings must excel in architecture, functionality, durability, environmental respect and contribute to a high-quality development with a thoughtful public space.

The proposed development, would, therefore, seriously injure the amenities of the area of properties in the vicinity and would be contrary to the proper planning and sustainable development of the area.

**Planning Register Reference No 24/60973** - To construct (1) a new two storey extension to the rear of existing dwelling house (2) minor alterations to existing dwelling house (3) associated landscaping, connection to public sewer and (4) all associated site works and services. Gross floor space of proposed works: 234.20 sqm. The planning authority made a decision to refuse this application on the 24<sup>th</sup> September 2024, for the following reasons and considerations:

Having regard to the excessive scale, bulk and proximity to site boundaries of the proposed extension and the inability of the proposed extension to

assimilate appropriately with the existing built form on the site and in the immediate vicinity of the site, it is considered that the proposed development would constitute an overdevelopment of the subject site, would be insubordinate to the existing dwelling, and would be out of character with the existing forms and pattern of development in the vicinity. Furthermore, It is considered that the two-storey extension to the rear as proposed is discordant with prevailing development and would have an adverse impact on adjoining properties and that of the private open space to the rear and would set an undesirable precedent for similar future development in the area, materially contravene DM Standard 4, Policy Objective PM1, Policy Objective PM8, Policy Objective PM10 and Policy Objective UL6 of the Galway County Development Plan 2022-2028 and Policy Objective LSST 34 of the Loughrea Local Area Plan 2024-2030 and therefore would be contrary to the proper planning and sustainable development of the area.

## **6.0 Policy Context**

### **6.1. Development Plan**

The operative plans area **Galway County Development Plan 2022 – 2028** and the **Loughrea Local Area Plan 2024 – 2030**.

The site is located within the town boundary of Loughrea Local Area Plan and is zoned 'Existing Residential'.

The provisions of the Galway County Development Plan relevant to this application are:

#### **Policy Objectives Settlement Hierarchy – Self Sustaining Towns (Level 4)**

Support the development of Gort and Loughrea as Self-Sustaining Towns as outlined in the Core Strategy and Settlement Hierarchy in order to improve local employment, services and sustainable transport options in order to become more self-sustaining settlements.

#### **Objectives PM 1 – Placemaking**

To promote and facilitate the sustainable development of a high-quality built environment where there is a distinctive sense of place in attractive streets, spaces,

and neighbourhoods that are accessible and safe places for all members of the community to meet and socialise.

### **Objective PM 8 – Character & Identity**

To promote and facilitate the sustainable development of a high-quality built environment where there is a distinctive sense of place in attractive streets, spaces, and neighbourhoods that are accessible and safe places for all members of the community to meet and socialise.

### **Objective PM 10 - Design Quality**

To require that new buildings are of exceptional architectural quality, and are fit for their intended use or function, durable in terms of design and construction, respectful of setting and the environment and to require that the overall development is of high quality, with a well-considered public realm

## **Chapter 15 – Development Management Standards**

- DM Standard 2: Multiple Housing Schemes (Urban Areas)
- DM Standard 28: Sight Distances Required for Access onto roads
- DM Standard 29: Building Lines
- DM Standard 36: Public Water Supply & Wastewater Collection
- DM Standard 46: Compliance with landscape sensitivity designations
- DM Standard 63: Sustainable Design and Climate Action

### **Development Plan 15.2.4 Extensions**

Section 15.2.4: DM Standard 4: House Extensions (Urban and Rural)

Proposed extensions shall:

- In general, be subordinate to the existing dwelling in its size, unless in exceptional cases, a larger extension compliments the existing dwelling in its design and massing;
- Reflect the window proportions, detailing and finishes, texture, materials and colour unless a high quality contemporary and innovatively designed extension is proposed;



- Not have an adverse impact on the amenities of adjoining properties through undue overlooking, undue overshadowing and/or an over dominant visual impact;
- Carefully consider site coverage to avoid unacceptable loss of private open space.

### **Loughrea Local Area Plan 2024 - 2030**

**Policy LSST 36** High quality, contextually sensitive design ensures that new developments are responsive to their site context and in keeping with the character, heritage, amenities, environment and landscape of the area. New development proposals will be required to complement the existing character of the area in terms of scale, height, massing, building line, urban grain and definition and through high quality design proposals for buildings/structures/shop fronts, the use of high quality, appropriate materials and the provision of appropriate signage, lighting, landscaping proposals and other such details.

## **6.2. Natural Heritage Designations**

- Lough Rea SAC (Site Code 000304) - located 600m South of the appeal site.
- Lough Rea SPA (Site Code 004134) – located 600m South of the appeal site.
- Lough Rea pNHA (Site Code 000304) – located 600m South of the appeal site.

## **7.0 EIA Screening**

- 7.1. I note that this extension would not constitute a class of development and so should be excluded at Pre-Screening, rather than preliminary examination stage, consistent with the findings of Form 1.

## 8.0 The Appeal

### 8.1. Grounds of Appeal

- There is consistent planning history to significantly intensify the existing private residential use of the site.
- Recent planning history attempted to provide a large commercial guesthouse.
- The application form and public notices/fee suggest a private house, but the size, design and layout would suggest a commercial development – division into housing units or as an air bnb or some other commercial enterprise.
- The scale of the extension has morphed from a two-storey extension to an almost equally substantial single storey extension, under this application. The proposal is now an extension of 230.7 sq. m. onto an existing house of 86.2 sq. m., giving a total floor area of 316 sq. m.
- The design of the proposal suggests that it is set up for conversion to a number of housing units or for rental as individual rooms. Three of the bedrooms have independent access doors to the outside. The study is designed in the same way with an independent access. When added to the front and rear doors, this gives a total of 6 doors to the outside. There is also a side corridor to the gym, which provides another outside door.
- The application form has not been signed – which is the same as the previous application (Planning Register Number 24 – 60973).
- The applicant should specify why there are so many external doors required.
- Condition No 3 does not make any sense. The initial line states '*the dwelling house shall be used as a single residential unit only*'. However, it also states '*save as single residential dwelling units*'. This condition would be unenforceable due to lack of clarity.
- Regarding visual impact. Section 15.2.4 of Chapter 15 of the CDP 2022-2028 requires that house extensions in general be subordinate to the existing dwelling. In this instance the proposed extension is 2.6 times the size of the original house.

- The massing of the proposal has been reduced since the last application by virtue of its single storey design, but the proposal will still be very visually dominant. The impacts on the adjacent house to the east has not been mentioned in the planning report.

## 8.2. Applicant Response

- The existing house is small and outdated and is not fit for purpose. The proposed extension will provide extra space for modern living and utilise this vacant site.
- The proposal is sensitively designed and follows the form and orientation of the existing house.
- The proposal will not cause any overlooking or overshadowing of adjacent property. It won't have a dominant impact as it is a mixture of a low-pitched roof and a flat roof.
- There will be 850 sq. m. of open space which is 53% of the site.
- The proposed application was lodged on the Online Portal correctly and validated by the Planning Authority and ultimately Granted by Galway Planning Authority.
- At no point in the application or shown on any drawings has it been "suggested" that the proposed extension along with the existing dwellinghouse is it to be "set up for conversion to a number of housing units or for rental as individual rooms".
- The existing house and the proposed extension will be used as a single dwellinghouse as conditioned by the Planning Authority.

## 8.3. Planning Authority Response

None received.

## 8.4. Observations

None received.

## 8.5. Further Responses

None

## 9.0 Assessment

9.1. Having examined all the application and appeal documentation on file and having regard to the relevant local and national policy and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal and the planning authority's reason and considerations, and I am satisfied that no other substantive issues arise. AA also needs to be considered. The main issues, therefore, are as follows:

- Principle of Development
- Scale, Layout & Design
- Visual & Residential Amenity
- Other Issues

9.2. Principle of Development

9.3. The appeal site is zoned Residential Existing under the current Loughrea Local Area Plan 2024 2030, where the objective is: To protect and improve the residential amenities of existing residential areas. The description attached to this objective under the plan is as follows: 'To provide for house improvements, alterations, and extensions of residential development in accordance with principles of good design and protection of existing residential amenities'.

9.4. I note that the public notices have described the proposed development as an extension to an existing dwelling. The appellant makes the argument that owing to the past history of guesthouse accommodation combined with the layout and number of external doors on the proposed plans that the subject development does not appear to be for a single residential dwelling unit.

9.5. I note that the planning authority applied condition No 3, to the decision to grant permission, which restricts the use of the dwelling to 'a single residential unit only and shall not be sub-divided or used for any commercial purposes'. The appellant makes the correct assertion that the latter part of this condition doesn't make any

sense and is unenforceable as it includes the term 'residential dwelling units', which is plural, when it states: 'shall not be sold, let (including short-term letting), leased or otherwise transferred or conveyed, by way of sale, letting or otherwise save as single residential dwelling units'.

- 9.6. I concur with the appellant in this regard and I consider that the stated wording of this condition is ambiguous and lacks clarity.
- 9.7. However, I am of the viewpoint that the intent and spirit of this condition was to restrict the use of the dwelling to a single residential unit. I consider that the plural term 'dwelling units', was in fact a typographical error. Therefore, I concur with the planning authority in the intent to restrict the subject development to a single residential unit, as per public notices, and for this reason, I consider that this condition should be applied in its correct format, in the event that the Board is mindful of a favourable decision.
- 9.8. Overall, I am satisfied that the principle of the extension of the existing dwelling house in this area zoned 'Residential Existing' is acceptable, subject to adhering to a number of development management criteria, including matters in relation to scale/ layout and design, access/traffic, services and neighbouring residential amenity being appropriately addressed. These issues will be addressed in the assessment hereunder.
- 9.9. Scale, Layout & Design
- 9.10. The appellant takes issue with the overall scale of development and states that the proposed extension has morphed into a large ground floor extension, from the previously submitted and refused two storey guesthouse application (ABP 317748-23). The existing dwelling house on site is 86.2 square metres and the proposed extension is 230.7 square metres. I am of the viewpoint that the relatively small floor area of the existing dwelling, would not generally meet modern day living requirements for a family home, for example. Therefore, the size/floor area of the subject proposed extension is not of concern, subject to visual and residential amenity considerations.
- 9.11. Regarding extensions, I note policy cited under Section 15.2.4, DM Standard 4, requires that, in general, extensions shall be subordinate to the existing dwelling in its size, unless in exceptional cases, a larger extension compliments the existing

dwelling in its design and massing. In this instance, I note that the scale and form of the existing dwelling has been sympathetically integrated to the overall design of the extended dwelling. I note that the front building line is being maintained along the existing building line, in keeping with both adjacent detached dwellings to the east. Additionally, the proposal is of single storey construct, which also accords with the form of both adjacent dwelling types to the east. Accordingly, I consider that the proposed extension, in this instance, compliments the existing dwelling and is acceptable in terms of scale and design.

- 9.12. The appellant has raised issue with the layout of the development in terms of the number of external doorways off many of the bedrooms, which is not a typical feature of a standard residential dwelling. It is stated that there are 6 no external doors in addition to a potential study door at the rear. The appellant raises the subject of the previous guest house accommodation application proposed on the site (as per planning history) and contends that the current layout suggests that it is set up for conversion to a number of housing units or for rental as individual rooms.
- 9.13. As per para's 9.7 and 9.8 above and the proposed condition number 2, as recommended hereunder, the application and the appeal are assessed as per public notices as a single dwelling unit. There is no permission for any commercial unit or units sought or recommended to be granted herewith. It is considered that condition number 2 appropriately addresses the use of the dwelling unit. It is not considered that there are any negative planning/residential amenity impacts arising from the proposed doors.
- 9.14. Visual & Residential Amenity
- 9.15. The proposal is for a single storey extension onto an existing single storey. The proposal is sensitively designed and incorporates the existing dwelling into the overall scheme. The proposal would not be overly dominant or overbearing in terms of scale/mass.
- 9.16. I consider that there are no directly overlooking, privacy or deprivation of sunlight issues. Accordingly, it is not considered that the residential amenities of the adjacent property to the east would be negatively impacted by the proposed development. I am satisfied that sufficient private open space is retained to serve the development.

Therefore, I concur with the planning authority in that there will be no negative impacts in terms of visual and residential amenity.

#### 9.17. Other Issues

The appellant has raised the issue that the planning application has no signature thereon. I note that the application form, as per the regulations states that “Where an application is made in electronic form with the consent of the Planning Authority under article 22(3) of the Principal Regulations valid login credentials will replace the need for a signature and satisfy the declaration.”

9.18. The planning authority is the appropriate validation authority and has validated this application in accordance with prescribed regulations.

9.19. Regarding access and services, there are existing water and waste water services on site and there is an established access to the public road.

### 10.0 AA Screening

I have considered the development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located approximately 600 metres north of Lough Rea SAC (Site Code 000304), Lough Rea SPA (Site Code 004134) and Lough Rea pNHA (Site Code 000304).

The development description was set out within Section 2 of the report above. No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale, and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site.

The reason for this conclusion is as follows.

The modest scale of the works proposed

The separation distance from the nearest European site and the lack of hydrological or ecological connectivity to any Natura 2000 site.

## 11.0 Recommendation

- 11.1. I recommend that planning permission be granted for the reasons and considerations set out below and subject to the following conditions.

## 12.0 Reasons and 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 would comply with the zoning objective for the site and the relevant policies as set out in the Galway County Development Plan 2022 – 2028 and the Loughrea Local Area Plan 2024 – 2030 and 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.

## 13.0 Conditions

1.	<p>The development shall be carried out in accordance with the plans and particulars lodged with the application on the 15<sup>th</sup> day of January, 2025, 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 dwelling house shall be used as a single residential unit only and shall not be sub-divided or used for any commercial purposes, and shall not be sold, let (including short-term letting), leased or otherwise transferred or conveyed, by way of sale, letting or otherwise save as a single residential dwelling unit.</p>



3.	<p>The developer shall ensure that all demolition/construction activity within this site shall comply with the following:</p> <ul style="list-style-type: none"> <li>a. All demolition/construction activity shall be restricted to between 0800 hours and 1800 hours Monday to Friday and between 0900 hours and 1300 hours Saturday, unless otherwise agreed in writing with the Planning Authority.</li> <li>b. No works shall take place on Sundays, Bank Holidays or Public Holidays.</li> <li>c. All wastes arising from the development shall be disposed of by suitably licenced service provider to a suitably licensed facility.</li> </ul> <p><b>Reason:</b> In the interest of residential amenity and the proper planning and sustainable development.</p>
4.	<p>All public roads and footpaths shall be maintained free from dirt and debris during construction. Any damage to the public road or footpath shall be repaired by the developer at his/her own expense to the satisfaction of the Local Authority.</p> <p><b>Reason:</b> In the interests of public safety.</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.

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Aisling Dineen  
Planning Inspector  
13<sup>th</sup> May 2025

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	ABP 322146 25		
<b>Proposed Development Summary</b>	To construct a new single storey extension to the rear of existing dwelling house, associated landscaping and connection to public sewer and assoc. works		
<b>Development Address</b>	Cosmona, Athenry Road, Loughrea, Galway.		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)	<b>Yes</b> ✓	Tick if relevant and proceed to Q2.	
	<b>No</b>	Tick if relevant. No further action required	
<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.	Proceed to Q3.
<b>No</b>	Tick or leave blank	✓	Tick if relevant. No further action required
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>	Tick/or leave blank	State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
<b>No</b>	Tick/or leave blank		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>	Tick/or leave blank	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>	Tick/or leave blank	<b>Screening determination remains as above (Q1 to Q4)</b>
<b>Yes</b>	Tick/or leave blank	<b>Screening Determination required</b>

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