



An  
Bord  
Pleanála

## Inspector's Report

**ABP 322156 25**

<b>Development</b>	Change of use from residential dwelling house to commercial guesthouse and extension and all associated site works.
<b>Location</b>	Ashwood, Ballybane Road, Galway.
<b>Planning Authority</b>	Galway City Council
<b>Planning Authority Reg. Ref.</b>	25 60002
<b>Applicant(s)</b>	Marcin Zymeck.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Timothy & Ann Walsh.
<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 appeal site is located on the eastern side of Ballybane Road (R865), c. 2.7 km north-east from the centre of Galway (Eyre Square). The appeal site is broadly rectangular in shape, has a stated area of 0.055ha. It accommodates a detached bungalow and a shed/outbuilding. The boundaries to the side and rear comprise c.2-metre-high boundary walls and vegetation. The front site boundary, which is along Ballybane Road, comprises a c. 1-metre-high stone wall and a vehicular entrance.
- 1.2. The appeal site is set between two similarly sized detached bungalows, which have frontage onto Ballybane Road. ATU (Atlantic Technological University/formally GMIT) is located on the opposite/western side of Ballybane Road. Glasán Student Village, is located to the east and south east of the appeal site. Two storey housing predominates Ballybane Road to the north of the appeal site, and there are two storey structures to the rear and east of the appeal site.

## **2.0 Proposed Development**

- 2.1. A change of use from residential dwelling house to commercial guesthouse is proposed. This would entail a second storey extension on the footprint of the original single storey dwelling on site. The gross floor space of the existing building is 137m<sup>2</sup> and the proposed works comprise an area of 138 m<sup>2</sup>. The ground floor plans comprise 4 No bedrooms with a living room, dining room and 2 x bathrooms. The first-floor plans comprise 6 No bedrooms with en-suites. It is proposed to provide 5 No car parking spaces to the front of the site.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 4.0 The planning authority made a decision to grant permission subject to 11 No conditions on the 3<sup>rd</sup> March 2025.

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

#### 4.1.1. **Conditions**

Conditions are of a generic nature. However, conditions numbers 2 and 8 stipulated the following:

Condition No 2: Notwithstanding the provisions of planning legislation, no change in use of the premises from a commercial bed and breakfast / guest house to a residential club, hotel, or hostel or to any other use shall take place without the prior grant of planning permission.

REASON: To protect the residential amenities of the area.

Condition No 8: The first floor south and north side elevation ensuite/bathroom windows shall be obscure glass and opening sections shall be restricted to top hung pivot.

REASON: To protect the amenities and privacy of adjoining residential properties.

#### 4.2. **Planning Authority Reports**

##### 4.2.1. Planning Reports

- A pre-planning meeting took place on the 6th of October 2024. The following items were discussed: principle of guesthouse development, design and treatment of front façade, private amenity open space provision, overlooking/window design and car parking.
- Site zoned R, Residential. In principle the proposal is open for consideration.
- Concerns noted regarding height but precedent of single, two and three storey developments in the area.
- The proposed first floor level extension represents a pragmatic and congruous approach to increasing the volume of residential accommodation within the existing built footprint of the existing dwelling, ensuring compliance with the development requirements of Section 3.6 of Sustainable Neighbourhoods policy.

- The total floor area of the proposed development is 276m<sup>2</sup>. A private open space amenity area of 156m<sup>2</sup> is provided on site some 56% of the total floor area, which complies with minimum private open space standards of both the Section 11.3.1 (c) Amenity Open Space Provision in Residential Developments of City Development Plan and SPPR 2 - Minimum Private Open Space Standards for Houses of The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities.
- Regarding overlooking, it is considered that the proposed separation distances exhibited in the proposed extension are acceptable, subject to condition regarding obscure glazing.
- Regarding overshadowing, An Bord Pleanála Direction ABP 313997-22 for a three-storey apartment complex on the adjoining site to the south are noted. The Direction issued by An Bord states that the approved three-storey apartment development would not have an unacceptable adverse impact on the overall amenity of the adjoining property.
- Regarding car parking, 5 No parking spaces are provided. This is acceptable. This does not exceed the maximum requirements. The subject site is well-serviced by existing public transport (bus routes 401, 402 and 404) and proposed future core bus routes under the GTS (Galway Transport Strategy).
- Financial Contribution required.

#### 4.2.2. Other Technical Reports

##### Transportation Drainage Section Galway City Council

No objections in relation to Surface Water Drainage, subject to the following conditions:

Surface water drainage design must incorporate SuDS measures appropriate to the new development extension and agreed with the Local Authority. This may include but not limited to permeable paving, rainwater harvesting, rain gardens, etc. that maximises local infiltration potential.

The Applicant is obliged to ensure that no surface water, soil or other material discharges onto the public road or footpath.

#### Active Travel Unit, Galway City Council

The Galway Transportation Strategy (GTS) outlines proposals to include raised cycle lanes on both sides of the Ballybane Road.

There is concern about the potential of cars reversing onto the Road.

The Active Travel Unit recommends the following conditions:

Prior to the commencement of development, a construction and contingency management plan shall be submitted for consideration and written approval of the planning authority. It shall include the following details:

- A. An appointed contractor and contact details for same.
- B. A methodology statement regarding traffic management during construction works (compound, machinery/vehicular parking, deliveries).
- C. Timelines in respect to construction phasing of the project including scheduled dates for commencement and completion of the approved works. The development shall thereafter be carried out in accordance with approved details.

#### Water Services

No objection subject to conditions.

#### **4.3. Prescribed Bodies**

##### The NEHS, HSE (National Environmental Health Service)

The National Environmental Health Service Galway has considered the Planning Application 2560002 and based on the information provided by the applicant in the planning application, has no comments/observations to make at this stage.

#### **4.4. Third Party Observations**

The current appellants made the following points under a submission at planning application stage:

Objection to the proposed development and change of use from dwelling to commercial guesthouse.

The proposed extension height would be 8.39m from the footpath level and 2m lower down to their back garden adding a height of 10.39m

The increased height would overshadow and darken their bungalow, rear garden, glazed slide door and three windows during the winter months and would prevent sunlight and daylight.

Objection to placing of five windows on the north elevation and the two windows of the east elevation as these will erode privacy.

Design of extension not in keeping with existing bungalows in the immediate area.

The existing dwelling Ashwood is approx. 870mm from their boundary wall and placement of scaffolding or overhanging will not be permitted.

The existing sewer system and associated pipework is not designed to accommodate the proposed development.

## **5.0 Planning History**

### Appeal Site:

No recent planning history on appeal site.

### Adjacent Site:

Planning Register Reference No: 21/292 (ABP 313997-22) pertains to the demolition of existing single storey house & outbuilding and construction of 6 No residential units. Planning permission was granted by the Board subject to 23 No conditions as recommended by the planning authority.

## **6.0 Policy Context**

### **6.1. Development Plan**

The Galway City Development Plan 2023-2029 came into effect on the 4th 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.

The provisions of the Galway City Development Plan 2023-2029 relevant to this assessment are as follows:

**Policy 3.3** - Sustainable Neighbourhood Concept

**Policy 3.6** - Sustainable Neighbourhoods: Established Suburbs

**Policy 8.7** - Urban Design and Placemaking Chapter 11 includes development standards and guidelines, the following sections are of particular relevance to this assessment:

Section **11.3.1** (c) Amenity Open Space Provision in Residential Developments

Section **11.3.1** (d) Overlooking

Section **11.3.1** (e) Daylight

Section **11.3.22** (f) Distance between Dwellings for New Residential Development

Section **11.3.1** (h) Cycle Parking Standards

Section **11.3.1** (i) Refuse Storage Standards

Section **11.3.2** and Section **8.6** (c) Car Parking

**Table 11.6** 'Parking Space Requirement for Different Types of Development:  
Guesthouses/B&B 1 space per bedroom.

## **6.2. Natural Heritage Designations**

Galway Bay Complex SAC (Site Code: 000268), c. 1.3 km south.

Inner Galway Bay SPA (Site Code: 004031), c. 1.3 km south.

Galway Bay Complex pNHA (Site Code: 000268), c. 1.3 km south

## **6.3. EIA Screening**

Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, 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.

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

- A complaint has been made to Galway City Council that there appears to be no mention of sewerage under this decision. The appellant was informed that an engineer would be sent out to investigate the sewerage situation in the next 6 weeks.
- It is submitted that the sewerage system is compromised due to damage from plant roots in the garden at the back of Chaplaincy House at a point 3 metres from where it connects to Glasson Student Village
- Residents including the appellant contacted the owner of Chaplaincy House to request permission to access the site dig up and repair the pipes and reinstate garden but permission was refused.
- The neighbouring house has 3 No toilets, the appellants house has 3 No toilets and the applicants house at Ashwood has 3 existing toilets.
- The appellants have to rod out the sewer system every few months because it backs into their garden and it is stated with the addition of 6 new toilets under the application, the sewerage system will not cope and will back up more frequently.
- It is essential that repair of the damaged sewerage system be conditioned as part of the planning permission to prevent future back up.
- When sewerage is backed up it could be leaking into the surrounding area and could be a possible health hazard.

### **7.2. Applicant Response**

None.

### 7.3. Planning Authority Response

None.

### 7.4. Observations

None

### 7.5. Further Responses

None.

## 8.0 Assessment

8.1. 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
- Visual and Residential Amenity
- Traffic
- Services

### 8.2. Principle of Development

8.3. The appeal site is zoned R - Residential within the current Galway City Development Plan (GCDP) 2023-2029 where the objective 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 neighbourhood'.

8.4. Under Section 11.2.8 of the plan, Residential R and Residential R2 Land Use Zoning Objectives uses, which may contribute to the R zoning objectives dependent on location and scale of development include hotels, guesthouses, hostels and B&Bs.

- 8.5. I note the location of the appeal site proximate to other short term residential letting uses, including student accommodation units/complexes, and it is immediately opposite the third level university Atlantic Technical University (ATU). Therefore, I do not consider that a guesthouse use would be incompatible or out of character with the area.
- 8.6. Therefore, I am satisfied that the principle of a change of use from a dwelling house to a guesthouse use is acceptable, subject to adhering to a number of development management criteria, including matters in relation to layout and design, access/traffic, services and neighbouring residential amenity being appropriately addressed. These issues will be addressed in the hereunder.
- 8.7. Visual and Residential Amenity
- 8.8. Policy 3.5 Sustainable Neighbourhoods: Established Suburbs state that 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. Section 11.3.1 (I) Residential Extensions of the GCDP stipulates that 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.
- 8.9. With regard to the proposed design, it is noted that there is a considerable mix of house types in the vicinity of the site, therefore I consider the design to be acceptable.
- 8.10. With regard to visual amenity, the established modestly scaled existing dwelling house has a general compatibility with the established dwelling units on both adjacent sites, north and south of the subject site. However, it is noted that on the adjacent site to the south, there is an approved housing development of 6 No dwelling units, under ABP 313997-22, which has an approved building profile of three storeys. Therefore, the planning precedent established on the adjacent site reflects the said policy under 3.5 (para 8.8 above), which aims to achieve consolidation and densification where appropriate while ensuring a balance between

the reasonable protection of the residential amenities and the character of the established suburbs.

- 8.11. I consider the subject development of two-storey nature, would also amount to the densification of the appeal site albeit the proposal maintains the same front and rear building line as what is already established on site. From a visual amenity perspective, I do not consider that the two-storey proposal would detract from the existing character of the area and considering the established two storey developments to the east and also further north on Ballybane Road, in addition to the fact that approved permission on the adjacent site to the south is for a three-storey development, of a corner site. The current proposal would represent a graduated step down from the said corner site, and would therefore contribute to the overall visual coherence of the streetscape at this location.
- 8.12. I am of the opinion that the provision for private open space meets the required standard and I concur with the planner's report in this regard.
- 8.13. The two main matters to be considered under residential amenity are the potential for impacts on adjacent residential amenity with respect of overlooking/privacy and overshadowing. It is considered that the appellants property, on the adjacent site to the north of the appeal site, requires assessment.
- 8.14. Regarding overlooking/privacy, it is noted that there are three ground floor windows already existing on the north elevation. Therefore, the proposal at ground floor level is no different to what is already established on the site. With regard to the first-floor north elevation, the plans propose three windows at first floor level, however all three of these proposed windows are on en-suite rooms and the design has included recessed sections to prevent direct overlooking. I note that the front and back bedrooms along the north elevation have windows facing to the front and rear of the property (east and west) thereby allowing for daylight for future occupants. Additionally, the central bedroom along the north elevation has a roof light to provide occupants of this room with necessary daylight. Overall, regarding the north elevation relative the appellants property, I concur with condition number 8 as stipulated by the planning authority, that the three en-suite windows be of obscure glazing. I consider this condition to be fair, reasonable and enforceable and it would safeguard the adjacent property to the north (the appellants property) from direct

overlooking. Therefore, in the event of a favourable decision I recommend that the said condition no 8 as stipulated by the planning authority be applied.

- 8.15. Furthermore, it is not considered that there will be direct overlooking issues relating to the rear (east elevation) as there is a minimum separation distance of c 20 m from the proposed rear elevation first floor windows to the gable end of Glasán Creche and this building has no first-floor gable window to a habitable area. There is also a public road running along the rear of the subject property, as opposed to the private space attendant to a residential dwelling. Therefore, I do not consider that there will be any negative residential amenity impacts in this direction.
- 8.16. The appellants have also raised issue about the first-floor windows on the east elevation and potential for overlooking/privacy of their property. It is considered that any view from these windows towards the adjacent property to the north would be at an oblique angle and accordingly, I do not consider that any significant degree of overlooking would occur.
- 8.17. With regard to this issue of potential for overshadowing, I note that the proposed development is due south of the appellants property. Therefore, at midday when the sun is at its highest point in the sky, and when shadows exerted are at their shortest, there would be some small provision for overshadowing of the adjacent property, but not to the extent that there would be significant detrimental residential amenity impacts. As the sun moves along its trajectory in the early afternoon, afternoon and evening, the subject development would potentially be out of the line of direct sunlight and therefore there would be no impacts during this time period. Overall, I consider that potential overshadowing impacts to be of minor nature, and I would not consider this to significantly impact adjacent residential amenity such that depreciation of property would occur.
- 8.18. Furthermore, regarding potential for overshadowing, I note the planners report correctly draws inference to the decision of the Board relating to the adjacent site to the south of the subject site wherein the issue of potential overshadowing (of the current site) was assessed by the Board (ABP 313997-22), and it found that although there would be some provision for loss of daylight, it would not have an unacceptable adverse impact on the overall amenity of the property. I note that the configuration of both this application and the appeal site have the same configuration

with regard to the suns' trajectory. Additionally, the adjacent development relates to a three-storey development, whereas the current proposal is for a two-storey development, which would naturally have less impacts.

8.19. Overall, relating to the visual and residential amenity of the area, I concur with the assessment and decision of the planning authority.

8.20. Traffic/Parking

8.21. The Active Travel Unit in, Galway City Council, made a submission to the planning application, which referred to the Galway Transportation Strategy (GTS), which outlines proposals to include raised cycle lanes on both sides of the Ballybane Road. Concern was raised regarding the potential for cars reversing out onto the Ballybane Road. The Active Travel Unit recommended a set of conditions to be applied in the event of a grant of planning permission.

8.22. The planning authority applied this condition under condition number 10 of its decision to grant planning permission. I concur with the condition applied by the council for reason of traffic/pedestrian/cyclist safety. However, I would recommend that a detailed traffic management plan be submitted for the operational stage of development also, in addition to the construction phase.

8.23. In relation to parking Table 11.6 'Parking Space Requirement for Different Types of Development: Maximum Standards' requires the following - Guesthouses/B&B 1 space per bedroom. It is noted that this is a maximum standard and that under section 8.6 of the plan a flexible approach is encouraged and that a reduction in requirements would apply along existing and planned strategic public transport corridors. I note that the planners report refers in detail to the number of available bus routes servicing the area and I also note that this location is within a strategic transport artery of Galway City. Therefore, it is considered that the parking allocation is satisfactory given the context and location of the development and the provision of cycle spaces proposed at the rear of the site.

8.24. Services

8.25. A large part of the appeal submission relates to the public sewer. This matter was also raised briefly under the original submission to the planning authority, wherein it was stated that 'The existing sewer system and associated pipework is not designed

to accommodate the proposed development'. It is stated that there is damage to sewerage pipes at the location of Chaplaincy House and that the appellants have to 'rod out' the sewerage system from time to time and concern is raised about this issue from a public health perspective. The appellants request that a condition be applied requiring the upgrade of the public sewerage system to service the proposed development. However, there is no evidence submitted regarding the appellants stated problems regarding the public sewer.

- 8.26. The appellants submit that they complained to the Council regarding the sewerage situation and the lack of mention of the sewerage system issues under the planning authority's decision/assessment. The appellants were told that an engineer would be sent out to investigate the issue within 6 weeks.
- 8.27. It is noted that under Section 20 'Services' of the planning application form, it is referred that sewerage connection is proposed to the 'Existing Public Sewer'. There is no evidence on the planning file regarding any serious public health issues regarding the public sewer.
- 8.28. I am of the viewpoint that given the lack of any substantiated evidence on the overall file regarding the alleged sewerage problems and given the fact that the appellant's have stated, under the appeal submission, that the planning authority is 'going to investigate' the issue, it is considered that the appropriate authority has been notified and is dealing with the issue.
- 8.29. I note that on the date of inspection there was no visual evidence of a problem or leakage of any description, of the public sewerage system and there were no foul smell/odours, that would indicate a public health issue.
- 8.30. I do not consider that the proposed development should be refused based on the unsubstantiated statements on file, regarding the public sewerage system. Furthermore, as the planning authority has not disclosed any problems with the public sewerage system under its assessment, I do not consider that it would be either fair or reasonable to levy a condition on the development, linking permission for the subject development to the upgrade of the sewerage system.
- 8.31. On a point of information, it is noted that public health and the public sewerage system, were not raised as being significant issues under the adjacent approved

permission; Planning Register No 21/292 (ABP 313997 22). The date of this order was 27/10/2023.

## **9.0 AA Screening**

- 9.1. 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 1.3 km metres north of the nearest European site the Inner Galway Bay Special Protection Area (SPA) (site code 004051) and the Galway Bay Special Area of Conservation (SAC) (site code 000268). The development description was set out within Section 2 of the report above. No nature conservation concerns were raised in the planning appeal.
- 9.2. 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.
- 9.3. 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.

## **10.0 Recommendation**

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

## **11.0 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 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.

## 12.0 Conditions

1.	<p>The development shall be carried out in accordance with the plans and particulars lodged with the application on the 9<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>Notwithstanding the provisions of planning legislation, no change in use of the premises from a commercial bed and breakfast/guest house to a residential club, hotel, or hostel or to any other use shall take place without the prior grant of planning permission.</p> <p>Reason: To protect the residential amenities of the area.</p>
3.	<p>The first-floor north elevations to ensuite bathroom windows shall be obscure glass.</p> <p>Reason: In the interest of privacy and residential amenities of adjacent property.</p>
4.	<p>(a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface</p>

	<p>water from roof, paved areas or otherwise shall discharge onto the public road or adjoining properties.</p> <p>(b) Water supply and drainage arrangements, including attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of proper planning and sustainable development.</p>
5.	<p>Details of the materials, colours, and textures of all the external finishes of the development, shall be submitted to, and agreed in writing with the planning authority within one month of this grant of planning permission.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
6.	<p>The developer shall enter into water and/or wastewater connection agreement(s) with Uisce Eireann prior to the commencement of this development.</p> <p><b>Reason:</b> In the interest of public health.</p>
7.	<p>Details of external signage shall be agreed in writing with the Planning Authority within one month of this grant of planning permission.</p> <p>Reason: In the interest of visual amenity.</p>
8.	<p>The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of</p>

	<p>intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.</p> <p><b>Reason:</b> In the interests of public safety and residential amenity.</p>
9.	<p>Prior to the commencement of development, a construction and contingency management plan shall be submitted for consideration and written approval of the planning authority. It shall include the following details:</p> <ul style="list-style-type: none"> <li>(a) An appointed contractor and contact details for same.</li> <li>(b) A methodology statement regarding traffic management during construction works (compound, machinery/vehicular parking, deliveries).</li> <li>(c) A direction of traffic/parking schedule, including cycle parking details, with associated signage details for the operational stage of the development.</li> <li>(d) Timelines in respect to construction phasing of the project including scheduled dates for commencement and completion of the approved works. The development shall thereafter be carried out in accordance with approved details.</li> </ul> <p><b>Reason:</b> In the interest of pedestrian/cyclist/traffic safety.</p>
10.	<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> </ul>

	<p>b. No works shall take place on Sundays, Bank Holidays or Public Holidays.</p> <p>c. All wastes arising from the development shall be disposed of by suitably licenced service provider to a suitably licensed facility.</p> <p><b>REASON:</b> In the interest of residential amenity and the proper planning and sustainable development.</p>
11.	<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>
12.	<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 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</p>

	the Development Contribution Scheme made under section 48 of the Act be applied to the permission.
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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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Aisling Dineen  
Planning Inspector  
25<sup>th</sup> April 2025

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	ABP 322156 25		
<b>Proposed Development Summary</b>	Change of Use from residential dwelling house to commercial guesthouse and Extension and all associated site works.		
<b>Development Address</b>	Ashwood, Ballybane Road, 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:** \_\_\_\_\_