



An
Coimisiún
Pleanála

Inspector's Report

ABP-322412-25

Development

Permission to 1) Remove existing first floor rear decking area and to construct a new two storey extension to the rear of the dwelling, 2) A minor extension to first floor front balcony area, 3) Minor alterations to ground floor side elevations including new relocated windows, 4) Two rooflights in existing roof and all associated site works and services.

Location

Valhalla, Barna Road, Galway.

Planning Authority

Galway City Council

Planning Authority Reg. Ref.

2560049

Applicant(s)

Richard & Edwinna Hartmann

Type of Application

Permission

Planning Authority Decision

Grant with conditions

Type of Appeal

Third Party(s).

Appellant(s)	1) Elizabeth and Clodagh Connolly. 2) Emer Kearns
Observer(s)	None
Date of Site Inspection	17/6/25
Inspector	Fergal Ó Bric

1.0 Site Location and Description

- 1.1 The subject site is located on the northern side of the R336 (Barna Road) to the west of Salthill within the western suburbs of Galway City. The appeal site comprises a stated area of 0.067 hectares. There is an existing detached two storey dwelling on site. To the front of the dwelling, the site has its own private car parking area which is enclosed by gates, walls and railings along the front (roadside) boundary and there are walled boundaries along the west and east (side) site boundaries.
- 1.2 To the east and west (each side) of the appeal site are large two storey dwellings on generous plot sizes fronting onto the R336, all of which have views over Galway Bay to the south and to the rear (north) of the appeal site are two storey dwellings within the Seacrest residential development. There are walls, mature trees and planting along the boundaries within the rear garden area.

2.0 Proposed Development

- 2.1 Planning permission is sought for the following:
- Permission for the removal of the first-floor decking area to the rear of dwelling,
 - A two-storey extension to the rear of the dwelling,
 - A minor extension to first floor front balcony area,
 - Minor alterations to ground floor side elevations including new relocated windows,
 - To insert two rooflights in the existing roof,
 - All associated site works.

3.0 Planning Authority Decision

3.1 Decision

The Planning Authority (PA) issued a decision to grant planning permission on the 3rd day of April 2025 subject to 3 conditions:

The following are considered to be the pertinent planning conditions:

Condition 2 states: The dwelling shall be used as a single dwelling unit only

Condition 3: Details in relation to a number of matters including hours of construction and surface water management.

3.2 Planning Authority Reports

Planning Reports

- The appeal site has the benefit of an R-residential land use zoning objective.
- The first-floor decking area to the rear of the property was previously refused permission for retention and no permission is required to remove this structure.
- The main dwelling was granted planning permission with reverse living areas whereby bedrooms were located at ground floor level and living areas at first floor level under Board reference number 312765-22.
- The proposed rear extension layout would comprise a continuation of this format however, at first floor a full first floor level is not proposed, the internal first floor area within the extension would comprise a mezzanine area and would be set back from the rear building line.
- In terms of overshadowing, impacts upon the property to the east would be minimal by virtue of the separation distances between the properties and the flat roof design of the proposed rear extension.
- No overshadowing of properties to the north or west would arise from the new extension which has a lower ridge height than the existing dwelling on site and sunlight is already blocked by the existing dwelling on site.
- Separation distances from the boundaries within the rear garden area are sufficient and no adverse impacts on adjacent properties would arise from the scale and mass of the proposed rear extension which is considered to be in character with the surrounding area.
- The separation distances from the opposing windows at above ground floor level are considered to accord with the standards set out within SPPR 1 within

the Sustainable Residential Development and Compact Settlement Guidelines, 2024 (SRDCSG,s).

- No additional overlooking would arise from the proposed extension to the first-floor front balcony area as this feature already overlooks the driveways and car parking areas of the dwellings fronting onto the R336.
- The two rooflights would be located within the western roofslope to provide illumination within the upper floor areas.
- The proposed development would be in accordance with the Development Plan provisions and with the proper planning and sustainable development of the area.

3.3 Third Party Observations

Two observations were received by the Planning Authority. Many of the issues raised within the observations comprise similar issues to those raised in the grounds of appeal and which are summarised below within Section 6.0. However, the following are considered to be the pertinent issues raised therein:

- There would be a loss of private amenity space for the residents of the dwelling within the appeal site.
- The scale and mass of the development would adversely impact neighbouring residents.
- The development would result in a loss of natural light.
- The development would overlook the neighbouring properties and inadequate separation distances from boundaries are proposed.
- There are insufficient details provided within the planning drawings submitted to fully assess the impacts of the development.
- The attic space could be converted to habitable accommodation.
- The extension would generate additional traffic and result in traffic congestion.

4.0 Planning History

Planning Authority Reference number. 23/153, An Bord Pleanala (ABP) reference number ABP 317804-23 – ABP overturned the decision of the Planning Authority to retain the first-floor decking area to the rear of the dwelling. The refusal reason related to the adverse impact upon neighbouring residential amenities by reason of obtrusiveness and overlooking and from noise disturbance associated with the use of the elevated and open first floor decking area.

Planning Authority Reference number. 21/380, An Bord Pleanala (ABP) reference number ABP 312765-22 – ABP issued a split decision- whereby permission for the retention of first floor decking to rear of dwelling was refused as was permission for double doors at first floor level refused. Planning permission was granted to amend the first-floor layout and to provide a new window opening, to comprise obscure glazing within the landing area.

The refusal reason stated:

Having regard to the nature and extent of the decking structure.....specifically the depth of the decking from the rear wall of the existing dwelling and the consequent adverse impact on the residential amenity of proposed first floor decking area, would seriously injure the residential amenities of existing dwelling by reason of poor

daylight within the two north facing bedrooms and would therefore result in a substandard form of residential amenity”.

Planning Authority Reference number 04/1049 – Permission granted following appeal for the development of 2 x two storey detached dwelling houses on site. The site area also comprised the site to the west of the current appeal site

“Having regard to the nature and extent of the decking structure.....specifically the depth of the decking from the rear wall of the existing dwelling and the consequent adverse impact on the residential amenity of proposed first floor decking area, wo

Planning Authority Reference number 03/964 – Permission refused following appeal for a development of 5 apartments in one block.

5.0 Policy Context

5.1 Development Plan

Galway City Development Plan 2023 -2029

Zoning Objective R - “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 General Residential Development Standards & Guidelines

11.3.1 (d) Overlooking

- With regard to domestic extensions, architectural resolutions to prevent overlooking may be considered, where the linear 11m standard is marginally less, and the overlooking impact is reduced through design.

11.3.1 (e) Daylight

All buildings should receive adequate daylight and sunlight. All habitable rooms must be naturally ventilated and lit and living rooms and bedrooms shall not be lit solely by roof lights. Daylight sunlight and/or overshadowing assessment, utilising best practice tools, may be required to assess the impact of development on the amenity

of adjoining properties. The requirement for such assessments will be agreed with the planning authority prior to planning application. In this regard, development shall be guided by the quantitative performance approaches and recommendations under the 'Site Layout Planning for Daylight and Sunlight' (2nd edition): A Guideline to Good Practice (BRE 2011) and BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting' or any updated guidance.

Section 11.3.1 (f) Distance between dwellings for new residential development

- The distance between side gables and side boundaries of dwellings shall generally be a minimum of 1.5 metres.

Section 11.3.1 (g)-Car parking standards

Section 11.3.1 (l) Residential Extensions

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.

5.2 Ministerial Guidelines

5.2.1 Having regard to the nature of the proposed development and to the location of the appeal site, I consider the following Guidelines to be pertinent to the assessment of the proposal.

- Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024).
- Appropriate Assessment of Plans and Projects in Ireland, Guidelines for Planning Authorities, 2010.

5.3 Natural Heritage Designations

The Galway Bay Complex Special Area of Conservation (SAC) is located approximately 65 metres southeast of the subject site and the Galway Bay Special Protection Area (SPA) and approximately 155 metres south of the subject site.

5.4 Environmental Impact Assessment-Screening

(See Appendix 1 at end of this report). The proposed development is not within a Class of development outlined Under Schedule 5, Part 1 or 2 of the Planning and Development Regulations. The need for environmental impact assessment can, therefore, be excluded at pre- screening and a screening determination is not required in this instance

5.5 Water Framework Directive- Screening

The appeal site is located approximately 65 metres north-west of the nearest boundary of Galway Bay.

The proposed development relates to extensions and alterations to an existing two-storey dwelling within an established residential area. The detailed development description is set out within Section 2.0 of my report above.

Potential for impact upon water quality was not raised by the Planning Authority nor by any of the appellants. The appeal site is an urban brownfield one which is fully serviced in that there is access to the public watermains and foul sewer network. The appeal site is located within Flood zone C as per the flood mapping set out within the current Galway City Development Plan 2023 where a low risk of flooding is identified.

I have assessed the planning documentation and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks to protect and, where necessary, restore surface and ground water bodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, in relation to surface water management, I am satisfied that it can be eliminated from further assessment, as the applicant has demonstrated that there is no conceivable risk to Galway Bay in terms of its water quality.

The reason for this conclusion is as follows:

- The location of the subject site, removed from the nearest boundary of the Galway Bay.
- The absence of hydrological connections to Galway Bay.

Conclusion

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

6.0 The Appeal

6.1 Grounds of Appeal

This is a third-party appeal against the decision of Galway City Council to permit the development. There are two appellants on file. Many of the issues raised are common to both of the appeal submissions and some are unique to each appeal submission. The grounds of appeal can be summarised as follows:

Principle of development

- A grant of planning permission would establish an unnecessary and undesirable precedent.
- The development proposed would be contrary to the R-residential land use zoning objective.
- Extensions are required to contribute positively to an urban environment, preserve the quality of life of residents and maintain the safety and visual coherence of an area.

Design and Layout:

- The proposed extension would significantly reduce the extent of outdoor private amenity space available to the owners of the appeal site.
- The size of the extension is out of proportion to the plot size.
- No contiguous elevations have been submitted as part of the planning documentation.
- No third storey/attic level plans have been submitted.

- The large scale of the proposed extension and its proximity to the site boundaries would be visually obtrusive and overbearing and contrary to the provisions of the City Development Plan, Section 11.3.1 (I) regarding residential extensions and adversely impact the amenities of neighbouring properties and be out of character of existing dwellings in this vicinity.
- The proposed extension will block out most of the light from the west, including the evening sun and light.
- The bedroom spaces within the dwelling will have no direct sunlight and be poorly illuminated during the day.
- It is unclear from the plans if there are proposals for habitable accommodation within the attic area.
- The flat roof area of the extension could possibly be used as a balcony area.
- The proposals detract from the character of the area.
- The kitchen area within the development will lack sufficient natural light and ventilation.

Residential Amenity:

- The Planning Authority did not consider the adverse impact the proposed extension would have on the neighbouring residential properties and the enjoyment of their private amenity spaces.
- The height of the proposed extension and proximity to the rear boundary would block natural light into neighbouring properties.
- The separation distance from the northern boundary is proposed at 9.5 metres and would be less than the 22-metre separation required for directly opposing first floor windows as per the Planning Regulators' guidance.
- The proposals would result in overshadowing of neighbouring properties. No analysis of overshadowing has been submitted.
- There is no tree/hedge screening within the neighbouring properties in the vicinity of the proposed extension.

- Light pollution would arise from the floor to ceiling window at first floor level on the eastern elevation.
- Increased noise would arise from the first floor living room areas and during the construction phase of the development, if permitted.
- The potential for overlooking into neighbouring properties would be contrary to the City Development Plan provisions.

Overbearing Impact:

- The development would be visible from the rear of neighbouring properties. The development would be intrusive and overbearing.

Sunlight/Daylight:

- The installation of relocated windows at ground level to the east and west of the property will not increase natural light into the house. These windows are too close to the site boundaries which have existing tree cover which negates any additional light entering the appeal site dwelling. to have any meaningful impact.

Traffic and Car parking:

- Vehicles associated with 'the appeal site are constantly park along the pedestrian and service area in front of the dwellings located east of 'the subject site. There is insufficient car parking space within the curtilage of the appeal site. The proposed development could exacerbate this situation and result in the creation of a traffic hazard.

Other Issues:

- The Planning Authority (PA) did not give adequate consideration of the issues raised during the planning process.
- The PA did not consider the adverse impact of the proposals by reason of overshadowing on the monetary value of neighbouring properties.
- Enforcement notices have been issued by the PA in relation to the unauthorised first floor decking area to the rear of the property and the Board have refused permission for retention of the decking area on two previous occasions.

- There has been repeated disregard for the planning regulations, and this raises serious concerns about their willingness to comply with any future planning conditions.
- The appellant asks An Bord Pleanála have regard to previous inspectors reports under Board reference numbers 312765-22 and 317804-23 with respect to issues of loss of amenity and devaluation of neighbouring properties.
- Inadequate drawings, sections, levels, dimensions and contiguous elevation plans relating to the proposals have been submitted.

6.2 Third Party appellant response to content of other third-party appeal submission

- They consider it important that the applicants fully comply with the Board decision made under 317804-23 and with the warning letter and enforcement notice issued by Galway City Council regarding the removal of the first-floor rear decking area.
- The applicants have not demonstrated that the proposed development would not have a significant negative impact on the amenity of neighbouring properties as the separation distances do not allow for the width of the deep cavity rising walls proposed as part of the extension proposals.

6.3 Applicants response to third party appeal submissions

Principle of Development

- There are a number of examples of dwellings in the area that would be of far greater scale.
- The proposals strike a balance between the family's needs and local neighbours' amenity and interests.
- The proposed rear extension is wholly consistent with the underlying residential zoning objective that pertains to the site.
- The proposed modest rear extension complies with height, massing and set back guidance as set out within the current City Development Plan.

- The Planning Authority provided a comprehensive assessment of the proposals. The City Council found no merit in the observations made by the two neighbouring residents. The proposals are reasonable, proportionate and well within the norms of suburban residential development.

Design and Layout

- The proposals are sensitive to the area's density, scale and context, ensuring that the extension complements the existing architectural landscape.
- The height and scale of the extension is not out of character with buildings in this locality.
- The design has been informed to address the specific concerns raised within the Board decision under reference number 317804.
- The proposed rear extension will provide a simple design compared to the previously proposed high screens which would have enclosed the first-floor decking area under 317804.
- The current proposal represents a high-quality design intervention and concerns in relation to obtrusiveness no longer apply.
- It would be physically impossible to incorporate the existing deck structure within the proposed new build two storey rear extension.
- The bedrooms and living areas will have the benefit of expansive glazing to the rear and side of the property as supported within the Planning Report prepared by Galway City Council.
- The proposed rear design extension offers a successful design solution and should be assessed on its own planning merits.
- The rear extension would be no wider than the width of the existing dwelling.

Residential Amenity

- The proposed first floor window will be set back from the rear site boundary and would comply with minimum separation distance requirements.

- The rear extension will be enclosed and obviate any issues in relation to noise disturbance.
- The proposed development has been carefully designed with respect for the neighbours and a focus on maintaining harmony and privacy for all and would not breach daylight or privacy guidelines
- The rear private open space will comprise 210 sq. m post construction of the extension, which considerably exceeds the standards set out within SPPR2 with the Compact Settlement Guidelines 2024.
- The proposed extension will project 6.97 metres beyond the rear building line. Given the size of the rear garden area, and the intervening separation distance to the boundaries, that no overbearing or overshadowing impacts upon neighbouring properties will arise in this case.
- The photographs that accompany the appellants' appeal submission clearly show the extent of trees along the sites' rear and side boundaries.
- The rear extension steps down in height from the main dwelling and the flat roof design would not result in any loss of light within the rear garden areas of neighbouring properties
- The rear garden area to the east is generous in size being approximately 32 metres wide and 14.5 metres deep. There would be some overshadowing in the north-west corner of the property to the east in the afternoon and evening in Spring/Summer. However, given the flat roof design of the extension and the separation distance of over two metres to the side boundary, no significant impact would arise upon the residential amenities of the residents to the east.
- The proposed extension would be located approximately 9 metres from the northern site boundary.
- No adverse impacts would arise from the scale and mass of the extension would arise.
- In terms of separation distances between the side gables of properties, the extension will be located 2.385 metres from the eastern site boundary, which exceeds the minimum separation distance set out within Section 11.3.1(f) in the

current City Development Plan, where a minimum side gable separation distance of 1.5 metres is set out.

- The appeal site is located within an urban environment and is not located within an environmental conservation zone nor a designated dark zone. The existing mature vegetation on site will be retained and will reduce any perceived adverse impacts.

Traffic and Car Parking

- The proposed development does not increase the number of residents within the appeal site dwelling nor generate any additional parking requirements of any road safety issues.

Other Matters

- The proposed development is not merely a want, but a necessity to cater for their large and growing family.
- The drawings submitted provide sufficient clarity and the levels and dimensions are in accordance with the current planning regulations
- A decision to grant planning permission for the rear extension would necessitate the removal of the first-floor rear decking area. They would have no issue with a condition requiring its removal.
- No plans are proposed at attic level, which is used for domestic storage purposes.
- We request that the Board uphold the decision of Galway City Council and dismiss the appeals.

6.4 Planning Authority Response

None received.

7.0 Assessment

Having examined the application details and all other documentation on file, including the reports of the Local Authority, having inspected the site, and having regard to the relevant local and national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Design and layout
- Residential Amenity
- Other Matters
- Appropriate Assessment

7.1 Principle of Development

7.1.1 The subject site is located within a residential area on the edge of Galway City and has the benefit of a Residential (R) land use zoning objective within the current Galway City Council Development Plan 2023 – 2029. The zoning objective seeks to provide for residential development and for associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods. The current proposals as per the public notices submitted seek permission to remove the existing first floor rear decking area and to construct a new two storey rear extension, a minor extension to first floor front balcony area, minor alterations to ground floor side elevations including new relocated windows, to insert two rooflights in the existing roofslope. It is, therefore, considered that the extensions and alterations proposed to the permitted dwelling are acceptable in principle.

7.2 Design and Layout

7.2.1 The appeal site comprises a two-storey detached dwelling with a stated floor area of 194.3 square metres (sq. m). The proposed extensions would have a floor area of 78.6 sq. m, the majority of which would comprise a two-storey flat roofed extension to the rear. The rear extension would provide for a double height living room area, a

bedroom and gym at ground floor level. At first floor an extended dining//living area would be provided overlooking a void area above the ground floor living room space. From the planning documentation submitted, the first-floor level area within the rear extension is set back from the rear building line of the extension by a distance of approximately 3.65 metres from the Romanesque type window feature that is proposed within the rear elevation. This rear extension is to be flat roofed and would not breach the ridge line of the main dwelling.

7.2.2 The applicants are also proposing to extend the first-floor balcony area on the front elevation to provide for an additional 1.4 metres of balcony space. This space overlooks the car parking and driveway areas to the front (south) of the appeal site and the car parking and driveway areas of the dwelling immediately west of the appeal site.

7.2.3 A number of window alterations are proposed on the side elevations, whereby window opes would be moved, additional opes are proposed and a glazed double height link feature would provide the connection between the existing dwelling and the proposed extension. It is stated that this link feature would be fitted with obscure glazing to illuminate the intern of the dwelling and protect the amenities of the neighbouring dwellings. The additional first floor opes would serve a utility room and a WC and would be fitted with obscure glazing. The new downstairs opes on the side (east and west) elevations would provide illumination into the ground floor bedroom areas and are considered acceptable.

7.2.4 Two rooflights are proposed within the roof slope in order to provide for greater illumination within the first floor the living/kitchen/dining spaces. Overlooking would not arise from these fenestration features.

7.2.5 In terms of design and layout, I consider that the extensions are well designed and integrated with the existing dwelling on site. I consider that the proposals would accord with the provisions of section 11.3.1(I) of the current City Development Plan in relation to residential extensions being integrated with the existing dwelling on site in terms of scale and external finishes and that due regard is had to the character of the area and that the amenities of neighbouring dwellings are respected. I am

satisfied that the proposed extensions are well designed and integrated and have regard to the character of the area. The issues in relation to respecting the amenities of neighbouring dwellings will be addressed in Section 7.3 below.

7.3 Residential Amenity

- 7.3.1 The main issues raised by the appellants relate to the impact upon their residential amenities as a result of the proposed extensions and alterations to the permitted dwelling on site. The appellants consider that the scale and height of the proposed two storey extension would adversely impact their amenities by reason of overlooking, overshadowing and overbalance. They also consider that their privacy would be adversely impacted by the proposals.
- 7.3.2 Overlooking: The appellants contend that the proximity of the rear extensions and alterations to their properties would result in overlooking of their private rear amenity spaces. The first-floor side elevation window opes would be fitted with obscure glazing as would the glazed link between the existing dwelling and the proposed rear extension. I am satisfied that no overlooking would arise from these window features by virtue of the obscure glazing that would be inserted within the window features. The two-storey rear extension would include as double height arched window. The ground floor of the extension would comprise a living area which would comprise a double height area and the first-floor mezzanine and would be set back 3.65 metres from the arched window feature. A separation distance of 9.3 metres is proposed from the rear building line of the proposed two storey extension to the rear garden party boundary wall and there is a stated setback to back separation distance of between the first-floor mezzanine level and the two-storey dwelling to the rear, within the Seacrest residential development.
- 7.3.3 I note that the rear boundary wall comprises a block wall with a height of approximately 1.8 metres and additional timber trellis fencing has been fitted to the top of the boundary wall to provide a boundary height of approximately 2.3 metres. There are also mature trees planted along the northern boundary and within the subject site which also assist in reducing any visual impact upon the residential properties to the rear (north of the appeal site). The proposals would accord with the provisions of SPPR1 within the Sustainable Residential Development and Compact Settlement

Guidelines (SRDCSG's) 2024. In relation to separation distances, where a minimum separation distance of 16 metres is required between opposing first floor windows. Therefore, I consider that no adverse overlooking would arise in this instance.

- 7.3.4 The separation distance between the side gables of the dwellings and the neighbouring residential properties is proposed to vary between 1.09 metres and 2.385 metres and the latter exceeds the Development Plan standards as set out within Section 11.3.1 (d) where minimum separation distances 'between side gables and side boundaries of dwellings shall be a minimum of 1.5 metres' are stipulated. The new rear extension is no wider than the width of the existing dwelling and, therefore, no closer to the side boundaries.
- 7.3.5 Having regard to the separation distances demonstrated, in addition to the existing walled boundary treatment and extended timber height timber fencing in addition to the mature landscaping that exist within the rear garden boundary areas, I am satisfied that the proposed development (would not result in undue overlooking of the neighbouring residential properties in this instance. Having regard to the suburban context of the appeal site, I consider that the proposed development accords with the requirements of Section 11.3.1 (d) (e) and (f) of the Galway City Development Plan 2023-2029 in respect of overlooking, daylight and separation distances between dwellings.

Overshadowing:

- 7.3.6 The proposed extension would be set back a distance of 1.092 metres from the western (side) boundary and 2.385 metres from the eastern (side boundary). The extension would have a maximum height of 6.13 metres to the parapet, and a flat roofed structure is proposed. In the case of overshadowing, any shadow would extend in an easterly direction during the afternoon and evening in Spring and Summer. The proposed extension aligns with the rear corner garden area of the residential property to the east. There would be an element of overshadowing in the western corner of the rear garden space of the residential property to the east. However, the majority of their rear garden space would be unaffected by the proposals in terms of overshadowing. Given the flat roofed design proposed and the separation distance from the eastern party boundary wall, I consider that no

significant impact in terms of overshadowing would arise within the neighbouring property to the east as a result of the development proposals. The dwelling to the east would be in no way affected by overshadowing.

7.3.7 I note the existence of mature trees and planting along the boundaries within the rear garden space and this planting would interrupt the views from the adjoining properties to the north and east towards the appeal site and similarly from the appeal site towards neighbouring residential properties. I consider that the proposed rear extension is capable of satisfactory assimilation within the subject site. I do not consider the proposal will be overbearing in terms of impact on adjoining properties.

7.3.8 No overshadowing of the residential property to the north would arise as a result of the proposed rear extension as light is already blocked by the existing dwelling within the subject site, it being approximately 1.8 metres taller than the proposed rear extension. The Planners Report addressed the issue of overshadowing and stated the following 'there would be some overshadowing but nothing significantly impacting upon the residential amenities of the property to the east'. I would concur with the comments of the Planning Authority in this instance, and I consider that the proposals would accord with the provisions of Section 11.3.1 (e) within the City Development Plan in relation to sunlight and overshadowing.

In summation, I consider the proposed development to be acceptable in terms of overshadowing.

Overbearance:

7.3.9 It is set out within the appeal that the scale, mass and height of the proposed rear extension will be visually intrusive and have an overbearing impact on amenity of neighbouring properties.

I note the site size is generous for a suburban residential dwelling and comprises 0.067ha. From the Site Layout Plan submitted as part of the planning documentation there would be approximately 9.1 metres from the rear building. The proximity of the extension to site (side) boundaries is noted at 1.09 metres to the west and 2.38 metres to the east. There is a 2.7 metre boundary wall in addition to planting mature

along the eastern site boundary. The proposed flat roofed rear extension has a stated maximum height of 6.13 metres, have no side windows and would be illuminated by two skylights to be fitted in the flat roof feature and the rear elevation double height Romanesque window feature. I consider that by virtue of the considered site-specific design of the rear extension, including the low roof profile of the structure and by virtue of its set back from the eastern site boundary and the existence of the mature planting along the site eastern boundary that the proposed extension would not overbear the neighbouring residential properties.

- 7.3.10 Having regard to the considered design of the proposed dwellings, their scale, massing, heights and profiles the separation distance to the neighbouring dwellings, I am satisfied that the proposed development would not result in significant overbearance of the dwellings within this vicinity.

Open space:

- 7.3.11 I consider that the applicants proposals provide for an adequate quality and quantum of private open space. The private rear amenity space would comprise 210 square metres (sq. m), which is generous in this urban context for which exceeds City Development Plan standards and would also greatly exceed the SPPR2 standards (which requires a minimum private open space of 50 sq. m for 4+ bedroomed houses as set out within the SRDCSG's. The private amenity space provision referred to above (210 sq. m) is exclusive of the front garden and driveway spaces and is considered to be acceptable.

Daylight within existing dwelling within appeal site

- 7.3.12 One of the issues raised by the Board within their reason for refusal under 312765-22 was that the development would have an adverse impact on amenity of the ground floor bedrooms within the dwelling. The alterations to the fenestration detailing including the additional windows as included within the current proposals will allow greater levels of light to enter the dwelling. The first-floor kitchen/living area is served by an existing large south facing window and port hole window and one of the proposed rooflights would also provide additional illumination within this part of the dwelling. I also note that the ground floor bedrooms on the east and west (side) elevations will benefit from additional light from the proposed new windows, and these would not adversely impact the neighbouring properties by reason of

overlooking, given their ground floor location. The additional/altered window location at first floor level on the side elevations would serve a utility room and WC and these would benefit from obscured glazing, therefore, addressing any concerns of overlooking as raised by the appellants. As these would be located at ground floor level, I consider that the current design proposals adequately address the boards concerns in relation to internal illumination within the existing dwelling as set out under 312765-22.

7.4 Other Matters

- 7.4.1 In relation to car parking along the frontage of the Barna Road, As the Site layout Plan submitted, the applicants have provided adequate space for two cars within the bounds of the appeal site, to the south of the site and adjacent to the Barana Road. The car parking standards set out within the SRDCSG.s for urban neighbourhoods within the regional cities, including Galway provides for a maximum standard of one space per dwelling.
- 7.4.2 The appellants have referenced the use of the attic space for habitable purposes. No proposals for the use of the attic space as habitable space have been submitted as per the public notices or the planning documentation submitted. Within their appeal submission, the applicants state that they propose to use the attic area for domestic storage purposes only. Therefore, this matter does not form part of this assessment.
- 7.4.3 Noise: The appellants raise the issue of noise arising from the applicants entertaining within their home and from the construction phase of the development, in terms of the construction phase, a condition can be included in terms of the hours of construction and the acceptable construction noise limits as set out in accordance with best practice construction standards. In terms of noise arising from entertainment, I consider that new construction/building standards and regulations require a high standard in terms of insulation materials as well, as inclusion of double or triple glazing within window and door detailing. These would all assist in reducing the level of noise that may emanate from any residential property. The issue of compliance with the Building Regulations will be evaluated under a separate legal code and thus need not concern the Board for the purposes of this appeal.
- 7.4.4 I note that the Planning Authority set out the following in relation to the first floor rear decking area' It is noted that planning permission was refused for the retention of the

rear first floor decking area and the existing structure would be unauthorised., in this instance no permission is required to remove the unauthorised structure as the applicant/owner is required to comply'. I consider that the reference to 'to comply' is with the enforcement action the PA has taken, and this is a matter for the Planning Authority to pursue and not a matter for the Board to consider in this instance.

7.4.5 Devaluation of Property. The appellants have raised issue of devaluation of their property that would arise as a result of the extensions and alterations to the permitted dwelling. The appellants have failed to submit any documentary evidence to substantiate this claim. In the absence of such documentary evidence, I am not satisfied that this claim can be substantiated and, therefore, I do not consider it appropriate to assess this issue any further within this report.

8.0 Appropriate Assessment

8.1.1 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 c.155 metres to the north of the Inner Galway Bay SPA (site code: 004031) and is located c.65 metres north-west of the Galway Bay Complex SAC (site code: 000268). The development description was set out within Section 2 of the report above. The proposals relate to extensions and alterations to an urban serviced dwelling previously permitted by the Planning Authority. The appellants did not reference the potential for adverse impacts to arise upon Natura 2000 sites. The PA conducted an AA screening exercise and 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 these European sites.

8.1.2 The applicants did not submit an AA screening report as part of their planning documentation. The appeal site is located on a brownfield site on zoned and fully serviced lands. I consider that the appeal site is not hydrologically/ecologically connected to any of the European sites, located to the south-east of the appeal site. There were no drainage ditches evident within the confines of the appeal site nor along

its boundaries. Therefore, I am satisfied that there is no apparent surface water hydrological link between the appeal site and any European site.

8.1.3 Having considered the relatively minor nature and scale of the extensions and alterations proposed and the location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to these three or any other European Site. The reason for this conclusion is as follows:

- The modest scale of the development, which relates to extensions and alterations to a permitted residential dwelling unit, on zoned serviced lands and a brownfield site within a designated settlement,
- The separation distance from the nearest European site and the lack of hydrological or ecological connectivity to any Natura 2000 site.
- The AA screening exercise conducted by the Planning Authority which concluded that 'No appropriate assessment issue arise as the development would not be likely to have a significant effect individually or in combination with other plans or project on any European site.

8.1.4 I conclude that on the basis of objective information, that the development would not have a significant effect on any European site either alone or in combination with other plans or projects. Likely significant effects are excluded and, therefore, Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000 (as amended) is not required.

9.0 **Recommendation**

I recommend that planning permission for the extensions and alterations to the dwelling be granted subject to the following conditions.

10.0 **Reasons and Considerations**

Having regard to the existing pattern of development in the area, the location of the brownfield site within the 'existing built up area' along the Barna Road within the western suburbs of Galway City on residentially zoned and serviced lands, that the proposed extensions and alterations would integrate appropriately in terms of scale,

height, mass and external finishes with the existing dwelling on site, would not be out of character in this area, would comply the underlying residential land use zoning objective for the site and with Section 11.3.1(I) within the Galway City Development Plan 2023-29 in relation to residential extensions and would not adversely impact the amenities of neighbouring residential properties within the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 20th day of February 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.

Reason: In the interest of clarity.

- 2 The disposal of surface water shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

- 3 Construction and demolition waste shall be managed in accordance with a construction traffic, waste, and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

- 4 Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Noise levels during construction shall not exceed 65 dB (A), Leq. 30 minutes and the peak noise shall not exceed 75dB (A), when measured at any point off site.

Reason: In order to safeguard the amenities of property in the vicinity.

- 5 The external finishes of the proposed extension shall be in accordance with the details as submitted to the Planning Authority on the 20th day of February 2025.

Reason: In the interest of visual amenity.

- 6 The existing mature trees and planting along the boundaries of the subject site shall be maintained. In the event that any of the existing trees/planting are damaged, they shall be replaced with a similar species and maturity of tree/planting within the first planting season following completion of the works.

Reason: In the interest of residential amenity

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.

Fergal Ó Bric

Planning Inspectorate

20th day of August 2025

Appendix 1 - Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	322412-25		
Proposed Development Summary	Permission for removal of first floor rear extension and to construct a two-storey rear extension, first floor front extension, alterations to dwelling, insertion of two rooflights and associated site works and services.		
Development Address	'Valhalla' Barna Road, Galway city		
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	x
		No	
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	Tick/or leave blank		
No	Tick or leave blank	Alterations and extensions to a permitted dwelling does not fall within a class of development as per the Planning & Development Regulations.	x
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	Tick/or leave blank		

No	Tick/or leave blank		X
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	Tick/or leave blank	Proposals relate to the retention of minor changes to elevations of the permitted dwelling including amended fenestration.	X

5. Has Schedule 7A information been submitted?		
No	Tick/or leave blank	X
Yes		

Inspector: _____ **Date:** _____