



An
Coimisiún
Pleanála

Inspector's Report ABP-322619-25

Development

Retention of changes made to dwelling that differ from the design as granted under planning permission ref 20/514. Design changes to be retained include the addition of an attic conversion with rooflights and new double doors to the south gable. Gross floor space for retention: 67.30 sqm (attic)

Location

An Ros, Carraroe, Co. Galway,
H91VRK1.

Planning Authority

Galway County Council.

Planning Authority Reg. Ref.

2560268.

Applicant(s)

Sean and Stephanie Flaherty.

Type of Application

Permission for Retention.

Planning Authority Decision

Grant Retention Permission.

Type of Appeal

Third Party v Grant.

Appellant(s)

Liam Griffin, Michael Griffin and
Michael David Griffin.

Observer(s)

None.

Date of Site Inspection

22nd July 2025.

Inspector

C. Daly

1.0 Site Location and Description

- 1.1. The subject site consists of an L-shaped detached pitched roof rural dwelling and pitched roof garage in its own grounds accessed via a private laneway located off the L-5221. The site slopes uphill from its front towards the rear and the house and garage are largely surrounded by a flat gravel surface and there is a sizeable grass side garden to the north side of the gravel area. There are traditional stone walls along the rear boundary and the northern side site boundary. There is a grass agricultural field to the rear on higher ground and there are agricultural fields on the other sides of the dwelling.
- 1.2. There is a dwelling and out buildings to the north-west separated by small adjacent fields and the laneway to the front of the site is adjacent to a coastal inlet between the small island on which the site is located and the mainland with the bridge to the mainland a short distance from the site. The adjacent coastal inlet is part of the Kilkieran Bay and Islands Special Area of Conservation (SAC). The site is c.2.3km north of An Cheathrú Rua settlement.

2.0 Proposed Development

- 2.1. The proposed development for retention, in summary, consists of the following:
 - Design changes to the pitched roof dwelling to include the attic conversion (67.3sqm) in part of the roof, rooflights to the front and rear roof elements and new double doors to the south (side facing) gable.

3.0 Planning Authority Decision

3.1. Decision

Galway County Council decided to grant retention permission subject to 5 no. conditions. Notable conditions include:

Condition no. 3: the attic rooms shall not be used as dormitory rooms.

Condition no. 4: requires the wastewater treatment system to be maintained in good working order and for the maintenance contract for same to be made available to the P.A..

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's Report noted active enforcement proceedings in place. It noted, in relation to effluent treatment, that provided the attic use is restricted to avoid dormitory use that standard conditions in relation to the maintenance of the WWTS should be applied.

The report noted the location within a Special Landscape Sensitivity Class 3 in the coastal landscape. It considered the design to be similar to that permitted under the parent permission. The changes were considered minor and acceptable.

3.2.2. Other Technical Reports

- Carraroe Area Council Office: No report received.
- Heritage Officer: No report received.
- Roads Department: No report received.

3.3. Prescribed Bodies

- The Heritage Council: No report received.
- Fáilte Ireland: No report received.
- Department of Tourism, Culture, Arts and Gaeltacht: No report received.
- Inland Fisheries Ireland: No report received.
- Údarás na Gaeltachta: No report received.
- An Taisce: No report received.
- Department of Housing, Local Government and Heritage: No report received.

3.4. Third Party Observations

Three third party submissions were received which can be summarised as follows:

- Concerns regarding active enforcement issues on site.
- Issues in relation to overlooking and loss of privacy from velux windows.
- Issues in relation to contravention of existing planning conditions.
- Concerns that the wastewater treatment system has not been installed.

- Issues in relation to additional loading for the WWTS due to attic bedrooms.
- Issues with incomplete planning form and inaccuracies in relation to floor areas.
- Issues in relation to pollution on to the laneway.

4.0 Planning History

24/60640: Invalid application due to need for Appropriate Assessment if application had been applied for prior to commencement in relation to retention for revised site boundaries and partially constructed new driveway and to construct domestic garage (NIS included).

24/60470: Invalid application for revised boundaries, retain partial driveway, construct new garage (NIS included).

24/60606: Invalid application for revised boundaries, retain partial driveway, construct new garage (NIS included).

23/61344: Withdrawn application for attic conversion & rooflights, double door on east elevation, new driveway & permission to construct new domestic garage.

23/61283: Withdrawn application for attic conversion & rooflights, double door on east elevation, new driveway & permission to construct new domestic garage.

20/514: Permission granted by the P.A. for extensions and alterations to dwelling house and replacement of septic tank with wastewater treatment system.

5.0 Policy Context

5.1. Galway County Development Plan 2022-2028 (the CDP)

The site is located in the Gaeltacht.

Chapter 15 – Development Management Standards

- 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; and

• carefully consider site coverage to avoid unacceptable loss of private open space.

5.2. Natural Heritage Designations

In relation to designated sites, the subject site is located:

- Adjacent to Kilkieran Bay and Islands Special Area of Conservation (SAC) (site code 002111).

6.0 The Appeal

6.1. Grounds of Appeal

- Issues in relation to multiple inconsistencies in recent applications.
- Concerns regarding loss of privacy and impact on development potential of adjacent lands as a result of the velux windows.
- Failure of the P.A. to take into account of the enforcement action of 7th/8th May.
- Failure to adhere to conditions of reg. ref. 20/514 related to this retention application.
- Issues in relation to the accuracy of the drawings.
- Issues in relation to wastewater treatment on site and particular concerns in relation to impacts on Kilkieran bay.

- Plan drawings attached and photos of area of wastewater treatment on the site.
- The upstairs rooms are bedrooms as seen from previous applications and this adds an extra loading for wastewater treatment such that it is a 6 bed house. Why is a bathroom needed if this space is non-habitable?
- Inaccuracies in relation to floor area figures given.
- Failure of the Council to deal with development that has no permission with copies of correspondence attached from the Council to the applicant.
- Issues in relation to different applicant names and addresses by reference to previous applications.

6.2. Applicant Response

The response on behalf of the applicants can be summarised as follows:

- The applicants have attempted to regularise the entire planning status since works were completed which is complicated given the SAC.
- The development is completely in accordance with the Development Plan.
- It is absurd to claim dwellings cannot have roof windows because passers-by on a public roadway could have video recordings made of them.
- Roof light is the correct term for a sloped or flat window in a roofscape.
- There is no overlooking with only agricultural fields located behind the applicants' dwelling and there is good separation distances to boundaries.
- The rooflights are represented accurately on the drawings.
- The appellants' dwelling is to the north-west and not the rear.
- The wastewater treatment system has been inspected by the Council and confirmed to be in excellent working condition.
- No surface water from the site runs onto the public roadway.
- There is no inconsistency in relation to applicant names.
- The attic rooms are not in compliance with building regulations and are not habitable spaces and will only be used for storage ancillary to the dwelling.

- It is important that young families can live and maintain the native Irish language in Gaeltacht areas.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider the substantive issues in this appeal to be considered are as follows:

- Rural Amenity
- Other Matters

7.2. **Rural Amenity**

7.2.1. I note the application for retention of design changes to the permitted extensions to the dwelling including the attic conversion with roof lights and new double doors to the southern gable. I consider such minor changes to a permitted residential dwelling to be permitted in principle in this coastal rural Gaeltacht area.

7.2.2. I note DM Standard 4 of the CDP refers to house extensions and while no extension is proposed I consider this policy the most relevant in relation to the design changes. From my site visit and having viewed the application drawing, I note no significant inaccuracies in the drawings submitted. In relation to the impacts of the design changes in the roofscape, I consider that the two rooflight windows on the front roof and the two on the back roof to be modest in scale such that they integrate with the dwelling and the rural setting and give rise to no dominant visual impact. At ground floor level, the double doors to the side southern elevation are appropriately scaled for such a side position of the house and are in keeping with the dwelling and the character of the area.

7.2.3. I note the appellant has raised issues in relation to overlooking and loss of privacy to their dwelling to the north-west (rear/side) of the subject site. As the appellant's dwelling is not located directly to the rear of the subject site and is not located within close proximity to the relevant windows, I do not consider that significant issues of overlooking, loss of privacy or significant impacts on adjacent residential amenities

arise. I note the c.17m separation distance between the rear roofscape and the adjacent rear field which does not form part of the applicant's residential site. I also note this separation distance is more than adequate to preserve the residential development potential of the adjacent field if it was to be considered an appropriate site for residential development in the future.

- 7.2.4. In relation to the impacts of the attic conversion, which is not for habitable space in accordance with the building regulations, I note no significant external impacts on local amenities. As it is not a space for human habitation, I do not consider that an additional loading arises for the purpose of the on-site wastewater treatment and accordingly I do not consider an assessment in relation to wastewater treatment is required. While I am satisfied that there are no undue negative impacts on public health or local rural, residential or visual amenities, I recommend that a standard condition in relation to wastewater treatment be attached to ensure ongoing compliance with the EPA Code of Practice for Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10).

7.3. Other Matters

- 7.3.1. I note the appellant has raised issues in relation to the adequacy of the wastewater treatment provision on the site, its impact on the local road and watercourses and in relation to an additional loading arising from the use of the attic space as habitable space. As above, I note the applicant has not applied to use the attic space as habitable space and I note that a grant of permission can only be for the development applied for as conditioned and not any other development. I also note this by reference to the floor area figures given on the application form. I have reviewed the floor area given of 67.3sqm for the attic conversion and I am satisfied that it is consistent with the submitted floor plans.
- 7.3.2. In relation to the adequacy of the wastewater treatment system on the site, I note that a system is permitted for the extended dwelling under reg. ref. 20/514. I consider the operation of this system and its adequacy to be matters for the local authority, including in relation to any environmental impact. Impacts on European sites and in relation to the water framework directive are dealt with further below in this report. I note that enforcement matters, including in relation to any development on the site not permitted, fall under the jurisdiction of the Planning Authority and any

alleged failures in relation to enforcement are not matters for the Commission as they relate to the subject development.

- 7.3.3. The appellant has raised issues in relation to inconsistencies in terms of applicant names on previous applications including by reference to invalid and withdrawn applications. I note that no significant issues arise in terms of variations used of the applicants' names and I am satisfied that no evidence to question the applicants' sufficient legal interest has been provided. I also note that per Section 34(13) of the Planning and Development Act provides that if the applicant lacks title or owner's consent to do works permitted by a planning permission, a permission does not give rise to an entitlement to carry out the development.

8.0 EIA Screening

- 8.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

9.0 AA Screening

- 9.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located across the road from the Kilkieran Bay and Islands SAC. The proposed development comprises design changes to include the addition of an attic conversion with rooflights and new double doors to the south gable.
- 9.2. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.
- 9.3. The reason for this conclusion is as follows:
- Small scale of works and residential nature of the development.

- The requirement for the on-site wastewater treatment system to adhere to the EPA Code of Practice 2021: “Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)”. (The EPA Code).
- The requirement for surface water run-off to be catered for on the site.
- Taking into account the screening report/determination by the P.A..

9.4. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

9.5. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Directive

10.1. The subject site is located across a road from the Kilkieran Bay coastal waterbody (IE_WE_200_0000). The proposed development comprises an attic conversion and additional roof windows and side windows. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies 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, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

10.2. The reason for this conclusion is as follows [insert as relevant]:

- Small scale of works and residential nature of the development.
- The requirement for the on-site wastewater treatment system to adhere to the EPA Code of Practice 2021: “Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)”. (The EPA Code).
- The requirement for surface water run-off to be catered for on the site.
- Taking into account screening report/determination by the P.A..

10.3. 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.

11.0 Recommendation

I recommend that permission be granted.

12.0 Reasons and Considerations

Having regard to the Galway County Development Plan 2022 – 2028, the location within a rural area, to the nature and scale of the proposed development and its relationship with the surrounding area, it is considered that subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the rural, residential or visual amenities of the area or of property in the vicinity and would be acceptable in terms of design, public health and impact on the environment. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 14th day of March 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. Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission Register Reference 20/514 unless the conditions set out hereunder specify otherwise.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. The attic rooms shall be used for storage purposes ancillary to the main use of the dwelling only and shall not be used for human habitation or any other purpose.

Reason: In the interest of clarity.

4. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

(b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

Reason: In the interest of traffic safety and to prevent flooding or pollution.

5. (a) Treated effluent from the septic tank/ wastewater treatment system shall be discharged to a percolation area/ polishing filter which shall be provided in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.

Reason: In the interest of public health and to prevent water pollution

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.

Ciarán Daly
Planning Inspector

29th August 2025

Appendix 1

Form 1 - EIA Pre-Screening

Case Reference	ABP-322619-25
Proposed Development Summary	Design changes to include the addition of an attic conversion with rooflights and new double doors to the south gable.
Development Address	An Ros, Carraroe, Co. Galway, H91VRK1.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input checked="" type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2,	

<p>Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____