



An
Coimisiún
Pleanála

Inspector's Report

ACP 322786-25

Development	Demolition of existing domestic shed and construction of a dwelling, new entrance and 2 no. sheds and all site works.
Location	29 Threadneedle Road, Salthill Galway.
Planning Authority	Galway City Council.
Planning Authority Reg. Ref.	2560006
Applicant(s)	Fergal Blaney.
Type of Application	Permission.
Planning Authority Decision	To Grant Permission.
Type of Appeal	Third Party
Appellant(s)	John & Deirdre Boylan.
Observer(s)	None.
Date of Site Inspection	July 25 th , 2025.
Inspector	Breda Gannon.

1.0 Site Location and Description

- 1.1. The site is located at No 29 Threadneedle Road, Salthill, Galway. It accommodates a detached two-storey house with a single-storey domestic garage/shed attached to its north gable. There is garden space to the front and rear of the dwelling which is screened by boundary vegetation. The site entrance is located at the northern end of the site frontage which is defined by a low concrete wall. On site parking space for 2 no. cars is available to the front of the site.
- 1.2. The site is adjoined on either side by detached two-storey dwellings. To the rear there are two-storey dwellings associated with Rockbarton Park. Threadneedle Road extends from the promenade at Salthill northwards towards Taylor's Hill Road. It is primarily residential and accommodates large dwellings on individual sites. There are significant variations in terms of the scale, design and finish of the dwellings. At its northern end there is Salerno College and the Galway Lawn Tennis Club and some guest accommodation interspersed with residential properties.

2.0 Proposed Development

- 2.1. The development as described in the public notices submitted with the application proposed the following:

- demolition of existing domestic shed.
- construction of new dwelling house.
- construction of a new entrance to service the existing property.
- construction of 2 no. domestic sheds to the rear, and
- new connection to public services and all associated site works.

The proposal is to demolish an existing single-storey shed located along the northern gable of the existing house and to construct a two-storey dwelling. The house would have a dual pitched roof with a parapet height of 8m. It's front building line would be in line with that of the existing house. It would accommodate kitchen/dining, utility and lounge area on the ground floor with 3 no. bedrooms at first floor level. The 2 no. sheds (18m²) would be accommodated to the rear of both the existing. The the new

entrance, which would serve the existing house, would be positioned on the southern end of the site frontage.

The application is supported by a letter of consent to the making of the application from the landowner, the applicant's father.

3.0 Further Information

3.1. Further information on the application was sought by the planning authority on 27/2/25 on the following matters:

1. Revised proposals for the first-floor windows located in the northern and southern elevation and less than 8m from the boundary which could result in overlooking. It has not been demonstrated that the high level windows comply with the Fire Regulations. Revised proposals for the northern elevation bedroom window positioned at a high level. The narrow width and design of this window would be substandard and not in accordance with the development plan, Section 11.3.1 (e) Daylight.
2. Site plan showing the width of the proposed new vehicular entrances, the lengths of the boundary walls, elevations of new entrances and boundary walls, and adequately scaled sightlines from both entrances.
3. Site layout plan indicating the division of the site into two properties.
4. Revised proposals showing greater set back of the new dwelling from the northern site boundary supported by a report from a suitably qualified engineer detailing potential impacts that construction and foundations may have on the party wall, which may result in a further set back.

3.2. A response to the further information request was received by the planning authority on April 30th, 2025. It included the following:

- Revised proposals for the windows stated to include a regulatory compliant window in Bedroom No 2 in the northern elevation, the glass of which would be obscured. All other windows from the first floor of the northern elevation have been removed. A letter of consent from applicant's father is submitted allowing the window in the southern elevation of the master bedroom to remain. It is stated that this would also be the window that will allow the

bedroom to conform to Part B of the Regulations. All windows in the northern elevation would be obscured glass.

- Revised site layout plan indicating the width of the new entrance and the existing entrance, the length of the front boundary wall, sightlines and the division of the site into two properties.
- Revised site layout plan and drawings showing an increased set back distance to 0.5m from the site boundary and a letter from a Chartered Engineer confirming that the work can proceed without causing damage to the party wall.
- New application for section 96 exemption.

4.0 Planning Authority Decision

4.1. Decision

The planning authority decided to grant permission for the development subject to 14 No. conditions, which contains the following conditions of note:

Condition No 2: Requires that the that the first-floor southern elevation for the Master Bedroom and the first-floor window for Bedroom No. 2 be permanently glazed and maintained in obscure glass to a minimum internal height of 1.8m.

Condition No 3: The existing dwelling shall be used as a single dwelling unit only.

Condition No 12: Part V requirements.

Condition No 14: The permitted dwelling shall not be used for short term lettings.

4.2. Planning Authority Reports

4.2.1. Planning Reports

The Planning Officer's report of 24/2/25 raised issues regarding the proximity of the proposed house to the northern site boundary, which is indicated at 0.27m. While a full 1.5m as specified in the development plan (Section 11.3.2(f)) would not be required due to the legacy of the surrounding area, it is considered that the proposed distance is insufficient.

While the proposal would project beyond the rear building line of the dwelling to the north, overshadowing impacts are not likely to be significant having regard to the size of the site, the lower ridge level of the proposed dwelling and the set back of the dwelling off the northern boundary.

There are first floor windows proposed to bedrooms that would result in overlooking. The applicant has proposed that these windows would be positioned at a higher level, but this raises fire safety concerns. The narrow width and design of the windows would be substandard and are not acceptable in terms of ventilation and daylight and sunlight penetration to these rooms.

Regarding private amenity space, the remaining and proposed rear gardens would meet the requirements of the development plan. The construction of the 2 no. shed with ridge heights of 3.5m would not create any issues. The width of the new entrance is not indicated, and the provisions of the development plan require that a vehicular entrance would not exceed 3m in width, or where the local context and pattern of development allows, not wider than 50 per cent of the width of the front boundary.

The report of 15/5/25 considered that the matters raised in the further information request had been adequately addressed and concluded that the proposed development would be in accordance with the provisions of the development plan and the proper planning and sustainable development of the area.

4.2.2. Other Technical Reports

None.

4.3. **Prescribed Bodies**

None.

4.4. **Third Party Observations**

A submission was received from John & Deirdre Boylan which raised similar issues to those raised in the appeal.

5.0 Planning History

No details of any relevant planning history has been forwarded by the planning authority.

6.0 Policy Context

6.1. Development Plan

The operative development plan is the **Galway City Development Plan 2023-2029**.

The site is located in an area Zoned R with the following objective:

‘To provide for residential development and for associated support development which will ensure the protection of existing residential amenity and will contribute to sustainable neighbourhoods’.

The site is located within the ‘Established Suburbs’ of the city (Fig 3.1):

Policy 3.5 Sustainable Neighbourhoods: Established Suburbs

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 sustainable residential development and deliver population targets.

Development Standards and Guidelines are contained in Chapter 11.

Section 11.3.1 (d) Overlooking

Section 11.3.1 (e) Daylight.

Section 11.3.1 (f) Distance between Dwellings for New Residential Development.

6.2. National Planning Framework First Revision (April 2025)

The NPF promotes increased compact growth and the consolidation of settlements to ensure more sustainable forms of development. It seeks to deliver a greater proportion of residential development within the existing built up areas of our cities, towns and villages.

National Policy Objective 7

Deliver at least 40% of all new homes nationally within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth.

6.3. Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024).

The guidelines set out policy and guidance in relation to the planning and development of urban and rural settlements with a focus on sustainable residential development and the creation of compact settlements.

Government policy requires a continuation of the tired approach to residential density with highest residential densities at the most central and accessible urban locations and more compact and sustainable forms of development. It recognises that the inclusion of suburban housing standards in some development plans have precluded other housing solutions and options. It also recognises that in order to achieve greater innovation a flexible approach to the application of residential development standards is required including separation distances between opposing upper floor windows, open space provision and car parking requirements. New development standards for housing are set out in Chapter 5 of the Guidelines and include the following:

SPPR 1: Separation Distances - at least 16m between opposing windows above ground level serving habitable rooms at the rear/side of residential property

SPPR 2: Minimum Private Open Space Standards for Houses – 40 sq.m for a 3 bedroom house..

SPPR 3: Carparking- In city centres and urban neighbourhoods 1 no. space per dwelling.

6.4. Natural Heritage Designations

The site is not located within a European site. The closest European sites include the following:

- Galway Bay Complex (Site code: 000268), located c 500m to the south.
- Lough Corrib SAC (Site code 000297), located c 4km to the north east.
- Inner Galway Bay SPA (Site code 004031), located c 500m to the south.

7.0 EIA Screening

- 7.1. The development is of 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, but below threshold. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendix 1 of this report). Having regard to the location and characteristic of the proposed development and the types and characteristic of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environment impact screening and an EIAR is not required.

8.0 The Appeal

8.1. Grounds of Appeal

- 8.2. The appellants reside in the adjoining house to the north at No 31 Threadneedle Road. The grounds of appeal are summarised below.

Form and Design

- An Bord Pleanála is very familiar with the pattern of development on Threadneedle Road, which consists of generally large, detached houses accommodated within large generous sites with a mix of one and two storey houses and some older semi-detached houses.
- The applicants seek to demolish a small shed that is attached to an existing house to create a 'brownfield site'. On the new site they propose to build a large elongated dwelling that is out of context with the rear building lines of the existing house, appellants house and other houses along Threadneedle Road.
- It is considered that the proposed demolition of the shed and its replacement with a large dwelling is inconsistent with the form and design of development on the road. It would distort and adversely impact upon the pattern and character of development on the road, would adversely impact on the residential amenities of the area, would contradict sustainable core principles

of retention and redevelopment of habitable structures and create an undesirable precedent for similar type developments in the area.

- The proposed development by reason of its design, height, elongation, overbearance and overshadowing of adjoining property would be out of character with the pattern of development in the area.

Validation of planning application and legal requirement to do so.

- There are discrepancies in the submitted drawings that do not comply with Articles 22 and 23 of the Planning and Development Regulations, 2001.
- Refers to High Court Judgment Quinn & ORS-v-An Bord Pleanála & Ors [2020 No. 810 JR] [2021 No 15 COM] which issued an order to quash a grant of permission as the content of the planning application did not comply with Articles 22 and 23 of the Regulations.
- Is of the opinion that An Bord Pleanála have no option but to refuse planning permission for the application on these grounds alone.

Material contravention of the development plan

- The proposed development would result in a number of material contraventions of the development plan.
- These include non-compliance with the minimum 1.5m distance requirement between side gables and site boundaries as required by Section 11.3.2(f), the absence of a shadow analysis to assess the impact of overshadowing on neighbouring property (Section 11.3.1(e)), non-compliance with the minimum distance of 11m for first floor windows to prevent overlooking (Section 11.3.1(d)) and carparking standards (Section 11.3.2 (c)).
- Draws attention to the provisions of section 37(2)(b)(iv) of the Planning and Development Act 2000, as amended which states '*(iv) permission for the proposed development should be granted having regard to the pattern of development, and permission granted, in the area since the making of the plan*'. There has been no change to the pattern of development in the area since the plan was enacted in 2023. The proposed development is contrary to the general pattern of development in the area.

Overbearance

- The proposed new development will replace a flat roofed single storey shed with a building that will be 8.08m high and 15.2m deep. The change in height, volume and bulk of the new building, its elongated plan to the east and proximity to the boundary will have an overbearing and domineering effect on appellants property.
- The proposal does not comply with the Design Manual for Quality Housing 2021, published by the Department of Housing, Local Government and Heritage (Para 3.6.11) regarding separation distances to boundaries to protect privacy and residential amenity.
- The proposed house cannot be serviced without entering appellants property which is a huge imposition, which impacts on the privacy and enjoyment of their dwelling and is poor planning practice. The new house extends substantially to the east and runs beside their private amenity space for c 8m.
- There is an upper floor fire escape window on the north gable of the new house. A path of 500mm is too narrow for a firefighting ladder and contrary to Part B of the Building Regulation.

Overshadowing

- The proposal will cast substantial shadows over the private amenity space of appellants' property, in particular the large glazed areas from which the rooms enjoy natural light, solar gain and heat.
- The planning authority did not require a shadow analysis/calculations to show how the proposed development would impact on the property as required by the development plan.
- Fig 1 in Page 7 of the appeal shows the extent of glazing at the rear of appellants property and it is clear that the imposition of such a large building so close to the boundary will cause severe overshadowing, loss of natural light and solar gain to habitable room and private amenity space.
- The proposal will not comply with the requirements of the 'Urban Development and Building Height-Guidelines for Planning Authorities' regarding daylight provision, overshadowing and loss of light.

- The new house would contain three ground floor windows on the north gable within 500m of a boundary wall and a tall hedge. It also has one window in the north gable at first floor level and two windows in the south gable c 1000mm from a large house. The applicant has not shown how the proposed development would comply with the standards for daylight set out in paragraph 11.3.1.(e) of the development plan.
- The first-floor window would be fitted with obscure glass and this is not recommended in BRE 2011 due to low transmittance levels.

Proposed windows on north gable of new house

- The first floor window in the north gable would have to have a clear openable sash to comply with the Building Regulations. This would mean there would be direct overlooking of appellants' property and private amenity space.
- The applicant did not address the requirement for compliance with the Building Regulations for this window with regards to Fire and Ventilation of a new house.
- An Bord Pleanála cannot grant permission for a development where there is a conflict or non-compliance with the Building Regulations (Paragraph 0.15 of Design Manual for Quality Housing' 2021).
- Refers to the Inspector's report on PL61.238138. The proposal was for the demolition of a house and the construction of a new house. It incorporated high windows with obscure glazing facing south at 5-7m from the boundary. An Bord Pleanála have set a precedent with this decision with regards to windows on side gables on Threadneedle Road by saying they are unacceptable. The same criteria should be applied to the current application.
- The placing of the first floor window in the north gable (which was increased in size in response to further information) does not comply with the separation distance of 16m set out in paragraph 5.3.1 of the 'Sustainable Development and Compact Settlement Guidelines for Planning Authorities, 2024.
- Paragraph 11.3.1 (d) of the development plan requires that upper floor windows must not overlook private amenity space by less than 11m. This is

also a requirement for exempt development (Schedule 2 Article 6, Part 1 Class 1).

- Refers to Supreme Court Judgement in the case of Convery v Dublin City Council [1996] 3 I.R.153. The judgment (page 173) specifically refers to the 'Right to Light'. If permission is granted for the development this would mean that An Bord Pleanala are giving a form of 'right to light' over the property to the north which the Supreme Court decision states that An Bord Pleanala has no right to do. This would devalue appellants property and prevent development above the garage on their property.
- An Bord Pleanala cannot interfere with the property rights of any citizen which are enshrined in the Constitution.
- The 3 No. windows on the ground floor are in reality superfluous and should be removed. The window in the north gable at the east side of the of the proposed house serves a kitchen/dining area and will directly overlook the appellants private amenity space. There is no need for this window as day light is already provided by windows to the east and south.

Miscellaneous Matters

- Queries the need for another entrance onto Threadneedle Road which will create an undesirable precedent.
- No details of boundary treatment submitted.
- If permission is granted, a condition should be attached that no further extensions be permitted without a further grant of permission.
- Details of surface water should have been addressed in the application and not to be agreed through a planning condition.
- Appropriate Assessment is required as the site is located c 500m from Galway Bay SAC.

8.3. Applicant's response

The applicant did not respond to the grounds of appeal.

8.4. Planning Authority Response

No response to the grounds of appeal were submitted by the planning authority.

8.5. Observations

None.

9.0 Assessment

9.1. Introduction

9.1.1. Having examined all 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 its environs, and having regard to the relevant national and local policies and guidance, I consider the substantive issues to be considered in this appeal are as follows:

- Principle of the development.
- Validity of planning application.
- Impacts on amenities.
- Contravention of the development plan.
- Other matters.
- Appropriate Assessment.

9.2. Principle of the development

9.2.1. Having regard to the residential zoning objective relating to the site, the established use for residential purposes and national and local policy and guidance regarding the promotion of compact growth and increased densities in town and cities in suitable locations, I accept that the proposed development is acceptable in principle subject to compliance with normal planning considerations and the provisions of the development plan which are considered in more detail below.

9.3. Validity of the application.

- 9.3.1. The appellants contend that the application does not constitute a valid application on the basis that the development is not adequately described in the public notices submitted, that there is non-compliance with articles 22 and 23 regarding the content of the planning application including supporting maps, drawings and other documentation. They also quote case law to support their case that the application should be declared as invalid by the Coimisiún, as the validation of an application is not confined to the planning authority and must also be considered by the Coimisiún.
- 9.3.2. The application as described in the public notices submitted in support of the application relates to the demolition of an existing domestic shed, the construction of a new house, construction of new entrance to serve the existing house, 2 no. new sheds, and connection to public services. The cover letter submitted with the application states that the new development is required to allow the applicant to care for his elderly parents.
- 9.3.3. The layout of the development as indicated on the submitted drawings, provides for connectivity between the two properties within the curtilage of the existing house. A kitchen door on the southern elevation of the new house opens out into the rear yard area of the existing house. While separate private open space and entrance arrangements are proposed, it appears that it was not the intention of the applicant to provide two separate sites, and this was initiated at the bequest of the planning at further information stage. The revised layout plan submitted is substantially the same as that lodged with the application, with the exception of a dotted blue line indicating the boundaries between the properties. The planning authority did not consider that the submitted information contained significant additional data, to warrant the publication of revised public notices.
- 9.3.4. It is a requirement under the Planning and Development Regulations 2001, that the nature and extent of the development be adequately described. There is, in my opinion, no confusion in the description of the nature and extent of the development proposed. Should the applicant at a future date wish to subdivide the property into two separate sites, this would necessitate a separate application, including as noted by the appellants, an application for the retention of the existing dwelling on a reduced site area.

- 9.3.5. The appellants have challenged the validity of the application on the basis that it does not comply with articles 22 and 23 of the Regulations. Article 22 relates to the content of planning applications generally and article 23 sets out the requirements for particulars (maps, plans and documents) to accompany an application made under article 22. The planning authority completed a detailed validation checklist of the application including the public notices, maps, plans and documents and concluded that the application was valid.
- 9.3.6. The appellants' issues relate particularly to the submitted drawings and the absence of figured dimensions (including dimensions of existing house, height of existing house, distance of proposed sheds from the existing/proposed house), absence of contiguous elevations showing return on appellants' house, and the lack of information on site contours. The appellants' also question why no drawings are presented showing what the existing house would look like when partial demolition is complete (domestic shed to the side of the house), the relevance of which is not understood.
- 9.3.7. The appellants are incorrect on a number of matters. The height of the existing/proposed house is indicated (Dwg P08 c). While the overall length (15.2m), of the proposed house is indicated, it is incorrect to suggest that it would protrude to this extend behind the established building line. It will extend by c 7m behind the rear building line of the existing house and by c 4.4 behind appellants' house. The separation distance to the common boundary wall is clearly indicated on the revised site layout plan submitted in response to further information. While the separation distance between the proposed new sheds and the existing/proposed house is not shown in figured dimensions, there is no ambiguity regarding their position close to the rear boundary.
- 9.3.8. The appellant's correctly note that site contours have not been indicated on the site layout plan, which I would not regard this as a significant omission in the context of the built-up urban context of the site. As noted, spot levels have been provided to the front and rear of the site. The FFL level and ridge height of the proposed house is shown and its relationship with the existing house on the site. Article 23(d) requires the provision of elevational drawings of proposed structures showing the main features of any buildings which would be contiguous to the proposed structure, as may be appropriate. I accept that the provision of continuous elevations would have

provided informative in terms of the layout of the rear of appellants property, however, I was able to gain access to assess potential impacts during my inspection of the appeal site and its surrounds.

- 9.3.9. I do not consider that parallels can be drawn between the current application and the case determined by the High Court in *Quinn & Anov-v-An Bord Pleanala 2022* [IEHC 699] in terms of the validity of the application. The latter involved an application for 12 no. wind turbines in Co. Kildare. There were significant omissions in the submitted drawings which were indicative in nature, and no information on specific designs for each structure relative to specific site locations, heights, elevations and sections.
- 9.3.10. While I accept that more dimensions on the drawings would have been useful in terms of providing additional clarity, I consider that the omission of information to be 'de minimus' with no significant defect in procedures. I consider that the drawings are sufficiently clear for the purposes of the application and provide adequate information to enable a full assessment of the proposal to be carried out. I am also satisfied that the information presented is sufficient to allow the public to interpret the nature and extent of the proposal and is adequate to allow An Coimisiún assess the development.

9.4. Impacts on amenities.

- 9.4.1. There will be no significant impacts on the visual amenities of the area arising from the proposed development. The front building line, the ridge level of the roof and the external finishes of the proposed house will be consistent with the existing dwelling. While I accept that the properties along Threadneedle Road largely consist of detached properties on substantial sites, I would point out to the Coimisiún that there is significant variation in terms of the scale, mass, bulk, design and finish of these properties. Consequently, I do not accept appellant's argument that the proposal would be out of character or visually out of context with the established pattern of development in the area. I consider that the proposed development integrates satisfactorily with its surroundings when viewed from the public realm.
- 9.4.2. The rear building line of the proposed dwelling will protrude beyond the established building line of the existing dwelling on the appeal site by c 7m and by c 4.4m to the rear of appellants' property. Whilst I accept that this would result in a change in the

outlook from appellants' property, having regard to the substantial area of the site that will remain unaffected, I do not consider that the proposal would be excessively domineering or overbearing to the extent that it would significantly impact on the amenities of the dwelling.

- 9.4.3. The appellants have concerns regarding the proximity of the new house to the common boundary wall separating the two properties. The development plan (Paragraph 11.3.1 (f)) states that a distance between side gables and side boundaries of dwellings shall normally be a minimum of 1.5m. This distance cannot be achieved in this case, but I would also note that the use of the word 'normally' allows a degree of flexibility and recognises that this separate distance will not be achievable in every case.
- 9.4.4. During my inspection of the site and the wider area, I did observe significant variations in the separation distances between dwellings, with some properties positioned right up against the common boundary. In an urban context, this is not uncommon. The planning authority in its consideration of the separation distance noted the legacy of the surrounding area, which I do not consider to be unreasonable having regard to the pattern of development in the area.
- 9.4.5. The issues regarding future maintenance in such situations is normally based on the 'good neighbour' principle where maintenance/painting is reciprocally facilitated by the owners of the adjoining property, with benefits for both parties. It could also be addressed by the use of a finish that would involve less maintenance.
- 9.4.6. The 'Design Manual for Quality Housing' 2022, referred to by the appellants' is concerned with the design of new housing. Whilst it advocates not having to enter neighbouring property for maintenance purposes, this is difficult to avoid having layout of properties along Threadneedle Road and proximity to boundaries.
- 9.4.7. Issues regarding overlooking of appellant's property have been addressed. The ground floor windows in the northern gable of the proposed house will be screened by the existing boundary wall which will prevent overlooking of appellants' property. Only one window is proposed at first floor level and it will be fitted with obscure glass to reduce impacts on the privacy of adjacent property.
- 9.4.8. There are windows at ground/first floor level that are orientated to face the existing house on the appeal site. Potential impacts from the ground floor kitchen/dining room

could be reduced by boundary treatment and I note that it is a requirement of Condition No 2 that this first floor window (master bedroom) be fitted with obscure glass to a minimum internal height of 1.8m, which will address potential overlooking.

- 9.4.9. Issues have been raised by the appellants regarding overshadowing of their property which lies north of the appeal site. A single storey garage structure abuts the boundary wall. The rear elevation of the house contains patio doors and windows serving habitable room. The rear garden and some of the rear windows would already be impacted by overshadowing associated with the boundary wall and dense boundary vegetation.
- 9.4.10. The proposal would introduce a new built element along the boundary which would protrude by c 4.4m behind the rear building line of appellants' house. This would increase the level of overshadowing of appellants' property particularly when the sun is low in the sky. I acknowledge that a more comprehensive analysis of sunlight/overshadowing effects would have been useful, having regard to the overall size of the garden area and its exposure to sunlight at other times of the day, I do not consider that the proposal would result in a significant diminution of the residential amenity currently enjoyed by the appellants.
- 9.4.11. I consider that a satisfactory level of residential amenity would be provided for the future resident of the proposed house. While I recognise that the ground level windows in the north elevation would provide limited sunlight/daylight, they are important for cross ventilation. Adequate sunlight/daylight will be achieved to habitable rooms from the additional windows in other elevations.
- 9.4.12. The quantum of open space provided for each dwelling exceeds the minimum private open space standards specified in SPPR 2 of the 'Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities' (2024). I am satisfied, therefore that both dwellings would have sufficient space to provide for an acceptable standard of residential amenity.

9.5. Contravention of the development plan

- 9.5.1. The appellants contend that that the proposal constitutes a material contravention of the development plan on the basis of non-compliance with the some of the Development Management Standards of the development plan. These relate to

separation distances, shadow analysis, minimum separation distances for first floor windows and carparking standards.

- 9.5.2. The appellants' reference to section 37(2)(b)(iv) of the Act is irrelevant as it only applies in specified circumstances where the Coimisiún is minded to grant permission for a development which has been refused permission by the planning authority on the grounds that it materially contravenes the development plan.
- 9.5.3. The proposed development is not inconsistent with the policies and objectives of the development plan and accordingly there is no material contravention of the plan. There is some departure from the standards set out in Chapter 11, which permits a level of flexibility, where the development is otherwise consistent with the proper planning and sustainable development of the area.
- 9.5.4. I have already commented on the separation distance to the site boundary and the wording of section 11.3.1.(f) which is cognisant of the fact that this will not be achievable in every case. The only window with the potential for overlooking appellants property is the first floor bedroom window in the northern elevation, which will be permanently fitted and maintained with opaque glass.
- 9.5.5. Section 11.3.1 (e) requires that all buildings receive adequate daylight and sunlight. It recognises that sunlight and/or overshadowing assessment may be required to assess the impact on the amenity of adjoining property. The planning authority did not consider such an assessment was required. As noted, while I accept that a degree of impact is likely, I do not consider that it would be so significant to warrant the refusal of the application on these grounds.
- 9.5.6. Within the Established Suburbs of the city the car parking requirement for residential property is 1 no. space per dwelling. This is achievable on the site. The proposed new driveway will match the existing and by default is large enough to accommodate two cars.

9.6. **Other matters**

Damage to boundary wall: The development will be set back by between 0.5m to 0.78m and will not interfere with the common boundary wall. The developer has a duty of care to protect adjoining property and exercise due diligence that damage does not occur. Furthermore, the granting of planning permission does not diminish

the rights of the adjoining property owner. The issues raised are considered to be civil matters which are beyond the scope of this appeal.

Rights to Light: Having regard to the location of the proposed development relative to appellants' property, I do not consider that the proposal would not interfere with the right to light of any of the windows/patio doors to the rear of appellants' property or with appellants property rights.

Site entrance: I consider that the provision of a second entrance, due to its position on an urban road where speed limits are low, can be achieved without adverse impact on traffic or pedestrian safety.

Fire Safety Regulations: Compliance with Fire Safety Regulations is controlled by separate legislation and is not regulated by the planning code.

10.0 Appropriate Assessment

Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive)

I have considered the proposal to demolish existing shed, construct a new house, construct new site entrance, 2 no. domestic sheds and provide connections to public services in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located at No 29 Threadneedle Road, Salthill. Galway.

The proposed development comprises the demolition of an existing shed, construction of a house, new site entrance, 2 no new domestic sheds and connection to public services.

The appellant raised issues regarding the proximity of the development to Galway Bay SAC.

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.

The reason for this conclusion is as follows.

- the scale and nature of the development
- the distance from the nearest European sites
- and connections to public services.

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.

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

11.0 Recommendation

On the basis of the above assessment, I recommend that permission be granted for the development for the reasons and considerations set out below.

12.0 Reasons and Considerations

Having regard to the residential zoning objective relating to the site, the established use of the site for residential purposes, the pattern of development in the area, including the variations in design of the existing dwellings on Threadneedle Road, it is considered that, subject to compliance with the conditions set out below, the proposed development would provide an appropriate form of consolidation and densification of an established residential area in a city location and would not adversely impact on the visual or residential amenities of the area. The proposed development would not be contrary to the provisions of the Galway City Development Plan 2023-2029 and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1.	The development shall be carried out 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 30th day of April, 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 and the development shall be carried out and completed in accordance with the agreed particulars. Reason: In the interests of clarity
2.	The house shall be occupied as a single residential unit only. Reason: To protect the residential amenities of the area

3.	Details of the external finishes of the development, including the front boundary wall, which shall not exceed 1.2m in height, to include details of materials, texture and colour shall be submitted to and agreed in writing with the planning authority prior to commencement of the development. Reason: In the interests of visual amenity
4.	The first floor southern elevation window serving the master bedroom and the first floor window serving bedroom No. 2 on the northern elevation shall be permanently fitted and maintained with obscure glass. Reason: To protect the amenity of adjoining properties.
5.	Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, as amended, and any statutory provisions replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations, shall be erected on the site, without a prior grant of planning permission. Reason: In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the dwelling.
6.	Prior to commencement of the development, full details of the proposed vehicular entrance and footpath, which shall be suitably dished at the site entrance shall be submitted to and agreed in writing with the planning authority. Reason: In the interests of traffic and pedestrian safety
7.	All surface water generated within the site boundaries shall be collected of 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. Reason: To ensure adequate serving of the development and to prevent pollution.
8.	The developer shall enter into water and wastewater connection agreements with Uisce Eireann

	Reason: In the interests of public health.
9.	The construction of the development shall be managed in accordance with a Construction 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 the intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste. Reason: In the interests of public safety and residential amenity
10.	Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays including, between 08.00 to 14.00 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/ Reason: In order to safeguard the amenities of property in the vicinity.
11.	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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme. Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the

	Development Contribution Scheme made under section 48 of the Act be applied to the permission.
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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.

.Breda Gannon
Planning Inspector

29th August 2025

Appendix 1 - Form 1 EIA Pre-Screening

Case Reference	ACP 322786-25
Proposed Development Summary	Demolition of existing domestic shed, construction of a new house, two new sheds, a new entrance and all site works.
Development Address	29 Threadneedle Road, Salthill. Galway.
	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)	☒ Yes, it is a 'Project'. Proceed to Q2.
2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ 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?	
☐ No, the development is not of a Class Specified in Part 2, Schedule 5 or a	

prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☒ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	Class 10(b) of Part 2, Schedule 5(i) Construction of more than 500 dwelling units (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in other parts of a built-up area and 20 hectares elsewhere. (In this paragraph, "business district" means a district within a city or town in which the predominant land use is retail or commercial use)
☒ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	1 dwelling on 0.083 ha.

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 ☐

No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)
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Inspector: _____

Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	ACP 322786-25
Proposed Development Summary	Demolition of existing domestic shed, construction of a new house, two new sheds, a new entrance and all site works.
Development Address	29 Threadneedle Road, Salthill. Galway
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	Briefly comment on the key characteristics of the development, having regard to the criteria listed. <i>The development has a modest footprint, comes forward as a standalone project, requires a small amount of demolition works, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</i>
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	Briefly comment on the location of the development, having regard to the criteria listed <i>The development is situated in an urban built-up serviced location and is not within a sensitive landscape.</i>

Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the nature of the proposed development, consisting of a two-storey dwelling and associated development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	
There is a real likelihood of significant effects on the environment.	

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)