



An  
Coimisiún  
Pleanála

# Inspector's Report

**PL-500403-GC-25**

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<b>Development</b>	Retention of an existing shed for use as a store and permission to retain and complete an extension to the shed for use as a gym and a sauna.
<b>Location</b>	Crann Mor, Ballymoneen Road, Galway.
<b>Planning Authority</b>	Galway City Council.
<b>Planning Authority Reg. Ref.</b>	2560295
<b>Applicant</b>	Karl Moore
<b>Type of Application</b>	Retention and Completion
<b>Planning Authority Decision</b>	To Grant Permission.
<b>Type of Appeal</b>	Third Party
<b>Appellant</b>	Claire Heery.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	February 25 <sup>th</sup> , 2026.
<b>Inspector</b>	Breda Gannon

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## 1.0 Site Location and Description

- 1.1. The site is located on the east side of Ballymoneen Road, in the western suburbs of Galway city. It is bounded to the north, south and east by residential properties and to the west by the public road. The site boundaries are defined by boundary walls and screen planting.
- 1.2. The site, which is substantial in size, accommodates a detached two-storey dwelling with open space to the front and rear. The structures proposed for retention and completion are located at the back of the site and adjacent to the rear boundary wall, which is c 1.8m in height. This boundary is shared with the adjoining houses at Ashleigh Grove.
- 1.3. The area is residential in character, consisting of large, detached dwellings on either side of the site and housing estates in the wider area.

## 2.0 Proposed Development

- 2.1. The proposal as described in the public notices seeks the retention of an existing shed for use as a store and to retain and complete an extension to the same shed for use as gym and sauna.
- 2.2. The shed proposed for retention has a stated floor area of 57.4 sq.m. It has a pitched tiled roof and a ridge height of 4.3m. The main entrance is located on the south elevation and there are 3 no windows in the east elevation and a blocked-up opening in the west elevation.
- 2.3. To the north side of the shed there is a flat roofed extension which is proposed for retention and completion. It would have a floor area of 25.4 sq.m and accommodate a sauna and gym. It has a flat roof which slopes gently from west to east, which at its highest point is 3m.

## 3.0 Planning Authority Decision

### 3.1. Decision

The planning authority decided to grant permission for the development subject to 4 no. Conditions which includes the following conditions of note:

**Condition No 2:** Controls the use of the garage/shed, sauna and gym for purposes incidental to the enjoyment of the dwelling.

3.1.1. **Condition 3:** The east facing windows in the shed shall be blocked up within 3 months of the grant of permission.

### 3.2. **Planning Authority Reports**

The planning officer's report of 3/11/25 notes the residential zoning of the site, which facilitates the development of sheds, which can accommodate a variety of uses ancillary to the use of the dwelling such as gyms and home offices. The proposal is not unusual, and similar developments have been granted permission on smaller sites throughout the wider city area.

The structure would hardly be visible from the east and it is considered that the impacts of scale and massing would be minimal. In terms of overshadowing the main impact would be on applicant's own property with no impacts on the properties to the east. The use of the existing building as a garage/store and the extended area as a gym/sauna would be acceptable subject to a condition controlling its use.

The reason for refusal by ACP does not have regard to the substantial size of the site, existing urban context/setting of the surrounding area, zoning of the area, precedent of similar permitted development or the compact growth guidelines. Under the provisions of the guidelines a significantly higher residential development or a multi-storey development would be open for consideration on this site. The principle of the retention of the development is therefore considered acceptable.

It is considered that the ACP's reason for refusal has been addressed. Subject to compliance with conditions, it is concluded that the development would be in accordance with the proper planning and sustainable development of the area.

3.2.1. **Other Technical Reports**

Transportation/Drainage: No objection subject to condition regarding surface water management within the site.

### 3.3. **Prescribed Bodies**

None.

### 3.4. **Third Party Observations**

Two observations were received from Claire Heery which raised similar issues to those raised in the appeal

The submission by Veronica Helly notes that the building is not a shed but an office of significant size. The gym has an opening into the games room allowing this to become the residential build that was originally sought. The site is already well developed with an extension, a significant outbuilding and a porch extension.

## 4.0 **Planning History**

**24/60257:** Permission granted by Galway City Council for the retention of existing shed for use as an outdoor room ancillary to the house and to retain and complete an extension to the shed for use as a gym and sauna. The decision was overturned on appeal (ABP-321099-24).

**23/39** – Permission granted for the demolition of existing sunroom and construction of a new side extension to existing house on the site. Permission refused for the construction of a domestic shed to the front garden and the change of use and extension of the existing disused office to the rear to a two-bed residential unit.

## 5.0 **Policy Context**

### 5.1. **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 residential neighbourhoods'*

General Development Standards and Guidelines are contained in Chapter 11 (Part B). There are no specific standards or guidelines relating to sheds or other outbuildings within the curtilage of a dwelling.

### 5.2. **Natural Heritage Designations**

There are no Natural Heritage Areas in the vicinity of the site.

The site is not located within a European site. The closest European sites are as follows:

- Galway Bay Complex SAC (Site code 000268), located 600m to the south
- Inner Galway Bay SPA (Site code 004031), located c 600m to the south

## **6.0 EIA Screening**

6.1. The development is not 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 (or Part V of the 1994 Roads Regulations). 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 this report.

## **7.0 The Appeal**

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

The grounds of appeal are summarised below:

1. Contravention of Development Plan standards: The development contravenes specific standards and policies outlined in the Galway City Development Plan particularly concerning the protection of residential amenity and boundary treatment.
2. Serious Injury to Amenities: The development seriously injures the residential amenities of properties in the vicinity, by reason of its scale, proximity and massing adjacent to the boundary.
3. Loss of privacy and overlooking: The height and proximity of the structure cause unacceptable overlooking and a direct loss of privacy to the private rear amenity space of appellants property.
4. Adverse visual impact and loss of views/light: The construction is c 2m above the height of the existing boundary wall, resulting in an overbearing and unsightly visual impact and an unacceptable loss of light and desirable views.

5. Fire hazard and non-compliance with regulations: A diesel tank is situated less than the regulated distance (1.8m) from the non-fire-rated, timber framed structure, directly over the boundary wall. This represents a serious fire hazard and is contrary to standard building regulations and best practice.
6. Risk of future unauthorised use: The original application was for human habitation, the use is likely to change in the future, further exacerbating the injury to residential amenity.
7. Devaluation of property: The large, unsightly development in close proximity to the boundary wall contributes to the devaluation of appellants property.
8. Poor site planning: The development is inappropriately sited upon a neighbour's wall when ample space appears available elsewhere on the site.

The decision by Galway City Council sets a dangerous precedent, suggesting that an applicant can simply disregard a refusal by ABP, build the unauthorised development and then obtain permission for retention based on the same or similar plans.

#### **7.2. Applicant Response in the case of a 3<sup>rd</sup> Party Appeal**

- The appeal relies heavily on assertions that are either factually incorrect, speculative, or outside the scope of material planning considerations.
- The structure to which the sauna/gym is attached has existed since the 1970's and has long formed part of the property's domestic environment. It now functions as a shed replacing its historic use by a previous tenant as an office.
- Under prior ownership, the property operated effectively in two parts comprising the main dwelling and a separate office with ancillary building. This created an unusual semi-commercial division on what is otherwise a single residential property.
- When the property was purchased a substantial block wall separating the two garden areas was removed so that the entire site could be restored to a single residential unit as originally intended. This normalised the residential layout, removed the semi-commercial subdivision and enabled appropriate domestic use of the existing ancillary building and surrounding space.

- The gym/sauna was introduced to meet legitimate health and well-being needs, which were supported by medical documentation to Galway City Council.
- The building represents a standard domestic ancillary building fully consistent with the local development pattern.
- The appellants characterisation of the planning history is inaccurate. An earlier proposal refusal by ABP related to that specific design, not the concept of a small domestic outbuilding.
- Material revisions were made such that the current proposal is significantly different from the refused development. The current proposal has no garage component, has reduced scale and massing, has a simplified 3m flat roof, windows have been blocked/removed, the relationship with boundaries has been improved and there is no intensification or change of use.
- Retention applications are expressly permitted under the Act and the planning authority acted entirely within its powers in granting permission for a revised, materially different, policy compliant structure.
- The proposal complies with development plan standards in terms of residential amenity policies, boundary treatment guidance and design and layout guidance for domestic outbuildings. The proposal meets the relevant criteria for domestic outbuildings in a residential garden.
- There is no evidence of any material loss of light or amenity. It does not adjoin appellant's principal amenity area, causes no overshadowing of habitable rooms, introduces no overlooking and appears visually modest alongside the existing ancillary structure. The ground of loss of privacy/overlooking is unsupported.
- The appellant's claim of a 2m projection above the boundary is exaggerated. A 3m flat roof at this separation cannot cause significant overshadowing within a suburban context. Loss of view is not a planning consideration.
- The diesel tank has been relocated to the rear corner of the site and serves the main dwelling, not the gym/sauna. Statements regarding Building regulations and fire risk are factually incorrect and not relevant to planning.
- Speculation about hypothetical future use is not a valid planning ground.

- Given the established pattern of development in the area, which includes other ancillary structures along boundaries, the development would not reasonably be expected to impact on property values.

There is no planning basis to overturn Galway City Council's decision. The development is domestic, modest, subordinate appropriate in scale, consistent with development plan policy and not injurious to residential amenity.

### **7.3. Planning Authority Response.**

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

## **8.0 Assessment**

### **8.1. Introduction**

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 relate to the following:

- Principle of the development
- Impacts on the residential and visual amenities.
- Planning history.
- Other matters

### **8.2. Principle of the development**

The proposal is to retain the existing shed on the site and to retain and complete an extension to that shed. The site is located in an area zoned for residential purposes with an objective 'To provide for residential development and for associated support development, which will ensure the protection of existing residential development and will contribute to sustainable residential neighbourhoods'.

It is the stated intention of the applicant that the existing shed would be used for storage purposes and the extension would be used as a gym and sauna in association with the existing residence. While the appellant speculates regarding the potential

future use of the structures for residential purposes, I consider that this matter can be effectively controlled by condition.

I consider that the development as proposed would be compatible with the residential zoning objective for the site and will enhance the amenity afforded to the existing dwelling. I would therefore conclude that the proposed development is acceptable in principle in this location, subject to normal planning considerations and the protection of the amenity of nearby residences.

### **8.3. Impacts on residential and visual amenities**

While the combined floor area of the shed and the extension is 82.8m<sup>2</sup>, the appeal site is substantial in area (0.5 acres) and has the capacity to absorb the development without impacting on its overall amenity. The proposal would not erode the quantum of open space available to the dwelling which exceeds development plan standards.

The development site shares a common boundary with a number of properties to the rear. The boundary consists of a c 1.8m high block wall and the existing shed and the associated extension (which is lower in height) extend above the height of this wall. Both are located close to the boundary wall and are visible from the properties to the rear.

The properties with the greatest potential to be impacted are No 51 & 52 Ashleigh Grove. There are 3 no. windows in the rear of the shed, which are proposed to be removed. There are no windows in the extended area. Subject to the removal of the windows, which can be addressed by way of condition, no overlooking of any property to the rear would arise. The proposal would not, therefore, result in any diminution of the privacy of these dwellings.

The impacted properties are located to the east of the subject development and while there may be a marginal increase in overshadowing, having regard to the size of the garden space available, this is not likely to result in a significant diminution of the level of amenity currently enjoyed by these dwellings.

The outlook from the properties to the rear is already impacted by the existing shed, which has been in existence for a considerable time and previously operated as a home office. The extension has been fitted with a flat roof at a lower elevation, which . I do not consider would dramatically alter the outlook from these properties. No

significant overbearing impacts would arise. I note that the structures are entirely contained within the appeal site and do not over sail adjoining property.

The development does not result in significant impacts on the visual amenities of the area. Due to its location to the rear of the house, it is not visible from the public domain. Views of the development are confined to the rear gardens of adjacent properties, but due to the reduced height of the extension and the profile of the roof, it is viewed as ancillary to the main shed structure. I would also note that this is a developed urban landscape where the existing pattern of development includes sheds and other structures on adjacent sites. I would, therefore, consider that the development is not significantly out of context with its surroundings

It is appellant's contention that the development is contrary to development plan standards and policies. As already noted, there are no specific standards or guidelines (including separation distances to boundaries) contained in the development plan pertaining to sheds and other outbuildings within the curtilage of a dwelling.

Notwithstanding the proximity of the development to the rear boundary, I am satisfied that no significant impacts would arise which would compromise the amenity of neighbouring dwellings.

#### **8.4. Planning history**

Of relevance to the subject proposal is the decision made by ABP (321099-24) to refuse permission on a similar proposal for the following reasons and considerations.

*'Having regard to the dimensions of the dwelling and site generally and the number, scale and intended use of the structures proposed for retention and development, their location adjacent to the rear boundary of several adjoining properties and the provision of rear facing windows, the Board decided to refuse retention permission and permission in order to protect the existing residential amenity of the area, consistent with the provisions of the 'R' zoning contained within the Galway and City Development Plan 2023-2029 and in the interests of proper planning and sustainable development of the area'.*

I note that the Board did not accept the Inspector's recommendation to grant permission, nor did it share the Inspector's opinion that the structures would contribute

to ensuring the 'protection of existing residential amenity and will contribute to sustainable residential neighbourhoods'.

The main difference between the current proposal and that previously refused by ABP is that a separate garage in the south eastern corner of the site has been omitted from the proposal and the applicant intends to block up the windows in the rear elevation of the existing shed, reducing the potential for overlooking. While the Commission may not consider these changes to be material in nature to warrant a grant of permission, I would note the substantial size of the site, which I consider notwithstanding the scale of the existing dwelling, has the capacity to absorb the proposal.

While the proximity of the proposal to the shared boundaries is noted, this is not out of context with the general surroundings, where sheds and other outbuildings adjoin site boundaries. I would not that the main focus of the shed and associated extension is inwards towards the appeal site which I consider will enhance the amenity of the dwelling without significantly impacting on the amenity of adjoining property in terms of overlooking, overshadowing or overbearing impacts.

Having regard to the reduction in the number of building proposed, the dedicated use of the shed for storage purposes, the use of the extension as a gym/sauna associated with the existing dwelling on the site and the removal of rear facing windows with the potential to impact on privacy, I consider that permission for the retention of the shed and permission for the retention and completion of the extension to the same shed should be granted subject to conditions controlling future use, for purposes incidental to the enjoyment of the dwelling.

I would also point out to the Commission that parallels cannot be drawn between the current proposal and that previously refused by the planning authority under Reg Ref No 23/39. Permission was refused in that case for a change the use of the disused office into a self-contained living unit on the basis that it was contrary to the provisions of the development plan, being a detached structure which was incapable of re-assimilation into the existing house.

## 8.5. Other matters

The appellants have expressed concerns regarding the relocation of a fuel tank to a position close to the common boundary. This is a matter more appropriately dealt with under the Building Regulations.

## 9.0 Appropriate Assessment

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

I have considered the proposal to retain existing shed and to retain and complete extension to the shed along the eastern boundary of the site in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located at Crann Mor, Ballymoneeen Road. Galway..

No nature conservation issues were raised in the appeal.

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 and its location within an urban area connected to existing services,
- the distance from the nearest European sites, and
- lack of connections

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.

## 10.0 Water Framework Directive

The proposal is to retain an existing shed and to retain and complete an extension of the shed along the eastern side of the site.

No water deterioration concerns were raised in the appeal. There are no water bodies close to the site.

I have assessed the 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 and ground waterbodies in order to reach good status (meaning both good chemical and 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 water and/or groundwater water bodies either qualitatively or quantitatively.

## 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 for the site, the established use of the site for residential purposes, the substantial area of the site the existing urban context and the pattern of development in the area, it is considered that subject to the conditions set out below, the proposed development can be accommodated on the site without resulting in significant impacts on the visual or residential amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area

## 13.0 Conditions

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application 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 proposed development shall be used for the purposes indicated in the planning application and solely for purposes incidental to the enjoyment of the existing dwelling. The proposed development shall not at any time be used for human habitation, commercial use, industrial use or for the housing of animals

**Reason:** In the interests of visual amenity.

3. Details of the external finishes of the development to include details of materials, texture and colour shall be submitted to and agreed in writing with one month of the date of this Order.

**Reason:** In the interests of visual amenity.

4. Within three months of the date of this Order the windows in the east elevation of the shed proposed for retention shall be blocked up, to details to be submitted to for the written agreement of the planning authority.

**Reason:** In the interests of visual amenity.

5. All surface water generated by the development shall be disposed of on site, to details to be submitted to and agreed in writing with the planning authority within one month of the date of this Order.

**Reason:** In the interests of proper and efficient drainage.

6. 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.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

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Breda Gannon  
Planning Inspector

12th March 2026

## Appendix 1: Form 1 EIA Pre-Screening

<b>Case Reference</b>	PL-500403-GC-25
<b>Proposed Development Summary</b>	Permission to retain an existing shed and to retain and complete extension to same shed for use as a gym and sauna.
<b>Development Address</b>	Crann Mor, Ballymoneen Road. Galway
<b>IN ALL CASES CHECK BOX / OR LEAVE BLANK</b>	
<b>1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?</b>	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
<p>(For the purposes of the Directive, "Project" means:</p> <ul style="list-style-type: none"> <li>- The execution of construction works or of other installations or schemes,</li> <li>- Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)</li> </ul>	
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	<b>State the Class here</b>
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	

<b>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?</b>	
<input checked="" type="checkbox"/> 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. <b>No Screening required.</b>	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. <b>EIA is Mandatory. No Screening Required</b>	
<input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. <b>Preliminary examination required. (Form 2)</b> <b>OR</b> <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	
<b>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)?</b>	
Yes <input type="checkbox"/>	<b>Screening Determination required (Complete Form 3)</b>
No <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_