



Inspector's Report

PL-500784-GY-26

Development	for retention and completion of existing fully serviced two-storey dwelling to include revisions as constructed, previously granted under planning ref no. 20/33. Permission is also sought for a domestic garage and all associated site works
Location	Ballynamanagh East , Clarinbridge , Co. Galway
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	2561777
Applicant(s)	Sean O'Maille
Type of Application	Retention and permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	David McDonald
Observer(s)	None
Date of Site Inspection	18 th May 2026
Inspector	Ciara McGuinness

1.0 Site Location and Description

- 1.1. The appeal site is located in the townland of Ballynamanagh East, on the southern side of a local access road (L4101), c. 1.5 km west of Clarinbridge, Co. Galway. The appeal site is located within a rural area, outside of a settlement.
- 1.2. The appeal site contains a recently constructed dwelling house. The dwelling is a split-level contemporary style dwelling with the two-storey element on the seaward side of the site and the single storey element addressing the public road. The roadside/northern boundary of the appeal site is formed by a dry-stone wall. The appeal site falls from north to south, with a gradient of 1.5 metres across the site. Further south, the lands continue to fall towards Dunbulcan Bay and the Clarin River, which are located c. 100 metres south of the appeal site.
- 1.3. There is substantial ribbon development in the vicinity of the appeal site with a cluster of detached dwellings to the north-west and north-east of the appeal site.

2.0 Proposed Development

- 2.1. The applicant is seeking permission for retention and completion of the existing fully serviced two-storey dwelling, to include revisions as constructed, previously granted under planning ref no. 20/33. As outlined above, the dwelling is a split-level contemporary style dwelling. The dwelling has been largely built in accordance with the grant of permission under planning ref no. 20/33. The as-constructed revisions to the proposed development are relatively minor.
- 2.2. Permission is also sought for a domestic garage and all associated site works. The proposed garage has a floor area of 48sqm and a ridge height of 5m and will be located to the rear of the dwelling, in the southeast corner of the site.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority issued a Notification of Decision to Grant Permission on the 4th February 2026 subject to 5 no. conditions which can be summarised as follows;

Condition 1 - The development shall be retained and completed in accordance with the plans and particulars lodged with the application

Condition 2 -The development hereby granted is limited to that proposed in the public notices.

Condition 3 - Surface water shall be disposed of within the site to soakways

Condition 4 – Wastewater treatment system shall be maintained and operated in accordance with best practice standards.

Condition 5 - The garage shall be for private use only by the resident(s) of the existing dwelling house on site and shall not be used for habitable or commercial purposes.

3.2. Planning Authority Reports

3.2.1. Planning Reports – The Planner’s Report (dated 04/02/2026) notes that the principle of residential development is established on site and therefore the amendments are considered acceptable in principle. From a visual perspective, it is considered that the development which is seeking retention assimilates into the receiving site and does not diminish the visual amenity of the area and is acceptable. It is recommended that permission is granted.

3.2.2. Other Technical Reports

None.

3.3. Prescribed Bodies

3.3.1. A submission is received from the Department of Housing, Local Government and Heritage, Development Applications Unit (DAU). The development site lies approximately 160 metres north of Galway Bay Complex Special Area of Conservation (SAC) (Site Code: 000268) and Inner Galway Bay Special Protected Area (SPA) (Site Code: 004031). This application has been accompanied by a Flora and Vegetation Report and a Screening Report. Both of these reports were undertaken in 2016 as part of the previous application 16/1199 and used in the subsequent application 20/33. Prior to granting consent on this current application, Galway County Council should be satisfied that these reports are suitable for this new application.

3.4. Third Party Observations

One third party observation was received from the appellant. The issues raised are similar to the grounds of appeal which are detailed below in Section 7.

4.0 Planning History

PA Reg Ref 16/1199 – Outline permission for the construction of a two-storey dwelling house, domestic garage, proprietary treatment system and new entrance – Granted

PA Reg Ref 20/33 – Permission Consequent for the construction of a dwelling house, domestic garage, proprietary treatment system and new entrance – Granted

PA Reg Ref 24/339 – EOD for the construction of a dwelling house, domestic garage, proprietary treatment system and new entrance - Refused

5.0 Policy Context

5.1. Galway County Development Plan 2022-2028

The appeal site is not subject to any specific land-use zoning under the Galway County Development Plan 2022-2028. The appeal site is located within the Galway County Transportation and Planning Study Area (GCTPS). The appeal site is located within an area identified as a 'Rural Area Under Strong Urban Pressure (Rural Housing Zone 2 GCTPS) (see Map 4.2. Galway County Development Plan 2022 – 2028).

In terms of Landscape Character Type, the appeal site is located within the 'Coastal Landscape' (see Appendix 4 of CDP), which has a 'special' landscape sensitivity and is highly sensitive to change by new development of scale. The appeal site is not affected by any protected views (see Map 08, Appendix 4) or scenic routes (see Map 09, Appendix 4).

5.2. Natural Heritage Designations

- Galway Bay Complex pNHA (Site Code: 000268), borders appeal site to south.
- Galway Bay Complex SAC (Site Code: 000268), c. 100 metres south.

- Inner Galway Bay SPA (Site Code: 004031), c. 100 metres south.

6.0 EIA Screening

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 (or Part V of the 1994 Roads).

7.0 The Appeal

7.1. Grounds of Appeal

The appeal is a third-party appeal by David McDonald. The grounds of appeal can be summarised as follows;

- It appears contradictory and inconsistent that permission was refused for the applicant's original application for a smaller house located on an adjoining site, yet permission has been granted for the proposed development.
- The current proposal is c.0.5m taller and substantially larger in area than the previously refused development on the adjoining site.
- Planning application ref no. 20/33 ceased to have effect in June 2025. The building was not substantially complete, and enforcement actions were taken.
- The current application is therefore a 'new application' and should be considered and evaluated as such.
- There is no narrative in the planner's report in relation to the relevant policy objectives
- The Planner's Report is incorrect in stating that there are no enforcement proceedings in relation to the site.
- Section 35(1) of the Planning and Development Act 2000 as amended (refusal of planning permission for past failures to comply) may be applicable.
- There is no reference in the Planner's Report to the change of exterior cladding, to the increase in size of the development or to the previous conditions attached.

- The proposed garage (48sqm) and balcony (32sqm) would have a visual impact given the increased bulk.
- No reference to SUDS within the planner's Report

7.2. Applicant Response in the case of a 3rd Party Appeal

None

7.3. Planning Authority Response

None

7.4. Observations

None

8.0 Assessment

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

- Scope of Appeal
- Design/Siting & Visual Impact

8.1. Scope of Appeal

8.1.1. The appellant considers that the development should be treated as a new application irrespective of the previous permitted development on the site. I consider it important at this early stage to outline the scope of this assessment and the functions of An Bord Pleanála in respect of this appeal. The scope of this assessment relates only to the permission sought as described in the development description and illustrated in the drawings submitted.

8.1.2. I note that full development description as per the public notices, and the development the subject of this appeal, is as follows;

'retention and completion of existing fully serviced two-storey dwelling to include revisions as constructed, previously granted under planning ref no. 20/33. Permission is also sought for a domestic garage and all associated site works'

8.1.3. As outlined by the Planning authority the principle of residential development on site was established under Planning reg ref 20/33. It is not appropriate to reexamine the assessment of Planning reg ref 20/33 within the realms of the subject appeal.

8.1.4. The appellant has also referred to enforcement proceeding in relation to the site and a failure to comply with previous permissions. Matters relating to enforcement and non-compliance with a grant of planning permission are matters for the Local Authority.

8.2. Design/Siting & Visual Impact

8.2.1. I have examined the subject development relative to the development that was previously permitted on site. I note from my site visit that the dwelling is nearing completion. The architectural drawings submitted appear, in my opinion, to largely illustrate the current as-built scenario. The drawings outline the permitted and as-constructed dwelling's footprint, highlighting the changes undertaken with dimensions clearly stated.

8.2.2. I consider that the as-constructed revisions to the proposed development are relatively minor. The dwelling has been largely built in accordance with the grant of permission comprising a split-level contemporary house design. There are minor alterations to the footprint of the dwelling, however there is in no apparent increase in scale with the floor area remaining consistent at 309.50sqm. I consider that the changes carried out are minor in nature and would not visually impact the amenity of the area. The dwelling alterations, in my opinion, do not constitute any perceptible departure from the character of the previously permitted dwelling.

8.2.3. I note that the appellant specifically considers that the proposed garage and balcony would have a visual impact given their increased bulk. The proposed garage has a floor area of 48sqm and a ridge height of 5m. The garage is proposed to be finished in the same material as the dwelling. I consider that the proposed scale and design of the garage, located to the rear of the established residential property, is an acceptable form of development. I recommend that a standard condition be attached

requiring that the garage not be used for human habitation in the interest of residential amenity.

8.2.4. The balcony (32sqm) is proposed to be located off the western elevation of the building. Given the split-level nature of the house, the proposed balcony will appear as a terrace located at ground level when viewed from the public road. The balcony will not be enclosed by a roof. A balustrade is shown to wrap around the balcony, however its materials are not specified. I recommend that a condition be attached recommending that the balustrade materials are submitted and agreed with the Planning Authority. Subject to the attachment of this condition, I do not consider that the balcony would have an undue visual impact.

8.2.5. The appellant has also raised issue with the lack of assessment in relation to the changes to the exterior cladding. It is proposed that the dwelling is completed with a black larch cladding. I note condition 3 of planning ref 20/33 specifies that the walls shall be of a dark muted colour to be agreed with the planning authority prior to the commencement of development. I consider that the black larch cladding is in accordance with the requirements of the original permission, and I note that the planning authority have not raised any objection to the cladding.

8.2.6. Having regard to all of the information before me and having conducted a visit of the site and its environs, I am of the opinion that the scale, mass and design of proposed development, is acceptable in the context of existing established residential development. I also consider that the alterations for which permission is sought under this planning application are not a significant departure from the permitted scheme and would not significantly negatively affect the visual amenity of adjoining properties.

Other Issues

8.2.7. The appellant has also noted the lack of assessment in the Planner's Report in relation to SuDS and in relation to the conditions of the previous application. Regarding water infrastructure, I note the principle of the water connections and surface water drainage proposals were established and permitted under the previous permission and therefore there is no scope to assess its principle in this appeal. In relation to the conditions, I do not consider that the development the subject of this appeal contravenes any previous condition. I recommend that a condition is attached

stating that apart from the departures authorised by this permission, the development shall otherwise comply with the terms and conditions attached to planning reference number 20/33.

9.0 AA Screening

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 c.100m to the north of Galway Bay Complex SAC (Site Code: 000268) and Inner Galway Bay SPA (Site Code: 004031).

The proposed development comprises retention and completion of the existing fully serviced two-storey dwelling to include revisions as constructed (previously granted under planning ref no. 20/33) and permission for a domestic garage and all associated site works. Refer to Section 2 of this report for further details.

No nature conservation concerns were raised in the planning application/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 insert as relevant:

- Nature of works e.g. small scale and residential nature of the development
- Location-distance from nearest European site and lack of connections
- Taking into account screening determination by the PA

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

An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive, together with relevant guidance published by the Environmental Protection Agency (Ireland), including applicable codes of practice for the protection of water quality. Having considered the nature, scale, and location of the proposed development, it is concluded that the proposal will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects.

The proposed development is for the retention and completion of a dwelling that has been designed in accordance with EPA codes of practice and best practice guidance, ensuring that appropriate measures are incorporated to prevent pollution, control runoff, and protect both surface water and groundwater receptors.

Furthermore, the development will not adversely affect the achievement of established environmental objectives, including the maintenance or attainment of Good Ecological Status/Potential and Good Chemical Status, as required under the Directive.

Accordingly, the proposed development is considered to be compliant with the requirements of Article 4.

11.0 Recommendation

I recommend that planning permission should be Granted subject to the following conditions.

12.0 Reasons and Considerations

Having regard to the provisions of the Galway County Development Plan 2022-2028, to the pattern of development in the area and to the nature and scale of the proposed development and the development to be retained, it is considered that, subject to compliance with the conditions set out below, the proposed development and the

development to be retained would not seriously injure the residential or visual amenities of the area or of adjoining properties, would not be prejudicial to public health 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, carried out 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 prior to the 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 the departures authorised in this permission, the development shall otherwise comply with the terms and conditions attached to planning reference number 20/33.

Reason: In the interest of clarity

3. Details of the materials, colours and textures of the balcony balustrade finishes shall be submitted to and agreed in writing with the planning authority prior to the erection of such structures.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

4. The garage/shed shall be for private use only by the resident(s) of the existing dwelling house on site. The garage shall not be used for habitable or commercial purposes or any other purpose other than those incidental to the enjoyment of the dwelling house.

Reason: In the interest of residential amenity

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Ciara McGuinness

Planning Inspector

20th May 2025

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-500784-GY-26
Proposed Development Summary	For retention and completion of existing fully serviced two-storey dwelling to include revisions as constructed, previously granted under planning ref no. 20/33. Permission is also sought for a domestic garage and all associated site works
Development Address	Ballynamanagh East, Clarinbridge, Co. 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?	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> No, No further action required.
(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)	
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.	State the Class here
<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, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	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 (or Part V of the 1994 Roads
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	State the Class and state the relevant threshold
<input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR	State the Class and state the relevant threshold

If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	
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 type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____