



An
Coimisiún
Pleanála

Inspector's Report

PL-501067-GC-26

Development	Construct two-storey extension to rear of existing dwelling and changes to front elevation.
Location	85 Salthill Road Lower , Galway , Galway
Planning Authority	Galway City Council
Planning Authority Reg. Ref.	2660010
Applicant(s)	Cliona & Graham Moran
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Andrew Bergin
Observer(s)	None
Date of Site Inspection	08-06-2026
Inspector	Adam Kearney.

1.0 Site Location and Description

The site is located at no. 85 Lower Salthill Road approx. 3km southwest of Galway City Centre. The appeal site, with a stated area of 0.038 hectares, comprises a two-storey pitched roof house fronting onto Lower Salthill Road. Access to the site is from lower Salthill Road. The site is bound to the north and south by two existing detached two-storey dwellings also accessing onto Lower Salthill Road. The rear boundary of the site bounds a rear access lane. The general area reflects predominantly residential development of mixed architectural styles

2.0 Proposed Development

- 2.1. Permission is sought to construct a two-storey extension to the rear of the existing dwelling and to make changes to the front elevation. The proposal involves the demolition of the existing 14 square metre rear extension and the construction of a new 60 square metre extension. Due to the lower topography of the rear garden, the proposed extension drops to a lower ground floor (basement) level that aligns with the garden, and extends at the ground floor level. A flat roof is proposed with a parapet height of 6.325 metres, which sits lower than the ridge height of the existing dwelling.

3.0 Planning Authority Decision

- 3.1. Galway City Council issued a Notification of Decision to Grant Permission on 11 March 2026, subject to seven conditions.

4.0 Planning Authority Report Summary

- 4.1. The planner's report, dated 26 February 2026, recommended that permission be granted. The report noted the following:
- 4.2. **Scale and Overshadowing:** Shadow cast towards the north would fall onto existing structures located on the adjacent site, and there would be no additional impacts generated from the western sun as the existing dwelling's ridge height exceeds the height of the proposed extension.

- 4.3. **Overlooking:** A ground floor window facing south and a small patio would require the erection of a screen along the southern boundary to prevent overlooking of the property to the south.

5.0 Other Technical Reports

- 5.1. **Drainage:** The Executive Engineer for Transportation/Drainage confirmed there were no objections in relation to Surface Water Drainage, subject to a condition requiring surface water to discharge to suitably designed soakaways in line with SuDS measures.

6.0 Third Party Observations

- 6.1. An observation was submitted to the Planning Authority by Andrew Bergin (No. 83 Lower Salthill Road). The submission raised concerns regarding:
- The need for a surface water management plan due to the infilling of the rear garden at No. 85 with rubble.
 - Overhanging gutters and downpipes.
 - Incorrect site boundaries outlined in red, which allegedly include lands not under the control of the applicant.

7.0 Planning History

- 7.1. **Subject Site (19/338):** An Bord Pleanála refused permission for the retention of the existing dwelling house on revised site boundaries and all associated site works.

8.0 Policy Context

8.1. Galway City Development Plan 2023-2029

- 8.1.1. The subject site is located in an area zoned 'R' under the Galway City Development Plan 2023-2029. The objective of this zoning is to provide for residential development and for associated support development, ensuring the protection of

existing residential amenity and contributing to sustainable residential neighbourhoods.

- 8.1.2. The relevant residential amenity standards of the Development Plan are also of relevance, including those concerned with the protection of existing dwellings from overlooking, overshadowing and overbearing impact, the standards applicable to extensions to existing dwellings, and the surface water drainage and sustainable drainage system (SuDS) requirements applicable to development within the city.

8.2. **S28 Ministerial Guidelines**

- 8.3. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (January 2024) – relevant in relation to amenity protection and the appropriate design of development within established residential areas.
- 8.4. The Planning System and Flood Risk Management Guidelines for Planning Authorities (DEHLG/OPW, 2009, as amended) – relevant having regard to the flooding matters raised in the third-party appeal.

9.0 **The Appeal**

9.1. **Third Party Appeal**

- 9.2. Andrew Bergin of 83 Lower Salthill Road lodged a third-party appeal against the decision of Galway City Council on 26 March 2026. The appeal is summarised as follows:
- 9.3. **Ground 1 - Site Ownership and Boundary.** The appellant contends that the site layout plan and site location map submitted with the application encroach onto his property without his written permission. He states that the registered boundary of his property runs along the northern gable of the applicant's house and then steps in at the front and rear of the house, and that this does not correspond with the straight red line shown on the application drawings. The appellant relies on his folio map (GY115461F) and on annotated photographs to illustrate the position of the registered boundary at the front and rear of No. 85.

- 9.4. On this basis the appellant submits that the applicant has obtained planning permission over ground that is not within their ownership or control, such that the development cannot be built and the decision to grant permission should be regarded as invalid. He further requests that, if the development proceeds, the extension be set in from the boundary by one metre to allow construction access without encroachment, and that the existing timber screen erected on his side of the boundary approximately twenty years ago, which he relies upon for security and privacy, not be interfered with.
- 9.5. **Ground 2 - Flooding and Surface Water.** The appellant notes that this part of Salthill was developed on ground reclaimed from the sea in the post-1840s period and that the area is characterised by old stone shores, culverts and an underground river running in close proximity to his property. He states that the rear of his house and the laneway serving No. 83 and No. 85 have experienced flooding in the recent past, and submits photographs to demonstrate flooding at the rear garden of No. 85 and the adjoining laneway.
- 9.6. The appellant alleges that the rear garden of No. 85 has been raised through the unauthorised deposition of building rubble, and that this has aggravated flooding by displacing water onto his property. He also expresses concern that the proposed extension has been designed without consideration of the underground river or the local water table. He requests that a detailed Flood Risk Assessment and a stormwater management plan in accordance with SuDS principles be required, and submits that the application should be refused and a fresh application sought which addresses the boundary and flooding issues. The appellant states that he otherwise welcomes the bringing of the vacant property back into use.
- 9.7. **First Party Appeal Response**
- 9.8. A response to the third-party appeal was submitted on behalf of the applicants, Cliona and Graham Moran, by their agent on the 20th of April 2026, requesting that the appeal be dismissed and the grant of permission confirmed. The response is summarised as follows.
- In relation to the boundary, the proposed rear extension aligns precisely with the existing northern wall of No. 85 and does not project beyond it, being a

continuation of that wall. The development therefore does not encroach onto the adjoining property.

- A historic map dating from approximately the 1920s, submitted with the response, shows No. 85 (identified as 'Anville House') standing in isolation as a detached house at a time when the surrounding lands were largely undeveloped. The boundaries shown on this historic map are said to correspond with those on the modern survey map submitted with the application and with the physical boundary on site, demonstrating that the established boundary lines have remained consistent for over a century.
- As No. 85 is and always has been a detached dwelling, there is no shared party wall to which an adjoining owner could lay claim, and the appellant's annotated photographs asserting ownership of part of the wall of No. 85 are misconceived. The proposed works do not interfere with the neighbouring timber screen or fence.
- In relation to flooding, the applicants state that the area experienced an episode of surface flooding approximately ten years ago, that No. 85 was in existence long before that event, and that it neither caused nor contributed to the flooding. The flooding shown in the appellant's photographs is said to affect properties on both the northern and southern sides and the wider area, indicating that the source lies within the wider drainage network rather than at No. 85, and that similar flooding has not recurred since drainage improvement works were carried out in the Salthill area.
- A modern drainage system will be installed as part of the works in full compliance with the conditions of the planning permission, which the applicants state will, if anything, improve overall drainage performance at the property.
- The property has been in a derelict condition for a considerable period, and the proposed extension forms part of a broader renovation to bring the dwelling back into habitable use. The applicants confirm that the development does not encroach on any adjoining property and will not contribute to or exacerbate flooding, and request that the appeal be dismissed.

9.9. Planning Authority Response

9.10. No response to the third-party appeal was received from the Planning Authority.

10.0 Environmental Assessments

10.1. EIA Screening

10.1.1. The Planning Authority's screening determination concluded that due to the limited nature and scale of the development on an established residential property, and the absence of significant environmental sensitivity, there is no real likelihood of significant environmental effects. The proposed development, while constituting a 'project' for the purposes of the EIA Directive, is not of a class specified in Part 1 or Part 2 of Schedule 5 to the Planning and Development Regulations 2001, as amended. Having regard to the nature and limited scale of the proposed development, its location on an established serviced residential site within a built-up urban area, and the characteristics of potential impacts, I am satisfied that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at pre-screening (Form 1 refers) and a screening determination is not required.

10.2. AA Screening

10.2.1. I have considered the project in light of the requirements of Section 177U of the Planning and Development Act 2000, as amended. The Planning Authority concluded that no Appropriate Assessment issues arise. Given the limited scale of the works within a built-up urban area, the connection to existing public services, and the absence of any hydrological or other connectivity to European sites, including the Galway Bay Complex SAC, the Lough Corrib Complex SAC and the Inner Galway Bay SPA, the development would not be likely to have a significant effect on these European sites.

10.2.2. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site. 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.

10.3. Water Framework Directive

- 10.3.1. I have had regard to the objectives of the Water Framework Directive, as set out in Article 4, which seek to protect and, where necessary, restore surface water and groundwater bodies in order to achieve good status, and to prevent deterioration in their status. The proposed development comprises a modest domestic extension to an existing dwelling on a serviced site within the built-up urban area of the city. While the third-party appeal raises concerns regarding surface water and historic flooding in the area, surface water arising from the development is to be managed within the site by way of a suitably designed soakaway or alternative SuDS measures, to be agreed with the Planning Authority, in accordance with the conditions of the decision.
- 10.3.2. 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 or groundwater body, for the following reasons:
- The limited nature and scale of the works, namely a domestic extension on an established residential site;
 - The urban location of the site within a fully serviced residential area, and the management of surface water within the site by way of SuDS measures secured by condition;
 - The absence of any direct discharge from the development to a surface water body.
- 10.3.3. I conclude, on the basis of objective information, that the proposed development will not result in a risk of deterioration of the status of any water body and can be excluded from further assessment.

11.0 Assessment

11.1. Having visited the site, examined the application details, the report of the Planning Authority, the grounds of the third-party appeal, the first-party response and all other documentation on file, and having regard to the relevant provisions of the Galway City Development Plan 2023-2029 and to national policy and guidance, I consider the substantive issues in this appeal to be as follows:

- Principle of the development
- Site ownership and boundaries
- Flooding and surface water drainage
- Residential amenity

11.2. Principle of the Development

- 11.2.1. The subject site comprises an existing two-storey detached dwelling on lands zoned 'R' under the Galway City Development Plan 2023-2029, the objective of which is to provide for residential development and associated support development while protecting existing residential amenity. The proposed development consists of a two-storey rear extension, incorporating a lower ground floor level to suit the fall of the rear garden together with an extension at ground floor level, the demolition of the existing 14 square metre rear extension, and alterations to the front elevation.
- 11.2.2. The extension of an existing dwelling for residential purposes is consistent in principle with the 'R' zoning objective and with the established residential character of this part of Lower Salthill Road. I note that the development would also bring a property which has been vacant and in a poor state of repair back into beneficial residential use, which is consistent with national and local policy objectives concerning the activation of vacant and underused housing stock. The appellant does not object to the principle of the works, and indeed welcomes the bringing of the property back into use; his objection is confined to the boundary and flooding matters and, by extension, to residential amenity. I am satisfied that the principle of a domestic extension of this nature is acceptable at this location, subject to

consideration of the specific issues raised in the appeal, which I address in turn below.

11.3. Site Ownership and Boundaries

- 11.3.1. The principal ground of appeal concerns the position of the red line boundary and the appellant's contention that the application drawings encroach onto his property, such that the applicant does not have sufficient legal interest to carry out the development. The first party, in response, maintains that the rear extension aligns precisely with the existing northern wall of No. 85 and does not project beyond it, and relies on a historic map of approximately the 1920s, showing the property as a detached house ('Anville House') standing in isolation, to demonstrate that the established boundaries have remained consistent for over a century.
- 11.3.2. It is well established that the planning system is not the appropriate forum for the resolution of disputes as to property boundaries, ownership or legal title. Such matters are civil matters between the parties. Section 34(13) of the Planning and Development Act 2000, as amended, provides that a person shall not be entitled solely by reason of a permission to carry out any development, and a grant of permission does not confer any legal title or interest in land, nor any right to encroach upon or overhang the property of a third party. The question of whether the applicant holds sufficient legal interest is, in the first instance, a matter that was before the Planning Authority, and the resolution of the competing accounts of the registered boundary is, ultimately, a matter for the parties and not for me to determine in the context of this appeal.
- 11.3.3. From a planning perspective, the relevant consideration is whether the development can be carried out without unacceptable impact on the adjoining property. In this regard, the application drawings indicate that the proposed rear extension is set along the line of, and does not project beyond, the existing northern gable wall of No. 85, such that the works as designed would not of themselves give rise to any lateral encroachment onto the adjoining property. The decision of the Planning Authority includes a condition (Condition 2) requiring that the roof and eaves of the extension be designed so as not to overhang the adjoining property and so that water run-off does not flow onto it. I am satisfied that this condition, together with the standard

position under Section 34(13), adequately addresses the planning dimension of the boundary concern.

11.3.4. The appellant's request that the extension be set in from the boundary by one metre to allow construction access is not warranted. The manner in which the development is constructed, and the means by which the developer secures the access necessary to build it, are matters for the developer and are not a basis upon which the design of an otherwise acceptable development should be altered. A condition requiring the structure to be set in by one metre would not meet the established tests for the imposition of conditions, in that it would be neither necessary nor reasonable, and would serve only to sterilise part of a site that the documentation before me indicates is within the applicant's control. I do not consider that any such requirement is warranted. Similarly, the appellant's concern regarding the existing timber screen relates to a structure on the far side of the boundary which is unaffected by the development, and does not give rise to any planning consideration warranting a condition. I am satisfied that the boundary issue does not provide a planning reason to refuse the development or to amend the permission granted.

11.4. Flooding and Surface Water Drainage

- 11.4.1. The second ground of appeal concerns flooding and surface water. The appellant points to the low-lying, historically reclaimed character of this part of Salthill, to the presence of old shores and an underground watercourse in the vicinity, and to flooding which he states has affected the rear of his property and the adjoining laneway. He submits that the raising of the rear garden of No. 85 with building rubble has aggravated this flooding, and seeks a Flood Risk Assessment and a SuDS-compliant stormwater management plan. The first party responds that the flooding event referred to occurred approximately ten years ago, predating any works at No. 85, that the flooding affected the wider area on both sides of the dwelling and therefore originates within the wider drainage network rather than at No. 85, and that no comparable flooding has occurred since drainage improvement works were carried out in the area.
- 11.4.2. I have considered the photographs submitted by the appellant. While they indicate that surface water has affected the rear garden of No. 85 and the laneway, they do not, of themselves, establish that the proposed extension would cause or materially

worsen flooding of the appellant's property. The matter raised by the appellant in relation to the alleged unauthorised raising of the garden with rubble is a separate matter which, if it constitutes unauthorised development, is one for the Planning Authority to address through its enforcement function; it is not a reason to refuse permission for the development now before me.

11.4.3. The Drainage section of the Planning Authority assessed the proposal and raised no objection, subject to a condition requiring that surface water discharge to a suitably designed soakaway in accordance with SuDS measures, with provision for alternative attenuation should ground conditions render discharge to ground inappropriate. Having regard to the limited scale of the proposed extension (60 square metres), I am satisfied that surface water arising from the development can be managed within the curtilage of the site by way of the soakaway and SuDS measures secured by Condition 4, without displacing water onto the appellant's property. Indeed, the replacement of an older property and its drainage arrangements with a development incorporating modern SuDS measures is likely to improve, rather than worsen, the management of surface water at the site. I do not consider that the modest scale of the development warrants a formal Flood Risk Assessment in this instance, and I am satisfied that the flooding and surface water concerns can be appropriately addressed by condition.

11.5. Residential Amenity

11.5.1. Although the appeal is framed principally in terms of the boundary and flooding, it is necessary to consider whether the proposed development would injure the residential amenity of the adjoining properties by reason of overbearing impact, overshadowing or overlooking. The design of the extension is a material consideration in this regard. The extension steps down to a lower ground floor level to match the level of the rear garden, with a flat roof and a parapet height of 6.325 metres which sits below the ridge height of the existing two-storey dwelling. The extension projects approximately 4.6 metres eastwards from the existing rear building line.

11.5.2. In relation to overshadowing, I accept the assessment of the Planning Authority that, having regard to the orientation of the existing buildings, any shadow cast to the north would fall onto existing structures on the adjoining site, and that there would be

no material additional impact from the western sun given that the ridge height of the existing dwelling exceeds the height of the proposed extension. In relation to overlooking, while there is sufficient separation for the windows facing east, the ground floor window facing south, which reads as a first floor window when viewed from the rear, and the associated terrace, give rise to a potential for overlooking of the property to the south. This has been addressed by the requirement in Condition 3 for the erection of a 1.8 metre obscured glazed screen along the southern boundary edge of the terrace, the details of which are to be agreed with the planning authority.

- 11.5.3. Having regard to the design of the extension, its height relative to the existing dwelling, its relationship with the adjoining structures, and the mitigation secured by condition, I am satisfied that the proposed development would not give rise to an unacceptable overbearing impact, loss of light, overshadowing or overlooking, and would not seriously injure the residential amenity of adjoining properties. I am therefore satisfied that, subject to compliance with the conditions of the Planning Authority, the proposed development is in accordance with the provisions of the Galway City Development Plan 2023-2029 and with the proper planning and sustainable development of the area.

12.0 Recommendation

- 12.1. I recommend that permission be Granted for the proposed development.

13.0 Reasons and Considerations

- 13.1. Having regard to the 'R' zoning objective and the residential amenity standards of the Galway City Development Plan 2023-2029, to the relevant Ministerial guidelines, to the pattern of development in the area, and to the documentation submitted with the application and the appeal, including the first-party response, it is considered that the proposed development, by reason of its modest scale, its design and reduced height relative to the existing dwelling, and its location on an established residential site, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, and would not give rise to or exacerbate flooding, subject to compliance with the conditions set out below. The matters raised in the third-party

appeal in relation to the site boundary and ownership are not matters for determination within the planning process. The proposed development would accordingly be in accordance with the proper planning and sustainable development of the area.

14.0 Conditions

1.	The proposed development shall be 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 conditions set out below. Reason: In the interest of clarity.
2.	The roof of the extension shall be designed and constructed so that neither the eaves nor any part of the roof overhangs the adjoining property, and so that rainwater run-off from the roof does not discharge onto that property. Reason: In the interest of the residential amenity of the adjoining property.
3.	A screen shall be erected along the southern boundary edge of the terrace to a height of 1.8 metres, taken from the floor level of the terrace, and shall be permanently glazed in obscured glass. Details of the screen shall be submitted to, and agreed in writing with, the planning authority prior to the occupation of the development. Reason: In the interest of protecting the residential amenity of the adjoining property from overlooking.
4.	Surface water from the proposed development shall be disposed of within the site by means of a suitably designed soakaway, the details of which shall be submitted to and agreed in writing with the planning authority prior to commencement of development. Where ground conditions render disposal to ground unsuitable, an alternative arrangement incorporating attenuation or other sustainable drainage (SuDS) measures shall be agreed in writing with the planning authority.

	Reason: In the interest of avoiding the displacement of surface water onto adjoining property and in the interest of proper planning and sustainable development.
5.	The extension hereby permitted, together with the existing dwelling, shall be occupied as a single dwelling unit, shall not be subdivided, and shall not be used for the purposes of short term letting within the meaning of the Residential Tenancies (Amendment) Act 2019 and the Planning and Development Act 2000 (Exempted Development) (No. 2) Regulations 2019, save in accordance with any permission required in that regard. Reason: To safeguard the use of the dwelling as part of the permanent housing stock, to prevent the unauthorised intensification of the use of the site, and in the interest of the residential amenity of the area.
6.	Construction works on the site shall be carried out only between the hours of 0800 and 1800 Monday to Friday, and between 0900 and 1300 on Saturdays, with no works on Sundays, bank holidays or public holidays, save with the prior written agreement of the planning authority. Reason: In the interest of the residential amenity of the area.

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.

Adam Kearney

Planning Inspector

20th of June 2026

Appendix A: Form 1 EIA Pre-Screening

Case Reference	PL-501067-GC-26
Proposed Development Summary	Permission to construct a two-storey extension to the rear of an existing dwelling, including demolition of an existing rear extension, and changes to the front elevation.
Development Address	No. 85 Lower Salthill Road, Galway, 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? (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. ☐ No, No further action required.
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 Q	
3..Is the proposed development of a CLASS specified in <u>Part 2</u>, 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	
☐ 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)	
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)

Inspector: _____

Date: _____