



An
Coimisiún
Pleanála

Inspector's Report

PL-501453-GC-26

Development

Demolition of existing single-storey rear extension, construction of a two-storey flat roofed extension to the rear, construction of a single-storey extension to the front southeast corner of the house and all associated site and development works.

Location

21 Father Burke Road, The Claddagh. Galway.

Planning Authority

Galway City Council

Planning Authority Reg. Ref.

26/60097

Applicant(s)

John Browne

Type of Application

Permission.

Planning Authority Decision

To Grant Permission

Type of Appeal

Third Party

Appellant(s)

Declan & Mary Kelly

Observer(s)

None.

Date of Site Inspection

July 20th, 2026

Inspector

Breda Gannon

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1.0 Site Location and Description

- 1.1. The site is located at No 21 Father Burke Road, The Claddagh, Galway. It occupies a corner location at the intersection of Father Burke Road and Saint Ignatius Terrace. The site has a stated site area of 0.024ha. and accommodates a two-storey semi-detached dwelling that has been extended to the rear. To the front of the house a wall/railings, back planted with trees/shrubs, encloses a garden area. To the east and south, a tall concrete wall separates the site from adjoining residential properties. On the north side, the rear extension is built up tight towards the shared boundary with adjacent property. There is a small area of open space enclosed by high walls/fences to the rear of the house. The site is adjoined to the north, south and east by residential properties.
- 1.2. The site is located in The Claddagh which lies to the southwest of the city centre. It is an historic, established residential area consisting of single and two-storey houses in terraced and semi-detached arrangements. The main modifications evident to the front of the houses include alterations to porches, modernisation of windows and doors and many of the houses have been extended to the rear.

2.0 Proposed Development

- 2.1. The development as described in the public notices submitted in support of the application is as follows:
- demolition of existing single-storey rear extension,
 - construction of two-storey flat roofed extension to the rear of the house,
 - construction of a single-storey extension to the front southeast corner of the house, and
 - all associated site and development works.
- 2.2. The existing gross floor area of the house is 88.59m². The gross floor area to be retained would be 48.60 m² and the floor space of proposed works would be 73.40m².
- 2.3. The existing front boundary wall, entrance and private garden areas to the front and rear would be retained.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission for the development subject to 13. no. conditions. The decision includes the following conditions of note:

Condition No 2: The development taken together with the existing dwelling shall be used as a single dwelling unit only.

Reason: To protect the residential amenities of the area.

Condition No 3: The residential unit shall not be used for short term lettings as defined in the Residential Tenancies (Amendment) Act 2019 and the Planning and Development Act 2000 (Exempted Development) (No 2) Regulations, 2019.

Reason: In the interests of proper planning and sustainable development of the area.

Condition No 7: The roof of the extension shall be designed such that the eaves do not overhang the adjoining property and that runoff does not flow into the adjacent property.

Reason: To protect the residential and visual amenities of the area.

Condition No 8: The vehicular entrance to the site shall not be altered in any way.

Reason: In the interests of the proper planning and sustainable development of the area.

Condition No 13: Windows in the southwestern elevation serving the master bedroom and stairwell shall be of translucent glazing and photographic evidence of same shall be submitted to the planning authority for written agreement immediately after installation.

Reason: In the interests of visual amenity.

3.2. Planning Authority Reports

3.3. Planning Reports

The planning officer's report of May 5th, 2026, is summarised below:

- The site is located within the Inner City Residential area as defined under Figure 10.1 of the development plan. The principle of the development is considered compatible with the residential zoning attributed to the site.
- With regard to design, scale and massing, the proposed extensions accord with the provisions of the development plan and would not detract from the visual or

residential amenities of neighbouring property. The proposed extension is arranged to the rear and south-eastern corner of the dwelling as a contemporary yet subservient addition, reading clearly as an accretion to the original two-storey house.

- The flat roofed rear element sits below the existing ridge and eaves, reinstates the building line along the shared northern boundary with No 22 and is stepped back at first floor level to create a stairwell, thereby limiting bulk and maintaining daylight to the neighbouring hall window on the boundary.
- The single storey front corner element is modest in scale and retains the established roof profile and streetscape presence of the dwelling when viewed from Fr Burke Road.
- Fenestration to the new extension is carefully positioned, with all first floor south-facing windows obscurely glazed and separation distances of 27m to opposing first-floor windows to the east, so that no undue overlooking or overbearing impacts arise.
- No new first floor side windows serving habitable rooms are proposed directly facing the adjoining property at No 22. The first-floor rear bedroom and landing windows primarily overlook applicant's own garden area, consistent with the established rear-to rear pattern of development in the area. The first floor element has been set back from the northern boundary to create a lightwell in response to the existing hall window on the boundary, limiting direct views while maintaining ambient lighting to that opening.
- To the south and east all first-floor windows will be fitted with obscure/privacy glazing. The overlooking study submitted with the application shows a separation distance of c 27m to opposing first floor windows of the dwelling known as 'Croft' on Fairhill Road Upper, with existing vegetation further interrupting sightlines. The proposed development would not therefore result in undue overlooking or loss of privacy to adjoining properties.
- The site-specific shadow study indicates that taking account of the existing configuration of outbuildings to the rear of No 22, the proposed extension would

result in a reduction in the extent of shadow cast over the adjoining rear garden at all modelled times.

- No increase in the number of off-street car parking spaces is proposed, and it is not proposed to provide a new or widened vehicular access. The proposal would not give rise to additional traffic or parking demand over and above the established use and complies with development plan standards.
- The applicants cover letter specifies a combined private amenity space of c 87.9m², representing approximately 73% of the extended dwelling's gross floor area. This comfortably exceeds the development plan guideline of 50% for inner city plots. It is concluded that an adequate and functional quantum of private amenity space is maintained in accordance with Sections 11.3.1.(c) and 11.3.2(b) of the development plan.
- The neighbouring first-floor hall window on the northern boundary is already substantially affected by the existing dwelling and outbuildings. The proposed first floor element has been set back to form a lightwell so as not to materially worsen the situation.
- The site is not within the constraints of the Strategic Flood Risk Assessment of the Galway City Development Plan 2023-2029 and the Western CFRAM Flood Risk Assessment and Management. The applicants have stated that the site has not been known to flood in the past.
- No Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on any European sites.

3.4. Other Technical Reports

None.

3.5. Prescribed Bodies

None

3.6. Third Party Observations

Declan & Mary Kelly

- Public notices are ambiguous/misleading as to the location/orientation of the proposed extension.
- Excessive bulk and height of the two-storey rear extension, projecting c.2m beyond the local building line.
- Overshadowing and loss of natural light to the kitchen and first-floor areas, particularly in winter.

4.0 Planning History

- 4.1. **25/60135:** An application for demolition and extensions to the existing house on the site was withdrawn.

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' Residential 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'.

The site is located within the 'Inner Residential Areas' of the city (Fig 3.1): The following policy is relevant:

Policy 3.6: Sustainable Neighbourhoods: Inner Residential Areas

'Protect the quality of inner residential areas including Claddagh, Shantalla and Newcastle (Quincentenary Bridge) by ensuring that new development through consolidation, infill and redevelopment does not adversely affect their character and has regard to their prevailing pattern, form and density of these areas'.

Development Standards and Guidelines for Residential Development are set out in Section 11.3 of the development plan.

Section 11.3.1(I) Residential Extensions:

The design and layout of the extension should complement the character and form of the existing building, having regard to its context and adjacent residential amenities.

The following is also relevant in the context of the subject appeal.

Section 11.3.1 (c) Private open space

Section 11.3.1 (d) Overlooking

Section 11.3.1 (e) Daylight.

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

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 c 250m to the south

Inner Galway Bay SPA (Site code 004031), located c 250m 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

- There are serious mistakes of orientation contained in the planning notices.
- The notices refer to a single-storey extension to the front southeastern corner. The lack of appreciation of true orientation has serious ramifications in the

casting shadow calculations in an attempt to ameliorate the consequences of replacing a single storey with a two-storey extension.

- Attempts by the appellants to seek correction of this crucial aspect were ignored by the planning authority, which casts doubt over the calculation of shadow casting. The planner's acceptance of the assertion that replacing a single storey with a two-storey extension on the east and immediately south of the appellants family home are erroneous.
- In Drawing No 26114-3008 (Survey of Existing layout) the west, south and east elevations are clearly depicted. It is easy to recognise that the corner to the left is south-western as it divides the western face from the southern face. The corner to the right is the southeastern as it divides the southern face from the eastern face.
- The trigonometric calculations submitted as part of the submission to the planning authority are accurate within reason. These have been presented to the nearest whole number with recognition of and respect for the geographic orientation of all elements existing and proposed. The applicants' use of decimal places suggests an accuracy that is not attainable.
- Overshadowing will be pronounced and deny right to lights

7.2. Applicant Response

- A request was made to the appellants for a pre-submission meeting, but they did not avail engage.
- In the absence of direct discussions, the applicants' have attempted to address the concerns raised by the appellants in their submission to the previously withdrawn application (2560135). These were addressed in a cover letter submitted with the current application.
- It is unclear what methodology was employed by the appellant in their shadow analysis. The applicant's analysis was based on a combination of ITM coordinated EDM survey, a 3d Revit Model, which is geo-positioned within the Revit software to generate the relevant scenarios. The Autodesk Revit is a standard industry tool in Ireland/UK for this type of activity.

- Any decimal places produced are a software output and not an effort to be 'pretentious' as contended by the appellants.
- In their original submission to the planning authority dated 7th April 2026, the appellants submitted their calculated shadow lengths of 2.8m summer solstice and 20.8 winter solstice. It seems that the appellant summer solstice concurs almost exactly with those submitted on behalf of the applicant. While there is a difference of 1.7m between the appellants figure for the winter solstice of 20.8m and applicant's calculated figure of 22.5m, as both winter figures extend well beyond appellants boundary in each case, a difference of 1.7m is moot.
- The appellants in their submission on the previously application (2560135) on the site, raised concerns regarding an existing first floor window permitted on appellants property as part of Reg Ref No 09184. While not of any particular concern to the applicant, it would appear that the appellants have deviated from their permission and have constructed both their extension and the relevant first floor window on the properties shared boundary.
- Despite this unusual boundary arrangement, the amenity of appellants property is not significantly affected beyond that of the current arrangement. As an existing obscured window, into non-habitable circulation space, it principally benefits from ambient light, as opposed to direct sunlight, due to the existing first floor projection. The applicant has endeavoured to protect the status quo, with the provision of light as part of their first-floor design.
- The summer solstice shadow study shows that the relevant window remains unshadowed under both existing and proposed conditions, demonstrating no increased loss of amenity.
- The applicant has sought to identify and address as far as practicable all the concern raised by the appellants in their previous submissions. It is contended that applicant's proposed family home, if completed in line with the design submitted will not materially affect the appellants enjoyment of their property in any noticeable way.

7.3. Planning Authority Response

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

7.4. Observations

None.

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 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 of the area.

8.2. Principle of the development

The proposed development would reconfigure and enlarge the existing dwelling to provide additional living accommodation at ground and second floor level, which would enhance the level of residential amenity afforded by the dwelling.

Having regard to the residential zoning objective relating to the site and the established use of the site for residential purposes, 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.

8.3. Impacts on the residential and visual amenities of the area

Before dealing with the substantive issue raised in the appeal regarding overshadowing and loss of sunlight to appellants' property to the north of the site, I have assessed the proposed development under the relevant standards for residential development set out in the development plan, and the potential for impacts on the amenities of the area.

The appeal site and appellants property form a pair of semi-detached dwellings that sit on a corner location. They lie apart from the uniform terraces of single and two-storey

houses that are a feature of the wider area. Both properties have been extended to the rear and appellants property has also been extended to the front and side.

The proposed rear extension would be contained behind the front building line of the dwelling. It would have a flat roof that sits below the existing ridge level and would not be visible from the surrounding road network. The proposed extension to the front and side of the house would be small in scale with a roof profile which would match that of the adjoining property. It would not break the established front building line. I would consider that it is reasonable to conclude on this basis that significant impacts on the visual amenities of the area would not arise as a result of the proposed development.

The site is adjoined to the north, south and east by residential properties. No windows are proposed in the northern boundary of the rear extension at ground or first floor level that would result in overlooking of appellants' property to the north. On the opposite side, overlooking from the ground floor windows on the southern elevation would be constrained by the tall boundary wall separating the site from the adjacent property (No1 St Ignatius Terrace). There are first floor windows in this elevation serving the master bedroom and a stairwell, both of which would be provided with translucent glazing. Subject to a similar condition to that imposed by the planning authority (Condition 13), requiring that these windows be fitted and permanently maintained with obscure glazing, I consider the proposal would be acceptable. Having regard to the separation distance in excess of 27m between the proposed first floor bedroom window and the rear of the adjoining dwelling to the east, no significant overlooking is likely to occur.

I would concur with the conclusion reached by the planning authority that there are no additional impacts generated by the proposed development that would result in overlooking and loss of privacy to these properties

In terms of private open space there is a requirement that a rate of not less than 50% of the gross floor area of the residential unit be provided (Section 11.3.1 (c)). The applicants state that this level is exceeded. The majority of open space associated with the house is located to the front, with a very restricted area to the rear.

The proposed development would increase the quantum of private amenity space to the rear due to a reduction in the overall length of the proposed rear extension. While

the area to the front, which is included in applicants' calculation does not technically fall within the definition of private open space (areas not generally overlooked from the public road), it is well screened by existing hedging which is proposed to be retained. Taken in conjunction with the enlarged area to the rear, which will improve its usability and suitability for ancillary domestic use, the proposal to retain existing screen hedging to the front and side and provide a dedicated amenity space in this area, I consider that an adequate private open space would be provided that would improve the overall level of amenity afforded to the residents of the dwelling.

I note that under the residential development standards (Section 11.3.1(f)) a distance between side gables and side boundaries should normally be 1.5m. In this case both properties are built up tight to the common boundary and the proposed development will not alter this arrangement.

With regard to vehicular access and car parking, the submitted drawings indicate that the existing vehicular entrance, driveway and front boundary wall onto Father Burke Road will be retained. The development plan (Section 11.3.3(a)) requires a maximum of one space per dwelling in Inner Residential Areas. Adequate space is retained on-site for car parking.

The proposed first floor extension would be c.2.4m in height and project by c.1.7m beyond the rear building line of appellants' property. To the rear of appellants house there is a small hard surface area. It incorporates a single-storey shed along the rear boundary and a Perspex roof covers a small sitting area adjacent to the common boundary with the appeal site.

From the information submitted in support of the application and the appeal, I would accept that there would be no significant increase in the level of overshadowing of appellants' property. The reduction in the length of the proposed rear extension, coupled with the first-floor projection and the shadows cast by the existing buildings would alter the extent of shadows cast. There would be a fractional increase in shadow during the summer and a slight reduction during the winter. The rear of the house is already impacted, and I accept that the proposed development would not alter the current arrangement to the extent that it would result in significant additional impacts that would compromise the amenity of the property.

I accept that that the model used (Autodesk Revit) is a commonly used tool for shadow analysis and is capable of generating realistic assessments. While I note the discrepancy in the development description and the reference to the 'southeast' as opposed to the 'southwest' corner of the house, the shadow analysis appears robust. I would also note that there is no appreciable difference between appellants shadow calculations and those submitted by the applicant to conclude that the proposed development would seriously impacts on the residential amenity of the adjoining property.

Regarding the scale, bulk and mass of the proposed extension, I note that the majority of the proposed first floor extension would coincide with the first-floor projection on appellant's site. The remainder would project by c 1.7m beyond the rear building line, which is not considered would impact significantly on the outlook from appellants property.

I note that the appellants raised regarding the right to light to a window at first floor level along the common site boundary. The window in question has been fitted with frosted glass and serves a hallway. As noted by the First Party, the window does not benefit from direct sunlight as a result of the existing first floor projection on applicants' property. The proposal to set back the boundary and create a lightwell in this location would ensure that adequate sunlight/daylight are maintained to this window.

Having considered all of the matters raised, I would accept the planning authority's conclusion that the proposed development complies with the development plan standards and is in keeping with the character of the existing dwelling and the adjacent development and would not impinge on the visual amenities of the area or the residential amenities of adjacent properties.

9.0 AA Screening

I have considered the proposal to demolish an existing extension and to construct new extensions to the existing house and all associated site and development works in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located at 21 Father Burke Road, The Claddagh. Galway. It is located c250m north of Galway Bay Complex SAC (Site code 000268), Inner Galway Bay SPA (Site code 004031) which are selected for a wide variety of selected for a diverse range of habitats and species.

The site is also c 2.5km southeast of Lough Corrib SPA (Site code 004042), selected for a wide variety of wintering waterbirds and for wetlands. No nature conservation issues have been raised in the appeal.

Having regard to the built-up nature of the site, the limited scale of development, the surrounding pattern of development and intervening uses, I consider that significant effects on habitats, species and foraging wintering birds can be discounted.

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 limited scale and nature of the development and its location within a built-up area connected to existing public 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.

10.0 Water Framework Directive

The proposal is to demolish an existing extension and to construct new extensions to the existing house and all associated site and development works at 21 Father Burke Road, The Claddagh. Galway.

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

- 12.1. Having regard to the residential zoning of the site and the established use of the site for residential purposes, it is considered that subject to compliance with the conditions set out below, the proposed development would not impact negatively on the visual or residential amenities of the area or of adjoining residential properties and would be in accordance with the provisions of the Galway City Development Plan 2023-2029. The proposed development would not, therefore, be contrary to 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 submitted on the 22nd day of March 2026 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 existing dwelling and proposed extension shall be jointly occupied as a single residential unit. It shall not be sub-divided or used for any commercial purposes, and shall not be sold, let, leased or otherwise transferred or conveyed, by way of sale, letting or otherwise, save as part of a single dwelling unit.

Reason: To restrict the use of the extension in the interest of residential amenity.

3. Details of the external finishes of the proposed development 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. No part of the proposed extension, including rainwater goods shall overhang adjoining property.

Reason: In order to protect the amenity of adjoining property.

5. The first floor windows in the south elevation serving the master bedroom and stairwell shall be fitted and permanently maintained with opaque glass.

Reason: In the interests of residential amenity.

6. The vehicular entrance to the site and boundary walls shall be maintained as existing.

Reason: In the interests of proper planning and development.

7. 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.

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.

Breda Gannon
Planning Inspector

06 August 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-5014532-GC-26
Proposed Development Summary	Demolition of existing single-storey rear extension, construction of a two-storey flat roofed extension to the front southeast corner of the house and all associated site and development works.
Development Address	21 Father Burke Road. The Claddagh, 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?	☒ Yes, it is a 'Project'. Proceed to Q.2.
(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)?	
☐ 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	
☐ 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: _____