



An
Coimisiún
Pleanála

Inspector's Report

PI-501778-GC-26

Development

To retain: (1) change of use of structure and extension thereto for use as a self-contained residential unit (granny flat). (2) alterations to existing storage shed including provision of awning/covered area to front. (3) existing structure for use as a garden room/storage shed (4) all associated site works, all at rear of existing dwelling house

Location

11 Water Lane, Bohermore, Galway

Planning Authority

Galway City Council

Planning Authority Reg. Ref.

2660153

Applicant(s)

Hugh and Mary Walsh

Type of Application

Retention.

Planning Authority Decision

Refusal

Type of Appeal

First party

Appellant

Hugh and Mary Walsh

Observer

Philomena Kennedy.

Date of Site Inspection 21st September

Inspector Ann Bogan

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1.0 Site Location and Description

- 1.1. The development to be retained is located in an established residential area of Galway City at 11 Water Lane, Bohermore, close to the centre of the city. Water Lane is a narrow cul de sac with a variety of house types, many of which on the north-eastern side of the street, have long narrow plots. There are small traditional houses fronting directly onto the street, a terrace of houses set back from the street and a small number of more recently built structures set back from the street.
- 1.2. Nos 10 and 11 Water Lane front directly onto the street, while No 12 Water Lane is set back from the street. There are no footpaths or on-street parking in the immediate vicinity of No 11. An area of public open space is located towards the end of the cul de sac.
- 1.3. The 0.043ha site is long and narrow (just over 5m in width) with a small semi-detached dwelling fronting directly onto the street with a long narrow garden to the rear. The dwelling, which appears to have been relatively recently renovated, comprises a ground floor plus attic, with box dormers front and rear, and a rear extension. It consists of a kitchen and bedroom (formerly a sitting room) downstairs, and two bedrooms upstairs. The existing house takes up the full width of the site and access to the rear garden is through the house.
- 1.4. The north-eastern end of the site widens towards the rear end and incorporates what was previously part of the rear garden of the adjoining property, No. 12 Water Lane, creating an area c11m wide and c18.8 metres long. There are three single storey structures, with shallow pitch, metal roofs, located within this wider area. Two of the units (the 'granny flat' and shed No 1) are timber clad while the third, in use as a storage shed, is of masonry construction. A small, lean-to open sided structure adjoins shed No 1 and is in use for storing timber.
- 1.5. A path leads from the house through the garden to the rear of the site, passing a small garden shed. Timber fencing panels have been erected towards the rear of the garden which visually divide the site and screen the view of the three structures from the front part of the garden. Site boundaries consist of a mixture of timber fencing and concrete block walls of varying heights. The rear of the site overlooks an estate of terraced two - storey houses called Cill Ard.

2.0 Proposed Development

2.1. The development to be retained consists of three adjacent structures located at the north-eastern end of the rear garden of the existing house. Total area of house plus structures is stated to be 137.5sq.m while the total area to be retained is 74.16sq.m. It is assumed therefore that the existing dwelling 63.34sq.m.

- Retention of change of use on an existing single storey timber clad structure and extension to same, located in northeastern corner of site, for use as a self-contained residential unit. The unit has a stated floor area of 38.41sq.m and has a shallow pitch roof with a maximum height of 3.15m. It contains a bedroom, a shower room/WC, a kitchen, a sitting room, and an extension to the front containing a living room with a WC off it. Daylight is provided by windows in the front elevation, a small window in bedroom and rooflights over kitchen and bedroom. The sitting room relies on borrowed light from the living room. Accompanying letter states the unit is occupied by the applicant's daughter.
- Retention of existing structure for use as garden room/storage shed, stated to be 20sq.m in area (referred to as shed No 1). Drawings show a timber clad structure containing two rooms, as well as a bathroom with shower and toilet. (Shower and toilet were not in place during the site inspection and cover letter with application says they have been removed). The larger room has a glazed double door/window and the second room also has a window. (A note on the drawing states "all soil and waste drainage to drain to septic tank and percolation area". I presume this is in error and refers to arrangements for a different project).
- Retention of alterations to existing storage shed stated as 15.75sq.m in area (referred to as shed No 2) including provision of a *Perspex* awning/covered area to front and re-roofing. This shed is stated as pre-existing. The awning/ covered area was not in place during the inspection, but a small lean-to area referred to in 1.4 above is in place.

3.0 Planning Authority Decision

3.1. Decision

Galway City Council decided to refuse permission for the following reasons:

1. The Galway City Council Development Plan 2023-2029, under Section 11.3.1 (k) Self Contained Residential Units, states for self-contained/granny flat units that the unit shall be an integral part of the main dwelling capable of re-assimilation into the dwelling. If permitted the proposed development in conjunction with the adjoining structures on site would contravene the objectives and standards of the City Development Plan as the design and layout of the self-contained unit would be suitable for use as a separate dwelling unit and would not be an integral part of the existing dwelling house on site and would not be capable of re-assimilation into the existing dwelling. The proposed development would if permitted, represent overdevelopment of the site, establish a precedent for similar development and would seriously injure existing residential amenities and would therefore be contrary to the proper planning and sustainable development of the area.
2. Policy 3.6 (1) Sustainable Neighbourhoods: Inner Residential Areas of the Galway City Council Development Plan 2023-2029, states it is the policy of the Council to protect the quality of inner residential areas including Claddagh, Shantalla and Newcastle (to Quincentenary Bridge) by ensuring that new development through consolidation, infill and redevelopment does not adversely affect their character and has regard to the prevailing pattern, form and density of these areas. The proposed development owing to its design/location and use would adversely affect the character of the area in terms of pattern, form and density and therefore if permitted as proposed would be contrary to Policy 3.6 (1) of the Galway City Development Plan 2023-2029 and to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Planning report states Policy 3.6 of the City Development Plan 2023-2029 seeks to protect the quality of inner residential areas such as this by ensuring new development

does not adversely affect their character and has regard to prevailing pattern, form and density

- States the granny flat does not achieve requirements of the Galway City Development Plan Section 11.3.1 (k), as it is physically separate from the main dwelling and not capable of being re-assimilated into same, and also exceeds the threshold of 25% floor area of main dwelling
- In addition, *“its physical connection to the other structures hereby also sought for retention would further increase its potential floor area and functional space”*
- Notes the other structures for retention are all interlinked by the *“Perspex roof to residential unit and exhibit as a single structure due to their scale, height, WC facilities/services and physical connection”*.
- Concludes the development does not achieve the standards required for self-contained units outlined in the Development Plan, nor is it in accordance with Section 11.3.1 (k) and therefore recommends refusal of permission for retention.

3.2.2. Other Technical Reports

- Drainage Report: No objection subject to condition regarding disposal of surface water.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

Observation received from occupant of neighbouring property at 12 Water Lane. Issues raised:

- Cover letter with application misrepresents situation on the ground and drawings should accurately include what exists on the site
- Privacy/amenity of her dwelling and site has been compromised by developments carried out to date.

4.0 Planning History

4.1. PL.61. 217601 (06/153) Permission refused for demolition of dwelling house at 12 Water Lane and demolition of shed in rear garden of 11 Water Lane and construction of 3 new mews houses for the following reasons:

1. Having regard to the configuration of the site and its backland nature, it is considered that the proposed development would constitute overdevelopment on a restricted backlands site which would contravene the stated policy under Section 2.5 of the current Development Plan for the area which includes requiring that new development protect the quality of inner residential areas in Galway City, as at Water Lane, and not adversely affect their character and have regard to the existing pattern and form of development including building lines. The proposed development to the rear of and in close proximity to existing residential properties at Water Lane is therefore unacceptable, and furthermore would contravene the 'Residential' land use zoning objective for this area which requires the protection of existing residential amenity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development, by reason of its design which includes obscure glazing and screening of first floor habitable room windows to limit overlooking of adjoining properties would result in a substandard form of accommodation and would, therefore, seriously injure the residential amenity of future occupants and would be contrary to the proper planning and sustainable development of the area.

97/745, 97/744: Permission refused for demolition for house No.9 & 12, reconstruction of house on site no.12 and construction of 7 townhouses to the rear of 9, 10, 11, 12 & 13 Water Lane.

97/388: Permission refused for the demolition of house No.9 Water Lane and permission for 7 no townhouses to rear of 9, 10, 11, 12 & 13 Water Lane.

94/632: Permission refused for retention of workshop

5.0 Policy Context

5.1. Development Plan

Zoning: R: 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.*

Section 3.7 Sustainable Neighbourhoods: Inner Residential Areas (extract)

Galway has a variety of house types in the inner residential areas, with a mix of private and public housing. Places such as Claddagh, Shantalla and areas of Bohermore provide valuable housing in strong sustainable communities close to the city centre. These areas are under pressure with demand for housing extensions and for limited infill development. They have also experienced considerable pressure from traffic and car parking which has reduced their residential amenity. It is recognised that these areas are dynamic and that potential still exists for some additional residential development which can make efficient use of existing public transport routes and social and physical infrastructure. New and infill development in these areas must be of high quality and designed to respect and respond positively to the character of these areas. As such they should not be of such a scale that represents a major addition to, or redevelopment of the existing urban fabric. Infill development will have regard to the existing pattern of development, plots, blocks, streets and spaces. Infill development will also have regard to the scale and proportion of existing buildings, building lines, massing and height of buildings in relation to the street.

High quality regeneration and appropriately scaled infill must be designed as to protect the amenity of existing and future residents. Such development will be required to demonstrate a positive contribution to the urban fabric, respect and contribute to existing amenity and character and deliver sustainable benefits. Similarly, where replacement dwellings are proposed, the sustainable benefits must be clearly demonstrated and any such development must make a positive contribution to the area's urban fabric and amenity and character.

Policy 3.6 Sustainable Neighbourhoods: Inner Residential Areas

- 1. Protect the quality of inner residential areas including Claddagh, Shantalla and Newcastle (to Quincentenary Bridge) while encouraging appropriate high-quality new development through consolidation, infill and redevelopment that responds positively to the character of the area and has regard to the prevailing local pattern, form and density*
- 2. Enhance inner residential areas such as Claddagh, Shantalla and Bohermore, through the implementation of environmental improvement schemes and the protection of all open spaces, including existing green spaces.*
- 3. Prioritise the provision of new homes on designated Regeneration and Opportunity Sites in the Inner Residential Areas at appropriate scales to enable the development of new sustainable communities.*

General Development Standards and Guidelines 11.3 Residential Development

11.3.1 (e) Daylight

All buildings should receive adequate daylight and sunlight. All habitable rooms must be naturally ventilated and lit and living rooms and bedrooms shall not be lit solely by roof lights. Daylight sunlight and/or overshadowing assessment, utilising best practice tools, may be required to assess the impact of development on the amenity of adjoining properties. The requirement for such assessments will be agreed with the planning authority prior to planning application. In this regard, development shall be guided by the quantitative performance approaches and recommendations under the 'Site Layout Planning for Daylight and Sunlight' (2nd Edition): A Guideline to Good Practice (BRE 2011) and BS 8206-2: 2008 - 'Lighting for Buildings - Part 2: Code of Practice for Daylighting' or any updated guidance.

11.3.1 (k) Self Contained Residential Units

Self-contained residential units will be considered when:

- The unit is an integral part of the main dwelling capable of re-assimilation into the dwelling. Specific prior grant of planning permission is required for consequent subdivision of the site. This will generally be discouraged on amenity grounds.*
- The unit is an addition to the existing structure or a garage conversion and shall generally be located at the side as opposed to the rear garden of the existing house.*

- *The floor area of the unit does not normally exceed the equivalent of 25% of the floor area of the existing house.*
- *Self-contained units will only be considered so long as the owner of the premises lives in the unit or the remainder of the premises as their main residence.*

5.2. Natural Heritage Designations

The subject site is:

- 1.4km north-west of Inner Galway Bay SPA,
- 1.4km north-west of Galway Bay Complex SAC and
- 600m east of Lough Corrib SAC.

6.0 EIA Screening

- 6.1. 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 Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. (See Form 1 in Appendix 1 of report).

7.0 The Appeal

7.1. Grounds of Appeal

Introduction

- Planning Authority interpreted the provisions of the Development Plan too narrowly and failed to consider physical characteristics of site and practical solutions to address concerns raised in planner's report
- Dwelling extends across full width of site, has no side entrance, no rear laneway, no independent access to rear garden, no vehicular access
- Only means of access to rear garden and granny flat is through house

- This arrangement reinforces the ancillary relationship between granny flat and principal dwelling house and distinguishes it from an independently accessed dwelling
- Historic planning applications cited are of little relevance to present proposal, which should be assessed on its merits

Chronology of Development

- When applicant purchased property in 2021 existing detached structure was already in use as self-contained residential accommodation, which they subsequently extended and improved and is subject of current retention application
- Applicant acquired parcel of land to rear of No 12 subsequently, with an existing shed (No 2), and they altered its roof structure and added covered area to front
- Also constructed a shed (No1) initially intended for habitable accommodation but following enforcement proceedings applicant removed all elements associated with habitable use of the structure (WC, shower and cooking facilities).
- It no longer functions as habitable accommodation and is being retained as garden room/domestic storage ancillary to main dwelling

Third Party submission

- Submission raises general concerns but does not identify any specific structure, extension or item of development which was omitted from planning application
- Disagrees with assertions contained in submission that the application misrepresented the situation on the ground and notes Planning Authority did not refuse permission based on misleading information
- Submits third party submission should be given limited weight in determining appeal.

Existing granny flat

- While physically detached from principal dwelling, granny flat forms part of one family property, within same ownership and curtilage
- Planners report places undue emphasis on fact that granny flat is detached from principal dwelling and gives insufficient consideration to how the property functions

- Only means of access to granny flat is through the principal dwelling; unlike an independently accessed dwelling. Applicant considers this a significant planning distinction
- Submits that having regard to physical layout of the property as referenced above, it is not an independent planning unit
- Demonstrates that granny flat remains ancillary to principal dwelling house
- The granny flat accommodation was not constructed for commercial purposes or short term letting but to provide to meet a genuine family requirement (details submitted to planning authority) and this background to the application should also be considered.

Shed No1

- Shed No 1 no longer contains facilities for human habitation or functions as such and application seeks retention of use as garden room and domestic storage, photo evidence of same was submitted to Planning Authority, however Planning Authority referred to WC and services when assessing relationship between the retained structures
- Suggests ancillary nature of shed 1 could be reinforced by Commission including a condition restricting use to purposes incidental to principal dwelling

Shed No 2 and covered area

- Planner's report assessed granny flat, shed 1 and shed 2 as effectively comprising one enlarged structure because of the covered area extending between them
- Disagrees with this conclusion, as the purpose of the Perspex covering is to provide weather protection between the adjacent buildings, which are each structurally independent, separately accessed, each has its own function and has its own planning history
- Should the Commission consider the Perspex roof give rise to a planning concern it could include a condition requiring its removal

Errors and Omissions within Planner's report

- Submits instead of being assessed as one composite structure, each building should have been assessed individually before considering overall merits of the proposal
- Assessment should not have referred to WC etc in Shed 1 as these had been removed
- Disagrees that proposal represents overdevelopment of the site; assessment did not contain any objective assessment supporting this conclusion
- No analysis of residential amenity, overlooking, overshadowing, loss of privacy, traffic generation, infrastructure capacity
- Submits that conclusion that proposal represents overdevelopment has not been adequately substantiated
- Application demonstrated that more than adequate private open space was available on the site

Response to reason for refusal No.1

- Disagrees with Condition No 1 as due to nature of site, the granny flat cannot function as an independently accessed dwelling and remains physically and functionally dependent on the dwelling
- Planning concern is the potential establishment of an independent dwelling and this could be dealt with by condition
- Commission could include condition that granny flat shall only be occupied where there is a bone fide family requirement associated with the principal dwelling house
- Should family requirement cease in future, residential use of granny flat would similarly cease and revert to domestic storage etc
- Also disagrees with Planning Authority condition conclusion that proposal represents overdevelopment (as already referenced above) and notes that no objective analysis of this if this was carried out

- Asserts granting this permission would not establish an undesirable planning precedent due to the unique circumstances of this property (as referenced previously, i.e. no independent access to granny flat, access only through existing house)

Response to Reason for Refusal 2

- Disagrees that the development would adversely affect the character of the area as the structures are behind the dwelling, are not visible from Water Lane, do not alter the building line or the appearance of the streetscape and do not alter established pattern of development when viewed from public road
- Planners report does not identify any measurable impact on character of the area or identify any impact on adjoining properties via overlooking, overshadowing loss of privacy or visual impact.

Planning Balance

- Asserts planning applications should be considered having regard to overall principles of proper planning and sustainable development
- Requests Commission to have regard to the issues raised in above sections and considers the retained development does not give rise to any identifiable planning harm

Recent Changes in Planning Policy

- Appeal should be considered having regard to recent changes to planning policy which provide an exemption for detached auxiliary habitable accommodation to rear of an existing dwelling, subject to conditions/limitations.
- While accepting this application doesn't fall within the scope of those exemptions, asserts the new regulations reinforce the principle that detached ancillary family accommodation can constitute acceptable development where circumstances justify it.
- In conclusion requests the Commission to set aside decision of Planning Authority and grant permission subject to such reasonable conditions as it considers appropriate.

7.2. Planning Authority Response

- None

7.3. Observation

From resident of neighbouring dwelling at 12 Water Lane:

- Proposal would interfere with privacy and amenity of properties adjacent to No 11.
- There is no parking associated with No 11 or the other developments on the site and therefore access to the rear properties is minimal
- Unit referred to as Shed 1 has been used for habitable purposes
- Points out that the PA planner report said the proposal would represent over-development of the site, establish a precedent for similar development, and seriously injure residential amenities
- PA report also points out the development would contravene City Development Plan as design and layout of unit would be unsuitable for use as a separate dwelling
- There have been previous issues in relation to the developments on the site and if observer had not taken action, it's probable that other development would have been taken place on the site.

8.0 Assessment

8.1. Having examined the application details and all other documentation on file, including the submissions received in relation to the appeal and having regard to the relevant local and policies and guidance, I consider that the substantive issues to be considered in this appeal are as follows

- Compliance with Development Plan Policy for the area
- Development Plan Standards for Self-Contained Residential Units
- Residential Amenity

8.2. Compliance with Development Plan Policy for the Area

8.2.1. The Development Plan zoning objective for the area aims to “*provide for residential development and for associated support development, which will ensure the protection of existing residential amenity*” and therefore residential development is, in principle, an acceptable use in the area.

The Bohermore area is categorised as an Inner Residential Area and the Development Plan (Section 3.7) recognises that these areas are under pressure with demand for house extensions and infill development and have experienced pressure from traffic and parking impacting residential amenity. It recognises there is some potential for infill development but that it must be designed to respect and respond positively to the character of these areas. It further states that “Infill development will have regard to the existing pattern of development, plots, blocks, streets and spaces and also have regard to the scale and proportion of existing buildings, building lines, massing and height of buildings in relation to the street”.

- 8.2.2. Policy 3.6(1) stated objective is to: “Protect the quality of inner residential areas including Claddagh, Shantalla and Newcastle (to Quincentenary Bridge) while encouraging appropriate high-quality new development through consolidation, infill and redevelopment that responds positively to the character of the area and has regard to the prevailing local pattern, form and density.”
- 8.2.3. There have been a number of historic applications for residential development in the backland areas to rear of Nos 9,10,11,12 and 13 Water Lane, which included demolition of one or other of the existing dwellings fronting the street and development of a number of residential units to the rear which were refused permission. Reasons for refusal included not being in keeping with Development Plan Policy requiring that new development protect the quality of inner residential areas, not adversely affect their character and have regard to the existing pattern and form of development. Although historic, the outcome of these applications has some relevance, as the current Development Plan policy has similar objectives.
- 8.2.4. At present there are two distinct building lines on the north side of Water Lane: the building line set by the historic buildings opening directly onto the street, such as Nos 10 to 14, and a set-back building line, as evidenced in Nos 5-8, No 12, and Nos 14-22. There is some development to rear of dwellings on the street, including extensions and domestic sheds, most of which have probably been in place for some time, but nothing similar to the group or type of structures for retention under the subject application. There are few if any records of planning permission for developments to rear of dwellings on the street, apart from an apartment development at No 9, which may have replaced earlier buildings.

- 8.2.5. The current application does not correspond to either of these building lines and represents an ad hoc organic approach to development of a backland area, where the rear end of two gardens has been amalgamated to create a wider/larger area than the original narrow rear gardens, and two pre-existing structures have been renovated, with one extended for use as a separate residential unit. A third structure was constructed by the applicants for use as a further residential unit, which following enforcement action by the PA, they state will now be used as a garden room/shed, ancillary to residential use.
- 8.2.6. The three single storey structures are clustered in an ad hoc layout, close to site boundaries, with limited space between them. The result is a somewhat disorderly form of development and in my opinion is not in keeping with the Development Plan Policy 3.6(1), which seeks to protect the quality of inner residential areas by ensuring that new development through consolidation, infill and redevelopment has regard to the prevailing pattern form and density of these areas. In addition, if a development of this format was granted retention permission I would be concerned that it would become a precedent for other ad hoc site amalgamation and piecemeal development of residential and other uses, which would erode the character of the area, contrary to Development Plan Policy.

8.3. Development Plan Standards for Self-Contained Residential Units

- 8.3.1. Development Plan requirements in Section 11.3.1(k), include that a self-contained residential unit or 'granny flat' will be considered when the unit is an integral part of the main dwelling, and the floor area of the unit does not normally exceed the equivalent of 25% of the floor area of the existing house. In this case the unit to be retained is physically separate from the main dwelling, located some distance from it and is not capable of being re-assimilated into it. In addition, the 38.31sqm 'granny flat well exceeds the threshold of 25% of the main dwelling, and in conjunction with the adjoining structures would far exceed the floor area of the main dwelling, The scale of the granny flat in the context of the dwelling therefore means that it is not in as subsidiary a role as envisaged in the Development Plan.
- 8.3.2. I note that the granny flat and other structures are located over 40m from the principal dwelling and a timber fence separates the structures to the rear from the principal dwelling (albeit with a path through it). It can be accessed via the front door and

corridor to rear door, without necessarily entering the main part of the principal dwelling, (which has a separate rear access from the kitchen). I note the cover letter with the application states the applicants intend to reside in the main dwelling house, while their daughter resides in the granny flat.

- 8.3.3. The appellant argues that insufficient consideration has been given to how the 'granny flat' functions, while undue emphasis has been placed on the physical form of the structure, and that while physically detached, it remains within the same curtilage and ownership and that it can only be accessed through the principal dwelling, has no separate access from the street and does not function as a separate planning unit.
- 8.3.4. I do not accept the argument that the fact that the dwelling and 'granny flat' are in the same ownership and curtilage overcomes the Development Plan requirements for the unit to be an integral to the dwelling and not above 25% of the floor area of the main dwelling and I am satisfied therefore that the 'granny flat' in this position and design does not conform to the stated requirements of the Development Plan. I note the reference to the new Exempted Development Regulations relating to independent residential units to rear of dwellings, however, as the appellant points out, they do not apply in this case, and the application therefore falls to be assessed under Development Plan requirements.
- 8.3.5. The structure identified as Shed 1 was constructed in the area acquired from the plot of No 12 Water Lane and was laid out and used as a separate residential unit, with WC/ shower room, bedroom and living room, with the apparent intention of having two separate residential units/ 'granny flats', in addition to the principal dwelling. The appellants state that this use of Shed No 1 has now ceased, although I note that the drawings submitted still show a shower and WC. On inspection, I observed that the shower and toilet fittings have been removed, the former bedroom is laid out with exercise equipment and the living room has couch, TV, fridge, kettle and is also in use for drying clothes and domestic storage. It could however, be returned to habitable use relatively easily (which could be addressed by a condition limiting its use, although it is challenging for PA to monitor compliance) and as a garden room/store, it appears to mainly function as ancillary to the adjacent 'granny flat' rather than to the principal dwelling.

8.3.6. The Perspex covering over the space between Sheds 1 and 2 and the 'granny flat' was not in place during the inspection but is shown on the drawings submitted. Its function is stated as providing weather protection between the three structures and the Planning Authority considered it supported the idea of the interconnectivity of use/function between the structures. Clothes lines run between the two Sheds presumably serving the adjacent structures. (I note the principal dwelling has a separate clothes line adjacent to it).

8.3.7. **Residential Amenity**

8.3.8. The observer raised concerns that the development to be retained would significantly interfere with the privacy and amenity of adjacent properties and also referred to lack of parking to serve the development and existing dwellings.

8.3.9. Due to distance from existing adjacent dwellings and absence of overlooking windows, (apart from two windows in Shed 1 which are screened by boundary walls), and the maximum height of the tallest structure being 3.1m, I believe there is little likelihood of overlooking, overshadowing or overbearing impact from the structures on nearby properties, such as to seriously affect the amenities of adjacent properties.

8.3.10. Additional activity passing through the garden to the 'granny flat' and the other structures may result in some increase in noise or overlooking of the rear garden of No 12, which has a relatively low boundary in places, but it is unlikely to be such as to seriously impact amenity or privacy and impact could be addressed by raising the height of the dividing wall/fence and with vegetation.

8.3.11. Section 11.3.1(e) of the Development addresses daylight and sunlight requirements for residential development and states: "All buildings should receive adequate daylight and sunlight. All habitable rooms must be naturally ventilated and lit and living rooms and bedrooms shall not be lit solely by roof lights". While it is intended primarily for new buildings, it is reasonable to consider the availability of daylight to the 'granny flat' also.

8.3.12. It is evident that some rooms in the unit have limited access to direct sunlight, reflecting the fact that it appears to have been originally constructed as a shed, it is positioned very close to site boundaries, with a limited number of windows, and has more recently been extended to the front. The bedroom and kitchen are lit by

rooflights, and the bedroom also has a window. The sitting room has no access to direct sunlight and relies on borrowed light from the living room extension. I conclude that while the unit is well fitted out internally, and has access to outside amenity space, access to daylight in some areas is below the standards in 11.3.1(e), which could negatively impact residential amenities.

8.3.13. As regards the car parking issue raised, I accept that there is a lack of parking in the vicinity on this narrow street, which can lead to competition for the available spaces, and a level of frustration for local residents. I note also that Development Plan car parking standards in inner residential areas are a maximum of 1 space per dwelling for new development. As the site is in a relatively central location in the city, sustainable modes of transport are available and use of a car is not essential for all.

8.4. In conclusion, in my opinion, while the impact of the development to be retained on surrounding dwellings is relatively limited, the scale and positioning of the three structures in close proximity to each other and to the site boundaries, in an ad hoc arrangement clustered at one end of the site and linked by the 'Perspex' roof indicated on the drawings submitted, constitutes disorderly and overdevelopment of the site. It could create an undesirable precedent for other similar development in the area and would not comply with Development Plan policies on protecting the character of the area and Development Plan requirements for self-contained residential units.

9.0 AA Screening

9.1. I have considered the development in the light of the requirements of S177U of the Planning and Development Act 2000 as amended. The subject site is 1.4km north-west of Inner Galway Bay SPA, 1.4km north-west of Galway Bay Complex SAC and 600m east of Lough Corrib SAC. The development consists of the retention of change of use of a structure for a 'granny flat', retain alternations to a storage shed, including awning, retain structure for use as a garden room/storage shed to rear of existing dwelling.

9.2. No nature conservation issues were raised in the planning appeal.

9.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it would not have any effect on a European Site. The reason for this conclusion is as follows:

- Nature of the works i.e. small scale and nature of the development
- Location and distance from nearest European Site and lack of connections

9.4. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on a 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

10.1. The subject site is located at 11 Water Lane, Bohermore, Galway City and the nearest waterbody is inner Galway Bay. The development consists of the retention of change of use of a structure for a 'granny flat', retain alternations to a storage shed, including awning, retain structure for use as a garden room/storage shed to rear of existing dwelling.

10.2. No water deterioration concerns were raised in the planning appeal.

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

10.4. The reason for this conclusion is as follows:

- The small scale of the development
- The distance from nearest water bodies and lack of hydrological connections

10.5. I conclude on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment

11.0 Recommendation

11.1. Refusal of retention permission is recommended.

12.0 Reasons and Considerations

1. The Galway City Development Plan 2023-2029 under Section 11.3.1 (k) Self Contained Residential Units, states that such units/'granny flats' shall be an integral part of the main dwelling capable of re-assimilation into the dwelling. If permitted, the proposed retention of the 'granny flat' and associated structures would contravene the objectives and standards of the City Development Plan as the self-contained unit is designed and positioned on the site as a separate dwelling unit and would not be an integral part of the existing dwelling house on site and would not be capable of re-assimilation into the existing dwelling. The proposed development would if permitted, represent overdevelopment of the site, would establish a precedent for similar undesirable development and would, therefore, be contrary to the proper planning and sustainable development of the area.

2.. The development to be retained owing to its design, scale location and use would constitute disorderly and piecemeal development of a backland site in an Inner Residential Area. It would not respect and respond positively to the character of the area but rather would adversely affect the character of the area in terms of building lines, plots, pattern, and form and therefore if permitted as proposed would be contrary to Policy 3.6 (1) and Section 3.7 of the Galway City Development Plan 2023-2029 and to the proper planning and sustainable development 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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Ann Bogan
Planning Inspector

4th October 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501778-GC-26
Proposed Development Summary	Retain (1) change of use of a structure and extension thereto as self-contained residential unit (granny flat), (2) alterations to storage shed (3) existing structure for garden room/storage shed, all at rear of existing dwelling
Development Address	11 Water Lane, Bohermore, 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.
	☐ 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)?	
☐ 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
☒ 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: Ann Bogan

Date: 04/10 2026