



An  
Bord  
Pleanála

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## Inspector's Report

### ABP-319206-24

#### Development

#### PERMISSION/RETENTION:

Retention of 42 sq. m. of the partially unauthorised garden building and the construction of an 11.5 sq. m. extension to the garden building adjoining it to the dwelling.

#### Location

66 Clanmaurice Road, Donnycarney, Dublin 5, D05 E978

#### Planning Authority

Dublin City Council

#### Planning Authority Reg. Ref.

4950/23

#### Applicant(s)

Niall Byrne & Family

#### Type of Application

Planning Permission/Retention  
Permission

#### Planning Authority Decision

Refusal

#### Type of Appeal

First Party

#### Appellant(s)

Niall Byrne & Family

#### Date of Site Inspection

19<sup>th</sup> December 2024

**Inspector**

Conor Crowther

## **1.0 Site Location and Description**

- 1.1.1. The site is located along Clanmaurice Road within the confines of dwelling No.66 – a semi-detached dwelling with a single storey pitched roof extension to the rear. Further to the rear of the site lies the structure the subject of this appeal, namely, a single storey pitched roof structure in use as unauthorised residential development. The structure is accessed via a side entrance of the parent dwelling and has a stated area of approximately 42m<sup>2</sup> consisting of a kitchen/living area, 2 no. bedrooms, 1 no. bathroom and a utility room.
- 1.1.2. The surrounds of the site are suburban in nature characterised by semi-detached and terraced dwellings within the Donnycarney area approximately 4.4km to the northwest of Dublin City Centre. To the north, south and east of the site lies the rear gardens of dwellings fronting onto Clanmaurice Road and Clanranald Road. These rear gardens remain largely undeveloped and/or include small sheds. Further to the west of the site lies a recreational area hosting Donnycarney FC, immediately adjacent to the Malahide Road which is within the recently granted BusConnects Clongriffin to City Centre Corridor. Further to the south of the site lies a collection of community, educational and sporting institutions, including Craobh Chiaráin CLG, Scoil Chiaráin CBS, Our Lady of Consolation National School, LeChéile Donnycarney Community & Youth Centre and Parnell Park (Dublin GAA HQ).

## **2.0 Proposed Development**

- 2.1.1. The proposed development is described as follows:
- Retention permission for a partially unauthorised pitched roof structure (49m<sup>2</sup>), in use as ancillary residential accommodation, to the rear of the parent dwelling. 36m<sup>2</sup> of the structure is authorised under ref. 3241/18. The proposed use is for ancillary family accommodation which is not currently authorised.
  - Permission for demolition of 12m<sup>2</sup> at the western end of the existing structure, construction of a 14m<sup>2</sup> linear extension to the west of the existing structure adjoining it to the parent dwelling.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

3.1.1. Dublin City Council (the Planning Authority) decided to REFUSE permission for the proposed development on the 8<sup>th</sup> February 2024 for the following reasons:

- The scale, extent, height and use of the new extension would impact negatively on the residential amenities of adjacent dwellings, including the parent dwelling, through overbearing, noise generation, disturbance and intensity of use and would seriously injure the residential amenities of properties in the vicinity.
- The proposed extension to the existing garden building would not have a direct link to the main dwelling as required under Appendix 18.7.0 of the Development Plan and the building, in its layout, would not be able to be reintegrated back into the original unit in future. The proposed building would not provide a satisfactory standard of development as ancillary family accommodation and would set an undesirable precedent for unsuitable habitable structures to the rear of dwellings in the vicinity.

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

3.2.1. Planning Reports

3.2.2. The Planning Officer's report concluded that permission for the proposed development and development proposed to be retained should be refused for the reasons set out above. The Planning Officer concluded that:

- The development, as proposed, would still retain 6m<sup>2</sup> of additional space beyond that which was previously approved under Ref. 3241/18.
- The total floor area of 53.5m<sup>2</sup> would be larger than the building previously refused (Ref. 3891/23).
- Concerns regarding the potential for the development to be used independently of the existing dwelling.

- Overbearing effects on No. 64 <sup>1</sup>Clanmaurice Road.
- The link structure includes no internal circulation linkage to the main dwelling.
- The proposed development has more impacts than the existing building has presently.

#### 3.2.3. Other Technical Reports

3.2.4. The following internal sections issued reports following consideration of the application:

- Drainage Section – No objection, subject to conditions.

### 3.3. Prescribed Bodies

3.3.1. None received.

### 3.4. Third Party Observations

3.4.1. None received.

## 4.0 Planning History

#### Subject Site:

4.1.1. 3891/23 – Permission REFUSED in 2023 for retention of unauthorised alterations to the as-granted garden building (ref No.3241/18). The alterations are as follows:  
Internal area is 13m<sup>2</sup> larger (total 49m<sup>2</sup>); It is built adjacent to the south party wall with No. 64, the roof is pitched rather than flat, the building is currently used as accommodation.

Refusal on the grounds of deficient residential amenity, non-compliance with Section 15.11.1 and 15.11.3 of the Development Plan and national standards set out in Quality Housing for Sustainable Communities (2007), poor precedent, deficient private open space, overdevelopment, overbearing, intensity of use, noise generation and disturbance.

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<sup>1</sup> I note that the Planning Officer's report mistakenly referred to no. 26 Clanmaurice Road which is not located adjacent to the proposed development.

4.1.2. E0268/19 – Enforcement proceedings enacted against the 1<sup>st</sup> party based on non-compliance with the conditions of Ref. 3241/18 – 12m<sup>2</sup> of additional unauthorised construction.

4.1.3. 3241/18 – Permission GRANTED in 2018 for single storey detached playroom/workshop and associated site works to the rear.

Condition 2 of this permission states that the proposed development shall not be used for human habitation.

Neighbouring Sites of relevance:

4.1.4. ABP-313182-22 – Permission GRANTED in 2024 for BusConnects Clongriffin to City Centre Core Bus Corridor located 255m to the west of the site.

## 5.0 Policy Context

### 5.1. Quality Housing for Sustainable Communities, Best Practice Guidelines, 2007

5.1.1. Published in 2007 by the Department of the Environment, Heritage and Local Government, these guidelines serve to implement national planning policies in place at the time, including the superseded National Spatial Strategy and National Development Plan. Given that no updated guidelines have been published since, these guidelines are still applicable in this instance.

5.1.2. Regarding the proposed development, the guidelines indicate minimum floor areas likely to be required to satisfy the requirements of normal living standards. The following minimum internal dimensions are indicated:

- Single bedroom - at least 7.1m<sup>2</sup>.
- Double bedroom - at least 11.4m<sup>2</sup>.
- The area of the main bedroom should be at least 13m<sup>2</sup> in a dwelling designed to accommodate three or more persons.
- Living room width for 2 bed dwelling – 3.6m.
- Target gross floor area – 70m<sup>2</sup>.
- Minimum main living room – 13m<sup>2</sup>.
- Aggregate living area – 30m<sup>2</sup>.

- Aggregate bedroom area – 25m<sup>2</sup>.
- Storage – 4m<sup>2</sup>.

## 5.2. Dublin City Development Plan 2022-2028

5.2.1. The following are policies and objectives of relevance to the proposed development from the Dublin City Development Plan:

- Map B – Zoning Objective Z1 (Sustainable Residential Neighbourhoods) '*To protect, provide and improve residential amenities*'.
- Chapter 15 – Development Standards:
  - Section 15.11.3 – Private Open Space – '*A minimum standard of 10 sq. m. of private open space per bedspace will normally be applied. A single bedroom represents one bedspace and a double bedroom represents two bedspaces. Generally, up to 60-70 sq. m. of rear garden area is considered sufficient for houses in the city*'.
- Appendix 18 – Ancillary Residential Accommodation:
  - Section 2.0 – Detached Habitable Rooms – '*Detached habitable rooms refer to backland development within the curtilage of an existing dwelling that does not contain a separate vehicular access point. In this respect, access to the individual room to the rear of the existing dwelling will be provided by way of side passage/ access but with shared entranceway.*  
  
*The purpose of these rooms is to provide for additional space within the rear garden of an existing dwelling for study/ home office use or additional living/ children's play room. These rooms shall only be used as ancillary residential accommodation*'.
  - Section 7.0 – Ancillary Family Accommodation - '*Ancillary family accommodation refers to a subdivision or extension of a single family dwelling unit to accommodate an immediate family member for a temporary period (e.g. elderly parent) or where an immediate relative with a disability illness or specific temporary housing need may need to live in close proximity to their family.*

*Generally, the purpose of ancillary family accommodation is to provide an amenable living area offering privacy, manoeuvrability and independence while maintaining a direct connection to the main dwelling. Usually, there is no exterior difference in appearance between an extension and ancillary family accommodation and is still considered a single residential unit.*

*Ancillary family accommodation should:*

- Be contained within the existing unit or provided as an extension to the main dwelling.*
- Preferably have a direct connection to the main home.*
- Not be let separately for the purpose of rental accommodation.*
- Not be a separate detached dwelling unit.*
- Be reintegrated back into the original unit when no longer occupied by a member of the family.*

*Conditions will be attached to the permission limiting the use of the accommodation for ancillary family use only on a temporary basis'.*

### **5.3. Natural Heritage Designations**

5.3.1. The closest sites of natural heritage interest to the proposed development are the North Dublin Bay proposed Natural Heritage Area (000206) and the South Dublin Bay and River Tolka Estuary Special Protection Area (004024) which are located approximately 1.5km to the south of the proposed development. Other sites of relevance include:

- The North Dublin Bay Special Area of Conservation (000206) located approximately 2.6km to the southeast of the proposed development.
- The North Bull Island Special Protection Area (004006) located approximately 2.6km to the southeast of the proposed development.
- The Royal Canal proposed Natural Heritage Area (002103) located approximately 3km to the southwest of the proposed development.



- The Santry Demesne proposed Natural Heritage Area (000178) located approximately 3.4km to the northwest of the proposed development.
- The North-West Irish Sea Special Protection Area (004236) located approximately 5.4km to the southeast of the proposed development.

#### **5.4. EIA Screening**

- 5.4.1. 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. 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.

### **6.0 The Appeal**

#### **6.1. Grounds of Appeal**

- 6.1.1. A 1<sup>st</sup> party appeal was submitted by Niall Byrne & Family on the 6<sup>th</sup> March 2024 opposing the decision of the Planning Authority to REFUSE permission. The grounds of appeal are summarised as follows:

- Such small dwellings with long gardens can accommodate ancillary family accommodation.
- The proposed development and development proposed to be retained does not and would not generate noise.
- The single storey nature and low-pitched roof does not result in an over scaled structure, given its location to the rear of a large site.
- The proposed development includes demolition of part of the pitched roof element to replace it with a lower flat roof which addresses the Planning Authority's overbearing concerns.
- The proposed accommodation is not a separate dwelling as direct access is provided to the rest of the house.
- The proposed accommodation is integral to the original family house.

- Precedent exists in the area for similar development on sites of a similar plot size (4 no. precedent decisions referenced).
- The proposed ancillary accommodation will be linked to the original dwelling and this link will function as the kitchen for the ancillary accommodation and for the original dwelling, once the ancillary accommodation is no longer required (see revised drawing no. P-001 submitted with the appeal).
- The proposed ancillary family accommodation complies with the Development Plan standards.
- The Development Plan does not detail spatial quantum for such development.
- The proposed development represents ancillary family accommodation for an immediate family member and is in compliance with Appendix 18.7.0 of the Development Plan.

## **6.2. Planning Authority Response**

6.2.1. The Planning Authority requests that the Board upholds the decision of the Planning Authority to refuse permission. In the event of a grant of permission, the Planning Authority request that the following conditions be applied:

- A condition requiring the payment of a Section 48 development contribution.

## **6.3. Observations**

6.3.1. None received.

## **7.0 Assessment**

7.1.1. I consider the key issues in determining this appeal are as follows:

- Principle of Proposed Development
- Compliance with policy on Ancillary Residential Accommodation
- Impact on Residential Amenity
- Design & Layout
- Precedent Cases

7.1.2. From analysis of the submitted drawings, the Planning Authority Officer Report and the appeal documentation, a variety of figures are provided in relation to the quantifiable area of development and demolition. It is my consideration, having analysed the submitted drawings, that the development proposed to be retained would amount to approximately 49m<sup>2</sup> (13m<sup>2</sup> more than what was originally permitted). The submitted drawings do not indicate the area of proposed demolition; therefore, it is my assessment that approximately 12m<sup>2</sup> of the western end of the development proposed to be retained would need to be demolished to facilitate the construction of the proposed link corridor, which I consider measures approximately 14m<sup>2</sup>. This results in a proposed development of approximately 51m<sup>2</sup>, an additional 2m<sup>2</sup> above the 49m<sup>2</sup> proposed to be retained and an additional 15m<sup>2</sup> above the 36m<sup>2</sup> originally permitted.

## **7.2. Principle of Proposed Development**

7.2.1. The Z1 zoning of the site allows for residential development, in principle, subject to the protection of residential amenities and normal planning considerations. The residential use of the site is therefore acceptable in principle.

## **7.3. Compliance with policy on Ancillary Residential Accommodation**

7.3.1. Appendix 18 of the Development Plan sets out general principles that should be addressed in assessing proposed ancillary residential accommodation. Section 7 of this Appendix sets out the policy approach to ancillary family accommodation, which the appellant contends would constitute the use of the proposed development and development proposed to be retained. Several criteria are set out in this section indicating how ancillary family accommodation should function. The criteria are assessed as follows:

- Should be contained within the existing unit or provided as an extension to the main dwelling – The development proposed to be retained was constructed as a separate unit to the main parent dwelling but remains as unauthorised development due to its residential use which contravenes condition 2 of ref. 3241/18. The proposed development is not provided as an extension to the main parent dwelling. Rather, it involves a retrospective extension from the unauthorised development to the main parent dwelling. Notwithstanding this, the outcome of the proposed development would technically be the provision

of an extension to the main dwelling. I therefore consider the proposed development to be compliant with this criterion.

- Should preferably have a direct connection to the main home – Drawing no. P-001 shows the kitchen area within the proposed link corridor blocking off any direct internal connection to the main parent dwelling. I note that a revised version of this drawing has been submitted with the appeal which shows this area of the kitchen to be open, thereby allowing for a direct internal connection to the main parent dwelling. Whilst I have concerns about the use of this direct connection to the main parent dwelling considering the retention of the separate access from the link corridor to the rear garden, I am satisfied that a direct connection to the main parent dwelling would be established.
- Should not be let separately for the purpose of rental accommodation – As there is no evidential proof that the property is being let separately for the purpose of rental accommodation, I am satisfied that the proposed development accords with this criterion. In any case, I am of the view that this could be addressed by way of condition, in the event of a grant of planning permission.
- Should not be a separate detached dwelling unit – As stated above, the development proposed to be retained was constructed separately to the parent dwelling. The proposed development would link the unauthorised structure to the parent dwelling. Notwithstanding this, the proposed development would retain its own separate access as it would be accessed via its own entrance door within the proposed link corridor and would have access to the public road via the side entrance of the parent dwelling. This, in my view, indicates that the proposed development would likely be used as a separate dwelling unit to the parent dwelling, thereby negating the purpose of family accommodation which is supposed to be ancillary to the parent dwelling and not separate to it. I therefore do not consider the proposed development to be in accordance with this criterion as it would likely remain separate in its function.
- Should be reintegrated back into the original unit when no longer occupied by a member of the family – As stated above, I have determined that the

proposed development would provide a direct connection to the parent dwelling. In this respect, I note the appellant's clarification that the kitchen area in the proposed link corridor would function as the kitchen for the parent dwelling once the ancillary accommodation is no longer required. This would be achieved without requiring further works. I therefore consider that the proposed development and development proposed to be retained could be appropriately reintegrated back into the parent dwelling, once it is no longer required for ancillary family accommodation purposes.

In conclusion, I consider that the proposed development and development proposed to be retained would not constitute ancillary family accommodation due to the retention of an access, separate to that of the parent dwelling unit. Additionally, I note that four people are proposed to be residing within the proposed development, which creates a significant intensification of use. This is reflected in the arrangement and configuration of the proposed development, which is not, in my opinion, typical of ancillary residential accommodation given its existing and likely future function as a separate family unit. The arrangement and configuration of the proposed development is addressed further in Section 7.5 of this report.

- 7.3.2. Notwithstanding the above, I accept that the development relates to the accommodation needs of an immediate family member due to housing affordability issues in the general Dublin area. Whilst I sympathise with the appellant on this matter, I do not consider this proposed development to be permissible as ancillary family accommodation.
- 7.3.3. I note that the development proposed to be retained was previously assessed as being non-compliant with Section 2 of Appendix 18 of the Development Plan relating to detached habitable rooms on backland sites (Ref. 3891/23). Although this hasn't been raised as an issue in this appeal, I consider that the development proposed to be retained remains non-compliant with Section 2 of Appendix 18 of the Development Plan as it retains a residential use which would not be ancillary in nature. Given the substantive reasons for refusal and the fact this would potentially be a new issue in the context of this appeal, it is not considered appropriate to include this matter in the reasons for refusal.

#### **7.4. Impact on Residential Amenity**

- 7.4.1. Regarding the impact of the proposed development and the development proposed to be retained on the residential amenities of neighbouring properties, the Planning Authority has raised concerns about the scale, extent, height and use. The appellant contends that the location to the rear of the parent dwelling, the single storey low pitched nature of the development and the direct link to the parent dwelling would militate these concerns.
- 7.4.2. Having analysed the drawings and undertaken a site visit, I note that the area of the proposed link between the parent dwelling and the existing structure would be in an area of the rear garden that slopes slightly towards the parent dwelling. When viewed in combination with the relatively low-lying rear garden boundary wall between 66 and 64 Clanmaurice Road (Drawing no. P-101), the proposed link corridor would be 1.2-1.5m above the existing boundary wall. This would, in my opinion, negatively impact the residential amenities of the occupants of no.64 Clanmaurice Road whose entrance to the rear of their dwelling appears to be adjacent to this boundary wall. Whilst I consider the appellant's proposition to use a flat roof for the proposed link structure a positive proposition, I do not consider that it would significantly lessen the overbearing impact that would occur along the full length of the boundary wall. Accordingly, I consider the height of the proposed development to negatively impact the residential amenities of neighbouring properties due to its extent along the full length of the boundary wall adjacent to a rear garden entrance from a neighbouring property.
- 7.4.3. Regarding the scale and extent of the proposed development and development proposed to be retained, I note that the overall floor area would amount to an almost 50% increase in the floor area originally permitted and considered acceptable under ref. 3241/18. When considered in combination with the height of the development and its proximity to neighbouring properties, I consider that the scale and extent of the development would further negatively impact the residential amenities of neighbouring properties by way of its increased scale and extent above that originally permitted. Thus, I consider the scale and extent of the development would aggravate the negative impact on the residential amenities of neighbouring properties. I do not consider the appellant's contention that the location of the development to the rear of the site would mitigate concerns surrounding the scale of the development as it would be visible from neighbouring properties.

- 7.4.4. Additionally, I note concerns raised by the Planning Authority in relation to potential noise and disturbance due to the intensification of residential use onsite. Notwithstanding the intensification of use onsite, I am of the view that such an intensification would not likely lead to noise and disturbance issues. No evidence has been provided in support of this contention and I am not of the view that it would result in a negative impact on residential amenities given the existing proximity of dwellings to each other in this suburban location. I therefore agree with the appellant on this matter.
- 7.4.5. It is also worth noting the impacts of the proposed development and development proposed to be retained on the existing parent dwelling which would experience a loss of amenity space and would potentially overshadow and overlook the proposed ancillary family accommodation. The loss of amenity space is assessed in Section 7.4.9 of this report.
- 7.4.6. Regarding the issue of overshadowing, I note that the proposed development would be located to the north of 64 Clanmaurice Road and would be unlikely to materially impact the residential amenities of this property by way of overshadowing due to its orientation. I also do not consider that the proposed development would materially impact the residential amenities of 68 Clanmaurice Road due to the single storey nature of the development and the fact that much of the footprint of the development would be located along the southern boundary of the site. I do not consider it likely that the proposed development and development proposed to be retained would be materially overshadowed by the existing parent dwelling due to its relative separation from the 2-storey element of the existing dwelling.
- 7.4.7. Regarding the matter of overlooking, the extent of overlooking from the parent dwelling could be significant considering the location of fenestration to the rear of the existing dwelling at 1<sup>st</sup> floor level facing towards the proposed development. This may be mitigated, to some extent, by the existing single storey extension to the rear of the parent dwelling which would obstruct the view of the ground floor level from these windows. Given the substantive reasons for refusal and the fact this would potentially be a new issue in the context of this appeal, it is not considered appropriate to include this matter in the reasons for refusal.

- 7.4.8. I note the appellant stated that spatial quanta for such development are not set out in the Development Plan. Whilst this may be the case for internal measurements, the minimum quantum of private amenity space is set out as 10m<sup>2</sup> per bedspace in Section 15.11.3 of the Development Plan. Considering that the parent dwelling consists of 3 no. bedspaces and the development in question would consist of 4 no. bedspaces (see details of occupancy of the outbuilding in appeal document), a total of 70m<sup>2</sup> of private amenity space would be required. The appellants drawing no. P-001 demonstrates that a private amenity area of 52m<sup>2</sup> would be retained upon completion of the proposed development. I consider that this would be well below the minimum standard required for private amenity space and would not be in accordance with Section 15.11.3 of the Development Plan. I also consider that the 21m<sup>2</sup> side passage area contained within the 52m<sup>2</sup> of private amenity space would likely not function as usable private amenity space thereby further reducing the private amenity space provision. Given the substantive reasons for refusal and the fact this would potentially be a new issue in the context of this appeal, it is not considered appropriate to include this matter in the reasons for refusal.
- 7.4.9. In conclusion, I do not consider the principle of the proposed development to be acceptable due to a combination of its height, scale and extent which would negatively impact the residential amenities of neighbouring properties. I therefore do not consider the proposed development, or the development proposed to be retained, to be in accordance with the zoning objective for the site which is to protect residential amenities.

## **7.5. Design & Layout**

- 7.5.1. The matter of compliance with the requirements of the 'Quality Housing for Sustainable Communities (2007)' national policy was not raised in this appeal or in the Planning Authority's assessment. However, I note that this was raised as an issue in the Planning Authority's assessment of the similar onsite retention permission application which was refused by the Planning Authority (ref. 3891/23). Since the development proposed to be retained currently functions as a separate residential unit, and the proposed development does not constitute ancillary family accommodation, I consider that its function as a separate residential dwelling would remain. Accordingly, I am of the view that the provisions of the Quality Housing for Sustainable Communities (2007) national policy document would apply.



7.5.2. Having assessed the submitted drawings, I consider the size and layout of the proposed development and development proposed to be retained would remain deficient due to the substandard overall floorspace provided, which would remain significantly below the standard for a 2-bed four person dwelling (70m<sup>2</sup>), and the lack of natural lighting of the proposed bedrooms. The proposed development would also not provide sufficient storage space or bedroom space. Given the substantive reasons for refusal and the fact this would potentially be a new issue in the context of this appeal, it is not considered appropriate to include this matter in the reasons for refusal.

## 7.6. Precedent Cases

7.6.1. Several precedent cases were referenced by the appellant as examples of existing ancillary family accommodation in the surrounding area. They are referenced as follows:

1. No. 142 Clanranald Road (Ref.1360/16)
2. No. 32 Clanmaurice Road (Ref.2298/16)
3. No. 6 Clanboy Road (Exempt Development extension)
4. No. 113 Clanranald Road (no planning application)

I have reviewed the above cases. Precedent case no.1 relates to a standard extension to an existing dwelling and does not constitute ancillary family accommodation for an immediate family member as it does not add any additional living space to the dwelling beyond an extended kitchen area and an additional bathroom. Likewise, precedent case no.2 relates to a standard extension to an existing dwelling and only extends the kitchen/dining area and a bedroom area. The remaining precedent cases relate to development undertaken without the benefit of planning permission which, I consider, not to represent a relevant consideration of the subject appeal. In any case, each application is assessed on its own merits. I therefore do not consider that precedent exists in support of the proposed development, or the development proposed to be retained.

## 8.0 AA Screening

- 8.1.1. I have considered the proposed development in light of the requirements of S177U the Planning and Development Act 2000 as amended.
- 8.1.2. The subject site is not located within or adjacent to any European Site. The closest European Site, part of the Natura 2000 Network, is the South Dublin Bay and River Tolka Estuary SPA, 1.5km from the proposed development.
- 8.1.3. The proposed development is located within a residential area and comprises the retention and extension of unauthorised ancillary residential accommodation and all associated site works.
- 8.1.4. Having considered the nature, scale, and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site.
- 8.1.5. The reason for this conclusion is as follows:
- Small scale and domestic nature of the development
  - The location of the development in a serviced suburban area, distance from European Sites and urban nature of intervening habitats, absence of ecological pathways to any European Site.
- 8.1.6. I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

## 9.0 Recommendation

I recommend that planning permission and retention permission be REFUSED for the reasons and considerations as set out below.

## 10.0 Reasons and Considerations

1. Having regard to the Z1 zoning of the site, the objective of which is to protect, provide and improve residential amenities, and the location of the site adjoining existing dwellings, it is considered that the proposed development and the development proposed to be retained, by reason of its height, scale

and extent, would seriously injure the residential amenities of neighbouring properties by reason of overbearing visual impact and would contravene the said zoning objective. The proposed development and development proposed to be retained would, therefore, be contrary to the proper planning and sustainable development of the area.

2. It is considered that the proposed development and development proposed to be retained, by reason of its configuration and function as a separate dwelling unit to the rear of the existing residential property, would be contrary to the provisions of Section 7 of Appendix 18 of the Dublin City Development Plan 2022-2028 regarding “Ancillary Family Accommodation”, and as such, would constitute an inappropriate form of development, which would set an undesirable precedent for future development in the area. The proposed development and development proposed to be retained would, therefore, be contrary 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, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Conor Crowther  
Planning Inspector

21<sup>st</sup> January 2025

# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	ABP-319206-24		
<b>Proposed Development Summary</b>	Retention of 42 sq. m. of the partially unauthorised garden building and the construction of an 11.5 sq. m. extension to the garden building adjoining it to the dwelling.		
<b>Development Address</b>	66 Clanmaurice Road, Donnycarney, Dublin 5, D05 E978		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	<input checked="" type="checkbox"/>
		<b>No</b>	Tick if relevant. No further action required
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>			
<b>No</b>	<input checked="" type="checkbox"/>	Although functioning as a separate dwelling unit, the proposed development is proposed as ancillary family accommodation. Thus, the proposed development is not of a class specified in Part 1 or 2, Schedule 5 of the Planning & Development Regulations 2001 (as amended) as it is ancillary to an existing dwelling.	
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			

Yes			
No			
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
Yes			

<b>5. Has Schedule 7A information been submitted?</b>		
No	✓	Pre-screening determination remains as above (Q1 to Q4)
Yes		Screening Determination required

**Inspector: Conor Crowther      Date: 21<sup>st</sup> January 2025**