



An  
Bord  
Pleanála

## Inspector's Report

**ABP-322227-25**

<b>Development</b>	Retention of extension to front and partial garage conversion to side, with internal modifications to create family ancillary accommodation. Permission sought for new extended garden room area at rear to create a small scale home based economic activity, with associated site works.		
<b>Location</b>	13, Ardagh Crescent, Newtownpark Avenue, Blackrock, Co. Dublin, A94K702.		
<b>Planning Authority Ref.</b>	D24B/0451/WEB.		
<b>Applicant(s)</b>	David Quinn & Kim Atkinson.		
<b>Type of Application</b>	Permission.	<b>PA Decision</b>	To grant permission with conditions
<b>Type of Appeal</b>	Third Party	<b>Appellant</b>	Judith Renier.
<b>Observer(s)</b>	None on file		
<b>Date of Site Inspection</b>	8 <sup>th</sup> May 2025	<b>Inspector</b>	Des Johnson

### 1.Site Location and Description

1.1 Ardagh Crescent is located to the north-east of Stillorgan Road, and north-west of Newtownpark Avenue. It is north-east of Belmont Green, and south west of Ardagh Grove.

1.2 The appeal premises is a dormer style dwelling. It has a long mature rear garden with patio. Towards the end of the rear garden there is a single-storey garden structure which fronts to the south west. At the time of inspection, it stored various items of musical equipment. It has wooden decking to the front. There is also a wooden garden shed close to the south western garden boundary

## **2. Proposed development.**

2.1 The proposal is for the retention of extension to the front and partial garage conversion to side, with internal modifications to create a family ancillary accommodation. Permission is sought for new extended garden room area at rear to create a small-scale home based economic activity with associated site works.

2.2 The ground floor area existing is stated to be 200sqm, and the proposed development is stated to be 22sqm. A floor area of 8sqm is to be retained. The site area is .0797ha.

2.3 The existing ground floor plan shows a bedroom extended to the front, and internal en-suite occupying part of the garage to the side. The proposed extension to the garden room includes a home office, utility, and shower. The submitted drawing shows the existing structure as 'Musical Instrument making Workshop/Gym/Complementary Therapy Room'.

2.4 By way of the submission of Further Information, the applicant clarified that he would be working as a sole trader making a flute every 2 to 3 weeks, and intended hours of work would be 9am to 6pm Monday to Friday. A wood turning lathe would be used, but speeds are low and sound proofing would be applied. The garden structure was built in 2005, was used for recreational activities, and in more recent times was used by the 1<sup>st</sup> party for yoga and meditation, a painting room, a reading room, and as a music practice room.

## **3. PA's Decision**

3.1 The Planning Authority decided to grant permission subject to 9 conditions.

3.2 The conditions relate to the following:

1. Standard compliance
2. Entire dwelling to be used as a single dwelling unit
3. Detached garden structure to be used solely for use incidental to the enjoyment of the dwelling house, and not to provide granny flat accommodation, and not to be used for the carrying out of any trade or business other than detailed in the application
4. Surface water run-off

5. Mud, dirt, debris, or building material management
6. Financial contribution – Surface water infrastructure
7. Financial contribution – Transport infrastructure
8. Financial contribution – Community and Parks facilities
9. Requirement to agree financial contributions.

3.3 The Planner's Report states that one submission was received relating to loud disturbances from the garden room being used as a music studio, anti-social behaviour, and concerns for the future use of the garden room. The site is zoned A, and the development is permissible under the zoning. There is no planning history for the garden room, and its status is unclear. The planning authority have concerns regarding the use of the garden structure. Further Information (FI) is requested. Further to the submission of FI the planning authority are satisfied that the activities carried out in the garden structure would not generate adverse residential impacts. The proposal for home-based activity would be consistent with policies and objectives.

3.4 The E.H.O. Planning Report, providing observations on the Further Information submitted, states that the proposal is acceptable.

#### **4. Planning History**

4.1 D03B/0219 – permission granted for single-storey extension to the rear and 600mm high fence above existing front garden party wall at this site.

D01A/0606 – permission granted for conversion of garage to playroom, attic conversion, and dormer windows at this address. This decision was appealed and granted on appeal under Reference PL06D.129504.

#### **5.0 Planning Policy**

5.1.1 The Dun-Laoghaire-Rathdown County Development Plan 2022-2028 is the operative Plan.

5.1.2 The site is zoned 'A' with the objective 'to provide residential development and improve residential amenity while protecting the existing residential amenities'. Home based economic activities are 'open for consideration'.

5.1.3 Section 12.3.7.1 refers to Extensions to Dwellings. Extensions to front at both ground and first level will be considered acceptable in principle subject to scale, design, and impact on visual and residential amenities.

#### **5.2 Natural Heritage Designations**

South Dublin Bay SAC – c. 2.4km to the north-east.

South Dublin Bay and River Tolka Estuary SPA & pNHA – c. 2.4km to the north-east.

Rockabill to Dalkey Island SAC – c. 6.5km to the east.

## **6. The Appeal**

### **6.1 Third Party Appeal.**

The Third-Party grounds of appeal may be summarised as follows:

- The appellant is deeply concerned that an on-going noise issue over a period of 10+ years will continue. The applicants' children continue to return to the premises regularly on Fridays, Saturdays, and/or Sundays to practice for upcoming gigs
- During the summer the door and windows are left open, so sound proofing is irrelevant
- Additional development to the garden structure will significantly impact on the appellants quality of life
- The flute making process involves the use of power tools and machinery which can produce significant noise. There is insufficient information submitted
- The final testing of flutes has the potential for disruption, and greater consideration should be given to measures to reduce noise into neighbouring properties. Operating hours should be controlled.
- Noise pollution can impact physical, and mental wellbeing, leading to stress, sleep disturbance, and overall discomfort

### **6.2 P.A. Response**

6.2.1 The grounds of appeal do not raise any new matter which would justify a change of attitude to the proposed development.

### **6.3 First Party Response**

6.3.1 This may be summarised as follows:

- It is factually incorrect to state that the 1<sup>st</sup> Party's adult children return regularly to play in the garden room. Their sons' band is a hobby band and has only performed four gigs in 16 months with two short band practices before each. A third son has lived abroad for over 12 years.

- The neighbours have never complained regarding music coming from the garden room.
- There was an open performance some time back for an emigrating family. This was about 40 minutes long, and this may be the recording that the appellant refers to.
- The 1<sup>st</sup> Party does use the use as a practice room for flute playing, together with some other non-amplified Irish traditional music instruments. The 1<sup>st</sup> Party needs to practice as part of a course he is currently undertaking. These are inaudible from the applicants' house. Windows and doors are left shut.
- The workshop would be used for flute making, which would be controlled by the permission granted. Work would be between 9am-6pm Monday to Friday. Most of the work involves the use of hand tools. A wood turning lathe would be used but modern wood turning lathes are very quiet.
- It is proposed to install soundproof doors and windows and use good noise dampening and soundproofing materials
- There are many similar type workshops in gardens around Dublin.

## **7.EIA Screening**

Having regard to the nature and scale of development to be retained, and the nature and scale of development proposed, and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

## **8.0 Assessment**

8.1 The proposal is for the retention of an extension to the front and a partial garage conversion to side, with internal modifications to create family ancillary accommodation. Permission is sought for new extended garden room area at rear to create a small-scale home-based economic activity with associated site works. The proposed development is stated to be 22sqm. A floor area of 8sqm is to be retained.

The ground floor extension to the front enlarges an existing bedroom, and an internal en-suite is provided occupying part of the garage to the side. The proposed extension to

the garden room includes a home office, utility, and shower. The existing structure is used as a music room and for flute making. By way of the submission of Further Information, the applicant clarified that he would be working as a sole trader making a flute every 2 to 3 weeks, and the intended hours of work would be 9am to 6pm Monday to Friday. Sound proofing would be provided.

8.2 The Planning Authority granted permission subject to conditions. There is a Third-Party appeal against the decision; the grounds of appeal raise concerns regarding on-going noise from the existing garden structure which may be exacerbated by the proposed extension and intended future use.

8.3 I submit that the key issues to be addressed are as follows:

- Policy issues
- Residential amenities
- Financial contributions
- Appropriate Assessment

### **Policy Issues**

8.4 The site is in an established residential area zoned 'A', with the objective 'to provide residential development and improve residential amenity while protecting the existing residential amenities'. The extension to the front for which retention is sought, is permissible within the zoning objective for the area. The design of the extension is acceptable, and there is no adverse impact on residential amenities of adjoining property.

8.5 It is stated that the garden room has existed since 2005. It is currently used for purposes incidental to the residential enjoyment of the main dwelling. The proposed extension to this structure is to provide small home office, utility, and shower room. It is stated that the extended structure would be used for flute making, and has recently been used for yoga and meditation, a painting room, a reading room, and a music practice room. Home based economic activities are 'open for consideration' within the zoning.

### **Residential Amenities**

8.6 The development proposed for retention is visually acceptable and does not have any adverse impact on the residential amenities of neighbouring property. The proposed design of the extension to the garden room is visually acceptable. The garden structure is towards the end of a long rear garden, and the proposed extension would be in the space between the existing structure and the end boundary of the garden. The existing structure has double doors facing the south west boundary, and the proposed extension

has double doors and a small window facing south east and the rear of the existing dwelling.

8.7 The appellant states that there has been an ongoing noise issue from the use of the garden structure for a considerable period of time, and there are concerns that the use of the proposed extension could exacerbate this. The 1<sup>st</sup> party states that no noise complaints have ever been raised in the past. The E.H.O. report, following the submission of Further Information, raises no objection and does not recommend any conditions. Having regard to the separation distance from the rear of houses on Ardagh Crescent, and subject to a condition limiting hours of operation for the home-based economic activity, and restricting the home-based activity to that detailed in the application, I conclude that the proposed development would not have any significant adverse impact in terms of noise from the proposed garden room development. A condition could be attached limiting noise levels to 35dBA Leq (1 hour) measured at the exterior rear wall of any noise sensitive receptor arising from the home based economic activity.

8.8 The grounds of appeal state that there has been an on-going noise issue for the past 10+ years. The 1<sup>st</sup> party claims that no noise complaints have ever been received. The E.H.O report does not refer to any noise nuisance complaints while raising no objection to the proposed development. I do not consider that the planning process is the appropriate mechanism for addressing noise complaints relating to outdoor rear garden activities ancillary to the residential use of the dwelling.

### **Financial Contributions**

8.9 The Planning Authority requires financial contributions for Countywide Surface Water, Countywide Transport Infrastructure, and Countywide Community & Parks Facilities and Recreational Amenities. Having regard to the nature of the development, which includes the retention of an en-suite, and a new shower room, I consider that it would be reasonable to attach a general financial contribution condition to any permission granted.

### **Appropriate Assessment**

8.10 I have considered the development proposed for retention and for permission in light of S177U of the Planning and Development Act 2000 as amended. The subject site is located in an established residential area, separated from designated European sites. The development consists of the retention of a front extension to existing dwelling, and a proposed extension to an existing garden structure to be used for home based economic activities and continued recreational use in association with the existing dwelling. Having regard to the nature and scale of development, location in an existing residential area, and separation from and absence of connectivity to European sites, it

is concluded that 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 a European site.

## **9. Recommendation**

I recommend that permission for the development be granted.

### **Reasons & Considerations**

Having regard to the nature and scale of development proposed and to be retained, the zoning for the area as set out in the Dun Laoghaire-Rathdown County Development Plan 2022-2028, and to the separation distance of the garden structure from the rear of housing on Ardagh Crescent, it is considered, subject to the following conditions, the development would not be injurious to the residential amenities of the area, and would be in accord with the proper planning and sustainable development of the area.

### **Conditions**

1. The development for retention and proposed shall be in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the following conditions.

**Reason:** In the interest of clarity.

2. The entire dwelling shall be used as a single dwelling unit, and shall not be sub-divided in any manner or used as two or more separate habitable units.

**Reason:** In the interest of residential amenity.

3. The detached garden structure shall be used solely for use incidental to the enjoyment of the dwelling house, together with the home-based economic activity described in the application. The garden structure shall not be sub-divided from the existing dwelling either by sale or letting or otherwise.

**Reason:** In the interest of residential amenity.

4. The hours of operation for the home-based economic activity in the garden structure shall be confined to 08.00 to 18.00 Monday to Friday (inclusive), and 08.00 to 13.00 Saturdays. No home-based economic activity shall be carried out outside these hours.

**Reason:** In the interest of residential amenity.



5. Drainage from the development shall be to the requirements of the Planning Authority.

**Reason:** In the interest of orderly development and public health.

6. The noise level arising from the home-based economic activity shall be restricted to 35dBA Leq (1 hour) measured at the external face of the rear wall of any sensitive receptor in the vicinity.

**Reason:** In the interest of protecting residential amenities of the area.

7. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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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Des Johnson  
 Planning Inspector  
 Date

**Form 1**  
**EIA Pre-Screening**

<b>An Bord Pleanála</b>			
<b>Case Reference</b>	322227-25		
<b>Proposed Development Summary</b>	Retention of extension to front and partial garage conversion. Permission sought for new extended garden room at rear to create small scale home based economic activity.		
<b>Development Address</b>	13, Ardagh Crescent, Newtownpark Avenue, Blackrock, Co. Dublin, A94K702.		
<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>	Yes
		<b>No</b>	
<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>	No		
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			

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

<b>5. Has Schedule 7A information been submitted?</b>		
<b>No</b>		
<b>Yes</b>		

**Inspector:** \_\_\_\_\_

**Date:**