



An
Coimisiún
Pleanála

Inspector's Report

ABP-322593-25

Development	Alteration and extension of ancillary accommodation with associated works.
Location	Weston, The Birches, Torquay Road, Dublin 18, D18W2K8
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D25B/0125
Applicant	Jen Byrne
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First
Appellant	Jen Byrne
Observer	Foxrock Golf Club
Date of Site Inspection	11 th July 2025
Inspector	Suzanne White

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	3
Decision	3
Planning Authority Reports	4
Prescribed Bodies.....	5
Third Party Observations	5
4.0 Planning History.....	5
5.0 Policy Context.....	6
Development Plan	6
Natural Heritage Designations	7
6.0 EIA Screening.....	7
7.0 The Appeal	8
Grounds of Appeal.....	8
Planning Authority Response	8
Observations	8
Further Responses	9
8.0 Assessment.....	9
9.0 AA Screening.....	16
10.0 Water Framework Directive Screening.....	16
11.0 Recommendation	16
12.0 Reasons and Considerations	16
Appendix 1 – Form 1: EIA Pre-Screening	

1.0 Site Location and Description

- 1.1. The subject site, 'Weston', No. 10 The Birches is located at the end of a cul-de-sac, The Birches, c. 400m northeast of the centre of Foxrock village. The site comprises a substantial two storey detached dwelling house and single storey outbuilding to the rear, currently in use as a gym/store. The rear garden and garage/gym structure are set at a lower ground level than the main dwelling and rear patio. The rear (eastern) boundary to the garden comprises mature, tall tree and hedge planting which provides a screen to Foxrock Golf Club lands to the east. The northern and southern boundaries are also planted, though to not to the same height and density, allowing for views through.
- 1.2. The surrounding area, apart from the golfclub to the east, is predominantly residential in character, comprising similarly scaled detached dwelling houses on generous size plots, set within a mature landscape setting.

2.0 Proposed Development

- 2.1. Permission is sought to extend an existing single storey outbuilding of c. 33sqm which is located to the rear of the dwelling house through the addition of a two-storey extension of c.67.2sqm. The existing single storey outbuilding would be retained as a garage/shed/gym. The two-storey addition would be linked to the garage/shed/gym at ground floor level and would have direct access from a door on the northwestern elevation as well as via 2no. patio doors on the southeastern elevation. The extension would comprise entrance hallway, living area, kitchen and wc/shower room on the ground floor, with ensuite bedroom and study at first floor level. The two-storey element would have a flat roof with sedum cover and PV panels.
- 2.2. The details submitted do not indicate any subdivision of the site or changes to access, boundary treatments or landscaping generally.

3.0 Planning Authority Decision

Decision

Permission REFUSED, for one reason as follows:

1. The proposed ancillary accommodation due to its size, height and number of rooms is not considered to be of a modest scale. It is therefore considered that proposed structure would contravene Section 12.3.7.4 Detached Habitable Room of Dún Laoghaire-Rathdown County Development Plan 2022-2028, that requires a habitable room to be modest in scale. It is therefore considered that proposal would set an undesirable precedent for similar development and would be contrary to the proper planning and sustainable development of the area.

Planning Authority Reports

3.1.1. Planning Report

The main points of the planner's report include:

- Site is subject to zoning objective 'A', which seeks 'to provide residential development and improve residential amenity while protecting the existing residential amenities'
- Extension of an existing dwelling acceptable in principle
- It is not considered that the proposed development would impact the amenity of the golf course to the rear and is therefore in accordance with Section 13.1.2 Transitional Zone Areas
- The proposed layout of the ancillary accommodation would include a bedroom with ensuite, study room, living area, kitchen area and a shed/gym. Significant concern raised in relation to the proposed use as a residential dwelling and its non-compliance with Section 12.3.7.4 Detached Habitable Room

3.1.2. Other Technical Reports

- Drainage Planning: Further information requested in respect of a local issue of surface water ponding and measures to address same and details of how surface water run-off generated by the extension will be disposed of.
- Parks and Landscape Services: No objection subject to conditions requiring the submission of a landscape plan with compensatory planting. The report notes that the proposed development will have a deleterious effect on existing

trees on site, negatively impacting on the biodiversity and visual amenity of Foxrock, however no objection is raised, subject to the above condition.

Prescribed Bodies

None.

Third Party Observations

One submission, from Foxrock Golf Club, was received in relation to the application. The issues raised may be summarised as follows:

- Foxrock Golf Club has zoning objective 'F' – to preserve and provide for open space with ancillary active recreational amenities.
- Critical that development on lands contiguous to golf club do not compromise, interfere or diminish its operational capacity.
- Section 9.4 and Objective OSR10 of the County Development Plan are relevant.
- Proposed structure includes windows facing the golf course at c. 2metres distance. Potential health and safety issue with golf balls crossing the boundary.
- Concern that proposed development may impact on possible reconfiguration of the golf course.

4.0 Planning History

Appeal site:

None.

Site adjacent to north 'Rockall':

ABP-320078-24: current 1st and 3rd party appeals under consideration following a grant of planning permission (D23A/0641) by DLR County Council for demolition of dwelling house; construction of 10 four bed dwellings and 14

apartments; widening of entrance, provision of access gate; 37 car park spaces and associated site works.

PL 06D.246304 (D15A/0839): Permission granted for demolition of 'Rockall' dwellinghouse and single storey outbuilding on site and the construction of a roughly 'L' shaped building (c. 3,916.7sqm) arranged in two blocks linked above ground level accommodating 28 number apartments with associated balconies, single level basement car park, bin and cycle stores etc. This permission was not implemented.

5.0 Policy Context

Development Plan

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

Zoning: 'Objective A' which seeks "*To provide residential development and improve residential amenity while protecting the existing residential amenities*".

Policy Objective PHP19: Existing Housing Stock – Adaptation. Seeks to conserve and improve existing housing stock and to densify existing built-up areas, having due regard to existing amenities.

Policy Objective PHP20: Protection of Existing Residential Amenity.

Policy Objective OSR10: Protection of Sports Grounds/Facilities. It is a policy objective:

- To ensure that adequate playing fields for formal active recreation area provide for in new development areas.
- That existing sports facilities and grounds within the established urban area are protected, retained, and enhanced.
- To increase the number of playing pitches in the County.
- To maximise the use of playing pitches in the County and for playing pitches to be utilised seven days a week, subject to protecting adjoining residential amenity.

Chapter 12 – Development Management

Section 12.3.7.3 – ‘Family Member/Granny’ Flat Extension: refers to a temporary subdivision of a single dwelling - often by adding an extension to the dwelling or converting an attached garage which is linked to the main dwelling

Section 12.3.7.4 – Detached Habitable Room: This can provide useful ancillary accommodation such as a playroom, gym, or study/home office for the main residence. It should be modest in floor area and scale, relative to the main house and remaining rear garden area. The applicant will be required to demonstrate that neither the design nor the use of the proposed structure will detract from the residential amenity of adjoining property or the main house. Any such structure shall not be to provide residential accommodation for a family member/ granny flat nor shall the structure be let or sold independently from the main dwelling.

Section 12.3.7.5 – Corner/side garden sites: refers to sub-division of an existing house curtilage and/or appropriately zoned brownfield site.

The appeal site is not located within the Foxrock Architectural Conservation Area.

The site is not located in Flood Zone A or B.

Natural Heritage Designations

The appeal site is not located in or immediately adjacent to a designated European Site, a Natural Heritage Area (NHA) or a proposed NHA.

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. Refer to Form 1 in Appendix 1 of report.

7.0 The Appeal

Grounds of Appeal

An appeal was received on behalf of the first party, which may be broadly summarised as follows:

- Proposal is to extend the existing ancillary garage/store structure to provide additional accommodation ancillary to the existing dwelling.
- The proposal is modest in floor area and scale relative to the existing dwelling, is comparable with the adjoining property and pattern of development in the wider area
- The proposal will not be utilised as residential accommodation for a family member/granny flat or be let or sold independently from the main dwelling.
- Proposal is closely comparable to an existing two storey structure on the neighbouring lands described as 'Birchfield'
- Details of other comparable precedents within the broader DLR County Council area provided
- None of the adjacent landowners have raised observations or concerns during the planning process.
- The proposed development is set back towards the rear of the site, behind the established tree line and not visible to the public.

Planning Authority Response

None.

Observations

One observation was received, from Foxrock Golf Club. The observation reiterates the points made by the Club at application stage and requests An Coimisiún Pleanála to uphold the decision of the planning authority.

Further Responses

None.

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, the report of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal are as follows:

- Principle of development
- Development plan policy
- Impact on neighbouring occupiers
- Other matters

8.2. Each of these issues is addressed in turn below.

Principle of development

- 8.3. The site is zoned 'Objective A' under the Dun Laoghaire-Rathdown County Development Plan 2022-2028, with the zoning objective "*To provide residential development and improve residential amenity while protecting the existing residential amenities*".
- 8.4. The proposed development relates to an extension to an existing outbuilding and use of the enlarged structure for accommodation ancillary to the main dwelling on site. The Local Planning Authority Planner's Report stated that the proposed development was acceptable in principle.
- 8.5. Having regard to the zoning objective for the lands, I consider that the proposed extension of an existing ancillary accommodation structure is acceptable in principle, subject to detailed considerations as set out in my assessment below.

Development plan policy

- 8.6. Under Section 12.3.7.4 'Detached Habitable Room' of the operative development plan, ancillary accommodation such as a playroom, gym, or study/home office, modest in floor area and scale, relative to the main house and remaining rear garden area may be permitted. The Local Planning Authority Planner's Report assessed the proposed development against this policy.
- 8.7. I note that Chapter 12 'Development Management' of the Development Plan makes provision for other types of ancillary accommodation, including 'Family Member/Granny' Flat Extension (Section 12.3.7.3) and the subdivision of corner/side gardens of an existing house curtilage to form a separate dwelling (Section 12.3.7.5). The proposal would not qualify as a 'family member/granny' flat extension as it would not be integral/attached to the house and no justification in use terms has been submitted. In addition, it is made clear in the appellant's grounds of appeal that the proposal "*will not be utilised as residential accommodation for a family member/granny flat or be let or sold independently from the main dwelling*". There is no suggestion in the submitted application or grounds of appeal of any intention to sub-divide the existing site to form a separate dwelling and therefore Section 12.3.7.5 is not relevant. I therefore concur with the local planning authority that Section 12.3.7.4 is the relevant policy against which the proposed development should be assessed.
- 8.8. The local planning authority refused permission for the application on the basis that, due to its size, height and number of rooms, the ancillary accommodation was not considered to be of modest scale and was therefore contrary to Section 12.3.7.4.
- 8.9. From my review of the submitted drawings, I note that the proposed development is separate to the main dwelling house and would contain all the elements of a separate living unit, including kitchen, living room, bedroom with ensuite, study and WC/shower together with attached garage/shed/gym. It would have an entrance door and hallway located on its northern side. Excluding the retained garage/shed/gym, the structure would have a floor area of c. 67sqm, which would be comparable to the minimum floor area of 63sqm for a two bed 3 person apartment, as per the Planning Design Standards for Apartments Guidelines 2025. The unit would therefore be of a

scale and nature which could support independent living. I note that no provision has been made in the submitted plans for private amenity space or dedicated parking to serve the unit, though the site area of 0.1866ha could accommodate same. The provision of a separate independent living unit on site would be in direct conflict with Section 12.3.7.4 which states that detached habitable rooms are intended to provide *‘useful ancillary accommodation such as a playroom, gym, or study/home office for the main residence’* and *‘Any such structure shall not be to provide residential accommodation for a family member/ granny flat nor shall the structure be let or sold independently from the main dwelling.’*

- 8.10. The appellant’s grounds of appeal state that the proposal is modest in floor area and scale relative to the existing dwelling and is comparable with the adjoining property and pattern of development in the wider area. In this regard, the appellant states that the existing dwelling has a gross internal area of 398sqm and that the extended ancillary accommodation structure, with a gross internal area of 100.2sqm (c. 25%) would be modest in relation to it. The appellant also highlights that the proposed development would be set back towards the rear of the site, behind the established tree line and not visible to the public.
- 8.11. The appellant’s points are noted, and it is accepted that the proposed development would not be easily visible from the public road, The Birches. However, it is my opinion, having regard to the scale of the proposed two-storey extension, and its position proximate to the neighbouring boundary, that it is of a scale which is inappropriate for this residential location. In addition, as the unit would be capable of functioning as an independent separate dwelling, I would have concerns that this would detract from the overall residential amenity of the area, contrary to Section 12.3.7.4 and to the zoning objective for the lands. I note that the Local Planning Authority Planner’s Report concluded similarly that the proposal was not modest in scale in terms of size, height, number of rooms and intended use as residential accommodation, adding that it would detract from the residential amenity of the existing and adjoining dwellings. I therefore consider that the proposed development would be contrary to the requirement of Section 12.3.7.4 that a detached habitable room should be *‘should be modest in floor area and scale, relative to the main house and remaining rear garden area’*.

- 8.12. Having regard to the foregoing assessment, I consider that the proposed development would not be in accordance with the zoning objective for the lands, which seeks *“To provide residential development and improve residential amenity while protecting the existing residential amenities”* and would not comply with Section 12.3.7.4 of the Development Plan in relation to ancillary accommodation and, in my opinion, planning permission should be refused on this basis.

Impact on neighbouring occupiers

- 8.13. Foxrock Golf Club, the adjoining neighbour to the east, made a submission on the application and is an observer to the appeal. The Club raised concern that the proposed development, due to its proximity to the boundary of the golf course, could interfere with its operation. They specifically cited concern in relation to the inclusion of windows in the extension positioned c. 2metres from the golf course boundary, due to a potential health and safety risk from golf balls crossing the boundary. They also raised concern that the proposed development could be a constraint on future reconfiguration of the golf course.
- 8.14. I note that the Local Authority Planner's Report concluded that the proposal would not impact the amenity of the golf course.
- 8.15. Objective OSR10: Protection of Sports Grounds/Facilities seeks to protect, retain and enhance existing sports facilities within the urban area. The supporting text to the objective states that, *“where development is proposed within ten metres of such a facility/grounds, there will be an obligation on the developer to demonstrate the ameliorative measures proposed will not interfere with the operational capacity or recreational/amenity function of the sports facility/sports ground.”*
- 8.16. The observation from the Golf Club identifies that the developer in this case has not submitted ameliorative measures.
- 8.17. From site observations, there are existing mature trees within the appeal site which provide screening from the golf course. These are not shown on the existing or proposed plans and, given the siting of the proposed extension, it would appear that some are proposed to be removed. I note that the Local Authority Parks and Landscape Services report observes that several trees would need to be felled on

site to facilitate the proposal, though raised no objection subject to replanting. The removal of these trees would reduce the level of screening on the boundary with the golfcourse, however I would consider that the existing hedging could be retained.

- 8.18. The proposed two storey extension to the existing ancillary building includes a large window at first floor level on the northeast elevation, facing the golf course. Although not annotated on the drawings, the floor plan and elevation drawings indicate vertical louvres/slats in front of this window, whereas all other windows are shown clear glazed. The louvres/slats would provide a degree of protection from stray golf balls entering the site.
- 8.19. I note that there are dwellings and curtilage structures to the south of the appeal site which are positioned a similar distance to the golf course boundary and/or benefit from less dense boundary screening.
- 8.20. The concerns raised by the golf club are noted. Although located c. 2m from the boundary with the golf course, I note that the proposed development would not oversail, or impinge directly upon, the golf course. I note also the indication on the drawings of louvres/slats over the windows in the extension that would face the golf course. If the Commission were minded to grant permission, further details of the louvres/slats could be secured by condition, as could proposals for replacement tree planting. Overall, I do not consider that the proposed development would interfere with the operational capacity or recreational/amenity function of the golf club.
- 8.21. Having regard to the separation distance of c. 16m to the boundary of the property to the south, together with existing screening on this boundary, I do not consider that the proposed development would cause a significant negative impact on the residential amenity of these occupiers.
- 8.22. The site of 'Rockall' currently consists of a single dwelling house within generous grounds and is the subject of current appeals, following a grant of planning permission by the Local Planning Authority for redevelopment to provide 24no. dwellings in a mix of houses and apartments. Although the subject appeal scheme would introduce increased scale in proximity to that boundary, given the position of the two storey element towards the rear corner of the site, I do not consider that it would appear overbearing or significantly constrain the future development potential of the Rockall site. A window at first floor serving an ensuite on this elevation could

give rise to overlooking of the 'Rockall' site. This could be required by condition to be obscure glazed, in the event of a grant of permission.

- 8.23. Having regard to the siting, scale and design of the proposed extension, it is not considered that it would result in a significant negative impact on neighbouring occupiers. However, as noted above, due to its scale and potential use as an independent residential unit, I consider that it would be out of character with the pattern of development in the area.

Other issues

Precedent

- 8.24. While the appellant has identified 8 no. potential precedent cases in support of the proposed development, I note that each application is assessed on its own merits.
- 8.25. Notwithstanding the foregoing, in respect of the existing two storey standalone structure within the curtilage of the adjacent property to the south, 'Birchfield', I note that permission was originally granted for the construction of 108 sq. metres two storey flat roof garage / store and ancillary accommodation to the rear under PRR 04A/1234, granted 21st April 2005, and retained as constructed under D06A/1018. The structure included a bedroom, kitchen, study and shower room above a garage and store. I have reviewed the online application files and note that the local planning authority's reports do not reference any requirements of the operative development plan at that time which were similar to Section 12.3.7.4 of the current plan. This development is not a relevant precedent as it was assessed under a different development plan.
- 8.26. From review of the online file for application reference D22B/0132 (Sans Soucie, Verbena Avenue, Foxrock) I note that the proposal was for an independent living unit and, according to Planning Authority report, met the requirements of Section 12.3.7.3 in terms of its use and connection to the main dwelling.
- 8.27. D22A/0917 (Lota, off Brighton Road, Foxrock) as submitted sought permission for a replacement dwelling and a two storey garage with dormer bedroom and ensuite over, however this was revised following a request from the local authority for further information such that only a gym and shower were provided above the garage.

- 8.28. Under D18A/0924 (Parousia, Torquay Road, D18), retention permission was granted for conversion of an existing structure to use as a granny flat. This is a different form of development and is not a relevant precedent for the subject case. It was also determined under a previous development plan.
- 8.29. D17A/0132 (Corofin, Torquay Road) related to a replacement dwelling and single storey double garage and is not a relevant precedent for the subject case. Also, it was determined under a previous development plan.
- 8.30. The other applications referenced by the appellant were submitted between 2006 and 2010 and, similar to the development at the adjacent site 'Birchfield', would have been assessed under earlier development plans and are not considered relevant to the present case.

Surface water management

- 8.31. The Local Authority Drainage Report sought further information in respect of two issues: a potential issue of surface water ponding locally; and a lack of information submitted in respect of the management of surface water run-off generated by the development. From review of the planning file D23A/0641 for the adjoining site, 'The Rockall', it is noted that there is an existing ditch feature running inside the eastern boundary of that site, adjacent to the golfcourse. There was no evidence of this feature within the appeal site during site observations. There are no levels details on the site layout plan. I consider that there is a lack of evidence on file and from site observations to sustain a reason for refusal on these grounds, however they should be addressed in any revised application for the site.

Trees

- 8.32. The Local Authority Parks and Landscape Services Report identified the presence of several significant trees of interest on the site boundary with the golfcourse. Whilst noting that several trees would require to be felled to facilitate the development, no objection was raised, subject to a condition of any grant requiring approval of a landscape plan and replacement tree planting.
- 8.33. If the Commission were minded to grant permission for the proposed development, conditions in respect of surface water drainage and replacement planting could be attached.

9.0 AA Screening

- 9.1. Having regard to the modest nature and scale of the proposed development, its location in an urban area, connection to existing services 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.

10.0 Water Framework Directive Screening

- 10.1. Having regard to the modest nature and scale of the proposed development, it is concluded 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 I recommend permission be REFUSED, for the reason below.

12.0 Reasons and Considerations

Having regard to its internal configuration, excessive scale and floor area, the proposed development would constitute a detached separate dwelling within the rear garden of the existing house, and would therefore be contrary to the provisions of Section 12.3.7.4 “Detached Habitable Room” of the Dun Laoghaire Rathdown County Development Plan 2022-2028 which provides that ancillary accommodation should be modest in scale and floor area, ancillary in use to the main dwelling on site and shall not provide an independent residential unit. For the same reasons, the proposed development would be out of character with the pattern of development in the area, contrary to the relevant Zoning ‘Objective A’ which seeks “To provide residential development and improve residential amenity while protecting the existing

residential amenities". The proposed development 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.

Suzanne White

Planning Inspector

18th July 2025

Form 1 - EIA Pre-Screening

Case Reference	ABP-322593-25
Proposed Development Summary	Alteration and extension of ancillary accommodation with associated works.
Development Address	Weston, The Birches, Torquay Road, Dublin 18, D18W2K8
In all cases check box /or leave blank	
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	☒ Yes, it is a 'Project'. Proceed to Q2.
	☐ No, No further action required.
2. Is the proposed development of a CLASS specified in 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	State the Class and state the relevant threshold
☐ 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)	State the Class and state the relevant threshold

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 ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: Suzanne White

Date: 18/07/2025