



An
Coimisiún
Pleanála

Inspector's Report ABP-322642-25

Development	Retention of conversion of garage to Granny Flat and for alterations to recessed.
Location	Badgerhill, Killeel Road, Rathcoole, Co. Dublin
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD24B/0544
Applicant(s)	Nadia Buckley
Type of Application	Retention Permission
Planning Authority Decision	Split Decision
Type of Appeal	First Party Vs Refusal
Appellant(s)	Nadia Buckley
Observer(s)	None
Date of Site Inspection	04/09/2025
Inspector	David Freeland

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	5
3.3. Prescribed Bodies	7
3.4. Third Party Observations	7
4.0 Planning History	7
5.0 Policy Context	8
5.1. National Guidance	8
5.2. Development Plan	9
5.3. Natural Heritage Designations	11
5.4. EIA Screening	11
5.5. Water Framework Directive	12
6.0 The Appeal	13
6.1. Grounds of Appeal	13
6.2. Planning Authority Response	14
6.3. Observations	15
6.4. Further Responses	15
7.0 Assessment	15
7.1. The principle of development and compliance with relevant policy	15
7.2. Drainage	19
8.0 AA Screening	19

9.0 Recommendation.....	20
10.0 Reasons and Considerations.....	21
11.0 Conditions	21
Appendix 1 – Form 1: EIA Pre-Screening	

1.0 Site Location and Description

The subject site is located in a rural area characterised by intermittent rural one-off houses together with a large commercial premises to the east. The site which is located on Turf Bog Lane connects to Johnstown Road to the east (Kilteel Road).

The site lies immediately adjacent to the Dublin/Kildare border, approximately 8.8m from the centre of Rathcoole Village to the north-east and c. 4.9km to the centre of Kill Village to the west. The application site comprises a single storey detached dwelling, a detached structure in use as a granny flat, stables and large storage shed with associated yard area. The site has been sub-divided between residential and storage shed and yard with a shared recessed dual vehicular entrance serving both. The River Slane (which connects to the River Morell) traverses the site on an east to west axis within proximity to the northern boundary of the site.

2.0 Proposed Development

The application is for the retention of the conversion of a garage to a granny flat and alterations to the recessed entrance to the property.

3.0 Planning Authority Decision

3.1. Decision

Following receipt of Further Information, South Dublin County Council made a Split Decision as follows:

- Retention Permission Granted for the alterations to the recessed entrance subject to the Conditions.
- Retention Permission Refused for conversion of the garage to a family flat for the following two reasons:

1. Family Flat Policy

Having regard to the South Dublin County Development Plan 2022-2028, it is considered that the proposed dwelling does not meet all the criteria for a family flat and the proposed development would therefore be contrary to

Section 12.6.8 of the South Dublin County Development Plan 2022-2028 and would therefore be contrary to the proper planning and sustainable development of the area and would set an undesirable precedence for such elsewhere in the County.

2. Precedent

The proposed development would set an undesirable precedent for other similar developments, which would in themselves and cumulatively, be harmful to the rural amenities of the area and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

Planning Reports

There are two planning reports on file.

The first planning report on file dated 23/01/2025 is summarised as follows:

- Procedural Issue: Scale of submitted floor plans are incorrect and have not indicated existing ground levels or distance of wastewater treatment system to the adjoining River Slane – updated floor plans should be provided.
- Family Flat Policy: While development is ‘Open for consideration’ under zoning objective, the development does not comply with the criteria for Family Flats under Section 12.6.8 of the Development Plan relating to detached nature of the structure which inhibits its accessibility from the front door of the main dwelling and external doors being positioned to side/rear. It was considered that the structure constituted as a second dwelling. Further information was recommended.
- Vehicular Entrance: Roads Department required further information including a visibility splay to demonstrate sufficient sightlines in both directions.
- Wastewater: full details of wastewater treatment including a Site Characterisation Report and accompanying plans to confirm that the system can support the additional load created by the family flat is required.

- Green Infrastructure: proposals will need to consider G.I. policies relating to the riparian corridor within the site relating to trees, hedgerows, biodiversity including bats.
- AA/EIA: There is no requirement for appropriate assessment or environmental impact assessment.
- Further information was requested based on the family flat, vehicular entrance and wastewater treatment.

Other Technical Reports

- Roads Department: Recommend Further Information request.
- Water Services: no report received.

Further Information was requested on 23/04/2025

Further Information

Further Information was received on 09/04/2025 and included the following:

- Letter of response to the request for further information.
- Site Characterisation Report. The report indicated that the existing sand polishing filter towards the front of the site will be required to be enlarged to cater for the current loading.
- Revised drawings included site layout, elevations and vehicular entrance layout.

The second planning report on file is dated 06/05/2025 is summarised as follows:

- The planning authority maintain concerns relating to the detached nature of the structure and consider that it constitutes a separate dwelling rather than a family flat. The planning authority considers the development does not comply with all of the family criteria under Section 12.6.8 of the Development Plan and would set an undesirable precedent. The planning authority recommended refusal on this basis.
- The Roads Department is satisfied that with the amended plans submitted with the further information which includes visibility splays.

- The Environmental Health Officer reviewed the submission and considered it to be sufficient subject to conditions which require the enlargement of the existing sand polishing filter.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

None.

4.0 Planning History

P.A. Ref. SD20A/0011: Permission Granted for extensions to side and rear of dwelling, detached double garage, storage shed, new recessed entrance and upgraded wastewater treatment system.

Relevant conditions include:

6. Restriction on Garage Use. Both proposed garages shall be used solely for purposes incidental to the enjoyment of the dwelling house as such and shall not be used for habitation or the carrying on of any trade or business, and shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling

REASON: In the interest of residential amenity.

P.A. Ref. SD05A/0239: Retention Permission Refused for the utilisation of the existing single storey, self-contained dwelling, which will provide office/living accommodation for the staff. The dwelling comprises of a reception, office, four bedrooms, kitchen toilet/shower and outside toilet. The site will be used for the holding, storage, growing and redistribution of plants/trees. Car parking for visitors and staff, the receipt and offloading of commodities by vans and other delivery vehicles.

5.0 Policy Context

5.1. National Guidance

National Planning Framework First Revision 2025

- *National Policy Objective 40*

Local planning, housing, health facilities and services, transport/ accessibility and leisure policies will be developed with a focus on meeting the needs and opportunities of an ageing population along with the inclusion of specific projections, supported by clear proposals in respect of ageing communities as part of the core strategy of city and county development plans.

Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy 2019-2031

- RPO 9.1:

Local authorities shall ensure the integration of age friendly and family friendly strategies in development plans and other relevant local policy and decision making, including provision for flexible housing typologies, buildings and public spaces that are designed so that everyone, including older people, disabled people and people with young children can move around with ease, avoiding separation or segregation.

- RPO 9.12:

In Planning policy formulation and implementation local authorities and other stakeholders shall be informed by the need to cater for all levels of disability, through the appropriate mitigation of the built environment, and in particular for the needs of an ageing population.

Housing For all – A New Housing Plan for Ireland (2021)

The Housing for All plan includes specific housing objectives (HPO 6 & HPO 7) for increasing and improving housing options for older people and people with disabilities through innovative, accessible and varied housing solutions.

Public Consultation for Review of Exempted Development (July 2025)

The Department of Housing, Local Government and Heritage has recently undertaken public consultation (closed on 26th August 2025) as part of the review of exempted development regulations and has identified specific areas that need updating including domestic exemptions. Of relevance to the subject appeal, the review includes draft proposal for detached habitable accommodation in rear gardens as follows:

- *Size – the maximum size of the detached unit needs to be considered but could be up to 45m².*
- *The unit must comply with building regulations.*
- *Access – how will the unit be accessed.*
- *Garden size – the size of the residual private garden space that should be retained and set back distances from boundary walls. Under current exemptions for extensions to dwellings, 25m² of private garden space must be retained in the interests of residential amenity.*
- *Where there are individual waste water treatment systems ensuring adequate capacity.*

5.2. Development Plan

South Dublin Development Plan 2022 – 2028

Land Use Zoning:

The subject site is zoned 'RU' with the accompanying objective 'to protect and improve rural amenity and to provide for the development of agriculture'.

Relevant Sections/Policies

Section 6.3.1 Housing for Older People

Section 6.3.2 Housing for Persons with Disabilities and / or Mental Health Issues

- *Policy H3: Housing for All: Support the provision of accommodation for older people and people with disabilities and / or mental health issues within established residential and mixed use areas offering a choice and mix of accommodation types within their communities and at locations that are proximate to services and amenities.*

- H3 Objective 2: *To support housing options for older persons and persons with disabilities and / or mental health issues – consistent with NPO 30 in the NPF, RPO 9.1 and 9.12 of the RSES.*
- H3 Objective 5: *To actively encourage and directly support the provision of specific purpose built accommodation, including assisted living units and lifetime housing and adaptation of existing properties as a matter of urgency.*
- H3 Objective 7: *To ensure that those with specific housing needs, such as older persons, persons with disabilities, homeless persons, Travellers and people leaving Direct Provision, are accommodated in a manner appropriate to their specific needs and in a timely fashion.*

Section 6.8 Residential Consolidation in Urban Areas

Section 6.8.3 Family Flats

A family flat refers to a temporary subdivision or extension of an existing single dwelling unit to provide semi-independent accommodation for an immediate family member (older parent or other dependent). The Council will consider family flat developments where an established need has been satisfactorily demonstrated.

- *Policy H15: Family Flats Support family flat development subject to the protection of residential and visual amenities*
- *H15 Objective 1: To favourably consider a family flat development where the Council is satisfied that there is a valid need for semi-independent accommodation for an immediate family member or members subject to the criteria outlined in Chapter 12: Implementation and Monitoring.*

Section 12.6.8 Residential Consolidation

Family Flats

A family flat is to provide semi-independent accommodation for an immediate family member (dependent of the main occupants of an existing dwelling). A family flat is not considered to represent an independent dwelling unit and as such open space and car parking standards are not independently assessed. Proposals for family flat extensions should meet the following criteria:

- *The applicant shall be required to demonstrate that there is a genuine need for the family flat;*
- *The overall area of a family flat should not generally exceed 50% of the floor area of the existing dwelling house;*
- *The main entrance to the existing house shall be retained and the family flat shall be directly accessible from the front door of the main dwelling via an internal access door, and the design criteria for dwelling extensions will be applied;*
- *Any external doors permitted (to provide access to private / shared open space or for escape from fire) shall be limited to the side or rear of the house;*
- *Conditions may be attached to any grant of permission that the family flat cannot be sold, conveyed or leased separately from the main residence, and that when the need for the family flat no longer exists the dwelling must be returned to a single dwelling unit*

5.3. **Natural Heritage Designations**

The following natural heritage designations are located in the general vicinity of the development site:

- Kilteel Wood Proposed Natural Heritage Area (Site Code: 001394), approximately 1.3km south of the site.
- Grand Canal Proposed Natural Heritage Area (Site Code: 002104), approximately 5.6km north-west of the site.
- Slade of Saggart and Crooksling Glen Proposed Natural Heritage Area (Site Code: 000211), approximately 4.9km east of the site.
- Red Bog, Kildare Proposed Natural Heritage Area (Site Code: 000397), approximately 4.1km to the south.

5.4. **EIA Screening**

The development to be retained 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.

5.5. Water Framework Directive

The subject site is located in a rural area with the River Waterbody Morell (River Slane) IE_EA_09M010300 traversing the site on an east to west axis. The Riverbody has a Moderate Ecological Status.

The development proposed to be retained comprises a recessed entrance and conversion of a garage to a granny flat. The sand polishing filter of the existing wastewater treatment unit is 48.5m from the River Slane (as permitted under P.A. Ref. SD20A/0011). Following a further information request from the planning authority, a Site Characterisation Report was submitted which indicated that the site appears to be suitable for on site waste water treatment and discharge to the groundwater. As part of the FI, it was determined that the sand polishing filter would be required to be enlarged to facilitate the additional load of the granny flat which may be addressed by way condition.

No water deterioration concerns were raised in the planning appeal.

I have assessed the development to be retained 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 & ground water waterbodies 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 was no significant risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- Nature of works e.g. small scale and nature of the development

Conclusion

I conclude that on the basis of objective information, that the development to be retained does 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.

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal of the planning authority's decision to Refuse Retention Permission for the Conversion of the Garage to Granny Flat has been submitted. The grounds of appeal can be summarised as follows:

- The appellant is satisfied with the Planning Authority's decision to Grant Retention Permission for the alterations to the recessed entrance and does not wish to appeal this aspect of the decision.
- In response to the criteria under Section 12.6.8 of the Development Plan, the appellant has provided further information with respect to the circumstances resulting in the conversion of the garage to a family flat based on a housing need for the appellant's mother. The appeal highlights associated medical, childcare and family support reasons as part of demonstrating a genuine need.
- The converted garage is modest in scale with no obvious residential characteristics and does not detract from the rural context which it is located. The location of the entrances to side/rear of the Granny Flat is such that the building presents as a garage, ancillary to the main dwelling and not as a separate dwelling unit.
- It is contended that the building does not impact upon the residential amenity of any other property.
- The floor area of the family flat (45.5 sq.m) is less than 20% of the floor area of the main dwelling.
- The appellant acknowledges that they do not comply with the criteria for the family flat to be directly accessible from the front door of the main dwelling via an internal access door. The appellant contends that the design, siting and

layout (8m separation distance) would be unlikely to allow for access via the front door and would require a further extension to the front of the dwelling which is suggested is not practical.

- The SDCC criteria for granny flats is overly prescriptive and it is noted that many planning authorities allow for leeway. The overly strict interpretation of the policy by SDCC is unwarranted given the context of the granny flat and ignores the national context of shortage of housing, shortage in childcare provision and lack of elderly living accommodation. It is suggested that the provision of accommodation in this instance is consistent with the spirit of the SDCC Development Plan policy and to refuse this genuine appeal over such a minor technical breach will have severe implications for the appellant and their family.
- The appellant is content for a condition be attached requiring the family flat to revert to storage use when it is no longer required.
- It is suggested that under Section 37(2)(b) of the Planning and Development Act 2000 (as amended), An Bord Pleanála can contravene development plan policies where certain criteria is met.
- Notwithstanding the grounds of appeal, the appellant is prepared to connect the structure to the dwelling which may be addressed by way of condition. An extract of the site layout plan has been submitted with an indicative linking structure between the granny flat and main dwelling.
- The appellant highlights the possible future planning exemptions for modular/cabin style homes. The appellant asks that the Board be mindful of the potential change in legislation.
- The unit does not generate a financial income for the appellant through short or long-term letting, rather affords her mother the opportunity to live close to her daughter and grandchildren.

6.2. Planning Authority Response

In a letter dated 03/06/2025, the planning authority confirmed its decision and that the issues raised in the appeal have been covered in the Chief Executive's Order.

6.3. Observations

None

6.4. Further Responses

None

7.0 Assessment

Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- The principle of development and compliance with relevant policy
- Drainage

7.1. The principle of development and compliance with relevant policy

- 7.1.1. The appeal relates to the retention of conversion of a detached garage to a granny flat. The development is located within a large residential site with a detached family home, large front and rear garden, stables to rear and the granny flat located to the western side of the main dwelling (behind the primary rear building line). The structure is laid out as a habitable unit (46sq.m) consisting of one bedroom, a kitchen/living space. The main entrance is to the side facing the main dwelling while patio doors serving the living space are located to the rear. There are no windows to the front elevation fronting onto the public road. The granny flat does not have separate area of private open space, car parking or access from the public road.
- 7.1.2. For clarity, I note the constructed building is not in compliance with the permitted plans under P.A. Ref. SD20A/0011. The submitted site layout plan indicates that the approved garage was located immediately adjacent (not adjoining) to the main dwelling while the constructed garage is located further west within close proximity

with the boundary shared with the adjoining yard and storage shed (also within the redline boundary). I am satisfied to treat it as a standalone development.

- 7.1.3. The subject site is located within an area zoned 'RU' with the accompanying objective 'to protect and improve rural amenity and to provide for the development of agriculture'. Policy H15, H15 Objective 1 and Section 12.6.8 of the Development Plan sets out the requirements for family flats which generally supports such uses subject to ensuring that such accommodation be attached to the main dwelling, have direct internal access and be capable of re-integration with the main dwelling. In my view, the appellant has provided sufficient justification for a granny flat by demonstrating a genuine need for accommodation for the mother of the appellant. I am satisfied that a family flat is acceptable in principle under the site's zoning subject to complying with relevant criteria.
- 7.1.4. The planning authority refused permission on the basis that the proposal does not comply with Section 12.6.8 of the Development Plan and that the detached nature would set an undesirable precedent. I note that Section 12.6.8 indicates that a family flat is not considered to represent an independent dwelling unit and such open space and car parking standards are not independently assessed. The Development Plan further sets out criteria of which family flat extensions 'should meet'.

Planning Authority's First Reason for Refusal

- 7.1.5. I acknowledge that the detached nature of the structure, in a strict sense, would indicate non-compliance with the relevant criteria. However, I consider that such criteria must be applied with a degree of flexibility having regard to the impact of the development on the character of the site and surrounding rural context, the scale and form of the accommodation and the particular family circumstances put forward.
- 7.1.6. The converted unit is modest in footprint compared to the main dwelling and is positioned to the side/rear of the main dwelling, is accessed entirely from within the curtilage and in my view, is read in conjunction with the main house rather than appearing as an independent dwelling. The scale and form of the structure and lack of a separate curtilage or access mean that it is visually and functionally subordinate to the main dwelling.
- 7.1.7. The applicant has provided a clear justification of family need and provided quality accommodation with an overall floor area which complies with the minimum standard

for a 1-bedroom house within the Quality Housing for Sustainable Communities (2007) and for a 1-bedroom apartment within the Planning Design Standards for Apartments – Guidelines for Planning Authorities (2025). I consider that the development is consistent with the purpose and intent of Policy H15 and I consider that the granny flat use is dependent upon the services of the main dwelling including drainage (addressed below) and amenities and is therefore ancillary to the main dwelling. I am satisfied that the development does not present as a self-contained house and cannot reasonably be described as a second house.

- 7.1.8. From the perspective of amenity, the use of the structure as a family flat has not altered the scale and form of the permitted garage to any significant degree. The structure is modest in scale and setback from the public road. No issues of overlooking, overshadowing or overbearing impact arise and adequate private open space remains. I do not consider that the development is injurious to the visual and residential amenities of the area.

Planning Authority's Second Reason for Refusal

- 7.1.9. The planning authority's second reason for refusal relates to precedent. I acknowledge that this is a valid concern, particularly within suburban context where the proliferation of detached family flats could be injurious to the character of residential areas or give rise to intensification.
- 7.1.10. The subject site is substantial in size, the family flat building is subordinate to the main dwelling and does not bring about adverse impacts. These circumstances distinguish the proposal from other situations where detached structures have been refused. I note the Development Plan enables the imposition of conditions tying the family flat to the main dwelling, preventing the sale, lease or subdivision. In my view, such a condition addresses residual concerns relating to the potential for independent use of the family flat. In this regard, based on the relationship and dependence of the structure with the main dwelling, layout of the site and access, I do not consider that the family flat could easily be subdivided from the parent dwelling for establishment of an independent dwelling.
- 7.1.11. In addition, national and regional policy signals a direction towards greater flexibility in housing provision, the NPF (NPO 30 and 40), the RSES (RPO 9.1 and 9.12) and Housing for All, all emphasise the need for a range of housing typologies including

accommodation that supports older people and changing housing structures. More recently, the DoHLGH consultation (July 2025) has proposed making provision for a habitable detached unit with an area up to 45sq.m which complies with building regulations and 25sq.m of private garden space is retained. The draft provisions include considerations relating to provision of set-backs from boundary wall, how the unit will be accessed and potential individual waste water treatment systems to ensure adequate capacity. While the conditions/limitations and timing of any forthcoming legislation is uncertain, it may reflect a policy direction towards greater flexibility of such accommodation although it should not be determinative in the context of the subject appeal.

- 7.1.12. On balance, I am satisfied that the development is a genuine family flat which remains ancillary to the dwelling, does not give rise to undue amenity impacts and would not set an undesirable precedent based on the circumstances of the site.
- 7.1.13. The grounds of appeal has proposed an alternative design option for the granny flat structure to be connected to the main dwelling in the form of a pergola or glazed corridor. The appellant has included an indicative location of such a link on an extract of the site layout plan and suggests that this may be dealt with by way of condition. I consider this proposal to be substantially different to the development as described in the public notices. Insufficient information has been submitted to enable a full assessment of its external impacts. I do not recommend that the Commission consider this alternative design option.
- 7.1.14. The planning authority's split decision included a grant of retention permission for the alterations to the recessed entrance. The grounds of appeal do not relate to this aspect of the planning authority's decision. The previous application under P.A. Ref. SD20A/0011 also included for a new recessed entrance and has been subsequently constructed with alterations. Following a request for further information, additional drawings including visibility splay was submitted. The Roads's Department indicated no objection subject to conditions (relating to the need for inward opening gates). I am satisfied that the amendments to the vehicular entrance were generally minor when compared to the previous grant of permission and presents no significant traffic and road safety concerns.

7.2. Drainage

- 7.2.1. The main dwelling on site is served by an existing wastewater treatment unit (WWTU) and sand polishing filter permitted under P.A. Ref. SD20A/0011. Following a request for Further Information, the appellant submitted a Site Characterisation Form which stated that the site appears suitable for on site waste water treatment and discharge to groundwater. The report indicated that the existing sand polishing filter is required to be enlarged (by 5sq.m) to cater for the current loading as a result of the family flat. The revised plans indicated a separation distance of 48.5m from the River Slane/Morell which runs through the site. The SDCC Planner's report noted that the Environmental Health Officer (E.H.O) reviewed the further information and deemed it acceptable subject to conditions relating to the enlargement of the sand polishing filter and operation/maintenance of the existing wastewater treatment system. I am satisfied that the drainage and wastewater infrastructure, subject to inclusion of the recommended conditions of the E.H.O, will have adequate loading to serve the main dwelling and family flat and that there is adequate separation distance between the wastewater treatment system and the River Slane/Morell. In this regard, I am satisfied that the revised location of the garage/family flat building and associated amendments are outside of the riparian corridor to the River Slane.

8.0 AA Screening

I have considered the development to be retained in light of the requirements of S177U the Planning and Development Act 2000 as amended.

The development to be retained is located within a rural area and comprises the retention of the conversion of a garage to a granny flat and for alterations to the recessed entrance.

The subject land is not located in or immediately adjacent to a European site. The closest such site to the appeal site is the Red Bog, Kildare SAC (Site Code: 000397), which is approximately 5.6km to the south. In addition to this, the Poulaphouca Reservoir SPA (Site Code:004063) is c. 7.8km, the Wicklow Mountains SAC (Site Code: 002122) is c. 10.1km, the Glenasmole Valley SAC (Site Code: 001209) is c. 10.2km, the Rye Water Valley/Carton SAC is c. 12.8km, and the Wicklow Mountains SPA is c. 13.3km. Having regard to the separation distance and absence of any

linkages including hydrological connections, it is not considered likely that the development will give rise to significant effects on the above European sites.

However, there is an existing waterbody traversing the site, the River Slane (River Morell) which would appear to connect to the River Liffey which has a direct hydrological connection to the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024), the South Dublin Bay SAC (Site Code: 000210), North Bull Island SPA (Site Code: 004236), the North Dublin Bay SAC (Site Code: 000206), the Rockabill to Dalkey Island SAC (Site Code: 003000) and the North-west Irish Sea SPA (Site Code: 004236). Given the separation distance to the above sites and natural dilution within the intervening environment, no source-pathway-receptor linkages are considered likely.

The site comprises an existing detached dwelling with ancillary structures including garage/granny flat, stables and storage shed. The scale of development proposed to be retained is not significant. The Site Characterisation Report indicates that the site is suitable for the on-site disposal of effluent subject to enlargement of the sand polishing filter. The Environment Health Officer of the Local Authority had no objection to the proposed retention subject to conditions, including the above amendments to the wastewater system.

Having regard to the nature and scale of development, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the development to be retained, individually or in combination with other plans or projects is not likely to have a significant effect on any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a Remedial NIS) is not therefore required.

9.0 Recommendation

I recommend a full grant of retention permission for the alterations to the recessed entrance and for conversion of the garage to a family flat based on the below reasons and considerations and subject to the conditions hereunder.

10.0 Reasons and Considerations

Having regard to the 'RU zoning objective for the site as set out within the South Dublin Development Plan 2022-2028, Policy H15 and Section 12.6.8 relating to family flats, to the scale and form of the existing structure, the nature and layout of the overall site, the ancillary and subordinate relationship of the accommodation to the main dwelling, the absence of a separate access or curtilage, the genuine family need set out by the appellant and the satisfactory capacity of the existing wastewater system, subject to upgrading, it is considered that, subject to conditions set out below, the development proposed to be retained would not seriously injure the residential and visual amenities of the area and would not be contrary to the proper planning and sustainable development in the area.

11.0 Conditions

1. The development shall be retained in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The independent family flat for a family member(s) shall not be sold, let or otherwise conveyed as an independent living unit and shall revert to use for purposes incidental to the enjoyment of the dwelling house on the cessation of such use. The existing garden and curtilage of the overall residential property on this site shall not be subdivided.

Reason: In the interest of residential amenity and to control the density of residential units.

3. The following requirements of the Environmental Health Officer of SDCC shall be complied with:

- a. The existing sand polishing filter must be enlarged, as per the site characterisation report submitted, to cater for the current loading. The sand polishing filter must be constructed in accordance with the requirements of the site characterisation report and the Code of Practice on Domestic Waste Water Treatment Systems issued by Environmental Protection Agency 2021.
- b. The existing wastewater treatment system shall be operated in accordance with the details as outlined in the site characterisation report submitted to the Planning Authority and in accordance with the requirements of the Code of Practice on Domestic Waste Water Treatment Systems issued by Environmental Protection Agency 2021.
- c. A maintenance contract for the lifetime of the treatment system shall be entered into with the suppliers of the wastewater treatment system or with an appropriate maintenance firm. Documentary evidence of an on-going maintenance agreement shall be submitted to the Planning Authority within 4 weeks of the installation of the wastewater treatment system.
- d. Within three months of the date of this order, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the polishing filter and/or percolation area is constructed in accordance with the requirements of the Code of Practice on Domestic Waste Water Treatment Systems issued by Environmental Protection Agency 2021.

Reason: In the interest of public health and in order to ensure adequate drainage provision.

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.

David Freeland
Planning Inspector

11/09/2025

Form 1 - EIA Pre-Screening

Case Reference		
Proposed Development Summary	Retention of conversion of garage to Granny Flat and for alterations to recessed.	
Development Address	Badgerhill, Killeel Road, Rathcoole, Co. Dublin	
		In all cases check box 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)		<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
		<input type="checkbox"/> 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)?		
<input type="checkbox"/> 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 <div style="border: 1px solid black; height: 40px; width: 100%;"></div>
<input checked="" type="checkbox"/> 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?		
<input checked="" type="checkbox"/> 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.		
<input type="checkbox"/> 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 <div style="border: 1px solid black; height: 40px; width: 100%;"></div>

<input type="checkbox"/> 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
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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 <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____