



An
Coimisiún
Pleanála

Inspector's Report ACP-322826-25

Development	Change of use from commercial to residential, and all site works.
Location	Keoghs Cottage, Main Street, Rathcoole, Dublin, D24 NY38
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD24A/0226W
Applicant(s)	Mark Fitzpatrick
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party v. Decision
Appellant(s)	Mark Fitzpatrick
Observer(s)	None.
Date of Site Inspection	15 th September 2025.
Inspector	Susan McHugh.

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1.0 Site Location and Description

- 1.1. The appeal site is located on southern side of the Main Street of Rathcoole Village Centre.
- 1.2. The pattern of development along the Main St. in the vicinity of the site comprises predominantly single storey buildings with a mix of commercial retail units along and set back from the street edge.
- 1.3. The site is bounded to the east by a takeaway, and to the west by a pedestrian access lane which leads to the Greenogue Drive residential estate to the rear of the subject site. A Tesco supermarket premises and surface car park is located to the west of the subject site. The site opposite the appeal site to the north comprises a derelict single storey property adjoining which is the Scoil Chrónáin primary school.
- 1.4. The overall site is in use as a car sales facility with hard surfaced parking areas for vehicle storage and display located to the front, side and rear of the existing bungalow. There are two no. vehicle entrance/exit points from the main street. The associated car sale office is located to the rear of the appeal site.
- 1.5. The site is located within the Rathcoole Village Architectural Conservation Area (ACA).
- 1.6. The existing cottage/bungalow on site known as Keoghs Cottage comprises a detached single storey bungalow with hipped roof profile. The structure is set back from the road edge and is elevated relative to the roadway of Main Street. The bungalow comprises four no. bedrooms and is currently occupied
- 1.7. Car parking and private amenity space serving the bungalow is located to the rear and currently fenced off from the overall site.
- 1.8. The site has a stated area of 0.034 hectares.

2.0 Proposed Development

- 2.1. Permission is sought for a change of use of an existing commercial premises to residential use. The stated floor area of the existing premises is stated as 87.52 sqm.
- 2.2. The works proposed to the existing structure comprises the following;

- Construction of single storey extension to the rear of existing dwelling and internal modifications at ground floor level comprising of 2no. Bedrooms, en-suite, open plan Kitchen, Living and Dining area, Utility Room and Living Room.
- Conversion of existing attic space to 2no. bedrooms, en-suite and family bathroom comprising of
 - modification of existing roof structure,
 - raising of existing gables, new access stairs,
 - flat roof dormer to the rear and
 - 2no. A-style roof dormers to the front,
- Construction of front porch and all associated site works.

2.3. The stated floor area of the proposed works is 105.87sqm.

2.4. The application was accompanied by the following;

- Letter of Consent from applicant for Agent to act on their behalf.

2.5. The application was lodged with the planning authority on the 14/10/2024. A response to the request for further information (RFI) was received by the PA 21/05/2025.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to **refuse** permission 11/06/2025 for 1 no. reason as follows.

1. 'Although the change of use and extension of the property are acceptable in principle, having regard to the prominent location of the subject site, the development as proposed, and unchanged in response to the request by the Planning Authority for Additional Information, would detract from the visual amenity and special character of the Architectural Conservation Area (Rathcoole Village), and would thus contravene policy and objectives of the South Dublin County Development Plan 2022-2028 including

- (i) Section 12.3.8 Architectural Conservation Areas;
- (ii) NCBH20 Objective 3 which seeks 'To ensure that new development, including infill development, extensions and renovation works within or adjacent to an Architectural Conservation Area (ACA) preserves or enhances the special character and visual setting of the ACA including vistas, streetscapes and roofscapes';
- (iii) Policy NCBH20 which seeks 'To preserve and enhance the historic character and visual setting of Architectural Conservation Areas and carefully consider any proposals for development that would affect the special value of such areas'; and
- (iv) EDE13 Objective 2, which seeks 'To protect and conserve the special character of the historic core of traditional villages and to support their enhancement and upgrade'.

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

Note: The applicant is advised to engage in pre-planning consultation in advance of the resubmission of a planning application to the subject site.'

3.2. Planning Authority Reports

Planning Reports

3.2.1. The 1st Planners Report dated 05/12/2024 is the basis for the planning authority decision.

- Notes requirement to accord with South Dublin County Council House Extension Guide (2010)
- Notes previous similar application under SD24A/0097W which consisted of raising the roof ridge height and supporting external walls of the subject property.
- Proposed residential development and change of use acceptable in principle under the 'VC' zoning objective.

- *Verbal Report from PA Conservation Officer –*
 - Revised proposal would not overly improve the development as previously proposed.
 - Development would add to the roof which results in a poor roof profile and type which would not be in accordance with ACA policy, NCBH20.
 - Reuse of existing bungalow welcomed but a rear roof extension or similar method of allowing the roof space to be utilised rather than the proposed mansard type roof is recommended.
 - Applicant should have regard to the subject site being located within the Architectural Conservation Area of Rathcoole Village to ensure a sensitive adaptive reuse of the existing property on site while providing a house type which contributes to the architectural interest and integrity of the ACA.
 - Proposal should consider a sensitive extension at this location, that retains the existing height and form allowing contemporary style additions to facilitate the new residential use.
 - A Schedule of Materials for the approval of the ACO to ensure that all the proposed materials are cohesive from a design perspective is also required.
- Notes prominent location of the site, design of the extended roof profile and raised gable wall would have a negative impact on the character of the subject ACA and visual amenity of the surrounding area.
- Recommends a revised proposal in relation to the proposed roof design and extension, with existing roof type and profile to be maintained while revising the number and location of proposed dormer windows or rear extension.
- *Section 12.3.8 Architectural Conservation Areas –* Application did not include an Architectural Impact Assessment (AIA) and/or Design Rationale.
- *Overcoming Previous Reasons for Refusal –* Notwithstanding material alterations to the design as proposed in response to the previous reason for refusal, further alterations are required.

- *Design and Visual Impact* – Rear ground floor extension, front porch, and attic conversion acceptable with regard to existing visual and residential amenities. Modification of existing roof structure and raising of existing gables would alter the character of the dwelling, which is visually prominent, with increased topography over the street which would increase the overall massing of the subject cottage.
- *Proposed Roof Structure* - Modification of existing roof and raising of existing gables – Visually obtrusive given absence of any prevailing mansard/Dutch type hipped roof profiles within the streetscape and would not contribute to the architectural interest of the ACA.
- Form would potentially compromise the integrity of the ACA constitute a visually incongruous feature when viewed from the public realm of the main street and adjacent properties.
- *Proposed dormer* – Position, extent and scale relative to the eaves line and rear roof plane of the subject structure, would not accord with the provisions of Section 4 of the SDCC House Extension Design Guide.
- *Green Infrastructure and Landscaping* – Notes site currently consists of a tarmacked, impermeable covered areas forming part of the overall car display/sales forecourt. Request submission of a Landscape Plan to include details of hard and soft landscaping, including boundary treatments.
- Recommends further information (FI), in relation to design, storage, access and parking, green infrastructure and landscaping,

3.2.2. The 2nd Planners Report dated 11/06/2025 recommends **refusal**.

- Revised particulars submitted did not include any revised layout, elevation, or section drawings of the subject development, with no modifications to same undertaken in response to the AI request of the Planning Authority.
- Development, if permitted, would set an undesirable precedent for other similar developments, which would in themselves and cumulatively, be harmful to the amenities of the ACA and surrounding area.

3.2.3. Other Technical Reports

- **Conservation Officer:** Verbal report recommends **further information**.
- **Roads Department:** 1st Report dated 14/1/2024 recommends FI in relation to a revised access and parking arrangement. 2nd Report dated 23/05/2025 notes lack of information submitted and recommends **refusal**.
- **EHO:** Report dated 5th November 2024 recommends no objection subject to requirements in relation to construction noise, and air quality.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

None.

4.0 Planning History

Appeal Site

PA Reg. Ref. SD24A/0097W: Permission **refused** 25/06/2024 for change of use from commercial to residential. Construction of first floor extension comprising of 4no. Bedrooms, en-suite and family bathroom. Internal modifications at ground floor level and all associated site works.

Reason for Refusal:

1. Although the change of use and extension of the property are acceptable in principle, having regard to the prominent location of the subject site, the development as proposed would be visually obtrusive and result in an incongruous feature that would detract from the visual amenity and special character of the Architectural Conservation Area (Rathcoole Village). The proposed development would thus contravene policy and objectives of the South Dublin County Development Plan 2022-2028 including

(i) Section 12.3.8 Architectural Conservation Areas, NCBH20 Objective 3 which seeks 'To ensure that new development, including infill development, extensions and

renovation works within or adjacent to an Architectural Conservation Area (ACA) preserves or enhances the special character and visual setting of the ACA including vistas, streetscapes and roofscapes';

(ii) Policy NCBH20 which seeks 'To preserve and enhance the historic character and visual setting of Architectural Conservation Areas and carefully consider any proposals for development that would affect the special value of such areas';

(iii) NCBH20 Objective 3 which seeks 'To ensure that new development, including infill development, extensions and renovation works within or adjacent to an Architectural Conservation Area (ACA) preserves or enhances the special character and visual setting of the ACA including vistas, streetscapes and roofscapes'; and

(iv) EDE13 Objective 2, which seeks to 'To protect and conserve the special character of the historic core of traditional villages and to support their enhancement and upgrade'.

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

Appeal Site (including yard to rear and side of bungalow)

PA Reg. Ref. SD12A/0221 ACP Ref. PL 06S.241816: Permission **granted**

29/07/2013 for use of yard to rear and side of bungalow between Tinkler's Yard and Tesco for display and sale of motor vehicles.

SD04A/0413 – Permission **refused** 08/10/2004 for demolishing existing commercial unit to front and reconstruct new unit at rear and associated parking for tyre sales and fitting.

Reasons for Refusal:

1. Having regard to the scale of the proposed development, tyre sales and fitting, which would generate significant noise and disturbance, and location of the building on the site in close proximity to a residential use, it considered that, on the basis of the information submitted the proposed development would seriously injure the residential amenity of property to the rear of the site and would therefore be contrary to the proper planning and sustainable development of the area.

2. The proposed building would be located within 3 metres of 300 mm surface water sewer and is considered to be prejudicial to public health.

Appeal Site (including yard to rear and side of bungalow and Site to the east)

PA Reg. Ref. SD08A/0354 ACP Ref. PL06S.232988 – Permission **granted**

31/07/2009 for demolition of existing single storey, detached dwelling (95sq.m.) and the construction of

(a) a 3 storey over basement building with 1 no. retail unit at ground floor level (181.8sq.m.) and office space on the first and second floor (total office space 531.4sq.m.) with a landscaped first floor roof terrace to rear and

(b) 4 no. 3 bedroom, 3 storey terrace houses (119.7sq.m. each) with roof terrace at second floor level, and 2 no. 1 bed apartments at ground and first floor with balcony to rear at first floor level, and all associated site works.

The basement will accommodate 23 no. car parking spaces and bicycle parking with ramped vehicular entrance from Main Street. Bin stores will be located at ground floor level. This permission was not implemented and has long since expired.

Yard to rear and side of bungalow (Appeal site)

SD05A/0051: - Permission **granted** 08/06/2005 for factory unit to the rear of site with parking facilities for 6 vehicles for the sale and fitting of tyres.

SD03A/0437 – Retention permission **refused** 19/08/2003 for vehicle hardstanding, continuing use of parking vehicles, and office / toilet situated behind the video shop.

Reasons for refusal:

1. Due to its inappropriate location within Rathcoole village centre, the proposed development would materially contravene the zoning objective for the area which seeks to 'protect, provide for and improve local centre facilities' and is considered to be inconsistent with the proper planning and sustainable development of the area.

2. The proposed development would seriously injure the amenities and depreciate the value of property in the vicinity and is therefore considered to be inconsistent with the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. South Dublin County Development Plan 2022-2028

5.1.1. The subject site is in an area zoned 'Objective VC' which seeks 'to protect, improve and provide for the future development of Village Centres. The following sections of the Plan are particularly relevant:

5.1.2. **Chapter 3** Natural Cultural and Built Heritage (NCBH)

Rathcoole Village is designated as an **Architectural Conservation Area (ACA)** the boundary of which is outlined on the Development Plan maps that accompany this written statement.

A brief description of the architectural character of Rathcoole Village is set out below:

'There are numerous buildings of interest within the linear ACA envelope, including Rathcoole House, the Court of Petty Sessions, Rathcoole Health Centre, Rathcoole Garda Station, Rathcoole Inn, An Poitin Stil and several smaller cottages dotted throughout the village. The main concentration of historic buildings, dating from the late eighteenth and nineteenth centuries, are in the eastern and central part of the village. The village core remains apparent as a distinct urban focus, despite the late twentieth century residential and road development surrounding the village.'

Policy NCBH20: Architectural Conservation Areas

'Preserve and enhance the historic character and visual setting of Architectural Conservation Areas and carefully consider any proposals for development that would affect the special value of such areas.'

NCBH20 Objective 3: 'To ensure that new development, including infill development, extensions and renovation works within or adjacent to an Architectural Conservation Area (ACA) preserves or enhances the special character and visual setting of the ACA including vistas, streetscapes and roofscapes.'

5.1.3. **Chapter 9** Economic Development and Employment (EDE)

Policy EDE13: Retail -Village Centres

'Strengthen the retail, retail services and niche retailing function of traditional villages'.

EDE13 Objective 2: 'To protect and conserve the special character of the historic core of traditional villages and to support their enhancement and upgrade.'

5.1.4. **Chapter 12** Implementation and Monitoring

Section 12.3.8 Architectural Conservation Areas

'All proposals for development within an ACA shall comply with the requirements of the Architectural Heritage Protection Guidelines for Planning Authorities, DAHG (2011) and shall seek to protect the historic character, existing amenities, visual setting and streetscape character of the ACA.

Planning applications for development within an ACA shall have regard to the following criteria:

All proposals that relate to new development within or immediately contiguous to an ACA should include an Architectural Impact Assessment Report and Design Rationale addressing the following in relation to the site context:

Urban structure, Urban grain, Density and mix, Scale, Height, Materials and detailing, Landscape, Views and landmarks and Historical development.

The following are also relevant to the current appeal;

- The scale of new structures should be appropriate to the general scale of buildings within the ACA;
- Demolition of structures that positively contribute to the streetscape character of the ACA will not normally be permitted. Where demolition is proposed a vital consideration is the quality of any proposed replacement structure and whether it enriches the character of the ACA;
- Where it is proposed to demolish a structure or part of a structure that contributes to the character of an ACA, the onus is on the applicant to justify demolition and redevelopment as opposed to rehabilitation, renovation and re-use; Retention of original features such as windows, doors, renders, roof coverings and other significant fixtures and fittings is encouraged whilst concurrently promoting energy efficient designs;
- Where proposals include alterations and extensions affecting structures within an ACA, these should be sensitively designed and sited appropriately, should be

generally subservient to the main structure, should not be visually obtrusive or detract from the character of the structure or its setting within the ACA;

- Any new developments within an ACA should reflect the existing building stock and should clearly read as a modern intervention within the ACA. Proposals should be sympathetic to the existing character and context of the area and take cognisance of the height, scale and mass of the historic urban form, especially in sensitive areas such as main streets and adjacent to cultural / historic cores. Proposals should also add architectural interest and varied design within the mix to provide different architectural styles. All designs should be of a high standard and should be finished to a high quality in terms of building materials;

All development works within ACAs should seek to limit, reduce and remove urban and visual clutter including building signage, traffic signage, bollards, utility boxes and other free-standing installations. In addition to the general requirements of this Development Plan, signage proposals within ACAs shall have regard to the requirements outlined in Chapter 12 of the Architectural Heritage Protection Guidelines for Planning Authorities, DAHG (2011);

Any proposed new advertising signage should be of high quality and should visually respect the existing character of the ACA.

Section 12.74 Car Parking Standards

Table 12.25 Maximum Parking Rates (Non-Residential)

Table 12.26 Maximum Parking Rates (Residential Development)

House Extension Design Guide 2025

Section 3.5.2 relates to Rear Dormer Elements which

- Should be located below the ridge line of the main dwelling.
- Should be set back at least 3 no. tile courses from the eaves line of the dwelling.
- Should be inset from party boundaries and side wall/ roof hip of dwelling.
- Should be appropriately scaled so as not to read as an additional storey to the dwelling or obscure the main features of the roof.
- Should consider quality of external finishes/materials and window proportions relative to main house.

5.2. Natural Heritage Designations

There are no European designated sites in the vicinity.

The proposed development is located within an established commercial area and comprises the change of use from commercial to residential and all site works.

There will be a connection to the public sewerage network. There are no watercourses linking the site with any such designated areas.

5.3. EIA Screening

- 5.3.1. The proposed development is not a Class for the purposes 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. I refer the Board to Appendix 1 – Form 1 EIA Pre-Screening of this report.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The third-party appeal against the decision to refuse planning permission was lodged by the applicant's agent. The grounds of appeal were accompanied by photographs of various property types on Rathcoole Main Street and of the existing structure on site Keoghs Cottage.
- 6.1.2. The grounds of appeal can be summarised as follows.
- Applicant is a local businessman, has worked in the area for a number of years, and contributes greatly to the local area of Rathcoole.
 - Applicant wishes to relocate his family to Rathcoole Village as he spends so much of his time both working and socialising in the area.
 - *Family needs* - Existing structure does not currently meet the needs of applicant's family. Two options for the renovation/extension of the property are presented which will meet the needs of the applicant and would be in keeping with the area.

- *Rathcoole Village ACA* - Noted but consider the constraints being put on the proposals are too restrictive and do not take into account the needs of the owner and his family.
- *Character of the ACA* - Submit that numerous property styles and types, both large and small in Rathcoole Village, are not in keeping with an ACA.
- Contend that the needs of the applicant and the needs of the relevant council need to be taken into account.
- *Previous Refusal* – Planning history is outlined and submit SDCC comments on original application taken on board in the current proposal.
- *Observations* – None received on either planning applications.
- *Further information request* – Submit was too onerous and did not meet the needs of his family.
- *Location of Appeal Site* – Contend that Main Street in Rathcoole has a mix of property styles, and that the subject site is at the entrance to a housing estate with a Tesco Express located on the opposite side. The neighbouring property is a Takeaway, while directly across the road is a derelict site.
- *Rathcoole Village* – Submit the village can only benefit from the modifications proposed as it will enhance the features of a currently tired looking building which is surrounded by buildings in various states of upkeep.

6.2. Planning Authority Response

The Planning Authority confirmed its decision noting that the issues raised in the appeal are covered in the Chief Executive Order.

6.3. Observations

None received.

6.4. Further Responses

The appeal was circulated by An Coimisiún to The Heritage Council, Failte Ireland, Development Applications Unit, An Taisce and An Chomhairle Ealaíon. No comments were received at the time of writing.

7.0 Assessment

7.1. Introduction

- 7.1.1. I would draw the attention of the Board to the planning history of the existing structure and current use on site, which it is proposed as part of the subject application to extend and change the use.
- 7.1.2. An application for permission for a similar development, by the same applicant was refused by the PA under PA Reg. Ref. SD24A/0097W over a year ago (June 2024) for a similar refusal reason to the current application. The decision of the PA was not subject of an appeal to the Coimisiún.
- 7.1.3. The current application, which is substantially similar, albeit for a smaller/dormer style dwelling (dormer rather than two storey), seeks to address the previous reasons for refusal under PA Reg. Ref. SD24A/0097W. The single reason for refusal is virtually identical to the reason for refusal in the current application under appeal.
- 7.1.4. There have been no significant changes in planning policy, the same County Development Plan applies. The main national policy changes relate to the revised National Planning Framework and Climate Action Plan CAP 2025.
- 7.1.5. The main issues are those raised in the planning application and the grounds of appeal, and I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:
 - Principle of Development
 - Built Heritage
 - Precedent

7.2. Principle of Development

- 7.2.1. The subject site is zoned 'Objective VC' which seeks 'to protect, improve and provide for the future development of Village Centres.
- 7.2.2. It is located along the southern side of Rathcoole Main St. towards the eastern side of the core village area. This part of the village is particularly active as it contains adjoining retail (Tesco express to the west) and educational (Scoil Chrónáin primary school to the northwest) on the opposite side of the Main St. There is also a public pedestrian route connecting the residential estate to the south with the main street, which adjoins the appeal site along its western boundary.
- 7.2.3. The existing residential four bed bungalow is currently occupied and in residential use. It comprises four no. bedrooms with dining area, kitchen, and bathroom all at ground floor. It would appear to be a commercial let. The applicant has not provided any documentary evidence to demonstrate his current place of residence.
- 7.2.4. The grounds of appeal refer to the applicants economic and social ties with the area and that the existing structure does not currently meet the needs of applicant's family.
- 7.2.5. I note the PA consider the change of use from commercial to residential to be acceptable. I would concur with this view dependent on the proposed residential development complying with the relevant residential amenity standards with respect to access, parking and open space amenity.
- 7.2.6. I am satisfied that the proposed change of use to residential and extension to the existing bungalow is acceptable in principle.

7.3. Built Heritage

- 7.3.1. Reason for refusal no. 1 of the planning authority's decision refers to the prominent location of the site, and that development as proposed would detract from the visual amenity and special character of the Architectural Conservation Area.
- 7.3.2. I can confirm from my site visit that the subject site is located at a very prominent location on the main street in the centre of the village. close Tesco Express and primary school. The existing bungalow is also elevated above the level of the adjoining public footpath and main street by approx. 1m. I can also confirm that the

existing building is not a Protected Structure, is currently occupied and is in good condition.

- 7.3.3. The proposed four bed dwelling would include two no. bedrooms with a shared ensuite, open plan living/kitchen/dining, separate living room, utility and bathroom at ground floor. At first floor two large bedrooms (one ensuite), office and family bathroom are proposed.
- 7.3.4. I note the floor area of the existing house is stated as 87.52 sqm. The floor area of the proposed extensions at ground floor with addition of new first floor accommodation has a stated area of 105.87sqm. This would bring the total floor area of the property to 193.4sqm. The proposed floor area is therefore in excess of double the floor area of the existing house.
- 7.3.5. I note from my site visit the condition of the external and internal walls of the existing property, windows, chimney and roof profile, which appeared well maintained. I also note from drawings submitted with the application the extent of demolition works proposed.
- 7.3.6. I have examined the floor plan and elevation drawings submitted outlining the existing structure and proposed works. Demolition works include the removal of the rear external wall (approx. 12.2m in length), sections of internal walls and chimney and removal of a large area of the existing roof to the rear to accommodate the large dormer (8.3m in length). The ridge height of the existing house is 5.45m. and this ridge height is to be maintained. The existing house is relatively low profile, which in my opinion makes the insertion of the large flat roofed dormer to the rear in particular overly dominant. The dormers to the front are to be finished with a mini pitch.
- 7.3.7. I have examined the side gable elevation drawings of the existing house with ground floor walls extending to eaves height at approximately 2.45m. The proposed side elevation (Drawing D11) indicates the first-floor end gable wall extending to approx. 4.5m.
- 7.3.8. I have examined the proposed roof plan indicated (on Site Plan Drawing D-16), which shows very little of the existing roof is to be retained. I have considered the nature of the proposed works to the roof to provide two no. dormers to the front, large dormer to the rear to serve the new first floor accommodation, in addition to the

removal of the chimney and new hipped roof and am satisfied that the works proposed would require the removal of the entire roof and construction of a new roof.

- 7.3.9. I note the application was not accompanied by a structural engineers report to clarify the structural integrity of the existing walls and roof to support the proposed first floor accommodation and roof and dormers.
- 7.3.10. I would have concerns therefore, that the extent of demolition works proposed, and scale of accommodation to be provided at first floor level requiring new roof construction, in the absence of a structural engineer's report the structural stability of the walls to be retained and need for further demolition would be a concern.
- 7.3.11. I have had regard to the assessment of the Conservation Officer of the PA included in the Planners Report of the PA. I concur with the PA that the proposed architectural treatment style does not add to the streetscape at this location. I also share concerns raised that the proposed scale and design of the proposed dormers particularly with respect to the dormer to the rear would indeed detract from the visual amenity and special character of the Architectural Conservation Area.
- 7.3.12. I note the further information request was quite explicit in its guidance and specifically in relation to the preferred treatment of the roof profile. The PA sought revised plans with the omission of the proposed raised side gable walls and extension of the existing roof ridgeline to create a mansard/Dutch hip type roof profile. The PA also advised that the existing roof style and design be maintained with fully hipped profile maintaining the existing appearance and character of the structure on the streetscape.
- 7.3.13. The PA further advised that any dormer element proposed shall be designed fully in accordance with Section 4 of the House Extension Design Guide, including siting a minimum of 100mm below the ridge height and appropriately above (at least 3 tile courses) the eaves line of the main dwelling.
- 7.3.14. I note the SDCC House Extension Design Guide 2025 which forms an appendix to the CDP and replaces the 2010 Guide. Section 3.5 refers to roof alterations and Section 3.5.2 which refers to rear dormer elements specifically. The proposed rear dormer in my opinion is not in accordance with the guidance provided in that it is inappropriately scaled such that it reads as an additional storey to the dwelling and obscures the main features of the roof.

- 7.3.15. The applicant was provided an opportunity to address concerns raised and did not do so in the response to the further information request. I also note revised proposals, or submission of an Architectural Impact Assessment (AIA) and/or Design Rationale were not submitted as part of the first party grounds of appeal.
- 7.3.16. I note from my site inspection the existing signage associated with the commercial use of the site to the front side and rear. If an Coimisiún are minded granting permission a suitably worded condition omitting commercial signage on the property and within the curtilage of the house could be attached.
- 7.3.17. I also note from my site inspection the extent of hard surfacing to the front side and rear of the bungalow, and erection of wooden panel boundaries to rear parking and amenity space. I would share the concerns of the PA in relation to the provision of soft and hard landscaping proposals which would be desirable from a residential amenity, SuDS and green infrastructure/biodiversity perspective. Again, if the Coimisiún are minded granting permission a suitably worded condition in respect of hard and soft landscaping proposals would be appropriate.
- 7.3.18. I am satisfied, therefore, that the concerns raised by the PA are valid, that the current proposal would be contrary to Policy NCBH20 and NCBH20 Objective 3 of the South Dublin County Development Plan 2022-2028, and that this reason for refusal should be upheld by An Coimisiún.

7.4. Access and Parking

- 7.4.1. The Roads section of the PA raised concerns in relation to site access and parking arrangements to serve the residential unit.
- 7.4.2. The site as outlined in the application includes one of the two existing vehicular entrances along the front boundary which currently serve the overall site which is in commercial use and is mostly occupied by parked cars on display.
- 7.4.3. The single car parking space provided currently for the existing bungalow is located to the rear and so relies on the vehicular entrance and site access serving the commercial use.
- 7.4.4. The PA sought a revised layout indicating the provision of space for on curtilage parking spaces, a swept path analysis showing how the cars can safely access and

egress these parking spaces, and details of the vehicular access limited to a width of 3.5 metres as per Section 12.7.6 of the County Development Plan 2022-2028.

- 7.4.5. Details in relation to boundary walls and gates at vehicle access points. limited to a maximum height of 0.9m, with boundary pillars limited to a maximum height of 1.2m, in order to improve forward visibility for vehicles were sought as were details of the proposed front porch and dimensioned drawings with details of proposed front boundary treatment (i.e. wall/pillars).
- 7.4.6. The applicant did not provide these details in their response to the request for further information or with the grounds of appeal.
- 7.4.7. I can confirm from my site visit that the car parking space to the rear serving the dwelling was occupied but that the front area of the site was fully occupied by parked cars on display.
- 7.4.8. The application as lodged is unclear as to the location and number of car parking spaces to be provided to serve the proposed four bed dwelling.
- 7.4.9. Given its location within the village centre the site falls within Zone 2 (Residential) where a maximum parking rate of 1.5 spaces for a 3 bed + applies under Table 12.26 of the SDCC County Development Plan 2022-2028.
- 7.4.10. In my opinion the application is seriously lacking in detail regarding safe access and egress, car parking and boundary details which given the current use of the overall site. is unsatisfactory.
- 7.4.11. I am satisfied, therefore, that the concerns raised by the PA are valid, and that the current proposal is unsatisfactory in terms of demonstrating the access and parking arrangements to serve the residential use, either shared or separate from the commercial use on the overall site.

7.5. Precedent

- 7.5.1. Reason for refusal no. 1 of the planning authority's decision refers to the proposed development if permitted '*would set an undesirable precedent for other similar developments, which would in themselves and cumulatively, be harmful to the amenities of the ACA and surrounding area*'.

- 7.5.2. The appellant has submitted in the grounds of appeal that numerous property styles and types, both large and small in Rathcoole Village, are not in keeping with an ACA.
- 7.5.3. I would concur with this and can confirm from my site visit that there is quite a mix of building styles along the main street including a number of vacant/semi derelict properties.
- 7.5.4. I note also from the Planners Report of the PA that the element of the proposed development considered most problematic is the scale and design of the large dormer to the rear.
- 7.5.5. I note from my site visit and review of the existing structures along the main street the location of two other properties (next to each other) at the western end of main street which include dormers to the front roof profile. While I acknowledge that precedent for dormer windows to the front is already established in this location, I do not consider that the sites are otherwise directly comparable.
- 7.5.6. Both sites are located outside the ACA and at less prominent location than the appeal site. The dormers are to the front elevation only and positioned significantly lower than the ridge height.
- 7.5.7. Notwithstanding, each planning application and subsequent planning appeal site is considered on its own merits.
- 7.5.8. I am satisfied that the reason for refusal by the PA should be upheld on the basis of precedent.

8.0 Appropriate Assessment

Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive)

I have considered the nature and scale of the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The proposed development comprises a change of use from commercial to residential and all site works as described in section 2 of this report.

The subject site is not located within or adjacent to a European Site.

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 effect on a European Site. This determination is based on:

- Small scale and domestic nature of the development
- Distance from European sites.
- Likelihood of indirect connections to the European sites.

I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

I recommend that permission be **refused** for the proposed development for the reasons and considerations set out below.

10.0 Reasons and Considerations

1. Having regard to the prominent location of the appeal site, the scale and design of development as proposed, would detract from the visual amenity and special character of the Architectural Conservation Area (Rathcoole Village), and would thus contravene policy and objectives of the South Dublin County Development Plan 2022-2028 including
 - (v) Section 12.3.8 Architectural Conservation Areas;
 - (vi) NCBH20 Objective 3 which seeks 'To ensure that new development, including infill development, extensions and renovation works within or adjacent to an Architectural Conservation Area (ACA) preserves or enhances the special character and visual setting of the ACA including vistas, streetscapes and roofscapes';

- (vii) Policy NCBH20 which seeks 'To preserve and enhance the historic character and visual setting of Architectural Conservation Areas and carefully consider any proposals for development that would affect the special value of such areas'; and
- (viii) EDE13 Objective 2, which seeks 'To protect and conserve the special character of the historic core of traditional villages and to support their enhancement and upgrade'.

The development, if permitted, would set an undesirable precedent for other similar developments, which would in themselves and cumulatively, be harmful to the amenities of the ACA and surrounding area. 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.

Susan McHugh
Senior Planning Inspector

19th September 2025

Case Reference	ABP-322826-25
Proposed Development Summary	Change of use from commercial to residential. and all site works.
Development Address	Keoghs Cottage, Main Street, Rathcoole, Dublin, D24 NY38.
	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)	<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.	
<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	Change of use and domestic extension.

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	

<p>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)?</p>	
<p>Yes <input type="checkbox"/></p>	
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____ **Date:** _____

Appendix 2

Screening the need for Water Framework Directive Assessment Determination

There are no European designated sites in the vicinity.

The proposed development comprises a change of use from commercial to residential and all site works.

No water deterioration concerns were raised in the planning appeal.

I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- Small scale and nature of the development
- Location-distance from the nearest Water bodies and/or lack of hydrological connections
- Taking into account WFD screening report/determination by Planning Authority

Conclusion

I conclude that 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.