



An
Coimisiún
Pleanála

Inspector's Report

ACP-322906-25

Development

Proposed change of use of existing approved single storey gym & storage shed detached habitable rooms (previously subject to DCC enforcement notice reference E0930/23 and approved under DCC planning reference WEB1116/24) for proposed use as ancillary family accommodation to include living, dining, study area, bedroom and new bathroom & kitchen (66.9m² gross internal area) approx. and associated works in rear garden on overall site area 587m² (0.058ha) approx.

Location

83 Finglas Place, Dublin 11

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

WEB 1818/25

Applicant(s)

Mark Confrey

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Appellant(s)

Mark Confrey

Observer(s)

None

Date of Site Inspection

28th August 2025

Inspector

Barry Diamond

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Appendix 1 –EIA Screening

1.0 Site Location and Description

- 1.1. The application site comprises an existing two storey end of terrace dwelling, a single storey domestic outbuilding and a side and rear garden area. The existing dwelling is finished in render with a concrete tile roof. The single storey outbuilding has an irregular shape, is finished in a mixture of render to the front elevation, and timber cladding to the sides and rear. It has a monopitch roof and immediately abuts the northwestern boundary.
- 1.2. The site fronts onto Finglas Place while the side garden (northwestern boundary) abuts Rose Hill House and the rear boundary (southwestern) abuts No. 118 Finglas Road. When compared to the other dwellings in the area the application site has a sizeable curtilage (0.058ha) given its corner plot location.
- 1.3. The surrounding area is an established residential area with terrace rows of two storey dwellings. A number of the surrounding dwellings have in-curtilage parking while the majority rely upon on-street parking. Rose Hill House is a prominent building in the area and can be viewed to the side of the application site.

2.0 Proposed Development

- 2.1. The application seeks permission for a proposed change of use of an existing single storey gym & storage shed detached habitable rooms (previously subject to DCC enforcement notice reference E0930/23 and approved under DCC planning reference WEB1116/24) for use as ancillary family accommodation to include living, dining, study area, bedroom, new bathroom & kitchen and associated works in the rear garden.
- 2.2. The existing outbuilding has a gross internal area of approx. 66.9m² with the overall site area being approx. 587m².

3.0 Planning Authority Decision

3.1. Decision

- 3.2. On the 6th June 2025, the Planning Authority refused permission for the subject development for the following reasons stated:

3.3. It is considered that the proposed change of use from a gym / storage shed to use as ancillary family accommodation of a building that is wholly detached with no integration between it and the existing house, would be contrary to the requirements for the provision of ancillary family accommodation as set out under Section 7 of Appendix 18 of the Dublin City Development Plan 2022-28. Therefore, the proposed development, by its nature and by the precedent it would set for similar substandard units in rear gardens, would result in serious injury to the amenity of area, would contravene the above referenced section of the Development Plan and would be contrary to the proper planning and sustainable development of the area.

3.4. **Planning Authority Reports**

3.4.1. Planning Reports

3.4.2. The decision of the planner reflects the decision to refuse planning permission. It includes the following points:

3.4.3. The proposed change of use as ancillary accommodation appears to be a standalone dwelling rather than ancillary accommodation and fails to adhere to the requirements of Section 7 of Appendix 18 of the Dublin City Development Plan 2022-28.

3.4.4. A previous grant of permission for a gym/store on the site had a condition which stated that the structure could not to be used for habitable accommodation.

3.4.5. The development would not meet the minimum requirements for a dwelling as set out under the Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities.

3.4.6. Other Technical Reports

- Drainage Division - No objection
- Transportation Planning Division - raised concern that the proposed development would permit accommodation for an independent dwelling on the site.

3.5. **Prescribed Bodies**

Irish Water - No comments received although the consultation was only sent on the 21st May with the decision to refuse permission issuing on the 6th June 2025.

Department of Housing - No comments received although the consultation was only sent on the 23rd May with the decision to refuse permission issuing on the 6th June 2025.

3.6. Third Party Observations

None.

4.0 Planning History

Site

- 4.1 WEB1116/24: Granted retention permission for a shed in the back garden for storage and gym area. The previous grant of permission included the following notable conditions:

Condition no.3. The proposed detached shed/garden room shall not be put to commercial use, and its use shall be only incidental to the enjoyment of the principal dwelling on site. It shall not be separated from the principal dwelling by lease or sale. Reason: In the interests of the proper planning and sustainable development of the area and of residential amenity.

Condition no. 4: The proposed detached shed/garden room shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses or for any use other than as a use incidental to the enjoyment of the dwelling house as such, unless authorised by a prior grant of Planning Permission.

Reason: In the interests of residential amenity.

- 4.2 5029/08: Granted permission for amendments to previously approved two-storey detached dwelling (Ref: 5563/03), to include single storey extension to side and rear and increasing height of roof to accommodate a non-habitable room and dormer window at rear.

- 4.3 5833/03 Granted permission subject to conditions for a new vehicular entrance at 83 Finglas Place, Dublin 11.
- 4.4 5563/03: Granted permission for two storey detached house and new vehicular entrance on site adjoining no. 83 Finglas Place, Dublin 11.

5.0 Policy Context

5.1. Development Plan

- 5.1.1 The Dublin City Development Plan, 2022-2028 identifies that the site is located within an area zoned 'Z1 – Sustainable Residential Neighbourhoods'. The relevant zoning objective is 'to protect, provide and improve residential amenities'. The site abuts to the northwest a red hatched Conservation Area and a Protected Structure Ref. No. 4850 which is listed as 'Rose Hill house: detached house' on the record. The adjoining Rose Hill House is included in the Record of Monuments and Places (RMP) as Established under Section 12 of the National Monuments (Amendment) Act 1994.
- 5.1.2 Chapter 11 Built Heritage and Archaeology, Policy BHA2 Development of Protected Structures is relevant and states: Development will conserve and enhance protected structures and their curtilage. That any development, modification, alteration, or extension affecting a protected structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout and materials. Ensure that new and adapted uses are compatible with the architectural character and special interest(s) of the protected structure.
- 5.1.3 Chapter 11 Built Heritage and Archaeology, Policy BHA9 Conservation Areas – seeks to protect the special interest and character of all Dublin's Conservation Areas. Development within or affecting a Conservation Area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting.
- 5.1.4 Chapter 11 Built Heritage and Archaeology, Policy BHA9 Conservation Areas seeks to protect and preserve Monuments and Places listed on the statutory Record of Monuments and Places (RMP) and to protect archaeological material in situ by ensuring that only minimal impact on archaeological layers is allowed.

5.1.5 Chapter 15 - Development Standards sets out the standards and criteria to be considered in the development management process so that development proposals can be assessed both in terms of how they contribute to the achievement of the core strategy and related policies and objectives.

15.11 states that guidance and standards relating to ancillary residential accommodation is provided at Appendix 18.

15.5.7 Materials and Finishes states that materials and finishes should complement the existing palette of materials in the surrounding area.

15.11.3 Private Open Space states that the private open space for houses is usually provided by way of private gardens to the rear of a house with a minimum standard of 10 sq. m. of private open space per bedspace with a double bedroom representing two bedspaces.

15.11.4 Separation Distances (Houses) states that traditionally, a separation of about 22 m was sought between the rear first floor windows of 2 storey dwellings but this may be relaxed if it can be demonstrated that the development is designed in such a way as to preserve the amenities and privacy of adjacent occupiers.

5.1.6 Appendix 18 – Ancillary Residential Accommodation

Section 7.0 Ancillary Family Accommodation

Ancillary family accommodation refers to a subdivision or extension of a single family dwelling unit to accommodate an immediate family member for a temporary period or where an immediate relative with a disability illness or specific temporary housing need may have to live in close proximity to their family. Generally, the purpose of ancillary family accommodation is to provide an amenable living area offering privacy, manoeuvrability and independence while maintaining a direct connection to the main dwelling. Usually, there is no exterior difference in appearance between an extension and ancillary family accommodation and is still considered a single residential unit. Ancillary family accommodation should:

- Be contained within the existing unit or provided as an extension to the main dwelling (exempted development principles for residential extensions can apply where applicable. Where an extension is not exempt, planning permission is required).

- Preferably have a direct connection to the main home.
- Not be let separately for the purpose of rental accommodation.
- Not be a separate detached dwelling unit.
- Be reintegrated back into the original unit when no longer occupied by a member of the family. Conditions will be attached to the permission limiting the use of the accommodation for ancillary family use only on a temporary basis.

5.2. **Relevant National or Regional Policy / Ministerial Guidelines (where relevant)**

‘Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities’, Department of Housing, Local Government and Heritage, (2024)

5.3. **Natural Heritage Designations**

None relevant to the site.

6.0 **EIA Screening**

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of my report.

7.0 **The Appeal**

7.1. **Grounds of Appeal**

7.1.1 The first party’s grounds of appeal are provided by My House Architecture and also contains a submission by the applicant. The grounds of appeal are as follows:

7.1.2 Appendix 18 (Ancillary Residential Accommodation) of the Dublin City Development Plan 2022-2028 provide for ancillary residential accommodation as an extension to the main house, however, the Wicklow County Development Plan 2022-2028 (Appendix 13.19) allows for the conversion of a detached garage in exceptional circumstances. The applicant contends that if one local authority allows for the

conversion of a detached structure then it is reasonable that another authority should also allow this form of development.

- 7.1.3 The use of the detached structure for ancillary accommodation would in no way be more capable of being used as an independent dwelling than an attached structure. The occupation of the building can be controlled by way of condition. Once the building is no longer required it can return to use as a gym and storage shed.
- 7.1.4 There was previous permission granted for a dwelling in the side garden of the dwelling under Planning Ref: 5029/08.
- 7.1.5 A letter was included from the applicant outlining that their sister and her husband had returned to Ireland in recent years and have had difficulty securing accommodation due to the cost of rents and securing a mortgage. The grant of permission would make practical use of the garden area without impacting on neighbours or the locality. The applicant is open to a temporary permission.

7.2. Planning Authority Response

If permission is granted then a condition requiring a Section 48 development contribution is required.

7.3. Observations

None

7.4. 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 reports of the local authority, the planning history, having inspected the site, and having regard to the relevant local policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development.
- Impact on Protected Structures and Conservation Area.

8.2 Principle of Development

- 8.2.1 The application seeks the use of an existing detached ancillary store and gym in the corner of a sizeable garden plot associated with No. 83 Finglas Place for use as ancillary family accommodation for a family member (sister and brother-in-law). The existing dwelling and the detached gym and store are spatially separated from each other by a distance of 13.98 metres.
- 8.2.2 The subject building to which this change of use application relates is an irregular shaped single storey building with a monopitch roof which fronts onto the side gable of No. 83. The building has a linear form measuring 15.42 across its front and 10.45 along its rear. It has an overall height of 3.3 metres at the front, dropping to 2.85 metres to the rear. The building has a mixture of finishes with roughcast render to the front, timber cladding to the sides and rear and profiled metal on the roof. It was not possible to view the internals of the building during the site visit, however, the plans indicate that it is laid out partially as a gym with the substantive floorspace being in use as a domestic storage. The building as constructed has a double set of patio style doors to the eastern side, 5 No. window openings of various sizes spread across the frontage and an off-centre door with a small porch extending from the front elevation.
- 8.2.3 The original grant of planning permission for the subject building (Ref: WEB1116/24) sought retention permission, however, the front elevation of the building is notably different from what was previously approved. The ridge height of the front elevation is stated as being 3.3 metres which is an increase of 300mm from what was approved, the number of windows has increased from 3 No. to 5 No. along with a change in the size and positioning of the windows. An additional door has been added along with a small porch.
- 8.2.4 The submitted drawings mirror the subject building on site, however, none of the changes to the building are included in the description of development nor were they included in the site notice. I consider that the development proposal is not accurately described to capture the form of development being applied for and as a consequence the application is invalid.
- 8.2.5 Section 7 of Appendix 18 allows for ancillary family accommodation subject to a number of criteria requiring that the accommodation be sited within the existing

curtilage, it must be for a family member to meet a short term need and must not be sublet for private rental. The subject building is contained within the curtilage of No. 83 and it is stated that it is to accommodate the applicant's sister and her husband who have returned back to Ireland from America. I agree with the applicant that the occupation of the building can be controlled by way of a condition to ensure that the building is not sublet. I consider that the proposal complies with these elements of the Plan.

- 8.2.6 Section 7 of Appendix 18 requires that the building should not be altered to the point that it cannot be reintegrated back into the original unit when no longer occupied by a member of the family. While this was raised as a concern within the Planning Officers report it was not included as a refusal reason. At present the building is shown to be subdivided to include a room used as a gym with the remainder being laid out as a store. The proposed internal layout comprises a proposed kitchen and living area, one bathroom, one bedroom and two stores. I consider that the changes to the external appearance and the internal layout would not prohibit the reintegration of the subject building back into use as an ancillary domestic gym/store. The proposal complies with this element of the Plan.
- 8.2.7 The subject building is located circa 13.98 metres to the side of the existing dwelling and there is no physical connection either existing or proposed between the two buildings contrary to Section 7 of Appendix 18. The subject building given its; height, mixture of external finishes, roof design and linear appearance combined with the separation distance means that it would read separately from the existing dwelling and would visually read and be occupied as a standalone dwelling unit. I was not made aware of any other connection linking the existing dwelling to the subject building other than they both stand within the same curtilage.
- 8.2.8 I consider that the use of the subject building as a separate detached dwelling would not be acceptable. 15.11.13 of the Plan requires a minimum of 20sqm private amenity space for a two bedroom dwelling. The subject building as constructed immediately abuts the curtilage boundary to the rear and both sides leaving no useable and defensible private amenity space, either to the side or rear which is not acceptable.

- 8.2.9 The orientation of the subject building looks onto the side of No. 83, meaning that it overlooks the rear private amenity space of this dwelling and the subject building would also be overlooked resulting in a detrimental effect on the residential amenity of both properties. In addition, the surrounding area is characterised by two storey dwellings with a strong street frontage, with either render or cladding and concrete roof tiles forming the external finishes. The proposal represents a single storey dwelling with no street frontage, finished in a mix of render and timber sheeting to the elevations and a metal profiled roof, which in combination, would be out of character and detrimental to the appearance of the area. I consider that the use of the subject building as a separate dwelling unit would not be acceptable.
- 8.2.10 The agent states that the Wicklow County Development Plan 2022-2028 allows for the conversion of a detached garage in exceptional circumstances and that if one local authority allows for the conversion of a detached structure then it is reasonable that another authority should also allow this form of development. I disagree with the analysis provided, the site is located in the Dublin City Plan 2022-2028 and its policies and objectives are applicable to the assessment of the subject development. The policies in the Wicklow Plan, have no bearing on the assessment of this application and there is no requirement for Plans to have consistent policies on ancillary living accommodation.
- 8.2.11 It is noted that planning permission was previously granted for a dwelling in the side garden of the application site Planning Ref: 5029/08, however, that related to a different development scheme in a different Development Plan context. I am not attributing any material weight to the previous planning history on the wider site.
- 8.2.12 For the reasons set out above I consider that the principle of development is not acceptable.

8.3 Impact on Protected Structures and Conservation Area

- 8.3.1 The subject site abuts Rose Hill House to the northwest which is a Protected Structure (Ref. No. 4850) which is listed as 'Rose Hill house: detached house' on the record and is included in the Record of Monuments and Places (RMP) as established under Section 12 of the National Monuments (Amendment) Act 1994. In addition, the curtilage of the Rose Hill House is a red hatched Conservation Area. I

consider that as the subject application proposes a change of use of an existing building that there will be no impact on the designated Conservation Area, Protected Structure or Monument.

9.0 **AA Screening**

9.1 I have considered the development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located at 83 Finglas Place, Dublin 11, no relevant designated sites are close by.

9.2 The proposed development comprises the conversion of an existing gym and storage shed to ancillary residential accommodation. No nature conservation concerns were raised in the planning appeal. 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 European Site.

The reason for this conclusion is as follows:

- Small scale and nature of the development; and
- Distance from nearest European site and lack of connections.

9.3 I conclude that 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.

10.0 **Water Framework Directive**

10.1 The subject site is located at 83 Finglas Place, Dublin 11 which is 96 metres from the nearest known watercourse which appears to be culverted.

10.2 The proposed development comprises conversion of an existing gym and storage shed to ancillary residential accommodation. No water deterioration concerns were raised in the planning appeal.

10.2 I have assessed the proposed conversion of an existing gym and storage shed to ancillary residential accommodation and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks 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 is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

10.3 The reason for this conclusion is as follows:

- Small scale and nature of the development
- Distance from nearest water bodies and lack of hydrological connections.

10.4 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 costal) 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

That planning permission be refused for the reasons and considerations set out below.

12.0 Reasons and Considerations

It is considered that the proposed change of use from a gym / storage shed to use as ancillary family accommodation of a building that is wholly detached with no linkage between it and the existing house, would be contrary to the requirements for the provision of ancillary family accommodation as set out under Section 7 of Appendix 18 of the Dublin City Development Plan 2022-28. Therefore, the proposed development, by its nature and by the precedent it would set for similar substandard units in rear gardens, would result in serious injury to the amenity of area, would

contravene the above referenced section of the Development Plan and would 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.

Barry Diamond
Planning Inspector

12 September 2025

Appendix 1 - Form 1 EIA Pre-Screening

Case Reference	ACP-322906-25
Proposed Development Summary	Proposed change of use of existing approved single storey gym & storage shed detached habitable rooms (previously subject to DCC enforcement notice reference E0930/23 and approved under DCC planning reference WEB1116/24) for proposed use as ancillary family accommodation to include living, dining, study area, bedroom and new bathroom & kitchen (66.9m ² gross internal area) approx. and associated works in rear garden on overall site area 587m ² (0.058ha) approx.
Development Address	83 Finglas Place, Dublin 11
	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.	
☒ 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.	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.
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☐ Yes, the proposed development is of a Class but is sub-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: _____

Date: _____