



An  
Coimisiún  
Pleanála

## Inspector's Report

**PL-500082-DF**

<b>Development</b>	Retention of garage, and change of use to one bed/kitchen unit with all associated site works.
<b>Location</b>	43, Hollystown Park, Hollystown, Dublin 15, D15X0NP
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	FW 25A/0344E
<b>Applicant(s)</b>	Kimberley Malone
<b>Type of Application</b>	Retention and Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Kimberley Malone
<b>Observer(s)</b>	None on file
<b>Date of Site Inspection</b>	3 <sup>rd</sup> December 2025
<b>Inspector</b>	Des Johnson

## 1.0 Location

- 1.1. The site is located in Tyrrelstown, Dublin 15. It is a large corner site in an established residential estate.
- 1.2. There is a large detached dormer style/two storey dwelling on site. To the side and rear of the dwelling is a separate single storey garage style structure with window to the front and with door and window in the north elevation facing the rear garden paved area attached to the main dwelling. There is a small window centrally positioned in the rear elevation.
- 1.3. The structure has the appearance of being in residential use but I was unable to gain entry at the time of site inspection.

## 2.0 Proposed Development

- 2.1. The proposal is for the retention of existing domestic garage in the rear garden, and change of use to a self-contained one bed/kitchen unit, with all associated site development works.
- 2.2. The gross floor area of the existing development on site is stated to be 237sqm, and the proposed development is stated to be 237sqm. The site area is 0.069ha.

## 3.0 Planning Authority Decision

### 3.1. Decision

The Planning Authority decided to refuse for 1 reason. The reason, in summary, states that the development does not meet design criteria for infill developments under Objective DMS032, or design and floor area requirements set under Objective DMS019 of the Fingal County Development Plan 2023-2029. Inadequate residential amenities for the existing and proposed dwellings in material contravention of the 'RS' zoning objective. Inappropriate precedent and contrary to the proper planning and sustainable development of the area.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

- The Planning report states that in principle the development is permitted within the 'RS' zoning subject to assessment subject to assessment of Development Plan standards. The development is c.8.02m long by c.3.72m wide. The development does not adhere to established building lines, proportions, height or roof profile. There is no demonstration of satisfactory levels of private open space to serve the existing and proposed dwelling units. The single access arrangement is not acceptable. The development does not comply with Objective DMS032. Minimum space standards for a single storey one bed house are not complied with. As per SPPR Minimum Private Open Space Standards there is a requirement of for a minimum of private open space of 20sqm. It is not considered that the proposed development would have a negative impact on visual or residential amenity. The development does not satisfy the requirements of Objectives DMS032 or DMS019. The development is contrary to the zoning objective and would set a bad precedent.

#### 3.2.2. Other Technical Reports

- Water Services report recommends rainwater runoff requirements and standard surface water conditions.
- DAA report states no objection in principle, but recommends Further Information requiring Noise Impact Assessments to demonstrate appropriate levels of indoor and outdoor residential amenity can be achieved, having regard to the location within Noise Zones of Dublin Airport.

## 4.0 Planning History

Under reference FW 14A/0005 retention permission was granted for a single storey domestic garage in the rear garden and its change of use to a Montessori School.

Condition 3 of the permission requires the use as a Childcare Facility to be operated by a resident of the dwelling. The Childcare Facility was not to be sold or let independently of the main dwelling, and when no longer in use as a Childcare Facility, its use is to revert to use as part of the existing dwelling unit.

The reason for the condition is 'to prevent unauthorised development and in the interest of the proper planning and sustainable development of the area.

## 5.0 Policy Context

### 5.1. Development Plan

#### **County Development Plan 2023-2029**

The Fingal County Development Plan 2023-2029 is the statutory plan for the area.

The site is within the 'RS' zoning with the objective to provide for residential development and protect and improve residential development. The development is permitted under this zoning subject to meeting other requirements of the Development Plan.

The site is within Noise Zone C associated with Dublin Airport.

Objective DMS019 – refers to New Residential Development. It requires that applications for residential developments comply with all design and floor area requirements set out in

- Quality Housing for Sustainable Communities – Best Practice Guidelines 2007
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009,
- The companion Urban Design Manual – A Best Practice Guide, DEHLG 2009,
- Sustainable Urban Housing: Design Standards for New Apartments 2020.

Objective DMS032 refers to Infill Development on Corner/Side Garden Sites. It states that applications for residential infill development on corner/side garden sites will be assessed against specified criteria, including the following:

- Compatibility with adjoining structures in terms of overall design, scale, and massing
- Consistency with the character and form of development in the surrounding area
- Provision of satisfactory levels of private open space to serve existing and proposed dwelling units
- Ability to safeguard the amenities of neighbouring residential units.
- Provision of side/gable and rear access arrangements, including for maintenance

- Compatibility of boundary treatment to the proposed site and between the existing and proposed dwellings
- Ability to provide a safe means of access and egress to serve the existing and proposed dwellings
- Provision of secure bin storage areas for both existing and proposed dwellings.

## **Sustainable Residential Development & Compact Settlement Guidelines, Jan. 2024.**

These Guidelines were made under Section 28 of Planning and Development Act 2000, as amended. Planning Authorities and An Bord Pleanála (now An Coimisiún) are required to have regard to them in the performance of their duties.

SPPR 2 – there is a minimum requirement of 20sqm Private Open Space for 1 bed houses.

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

Baldoyle Bay SAC	c.17.5km to the east
Malahide Estuary SAC	c.17.5km to the east
Baldoyle SPA & pNHA	c.17.5km to the east
Malahide Estuary SPA & pNHA	17.5km to the east

## **6.0 EIA Screening**

The proposal is for the retention of domestic garage and change of use to a one bed/kitchen residential unit. The development proposed is not of a Class for the purposes of Schedule 5. As such, the development is excluded at pre-screening stage.

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

The First Party grounds of appeal may be summarised as follows:

- Permission was previously granted for a creche to the previous houseowner under Reg Ref: FW14/0005. This included a bathroom/kitchen and accommodation for 15 children

- The appellant has two school going children. She would like to be able to use this space for studying/fun/hang out
- The space cannot be used as a garage as there is no entrance for a car. It was not designed to house a car
- This would not set a precedent as it is the only “garage” built in this estate with the houses.

## 7.2. Planning Authority Response

- The application was assessed against the policies and objectives of the Fingal Development Plan 2023-2029
- The development does not meet design criteria requirements for infill developments under Objective DMS032 or the design and floor area requirements for a 1-bedroom dwelling.
- There would be inadequate residential amenities for existing and the proposed dwelling, in material contravention of the zoning
- In the event of permission being granted, provision should be made for a financial contribution and/or any Special Development Contribution required under Section 48.

## 7.3. Further Responses

None on file.

## 8.0 Assessment

### The proposal

The proposal is for the retention of an existing garage, and change of use to one bed/kitchen unit, with all associated site works. The site area is stated to be 0.069ha, and the garage structure measures c.8.02m long by c.3.72m wide. The garage structure has a tiled pitched roof. It has a window and door facing north into the rear paved garden of the main dwelling, but does not have a garage door to the front west elevation.

The submitted proposed floor plan shows the structure sub-divided into 3 sections, and states that the main section is for “garage/storage”. I was unable to gain entry to the structure at the time of inspection.

From the wording of the application, the proposal appears to be for a separate 1-bed residential unit separate from the main dwelling.

### **The Decision**

The Planning Authority refused permission for 1 reason. This contends that the development does not meet the design criteria for infill developments, or design or floor area requirements set under the Development Plan, would set an inappropriate precedent, and would be contrary to the proper planning and sustainable development of the area.

### **The Grounds of Appeal**

These contend that the structure was previously granted permission for a creche, and included a bathroom/kitchen and accommodation for 15 children. The 1<sup>st</sup> Party would like to be able to use this space for leisure purposes for her two school going children, the structure cannot be used as a garage as there is no entrance for a car, and the proposal would not create a precedent, as this is the only garage in the estate.

### **Assessment**

I consider that this appeal should be assessed under the following headings:

- Policy
- Residential amenity/standards
- Precedent

#### ***Policy***

The site is within the ‘RS’ zoning for the area, with the objective to provide for residential development and protect and improve residential amenity. The proposal is permissible in principle under this zoning subject to complying with other requirements of the Development Plan.

I consider that the proposal is visually acceptable and is compatible with the design of the main dwelling. It was previously subject to permission and does not in any way detract from the visual amenities of the area.

The site is within the Noise Zone C associated with Dublin Airport. Having regard to the established pattern of development in the area, and the planning history relating to the site, I consider that a Noise Impact Assessment would be an excessive requirement in the event of permission being granted.

### ***Residential amenity and standards***

The proposal, as worded, is for a separate residential 1-bed unit detached from the main dwelling on the site. There is no provision for any private amenity space for the proposed 1-bed unit. The proposal appears to be for a permanent change to residential use separate from the main dwelling. The floor area for the proposed unit is c.29.8sqm. The Development Plan includes Objectives relating to design and floor area for new residential development (Objective DMS019), and Infill on corner sites (DMS 032). The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, to which the Coimisiún is required to have regard, in SPPR 2, contains a Minimum Private Open Space Standard of 20sqm for 1 bed houses.

I contend that, by reason of its size, detachment from the main dwelling, and non-temporary nature of the development, the change of use of the garage to a 1-bed residential unit does not accord with the requirements of Objectives DMS019 and DMS032 of the Development Plan and, as such, would be in material contravention of the 'RS' zoning applying to the site, and would be contrary to the proper planning and sustainable development of the area.

### ***Precedent***

I do not consider that the proposal would set a precedent for similar developments in the estate, as this is a large corner site which already has an authorised garage on the site. None of the adjacent houses have garages on the site.

## **9.0 AA Screening**

- 9.1. Having considered the nature, scale, and location of the development, I am satisfied that it can be eliminated for further assessment because it could not have any effect on a European site either individually or in combination with other plans or projects. The reason for this conclusion is having regard to the nature and small scale of the development, location in an established residential area, and the distance from and absence of connectivity to European sites.

## **10.0 Water Framework Directive**

10.1. The subject site is located in an established residential area. The proposed development relates to the retention of a domestic garage, and change of use to a one bed/kitchen unit. No water deterioration concerns are raised in the appeal. I have assessed the development in the context of the objectives of the Water Framework Directive. Having regard to the nature, scale, and location of the development, I am satisfied that it can be eliminated from further assessment as there is no conceivable risk to any surface and/or groundwater bodies either qualitatively or quantitatively.

## **11.0 Recommendation**

11.1. I recommend that planning permission be refused.

## **12.0 Reasons and Considerations**

The proposed change of use to a 1-bed residential unit would, by reason of its size, detachment from the main dwelling, absence of any private open space provision, and permanency, conflict with Objectives DMS019 and DMS032 of the County Development Plan 2023-2029 and, as such, would be in material contravention of the zoning objective, would provide for inadequate residential amenity for the proposed residential unit, 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.

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Des Johnson  
Planning Inspector

17 December 2025

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

<b>An Coimisiún Pleanála</b> <b>Case Reference</b>	500082		
<b>Proposed Development</b> <b>Summary</b>	Retention of garage, and change of use to one-bed/kitchen unit, and all associated site works.		
<b>Development Address</b>	43, Hollystown Park, Hollystown, Dublin 15.		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	
		<b>No</b>	<b>No</b>
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>			
<b>No</b>	<b>No</b>		
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			
<b>No</b>			
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>			
<b>5. Has Schedule 7A information been submitted?</b>			
<b>No</b>			
<b>Yes</b>			

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

**Date:** \_\_\_\_\_

