



An
Coimisiún
Pleanála

Inspector's Report

PL-500086-DF

Development	Retention of alterations to front elevation including installing of a window and door in place of original garage door at ground floor level.
Location	2, Cruise Park Drive, Tyrrelstown, D15XV96
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	FW25A/0332E
Applicant(s)	Chunlei Xu.
Type of Application	Permission for retention
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Chunlei Xu.
Observer(s)	None on file relating to appeal
Date of Site Inspection	3 rd December 2025.

Inspector

Des Johnson

1.0 Site Location and Description

The site is located at 2, Cruise Park Drive, Tyrrelstown, Dublin 15. There is a detached two storey dwelling on the site. A public road runs through the site and under the dwelling at ground level linking Cruise Park Drive and Cruise Park Crescent. There is a car parking space to the north side of the dwelling, and further car parking spaces on Cruise Park Crescent to the rear, some of which are numbered.

There is an entrance to the dwelling under the archway on its southern side facing north. At ground floor level on the front elevation, there is a door and window beneath a small canopy.

There is a similar arrangement of door and window at ground level directly opposite at 1, Cruise Park Drive.

I spoke with the occupant of the appeal premises at the time of inspection, but was unable to gain entry to the northern section of the dwelling, which is served by the subject window and door.

2.0 Proposed Development

The proposal is for the retention of alterations to the front elevation including installing a window and door in place of the original garage door at ground floor level.

The stated gross floor area of the existing development is 62sqm. The site area is 0.007ha.

3.0 Planning Authority Decision

3.1 Decision

The Planning Authority refused permission for retention for 3 reasons, summarised as follows:

1. Contravention materially of Condition 3 of existing permission Reg Ref: FW24A/0465E

2. Development, by way of its layout and form is indicative of overdevelopment of the site. Material contravention of 'RS' Residential zoning and Sections 14.10.3 and 14.10.4, Policy SPQHP 41 and SPQHP 42 of the Fingal Development Plan 2023-2029. Inappropriate precedent and contrary to the proper planning and sustainable development of the area.
3. Insufficient information to demonstrate that the development would not lead to inappropriate parking, endangering public safety

3.2 Planning Authority Reports

The Planning report states that the site is in an area zoned 'RS' Residential with the objective to provide for residential development and improve residential amenity. The development is generally considered to be acceptable where the Planning Authority is satisfied that it would be compatible with the overall policies and objectives for the zone, and would not have undesirable effects. Permitted development included the conversion of an existing garage for use as a home office, to be accessed via the up and over style dwelling with an internal staircase within the home office area to link the conversion with the rest of the existing dwelling. The permitted development included a window on ground floor level to the front elevation, to provide light to the permitted home office. Upon site inspection and an assessment of the permitted drawings, it is evident that the former garage is capable of being used as an independent residential unit as no internal link to the existing dwelling is indicated or evident. The unit has been fitted out with a shower room and kitchen, and has its own electricity meter, television, and internet router. There is no access between the permitted home office and No.2, Cruise Park Drive. The retention development materially contravenes condition 3 of Reg Ref: FW24A/0465E. It does not comply with relevant policies and objectives of the Development Plan. The unit does not benefit from any private amenity space. It represents overdevelopment of the site. No separate parking arrangements for the unit have been identified, and the Transportation Planning Section's report states that there is insufficient

information to demonstrate the development would not result in a traffic hazard.

Other Technical Reports

- Water Services report – no objection in relation to flood risk and surface water drainage.
- Transportation Planning Section report – recommends Additional Information. Applicant should indicate that there is surface parking as a minimum of 1 car parking space per dwelling and cycle parking requirements.

Third Party Observations

There is one objection/observation submitted in relation to the application. It contends that the unit is being used as a separate dwelling for rental income, and that No. 2, Cruise Park Drive is also rented. There are significant parking problems in the area. There are concerns that the unit is available for short-term holiday let, with a key box installed on the site.

4.0 Planning History

FW 24A/0465E – permission granted for garage conversion for extended living area at this location.

Condition 3 – the house and extension shall be jointly used as a single dwelling unit for residential purposes and shall not be sub-divided or used for commercial purposes, and the extension shall not be sold, let (including short-term letting), leased or otherwise transferred or conveyed by way of sale, letting or otherwise except where otherwise permitted by way of a separate grant of planning permission.

The reason- In the interest of clarity and to ensure proper planning and sustainable development.

FW24A/0235E – permission at 1, Cruise Park Drive for garage conversion for extended living area. The development included the replacement of a garage door with a large window.

Condition 3 – The house to be used as a single dwelling unit and not used for multiple occupancy living units/non-residential uses, except where otherwise permitted by way of a separate planning permission

Reason – to prevent unauthorised development.

FW25A/0204E at 2, Rathmore Avenue, Tyrrelstown. Permission granted for conversion of existing garage to a playroom with WC, including removal of existing garage door and installation of a window, door, and blockwork with rendered finish; all at ground floor level.

Condition 2 – the playroom to be used solely for use incidental to the enjoyment of the dwellinghouse, and not be sold, rented or leased independently of the house and not be used for any trade or business.

The reason – In the interest of clarity and to ensure proper planning and sustainable development, and to prevent unauthorised development.

Condition 3 – The dwelling and playroom to be jointly used as a single dwelling unit and not be used for multiple occupancy living units/non-residential uses, except where otherwise permitted by way of a separate grant of planning permission.

Reason - In the interest of clarity and to ensure proper planning and sustainable development, and to prevent unauthorised development.

5.0 Policy Context

5.1 Development Plan

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

The site is in an area zoned 'RS' Residential

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

Policy SPQH037 refers to Open Space Hierarchy. It is policy to ensure that all residential development in Fingal is served by a clear hierarchy and network of high quality public open spaces providing for active and passive recreation purposes which is easily accessible and integrated with local communities.

Policy SPQH038 refers to Private Open Space. It is policy to require that all private open spaces for houses and apartments/duplexes including balconies, patios, roof gardens, and rear gardens are designed in accordance with the qualitative and quantitative standards set out set out in Chapter 14 Development Management Standards

Policy SPQHP 41 refers to Residential Consolidation and Sustainable Intensification. It is policy to promote residential consolidation and sustainable intensification at appropriate locations, through the consolidation and rejuvenation of infill/brown-field development opportunities in line with the principles of compact growth and consolidation to meet the future housing needs of Fingal.

Policy SPQHP42 refers to Development of Underutilised Infill, Corner and Backland Sites. It is policy to encourage and promote the development of underutilised infill, corner and backland sites in existing residential areas subject to the character of the area and environment being protected.

Section 14.10.3 refers to Family Flats. A family flat refers to the provision of accommodation connected to an existing dwelling with a level of independence for an undefined temporary period. This may involve the subdivision of a single dwelling, provision of an extension or conversion of a garage attached to the main dwelling, where the use is for a member of the immediate family (e.g. elderly parent). Applications will be assessed in terms of the impact on the integrity of the existing dwelling and neighbouring properties and compliance with the following criteria must be demonstrated: "

- A requirement for the family flat must be demonstrated including details of the relationship between the occupant of the main dwelling and the occupant of the family flat.
- When no longer requested for use as a family flat, the accommodation must be capable of being subsumed into the main property.

- Any such extension to the main dwelling shall be subsidiary in scale relative to the main dwelling and shall not exceed an internal floor area of 75 sq. m.
- The family flat should not impact adversely on either the residential amenities of the existing property or the residential amenities of the area.
- The entrance to the family flat must be via the main dwelling.
- Where own-door access is unavoidable, own-door access shall be located to the side or rear.
- No sub-division of the garden is permitted.

5.2 Relevant National or Regional Policy / Ministerial Guidelines

Sustainable Residential Development & Compact Settlement Guidelines, January 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.

5.3 Natural Heritage Designations

South Dublin Bay & River Tolka Estuary & pNHA – c. 13km to the south east.

Malahide Estuary SAC – c. 14.5km to the east north east

Malahide Estuary SPA & pNHA – c. 14.5km to the east north east.

6.0 EIA Screening

The proposal is for the retention of alterations to front elevation including installation of a window and door in place of original garage door at ground floor level. The development 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

These may be summarised as follows:

- It is speculative to conclude that the space has the potential to function as a separate residential unit. No evidence of unauthorised use has been submitted. The application is for retention of a window and door, and not potential use
- The appropriate mechanism is to apply a restrictive condition
- The proposed development should be considered on its own merits, and the first reason for refusal is procedurally and legally unsound
- The internal elements referred to in the Planning report including the small kitchenette and WC are exempted development. These internal adaptations do not involve sub-division of the dwelling and are consistent with standard domestic use
- A directly comparable case was granted permission at 2, Rathmore Avenue, under Reg Ref: FZ25A/0204E in August 2025
- The assertion of intensification of use and creation of a traffic hazard is unfounded. The previous garage conversion removed the on-site parking space. The presence of a door instead of a window does not generate additional traffic demand, does not alter floor area or increase occupancy
- The dwelling continues to function as a single household
- The applicant's personal circumstances are not considered. He is a practicing Muslim. He suffers from a gastric condition. In a mixed faith household the circumstances internal kitchenette allows for the preparation and consumption of suitable food
- National policy supports provision of adaptable housing for people with disabilities. Development Plan provisions promote adaptability of dwellings to meet changing household and health
- The decision lacks consistency and proportionality

- The development is minor in scale and impact, has no adverse impact of visual, or residential amenity, remains ancillary to the main dwelling, responds to health, cultural and accessibility needs, and is consistent with local precedent.

7.1 Planning Authority Response

This may be summarised as follows:

- This is not a minor alteration to a permitted and lawful conversion. Conversion of the existing garage is not lawful and is the subject matter of enforcement action
- Due to the lack of an internal link and by virtue of the internal layout, the Planning Authority has major concerns with the application.

7.2 Observations

None on file relating to appeal.

8 Assessment

8.1 The proposal is for retention of alterations to front elevation including installation of a window and door in place of original garage door at ground floor level. The submitted drawing shows the existing ground floor plan with kitchen, home office and bathroom served by the door and window to be retained. The drawing does not show any link between the home office and the remainder of the dwelling. However, the internal layout is not the subject of this appeal. The door for retention is in place and there are now two entrance doors at ground level serving the premises at 2, Cruise Park Drive.

8.2 I submit that the appeal should be assessed under the following headings:

- Policy
- Visual amenity and residential amenity.
- Other issues

8.3 Policy

The site is in an area zoned 'RS' with the objective 'to provide for residential development and protect and improve residential amenity. The installation of door and window replacing the original garage door is permissible under this zoning subject to meeting other requirements of the Development Plan. Furthermore, the installation of a window replacing the original garage door was indicated on the drawings relating to Reg Ref: FW24A/0465E which granted permission for garage conversion for extended living area.

8.4 *Visual and residential amenity*

There are similar developments for garage conversions incorporating the replacement of original garage door with window in the area. There is permission for a larger window replacing the original garage door under Reg Ref: FW 24A/0465E. Having regard to the planning history relating to the site and the existing pattern of development in the area, I consider that the development for retention is visually acceptable.

The subject window and door do not give rise to any overlooking or any other residential disamenity.

8.5 *Other issues*

The Planning Authority refused permission for 3 reasons. It concluded that the development would lead to sub-division of the dwelling in material contravention of Condition 3 of Reg Ref: 24A/0465EFW. The submitted drawing appears to indicate a separate unit to be served by the development, but the subject development description does not refer to a separate unit, and the drawing shows the subject window and door outlined in red, being the development applied for and being assessed. I consider that a condition could clarify the precise development being permitted for retention.

The 3 reasons for refusal are all based on the premise that an additional unit is being provided, in which case Development Plan standards that would have to be met. As the subject development is not for any sub-division of the dwelling at No. 2, and is

only for the retention of a window and door replacing the original garage door, I consider that the reasons for refusal are not pertinent to this particular proposal.

Similarly, the grounds of appeal, in the main, relate to the use of the converted garage space being served by the subject door. I submit there is no proposal in this appeal before the Board in relation to the use of this space, separate from the main dwelling. In the event of permission being granted, the subject development being permitted may be clarified.

The site is within Noise Zone C for Dublin Airport. The development for retention does not have any noise implications.

9 AA Screening

Having considered the nature and location of the development, I am satisfied that it can be eliminated from 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 of the development, location in an established residential area, and distance from and absence of connectivity to European sites.

10 Water Framework Directive

The subject site is located in an established residential area. The proposed development relates to the retention of alterations to front elevation at ground floor level including installation of a window and door to replace an original garage door. 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 Recommendation

I recommend that planning permission for retention be granted.

12 Reasons and Considerations

Having regard to the nature and scale of development, the planning history relating to the site, and to the established pattern of development in the area, it is considered that the development, subject to the attached condition, would not be injurious to the visual or residential amenities of the area, and would be in accordance with the proper planning and sustainable development of the area.

13 Conditions

1. The development hereby permitted relates solely to the retention of the window and door installed on the front elevation in replacement of the original door, as shown marked in red on the drawing submitted with the application to the Planning Authority.

Reason: In the interest of clarity.

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.

Des Johnson
Planning Inspector

XX December 2025

Form 1
EIA Pre-Screening

An Coimisiún Pleanála	500086		
Case Reference			
Proposed Development Summary	Retention of alterations to front elevation including installing of a window and door in place of original garage door.		
Development Address	2, Cruise Park Drive, Tyrrelstown, D15 XV96.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		YES	Yes
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			
No	No		
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No			
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes			
5. Has Schedule 7A information been submitted?			
No			
Yes			

Inspector: _____

Date: _____

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