



An
Coimisiún
Pleanála

Inspector's Report

PL501537-DR-26

Development	A 45sq.m. studio retreat containing a home gym/studio and office together with all associated site works
Location	17 Maretimo Gardens East, Blackrock, Co. Dublin A94 T6P5
Planning Authority	Dun Laoighre Rathdown County Council
Planning Authority Reg. Ref.	D25B/0675/WEB
Applicant(s)	Martin & Deirdre Whelan
Type of Application	Permission
Planning Authority Decision	Grant Permission with conditions
Type of Appeal	Third Party
Appellant(s)	Frank Miller & Ena Prosser
Observer(s)	Niamh Sweeney & Cormac McNamara Seamus Lynch Sarah Gill
Date of Site Inspection	13 th August 2026
Inspector	Andrew Hersey

1.0 Site Location and Description

- 1.1 The appeal site is located at No. 17 Maretimo Gardens East, Blackrock, Co. Dublin and has a stated area of 0.038 hectares. The site is occupied by an existing two-storey end-of-terrace dwelling, finished in brick and render to the front elevation and render to the side and rear.
- 1.2 The site forms part of an established residential street comprising predominantly terraced dwellings of varying size, architectural treatment and finish. The dwellings are set back from the public road behind front gardens, some of which accommodate off-street car parking.
- 1.3 To the rear of the dwelling is a relatively long and steeply sloping garden which falls away towards the eastern boundary. The DART/railway line adjoins the rear of the site at a substantially lower level, with an existing retaining wall located along the railway boundary. The rear garden contains established vegetation and is bounded on either side by the rear gardens of the adjoining residential properties.

2.0 Proposed Development

- 2.1 The proposed development comprises the construction of a detached garden retreat/studio within the rear garden of the existing dwelling. The structure would have a stated floor area of approximately 45 sq.m and would accommodate a home gym/studio, private office, retreat area and WC/shower, together with associated site and landscaping works.
- 2.2 The proposed structure would be arranged over split levels, responding to the steeply sloping nature of the rear garden, with stepped external terrace areas incorporated into the development.

3.0 Planning Authority Decision

- 3.1 Decision – Grant Permission subject to the following conditions. The following conditions are relevant to the appeal;

- Condition 2 requires that the external finishes are to be as per the submitted drawings unless otherwise agreed with the Planning Authority prior to the commencement of development
- Condition 3 stipulates that the use of the garden studio be ancillary to that of the dwelling house and that it should not be for residential use.
- Condition 4 refers to surface water drainage
- Condition 5 refers to the requirement for a CEMP to be submitted prior to the commencement of development. The condition also sets out hours of operation
- Condition 6 refers biodiversity measures to be complied with
- Condition 7 requires the applicant to consult with Iarnród Éireann regarding construction arrangements on the site
- Condition 8 refers to a S48 Development Contribution.

3.2 Planning Authority Reports

- 3.2.1 The initial Case Planner's Report considered the proposed garden retreat acceptable in principle and was satisfied that, having regard to its siting, design and the sloping nature of the site, it would not give rise to significant overlooking, overshadowing or overbearing impacts. Notwithstanding this, Further Information was requested on 5th February 2026, principally in relation to Appropriate Assessment Screening and concerns raised by Iarnród Éireann regarding the proximity of the development to the railway boundary and retaining wall.
- 3.2.2 A response to the Further Information request was received on 21st April 2026 and included an AA Screening Report, revised drawings providing an increased separation from the railway boundary, and structural and construction information. The subsequent Planner's assessment considered that the matters raised had been satisfactorily addressed, noting in particular that the required 4 metre separation from the railway boundary would be achieved and that Iarnród Éireann was satisfied with the structural, excavation and construction methodology submitted. Permission was subsequently recommended subject to conditions

3.3 Other Technical Reports

- 3.3.1 Drainage Planning Report dated 12th May 2026 raised no objection to the proposed development, subject to conditions relating to the incorporation of appropriate SuDS measures and the management of surface water within the site
- 3.3.2 Environmental Enforcement Report dated 24th April 2026 raised no objection to the proposed development, subject to conditions relating to noise management, the preparation of a Construction Environmental Management Plan (CEMP), construction waste management, public liaison and restrictions on construction working hours.
- 3.3.3 The Biodiversity Report dated 11th May 2026 considered the submitted Appropriate Assessment Screening Report to be satisfactory and raised no objection to the proposed development, subject to conditions. These include a pre-clearance ecological survey for protected species, restrictions on vegetation clearance during the bird breeding season, adherence to the construction and access arrangements assessed in the AA Screening Report, and measures relating to the felling of trees and the protection of bats

3.4 Prescribed Bodies

- 3.4.1 Iarnród Éireann, dated 21st January 2026, initially objected to the proposed development on the basis of inadequate separation from the railway boundary and potential impacts on the existing railway retaining wall. A minimum 4m separation was sought, together with detailed structural and construction information. Following the Further Information response, the proposal was revised to provide the required 4m separation and additional structural, construction and boundary treatment details were submitted.
- 3.4.2 Uisce Éireann, dated 12th May 2026, noted the presence of combined infrastructure which may be affected by the proposed development. No objection was raised subject to requirements including engagement with the Uisce Éireann Diversions Team prior to commencement, no building over public infrastructure, maintenance of the required separation distances from Uisce Éireann assets, and compliance with relevant standards and Codes of Practice.

3.5 Third Party Submissions

3.5.1 A submission was received from Niamh Sweeney and Cormac Macnamara of No. 18 Maretimo Gardens East on 6th January 2026. The principal concerns raised relate to:

- The scale, massing and design of the proposed garden studio and associated overbearing impacts;
- Overlooking and loss of privacy, particularly arising from the proposed terrace;
- The accuracy of the submitted drawings and representation of the relationship with No. 18;
- The potential use of the structure as a separate dwelling; and
- Construction access and methodology.

3.5.2 A further submission was received from Frank Miller and Ena Prosser of No. 16 Maretimo Gardens East on 14th January 2026. The principal concerns relate to:

- The scale, height, massing and positioning of the studio and terraces, particularly having regard to the steeply sloping site;
- Overlooking, loss of privacy and overbearing impacts;
- The potential use of the studio as a separate dwelling;
- Surface-water drainage and SuDS;
- Biodiversity, including potential impacts on badgers;
- Structural impacts on adjoining property; and
- The overall impact on residential and visual amenity.

3.5.3 Following the submission of Significant Further Information, a further submission was received on behalf of Frank Miller and Ena Prosser on 11th May 2026. The submission maintains the earlier concerns, with particular emphasis on the revised position of the studio and extension of the terraces, overlooking and overbearing impacts, boundary treatment, drainage, structural stability and biodiversity. It is

contended that the revised proposal does not satisfactorily address the concerns previously raised.

4.0 Planning History

4.1 Adjacent

- Reg. Ref. D24B/0339/WEB – Nos. 13 and 14 Maretimo Gardens East.
Permission granted for works including the construction of a garden room of approximately 40 sq.m within the rear garden. A condition restricted the garden room to use incidental to the enjoyment of the dwelling and prohibited its use as a separate dwelling unit.

5.0 Policy Context

5.1 Development Plan

5.1.1 The development plan in force in the area is the Dún Laoghaire-Rathdown County Development Plan 2022–2028. Within the plan, the appeal site is zoned Objective A, which seeks *‘to provide residential development and improve residential amenity while protecting the existing residential amenities’*. Residential development, including extensions to existing dwellings, is permitted in principle under this zoning objective.

5.1.2 The following provisions of the Development Plan are of particular relevance:

- Section 12.3.7.4, “Detached Habitable Room”, which provides for detached habitable rooms within the gardens of existing dwellings where they are modest in floor area and scale relative to the main dwelling and remaining garden area. Such structures should accommodate uses ancillary to the main dwelling and should not provide independent residential accommodation.
- Policy Objective EI6 – Sustainable Drainage Systems (SuDS): requires development to incorporate appropriate sustainable drainage measures.

5.2. Natural Heritage Designations

- South Dublin Bay and River Tolka SPA (Site Code 004024) which is located 80 metres to the north east of the site and
- South Dublin Bay SAC (Site Code 000210) which is located 80m to the north east of the site

6.0 EIA Screening

6.1 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 & 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 report.

7.0 The Appeal

7.1 Grounds of Appeal

7.1.1 A third party appeal in the name of Frank Miller and Ena Prosser of No. 16 Maretimo Gardens East was lodged on the 16th June 2026. The appeal in summary raises the following issues;

- The scale, height, massing and design of the proposed garden retreat are considered excessive and contrary to Section 12.3.7.4 of the Development Plan, which requires detached habitable rooms to be modest in scale.
- The revised positioning of the structure following Further Information, including its relocation away from the railway boundary, is stated to bring the development and associated terraces closer to No. 16 and exacerbate impacts on that property.
- Significant overlooking and loss of privacy are alleged from the proposed terraces and steps, particularly towards the central terrace and living areas of No. 16. The proposed 1.2m glazed boundary treatment is considered inadequate to address these impacts.

- The height and proximity of the structure, when viewed from the lower garden levels at No. 16, are considered to result in an unacceptable overbearing and visually dominant impact.
- The appeal questions the Planning Authority's assessment of the development, including its reliance on rendered views which the appellants contend do not accurately represent the relationship with No. 16.
- The proposed surface-water drainage and SuDS arrangements are considered inadequate, with concerns regarding runoff towards adjoining properties and the railway corridor.
- Concerns are raised regarding potential impacts on biodiversity, particularly a badger run/set stated to occur within the adjoining rear gardens.
- Concerns are also raised regarding potential impacts on the structural integrity of adjoining retaining walls and property arising from the proposed development and construction works.
- The appellants consequently consider that the development would seriously injure their residential and visual amenities and request that permission be refused

7.3. Planning Authority Response

7.3.1 A response to the appeal was received from Dún Laoghaire-Rathdown County Council on 30th June 2026. The Planning Authority states that the grounds of appeal do not raise any new issues that would warrant a change in its assessment of the proposed development.

7.4. First Party Response to Appeal

7.4.1 The First Party's response to the grounds of appeal may be summarised as follows:

- The proposal has been designed having regard to the steeply sloping topography of the site, with the split-level form, terraces and retaining structures intended to integrate the development into the existing garden and minimise its apparent scale and visual impact.

- The proposal comprises an ancillary garden studio associated with and subordinate to the existing dwelling. The First Party disputes its characterisation by the appellant as a more substantial "garden development".
- The First Party rejects the concerns raised regarding residential amenity, privacy, height, levels and visual impact and relies on the submitted plans, sections, elevations and surveyed site levels in this regard.
- Railway and engineering matters were considered through the Further Information process. The proposal was revised to provide a setback of approximately 4.07m from the railway retaining wall and was supported by structural engineering information and correspondence relating to the railway boundary.
- The proposed lightweight structure would be supported on engineered screw-pile foundations, intended to minimise excavation and additional loading on the existing retaining wall.
- The First Party considers that the railway and engineering matters were adequately addressed prior to the grant of permission and notes that the appellant has not submitted independent structural or geotechnical evidence demonstrating an unacceptable engineering or railway-safety risk.
- The First Party rejects the contention that the submitted drawings and visualisations are inaccurate or misleading. It states that the architectural documentation was derived from a measured topographical survey undertaken by Geo3D Solutions and a coordinated 3D/BIM model.
- The submitted visualisations are described as illustrative material intended to be read in conjunction with the measured plans, elevations, sections and other technical documentation, rather than as standalone representations of the development.
- The First Party notes that no independent topographical survey or other specialist evidence has been submitted by the appellant demonstrating that the submitted dimensions, levels or spatial relationships are incorrect.

- It is submitted that the proposal was comprehensively assessed by the Planning Authority, including through the Further Information process, and that sufficient architectural and technical information was available to inform the decision.
- The First Party concludes that the proposal represents a site-specific response to the topography of the site and requests that An Coimisiún Pleanála uphold the Planning Authority's decision to grant permission

7.5 Observations

7.5.1 There are three observations on file as follows;

- Seamus Lynch, 15 Maretimo Gardens East: Raises concerns regarding the scale, height and positioning of the proposed development and associated impacts on visual amenity, openness, privacy and overlooking. A smaller garden room with reduced terrace levels is advocated.
- Sarah Gill, 14 Maretimo Gardens East (DMVF Architects): Raises concerns regarding the scale and prominence of the development and impacts on residential amenity, privacy, outlook and the character of the terrace. It is also submitted that the previously permitted garden room at Nos. 13/14 should not be regarded as a precedent.
- Niamh Sweeney and Cormac Macnamara, 18 Maretimo Gardens East – 18 June 2025: Raise concerns regarding scale, massing, overlooking and loss of privacy. They also question the intended use of the development and contend that its scale is inconsistent with Section 12.3.7.4 of the Development Plan relating to garden rooms.

8.0 Assessment

8.1 I have examined the application details and all other documentation on file, inspected the site, and had regard to the relevant local development plan policies and guidance.

8.2 I am satisfied that the substantive issues arising from the grounds of this third-party appeal relate to the following matters:

- Principle, scale and design of the proposed garden studio;
- Residential amenity, including overlooking, privacy and visual impact;
- Site levels and the relationship of the development with the adjoining railway;
- Accuracy of the submitted drawings and visual representations; and
- Use of the proposed garden studio

8.3 Principle, Scale and Design

8.3.1 The proposed development comprises a detached garden studio of approximately 45 sq.m. within the rear garden of the existing dwelling. The accommodation would provide a home gym/studio and office and would remain ancillary to the principal dwelling. The Planning Authority granted permission subject to a condition restricting its use accordingly.

8.3.2 The appeal contends that the development is excessive in scale and represents an overdevelopment of the rear garden, with particular reference to Section 12.3.7.4 of the Development Plan. I acknowledge that the proposed structure is relatively substantial for a garden room. However, its acceptability must also be considered having regard to the particular characteristics of the site.

8.3.3 The rear garden falls steeply towards the railway and is characterised by significant changes in level. The proposal adopts a split-level form and is incorporated into the existing slope. In my view, the development would remain clearly subordinate to the existing dwelling and would retain its character as an ancillary garden structure rather than constituting an independent residential development.

8.3.4 I therefore do not consider that the scale of the development, in itself, would constitute overdevelopment of the site or provide a basis for refusing permission

8.4 Residential Amenity

- 8.4.1 The appeal submitted on behalf of the occupants of No. 16 Maretimo Gardens East raises particular concern regarding the relationship of the proposed development with that property. It is contended that the scale, height and massing of the garden studio, together with the associated elevated terraces and steps, would result in overlooking, loss of privacy and an overbearing impact. The appellant places particular emphasis on the steeply sloping nature of the gardens and contends that the revised position of the studio following Further Information, whereby it was moved away from the railway boundary, would increase its impact on No. 16.
- 8.4.2 I acknowledge that the proposed development is relatively substantial for a detached garden structure and that the differences in levels between the rear gardens are an important consideration. However, having regard to the submitted plans, sections and site levels, together with my observations on site, I do not consider that the proposed studio would result in an unacceptable overbearing impact on No. 16. The structure is positioned towards the lower part of the rear garden and its split-level form responds to the pronounced fall in ground levels. While it would introduce additional built form into the rear garden, I consider that its apparent scale would be moderated by its relationship with the existing topography.
- 8.4.3 The appellant also raises specific concerns regarding overlooking from the proposed terraces and steps, particularly towards the garden and terrace serving No. 16. I accept that the proposed development would introduce additional areas from which views towards adjoining gardens may be available. However, the rear gardens along Maretimo Gardens East already have a stepped and elevated relationship arising from the significant changes in ground level. In my view, the proposal would not result in such a material increase in direct overlooking of the principal private amenity areas or habitable rooms of No. 16 as would warrant a refusal of permission.
- 8.4.4 The appeal further contends that the proposed 1.2m glazed boundary treatment would be insufficient to protect the privacy of No. 16. While I acknowledge this concern, I do not consider that the acceptability of the development is dependent solely upon this screening. Having regard to the orientation, separation and relative positioning of the proposed studio and terraces, I am satisfied that the

development would not result in an unacceptable loss of privacy. If considered necessary, additional screening along the relevant section of the terrace could be secured by condition without materially altering the development.

8.4.5 I have also had regard to the concerns raised in the observations from Nos. 14, 15 and 18 regarding overlooking, visual intrusion and loss of openness. While the proposal would alter the existing character of the rear garden, I do not consider that the resulting impacts would be of such a magnitude as to seriously injure the residential amenities of adjoining properties. In reaching this conclusion, I have had particular regard to the established residential context, the substantial depth and sloping character of the rear gardens and the manner in which the proposed structure is incorporated into the existing site levels.

8.4.6 Overall, while I acknowledge the concerns raised by the appellant regarding the scale of the development and its relationship with No. 16, I am satisfied that the proposed development would not give rise to an unacceptable degree of overlooking, loss of privacy, visual intrusion or overbearing impact and would not seriously injure the residential amenities of adjoining properties.

8.5 Visual Impact and Character

8.5.1 The appellant raises concerns regarding the overall scale, massing and visual prominence of the proposed development and contends that the proposal would represent an excessive intervention within the rear garden. Particular concern is expressed regarding the combination of the garden studio, terraces, steps and retaining structures and the extent to which these elements would alter the existing open and sloping character of the rear gardens.

8.5.2 Section 12.3.7.4 of the Development Plan provides that detached habitable rooms should be modest in floor area and scale relative to the main dwelling and remaining rear garden area and should not, by reason of their design or use, detract from the residential amenities of adjoining properties or the main dwelling. I acknowledge that, at approximately 45 sq.m, the proposed studio is not insignificant in scale and that the associated terraces and landscaping works extend over a greater area of the rear garden. However, I do not consider that floor area alone is determinative of whether the proposal is acceptable. The

development must be considered in the context of the size, configuration and particular topography of the site.

8.5.3 The rear garden is relatively long and falls steeply towards the adjoining railway.

The proposed development responds to this change in level through a split-level arrangement, with the studio positioned within the lower portion of the garden and the associated terraces stepping down with the existing topography. While the proposal would undoubtedly introduce a more substantial built element into this part of the garden, the changes in level would assist in visually integrating the structure into the site and reducing its apparent bulk when viewed from surrounding properties.

8.5.4 I have also had regard to the appellant's contention that the terraces, steps and retaining structures should be considered as part of the overall scale of the development rather than viewing the studio in isolation. I agree that these elements form an integral part of the proposal and should be assessed collectively. Notwithstanding this, I consider that their stepped arrangement is a reasonable response to the pronounced slope of the site. The terraces would remain ancillary to the studio and dwelling and, in my view, would not result in such an excessive extent of hard development as to materially alter the residential character of the site.

8.5.5 Concerns are also raised in the appeal and observations regarding the loss of openness within the rear gardens and the potential precedent which the development could establish for similar structures. I accept that the proposal would alter the existing appearance of the subject garden when viewed from adjoining properties. However, there is no general planning entitlement to the preservation of an existing open outlook across neighbouring private lands. The relevant consideration is whether the scale, siting and appearance of the development would result in an unacceptable impact on residential or visual amenity. For the reasons outlined above, I do not consider that such an impact would arise in this instance.

8.5.6 Reference has also been made to the permitted garden room at Nos. 13 and 14 Maretimo Gardens East. While this development provides some context regarding the manner in which the sloping rear gardens along the terrace have been

developed, I consider that the current proposal should be assessed on its own merits, having regard to its particular scale, design, levels and relationship with adjoining properties.

8.5.7 Overall, having regard to the substantial depth and steeply sloping nature of the rear garden, the split-level design of the proposal and the manner in which the structure would be incorporated into the existing topography, I consider that the development would remain subordinate to the principal dwelling and would not appear excessively dominant or incongruous within its setting. I am therefore satisfied that the proposal would not materially detract from the character or visual amenities of the area and would be consistent with the provisions of Section 12.3.7.4 of the Development Plan.

8.6 Site Levels and Accuracy of Drawings

8.6.1 The appellant questions the accuracy of the submitted drawings and visualisations and contends that they understate the scale and visual impact of the proposal.

8.6.2 The application documentation is based upon a measured topographical survey and includes plans, elevations, sections and contextual information. Further revised information was also submitted during the Planning Authority's assessment.

8.6.3 I consider that sufficient surveyed information is available to establish the proposed levels and the relationship between the development and adjoining properties. The visualisations should be regarded as illustrative rather than determinative, with greater weight afforded to the measured plans, sections and levels. With respect to the foregoing, I am therefore satisfied that sufficient information is available to enable the impacts of the development to be properly assessed.

8.7 Railway and Engineering Matters

8.7.1 The proximity of the proposed development to the adjoining railway was raised during the Planning Authority's assessment of the application. In response to the

request for Further Information, the proposed garden studio was repositioned away from the railway retaining wall to provide a separation distance of approximately 4.07 metres. The revised proposal was also accompanied by structural engineering information addressing the proposed foundation arrangement and the relationship of the development with the railway infrastructure.

8.7.2 I am satisfied that the amendments made at Further Information stage represent a material improvement in terms of the relationship of the proposed development with the railway. The increased setback reduces the potential for excavation and construction works to adversely affect the existing railway retaining structure. I also note that a lightweight screw-pile foundation system is proposed, which would further limit the extent of excavation required in proximity to the railway.

8.7.3 I acknowledge, however, that repositioning the garden studio away from the railway has consequentially altered its relationship with the adjoining residential property. This matter is specifically raised in the appeal, which contends that the revised position increases the impact of the development on the appellant's property and boundary. I consider that this is a relevant consideration and that the acceptability of the Further Information amendment cannot be assessed solely in terms of its improved relationship with the railway.

8.7.4 Notwithstanding the revised positioning, and having regard to the separation from the common boundary, the relative site levels, the stepped form of the development and the boundary treatment proposed, I do not consider that the amendment results in an unacceptable relationship with the appellant's property. In particular, I am not satisfied that the revised siting would result in an overbearing impact or material loss of privacy sufficient to warrant refusal of permission. The residential amenity implications of the revised arrangement are considered in greater detail in Section 8.4 above.

8.7.5 I have also had regard to the structural concerns raised in the appeal and observations in respect of the adjoining boundaries and railway infrastructure. The application is supported by structural engineering information and I have not identified any substantive evidence that would indicate that the development, as revised, could not be constructed without adversely affecting the structural integrity of adjoining property or railway infrastructure. I therefore consider that these

matters can be satisfactorily addressed through the detailed construction and engineering measures proposed.

8.7.6 Having regard to the increased separation from the railway retaining wall achieved at Further Information stage, the foundation methodology proposed and the overall engineering information submitted, I am satisfied that the proposed development would not adversely affect the adjoining railway infrastructure. I am also satisfied that the consequential repositioning of the development would not result in an unacceptable impact on the residential amenities of the appellant's property.

8.8 Use of the Garden Studio

8.8.1 The observers at No. 18 raise concerns that the applicants intend to use the proposed structure as a second dwelling.

8.8.2 The application before the Commission is for a garden studio containing a home gym/studio and office. The Planning Authority imposed a condition restricting its use to purposes ancillary to the existing dwelling.

8.8.3 The Commission is required to determine the development for which permission has been sought rather than a possible future unauthorised use. I consider that the ancillary nature of the development can be adequately secured by condition and that the concerns regarding its potential use as an independent dwelling do not provide a basis for refusing the development as proposed.

8.9 Conclusion

8.9.1 Having regard to the grounds of appeal and the observations received, I acknowledge that the proposed garden studio and associated terraces represent a relatively substantial intervention within the rear garden of No. 17. However, the acceptability of the development must be considered in the context of the particular characteristics of the site, including the substantial depth of the rear garden and the pronounced fall in levels towards the adjoining railway.

8.9.2 The proposed split-level design responds to this topography and, notwithstanding its scale, I consider that the development would remain subordinate to the principal dwelling and would retain its character as an ancillary garden structure. I am satisfied that the proposal would not constitute an overdevelopment of the site or materially detract from the character or visual amenities of the area.

8.9.3 I have had particular regard to the concerns of the appellant at No. 16 regarding the revised siting of the development, its scale and massing and the potential for overlooking and loss of privacy from the proposed terraces. While the development would alter the existing relationship between the adjoining rear gardens, I do not consider that the impacts arising would be of such a degree as to result in an unacceptable loss of privacy, overbearing impact or serious injury to the residential amenities of No. 16 or other adjoining properties.

8.9.4 I am also satisfied that the information submitted is sufficient to establish the proposed site levels and relationship with adjoining properties. The amendments made at Further Information stage, including the increased separation from the railway retaining wall and proposed foundation methodology, satisfactorily address the relationship of the development with the adjoining railway. While these amendments altered the relationship with the appellant's property, I do not consider that the revised siting gives rise to an unacceptable residential amenity impact.

8.9.5 Finally, I consider that the proposed use as a gym/studio and office is acceptable as an ancillary use to the existing dwelling. The use of the structure as independent residential accommodation can be expressly precluded by condition.

8.9.6 Having regard to the foregoing, I consider that the proposed development, subject to appropriate conditions, would accord with the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022–2028, would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

9.0 AA Screening

- 9.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 9.2 The subject site is located

- 80m to the east of the South Dublin Bay and River Tolka SPA (Site Code 004024)
- 80m to the east of the South Dublin Bay SAC (Site Code 000210)

9.3 The proposed development comprises of the construction of a detached garden studio in a residential setting with ancillary site works. No nature conservation concerns were raised in the planning appeal.

9.4 An Appropriate Assessment Screening Report submitted at Further Information stage concluded that there is no direct source-pathway-receptor linkage between the proposed development and the South Dublin Bay SAC or the South Dublin Bay and River Tolka Estuary SPA and, accordingly, that likely significant effects on these European sites could be excluded. The Planning Authority's Biodiversity Officer considered the Screening Report to be adequate and to provide sufficient information to undertake Stage 1 Appropriate Assessment Screening and accepted its conclusion that Appropriate Assessment was not required.

9.5 Having considered the nature, scale and location of the project, and its location in a suburban area, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site

9.6 The reason for this conclusion is as follows:

- The relatively small scale nature of the works proposed
- The lack thereof of any hydrological connection from the proposed development to the Natura 2000 site.
- Having regard to the screening report/determination carried out by the Planning Authority

9.7 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.

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

10.0 Water Framework Directive

- 10.1. The proposed development is located 80m to the west of Dublin Bay.
- 10.2 The proposed development consists of the construction of a garden studio in the rear garden of a residential property
- 10.3 No water deterioration concerns were raised in the planning appeal.
- 10.4 I have assessed the 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 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.
- 10.5 The reason for this conclusion is as follows:
- The minor scope of the works and nature of the development
 - The distance to the nearest water body, Dublin Bay and the lack of hydrological connections to the same.
- 10.6 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.

11.0 Recommendation

- 11.1 I recommend that permission for the development be granted

12.0 Reasons and Considerations

12.1 Having regard to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022–2028, including the Objective A zoning and Section 12.3.7.4 relating to detached habitable rooms, and to the scale, design and siting of the proposed development, it is considered that, subject to appropriate boundary screening, the development would not seriously injure the residential amenities of adjoining properties or the character or visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 2nd day of April 2026, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. Reason: In the interest of clarity.
2.	Prior to the commencement of development, details of the proposed boundary screening along the side of the terraces adjoining No. 16 & 18 Maretimo Gardens East shall be submitted to, and agreed in writing with, the Planning Authority. The agreed screening shall be erected prior to the first use of the garden studio and terraces and shall thereafter be permanently retained. Reason: In the interests of residential amenity and to protect the privacy of adjoining property.
3.	The garden studio shall be used solely for purposes ancillary to the enjoyment of the dwelling house and shall not be used for human habitation or for any commercial purpose. It shall not be sold, let or otherwise transferred or

	conveyed, save as part of the dwelling. Reason: In the interest of residential amenity and the proper planning and sustainable development of the area.
4.	Site development and building works shall be carried out between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority. Reason: To safeguard the amenity of property in the vicinity
5	The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and, if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense. Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development
6.	Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works. Reason: In the interest of public health.
7	The following biodiversity requirements shall be complied with in full: (a) A pre-clearance ecological site walkover survey and memo for protected species including bats and non-volant mammals shall be carried out and prepared by a suitably qualified ecologist and bat specialist. Areas of dense scrub and undergrowth shall be thoroughly searched. The ecological memo shall be provided to the Biodiversity Officer 5 weeks prior to vegetation clearance, with appropriate measures being implemented should any protected species be found. (b) Vegetation clearance: (i) Vegetation clearance shall not take place during the bird breeding season (March 1st

	– August 31st). (ii) Vegetation shall be removed in sections working in a consistent direction to prevent entrapment of protected fauna potentially present (e.g. hedgehog). (c) Construction and site access routes shall adhere to the specifications outlined in the AA Screening Report. Any changes to the proposed construction methods or site access routes will require an assessment by a suitably qualified ecologist to determine if reassessment is required. The Planning Authority (Biodiversity Officer) shall be notified of any changes in the specifications of construction works or site access routes 5 weeks prior to the commencement of construction works. (d) Trees identified to be felled shall be only permitted once agreed by DLR Parks and Biodiversity and left intact on the ground for a period of at least 24 hours to allow any bats (if present) to escape and if possible they should be felled during the months of September or October when bats are not hibernating and still capable of flight. Reason: To ensure the protection of biodiversity and protected species.
7.	The following requirements of Iarnród Éireann shall be complied with in full: (a) The applicant shall notify Iarnród Éireann of the commencement date of the project and ensure that any third party working near the railway does not pose a danger or hazard to railway operations. (b) Should the development require the use of a crane that could swing over the railway property, then the developer shall notify Iarnród Éireann prior to same and enter into an agreement with Iarnród Éireann/C.I.É. regarding this issue. (c) No overhang of any part of the development over the railway property shall be allowed. (d) No deciduous trees shall be planted directly along the railway boundary as they can impair the vision of train drivers or their views of signals, etc. and can adversely affect the operation of trains by causing poor wheel/rail adhesion. Reason: In the interest of railway safety, and to protect the amenities of the area.
8.	The following shall be complied with in full: (a) The final detailed design and location of building services, such as heat pumps, shall avoid the generation of potential conflicts in terms of noise amenity affecting adjoining land uses. (b) Prior to commencement of development, the applicant shall submit, for the written agreement of the Planning Authority (Environmental Enforcement Section), a simple Construction Environmental Management Plan (CEMP) setting out proposals for environmental management of the proposed works to avoid the creation of serious environmental nuisance, such as noise, dust and other emissions that may be considered an environmental nuisance. The applicant and the appointed contractor(s)

	shall ensure that, in terms of construction waste, records shall be maintained and made available for inspection on site demonstrating tracking of all waste generated to final destination. (c) The applicant and the development's contractor shall develop and implement a Public Liaison Plan for the duration of the works, covering the following: (i) Appointment of a Liaison Officer as a single point of contact to engage with the local community and respond to concerns. (ii) Keeping local residents informed of progress and timing of particular construction activities that may impact on them. (iii) Provision of a notice at the site entrance identifying the proposed means for making a complaint. (iv) Maintenance of a complaints log recording all complaints received and follow-up actions. (d) All site development and construction work, including deliveries to and from the site, shall be restricted to the following hours: (i) Monday to Friday: 07:00 to 19:00 hours. (ii) Saturday: 08:00 to 14:00 hours. (iii) Sundays and Bank Holidays: No construction works, site activities, or deliveries permitted. (iv) Work outside of these hours shall only be permitted with prior written approval from Dún Laoghaire-Rathdown County Council or in an emergency situation. Reason: In the interests of orderly development and the proper planning and sustainable development of the area, and to protect the residential amenities of the area and prevent noise nuisance.
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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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Andrew Hersey
Planning Inspector

7th September 2026

Appendix A: Form 1 EIA Pre-Screening

Case Reference	PL501537-DR-26
Proposed Development Summary	Garden Studio
Development Address	17 Maritomo Gardens East, Blackrock, Co. Dublin A94 T6P5
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?	☒ Yes, it is a 'Project'. Proceed to Q2.
	☐ No, No further action required.
(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)	
2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1 . EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in <u>Part 2</u>, 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.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	State the Class and state the relevant threshold
☐ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	State the Class and state the relevant threshold

Inspector: _____

Date: _____