



An
Coimisiún
Pleanála

Inspector's Report

PL-501773-DS-26

Development

Retention of as built single storey kitchen (12 m2) & conversion of garage shed to habitable space (32 m2) extension to the rear of existing two storey end of terrace dwelling

Location

12 Windmill Road, Crumlin, Dublin 12
D12FC04

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

WEB2098/26

Applicant(s)

CEL Property Investment Company Limited

Type of Application

Retention permission

Planning Authority Decision

Refuse retention

Type of Appeal

First party

Appellant(s)

CEL Property Investment Company Limited

Observer(s)

None

Date of Site Inspection

12 September 2026

Inspector

Killian Harrington

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1.0 Site Location and Description

- 1.1 The subject site (12 Windmill Road) consists of a two-storey end of terrace house with number 14 Windmill Road attached to the south. A side lane is situated between no. 12 and no. 10 to the north and this lane runs to the rear of properties along Crumlin Road and Raphoe Road. The house has an existing two storey and part single storey rear extension and a garage to the rear. The surrounding area is an established residential neighbourhood to the south of the Crumlin Road. The dwellings are similar in appearance and have a mix of in curtilage parking and green space to the front and larger gardens to the rear. Many have large rear sheds at the end of the properties, accessible from the lane while some have modest rear extensions.

2.0 Proposed Development

- 2.1 The proposed development comprises the retention of as built single storey kitchen (12 sqm) & conversion of garage shed to habitable space (32 sqm) extension to the rear of existing two storey end of terrace dwelling

3.0 Planning Authority Decision

3.1 Decision

Dublin City Council refused retention permission for the following reason:

1. Having regard to the Z1 zoning objective, which seeks to protect, provide and improve residential amenities, it is considered that the development to be retained, when assessed alongside the existing multi occupancy use, the substandard internal layout, undersized and windowless rooms, and the inadequate private amenity space, would further diminish the limited residential amenity on the site. The proposal would contribute to substandard accommodation and to the overdevelopment of a constrained site and would seriously injure the amenities of both existing and future occupants and adjoining properties. The proposed development, in itself and in the precedent it would set, would be contrary to the

standards of Appendix 18 of the Dublin City Development Plan (2022-2028), and would therefore be contrary to the proper planning and sustainable development of the area.

3.1.1. Planning Authority Reports

While the rear extension would be permitted in principle under Z1 zoning, the planner's report found impacts on both future and existing residential amenity that were considered significantly harmful, thereby not complying with the residential amenities objective of the zoning and the criteria contained in Appendix 18 for rear extensions.

The main concerns revolved around an active enforcement case concerning the property's use as multi-occupancy accommodation. The report notes that the dwelling has operated as a 13-bedroom shared house and that the application does not seek to regularise this use. The planner's view is that although the application is only for retention of a 12 sqm kitchen extension, and a 32 sqm garage conversion, those works cannot be considered in isolation because they support the existing occupation pattern of the house.

A major concern is the quality of the accommodation. The report states that several rooms: are below minimum bedroom size standards, are as small as 5.6m² to 5.8m² and would not meet the standards for single bedrooms. Some rooms have no external windows. There would only be 21 sqm of private open space available to occupants. The report considered it overdevelopment to retain these works.

The report notes that a very similar application was refused earlier under Reg. Ref. WEB1196/26. The planner expressly states that the applicant has not overcome the previous reasons for refusal, particularly the multiple occupancy concerns, and the inadequate amenity provision.

3.1.2 Other Technical Reports

- Drainage Division – no objection subject to conditions

3.3. Prescribed Bodies

No submissions received

3.4. Third Party Observations

None

4.0 Planning History

4.1 Subject site

Reg. Ref. WEB1196/26: Planning permission refused at number 12 Windmill Road for retention of as built single storey kitchen(12m²) & conversion of garage shed to habitable space (32m²) extension to the rear of existing two storey end of terrace dwelling.

Reason for refusal:

‘Having regard to the Z1 zoning objective, which seeks to protect, provide and improve residential amenities, it is considered that the development to be retained, when assessed alongside the existing multi occupancy use, the substandard internal layout, undersized and windowless rooms, and the inadequate private amenity space, would further diminish the limited residential amenity on the site. The proposal would result in substandard accommodation, contribute to the overdevelopment of a constrained site, and seriously injure the amenities of both existing occupants and adjoining properties. The development would set an undesirable precedent, would be contrary to the standards of Appendix 18 of the Dublin City Development Plan 2022-2028, and would therefore be contrary to the proper planning and sustainable development of the area.’

Planning enforcement ref E0491/22 (active): House being let into multiple occupancy at number 12 Windmill Road.

5.0 Policy Context

5.1 Development Plan

Under the Dublin City Development Plan 2022-2028 the site is zoned 'Sustainable Residential Neighbourhoods – Z1 'Residential Neighbourhoods 'To protect and/or improve the amenities of residential areas'. The following Dublin City Development Plan policy objectives have specific relevance to this appeal:

Appendix 18, Section 1.1 (General Design Principles)

The design of residential extensions should have regard to the amenities of adjoining properties and in particular, the need for light and privacy. In addition, the form of the existing building should be respected, and the development should integrate with the existing building through the use of similar or contrasting materials and finishes'. Innovative, contemporary design will be encouraged. A contemporary or modern approach, providing unique designs, can offer a more imaginative solution. However, such proposals are still required to take account of the design issues outlined in this document. Applications for extensions to existing residential units should:

- Not have an adverse impact on the scale and character of the existing dwelling
- Not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, outlook and access to daylight and sunlight
- Achieve a high quality of design
- Make a positive contribution to the streetscape (front extensions)

Appendix 18, Section 1.2 (Extensions to Rear)

'Ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space

remaining. The extension should match or complement the main house. First floor rear extensions will be considered on their merits, noting that they can have potential for negative impacts on the amenities of adjacent properties, and will only be permitted where the planning authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities. In determining applications for first floor extensions the following factors will be considered:

- Overshadowing, overbearing, and overlooking - along with proximity, height, and length along mutual boundaries*
- Remaining rear private open space, its orientation and usability*
- Degree of set-back from mutual side boundaries*
- External finishes and design, which shall generally be in harmony with existing'*

5.3. Natural Heritage Designations

Liffey Valley proposed NHA is c. 2.5km to the northwest, South Dublin Bay SAC & South Dublin Bay and River Tolka SPA c.7km to the east, North Dublin Bay SAC and North Bull Island SPA are c. 11km to the northeast and North Dublin Bay proposed NHA c. 10km to the northeast

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 & 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

The first party appeal raises the following grounds:

- Dublin City Council erroneously conflated separate planning matters by refusing retention permission for physical structures on the basis of an alleged unauthorised multi-occupancy use. The appeal argues that the application relates only to the retention of an as-built kitchen extension and garage conversion and not to the use of the dwelling as a multi-occupancy house. It is submitted that the Planning Authority effectively sought to address an alleged change of use through a retention application for physical works, which the appellant contends was outside the scope of the application.
- The kitchen is merely an ancillary domestic space and that the converted garage provides habitable floor area. According to the appeal, neither structure creates or facilitates the alleged unauthorised use and both should therefore be assessed on their own planning merits.
- The Planning Authority applied the wrong planning policy test when assessing the proposal. While the Council relied on the Z1 zoning objective and Appendix 18 of the Dublin City Development Plan 2022-2028, the appellant argues that these standards are primarily intended for new development proposals. It is submitted that the appropriate test for a retention application is whether the as-built development is so injurious to residential amenity that it should not be regularised.
- The two rooms of 5.1 sq.m. and 5.3 sq.m. within the converted garage are not intended to function as bedrooms and are currently used as ancillary storage space. The retention application does not identify these rooms as sleeping accommodation and that the Council has incorrectly assumed such a use. It is further argued that concerns regarding the 21 sq.m. private

amenity space only arise if the dwelling is considered a high-occupancy property, which is not the development under consideration in this appeal.

- The appeal requests that An Coimisiún Pleanála grant retention permission subject to conditions, including restricting the two small rooms from use as bedrooms and capping occupancy levels if necessary. The appeal concludes that the Council's decision was "disproportionate, procedurally unfair, and based on an incorrect legal premise" and that the physical structures should be regularised while any issues regarding use are dealt with through separate enforcement proceedings.

7.2. Planning Authority Response

The planning authority request that the Commission uphold its decision to refuse retention permission. If permission is granted, the planning authority request that a condition requiring the payment of a Section 48 development contribution is applied.

7.3. Observations

None

8.0 Assessment

- 8.1. The proposed development site is located within an area designated in the Dublin City Development Plan 2022-2028 with zoning objective Z1 Residential Neighbourhoods 'to protect and/or improve the amenities of residential areas'. Having regard to this, it is considered that the proposed development to be retained, which relates to domestic extensions in a residential area would be acceptable in principle.
- 8.2 Following a review of the file, assessment of the relevant planning policies and inspection of the site, I am satisfied that the primary concern in this appeal relates to (1) design and layout and (2) overdevelopment.

(1) Design and Layout

- 8.3 According to Appendix 18 of the Dublin City Development Plan 2022-2028, 'ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining. The extension should match or complement the main house. Additional rooms must also be designed in accordance with the Design Manual for Quality Housing. I note that the reason for refusal for this application is similar to the previous refusal in relation to substandard internal layout, undersized and windowless rooms, and the inadequate private amenity space amounting to overdevelopment of a constrained site and would seriously injure the amenities of both existing and future occupants and adjoining properties.
- 8.5 I note the appellant's assertion that the planning authority should not rely on the Z1 zoning objective and Appendix 18 of the Dublin City Development Plan 2022-2028 as these standards are primarily intended for new development proposals. However the appeal is not correct to state that retention proposals do not have to comply with zoning objectives or the Development Plan. Development Plan policy requirements apply in the assessment of retention applications.
- 8.6 I note there is no planning permission for multiple occupancy and this is the subject of a planning enforcement file. The use of the property as multi-occupancy accommodation constitutes a material change of use. It is not proposed for retention. The appeal states that these are separate issues but the layout comprises a kitchen and living room with separate entrances and two rooms of similar size to other bedrooms in the house. The works for which retention is sought must still therefore be assessed in the context of the site planning history, the established layout and use of the dwelling.
- 8.7 The two rooms located off the proposed living room and kitchen that the planning authority claim to be bedrooms are annotated as ancillary storage. They are small rooms and have no windows. If they are proposed to be used as bedrooms, they would fall below the minimum floor areas for bedrooms, as set out in the Design

Manual for Quality Housing (7.1sqm for a single bedroom and 11.4sqm for a double bedroom).

- 8.8 The planning authority have assumed from the previous report from the Environmental Health division which refers to 13 bedrooms in the house, that the 'storage rooms' off the living room and kitchen are being used as bedrooms. The applicant has noted on the current application drawings that the two rooms which do not have external windows to the rear converted garage are to be used for storage purposes.
- 8.9 I note the appeal claim that there will be no bedrooms in the extension to be retained. However, there is an insufficient explanation for these rooms or the multiple external doors. The submitted plans do not identify uses for the rooms within the existing house and the first party have not adequately addressed the planning authority statements regarding the presence of 13 no. bedrooms, some of which are substandard, except to argue that it is out of scope. The referenced Environmental Health report is on the file for the previously refused application WEB1196/26 but not for this subject application. An internal site inspection was not possible for this appeal. Given that this assessment was based on a recent site inspection, it is reasonable to rely upon this in the absence of any other contradictory information from the applicants. With no explanation on the layout in the appeal, I consider that the extension now proposed for retention clearly intensifies the existing property and causes significant harm to the existing residential amenity for the occupants.

Overdevelopment

- 8.10 The limited private amenity space remaining (significantly below 50%) and the lack of useability due to its confined shape, combined with both the lack of clarity around proposed use of rooms and the substandard sized bedrooms amounts to an overdevelopment of a constrained site. The property already benefits from a large two-storey rear return. The proposed works to be retain create a haphazard appearance and harm the residential character of the area. I have concerns about the standard of residential amenity for occupants and adjoining residents if multiple

occupancy is the intended use of the extension. It is noted from the drawings that there is also an external access door from the living area to the converted garage which would lead out onto the laneway with potential for further harm to the neighbour's residential amenity.

- 8.11 The proposal is therefore considered to be contrary to the Z1 zoning objective, which seeks 'to protect, provide and improve residential amenities', and contrary to the standards set out in Appendix 18 of the Dublin City Development Plan 2022–2028. The development would therefore be contrary to the proper planning and sustainable development of the area.
- 8.12 I would agree with the planning authority that, in the subject application for retention, the applicant has not overcome the previous reasons for refusal under Reg. Ref. WEB1196/26 set out under Section 4.0 of this report. I note the appeal states the retention application should be assessed on its merits. However, the unusual configuration of rooms and doors, the reduction in private amenity space and the small and confined spaces throughout the property are concerning. The layouts do not reflect the ancillary accommodation of a single family dwelling and clarity is required here. While such multi-occupancy remaining out of scope, the proposal would constitute over-development and negatively impact on the residential amenities of the property, contrary to the zoning objective, would be out of character with the surrounding area and would create a precedent for unsatisfactory development in the area. Furthermore, it sets an undesirable precedent for similar developments, and therefore planning permission should be refused for retention.

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. The subject site is located c. 7km west of South Dublin Bay SAC & South Dublin Bay and River Tolka. North Dublin Bay SAC and North Bull Island SPA are c. 11km to the northeast.

- 9.2. The proposed development comprises retention of as built single storey kitchen (12 m²) & conversion of garage shed to habitable space (32 m²) extension to the rear of existing two storey end of terrace dwelling at 12 Windmill Road, Crumlin, Dublin 12 D12FC04. No nature conservation concerns were raised in the planning appeal.
- 9.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site. The reason for this conclusion is as follows:
- Nature of works
 - Location in an established residential area
 - Lack of connections to nearest European sites
- 9.4. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (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 approximately 200 metres south of the Grand Canal. The proposed development comprises retention of as built single storey kitchen (12 m²) & conversion of garage shed to habitable space (32 m²) extension to the rear of existing two storey end of terrace dwelling at 12 Windmill Road, Crumlin, Dublin 12 D12FC04.
- 10.2 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. The reason for this conclusion is as follows:

- Nature of works
- Location-distance from nearest water bodies and/or lack of hydrological connections

10.3 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 retention permission is refused.

12.0 Reasons and Considerations

Having regard to the residential zoning objectives for the site, the information submitted with the application and the layout and scale of the proposed development, it is considered that the proposed development would result in substandard residential accommodation, would amount to overdevelopment of the site and would seriously harm to residential amenity of the dwelling and surrounding dwellings. The proposed development would be contrary to the Z1 zoning objectives and the standards contained in Appendix 18 of the Dublin City Development Plan (2022-2028) 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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Killian Harrington
Planning Inspector

17 September 2026

Appendix A: Form 1 EIA Pre-Screening

Case Reference	PL-501773-DS-26
Proposed Development Summary	Retention of as built single storey kitchen (12 m2) & conversion of garage shed to habitable space (32 m2) extension to the rear of existing two storey end of terrace dwelling
Development Address	12 Windmill Road, Crumlin, Dublin 12 D12FC04
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 <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.	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
1. 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	
☐ 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)	
2. 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: 17 September 2026