

Appeal to An Comisiún Pleanála

Re: Appeal against Grant of Permission for Retention

Planning Reference: D26B/0409/WEB

Development: Retention of detached garden studio and associated works

Location: 30 Whitebarn Road, Churchtown, Dublin 14, D14XE22

Dear Sir/Madam,

I wish to appeal the decision of Dún Laoghaire-Rathdown County Council to grant retention permission for the above development. My family owns and occupies the adjoining property at 32 Whitebarn Road. The garden studio was erected in early 2025 without planning permission, and I made observations during the planning retention process.

Appeal Grounds

The Planning Authority appears to have assessed the structure primarily against general residential amenity policies within the County Development Plan rather than first establishing whether the as-built structure complied with the dimensional standards, height restrictions and design parameters applicable to detached garden structures at the date the unauthorised development was undertaken and at the date of the retention application. Consequently, the assessment is fundamentally deficient.

1. Failure to Properly Assess Compliance with Applicable Planning Standards

The Planning Authority has failed to properly assess the development against the planning standards and exempted development criteria that applied on the date the retention application was lodged.

The structure was erected in **early 2025** with the retention application lodged on **16 July 2026**. The Planner's report does not identify which statutory standards were applied in assessing the development and does not address whether the structure complied with the regulations and guidance applicable at the date of application.

Instead, the report relies on broad statements that the structure is of a "modest scale" and is "subordinate and ancillary" without undertaking any detailed assessment of the dimensional standards relevant to detached garden structures.

2. Incorrect Assessment of Building Footprint

The report repeatedly refers to a detached garden studio of approximately 25 – 28 sq.m. and characterizes the structure as modest in scale.

However:

- The submitted plans indicate an overall building footprint closer to 35 sq.m.
- The structure includes a covered porch area and mezzanine storage.
- The planner has not assessed the total gross floor area of the structure.
- The actual footprint and enclosed volume have not been critically examined.

The Planning Authority therefore appears to have accepted the applicant's submitted floor area figures without independent verification.

3. Failure to Properly Assess Building Height

The report states that the building is a single storey structure of acceptable scale and height.

However:

- The submitted drawings show an overall height of approximately 4.0m.
- The drawings appear to measure height from the internal floor level rather than existing external ground level.
- The floor level itself appears to be approximately 0.5m above surrounding garden level.
- This could result in an overall structure height materially exceeding that described in the assessment.

No survey information, level survey or independent verification appears to have been undertaken by the Planning Authority.

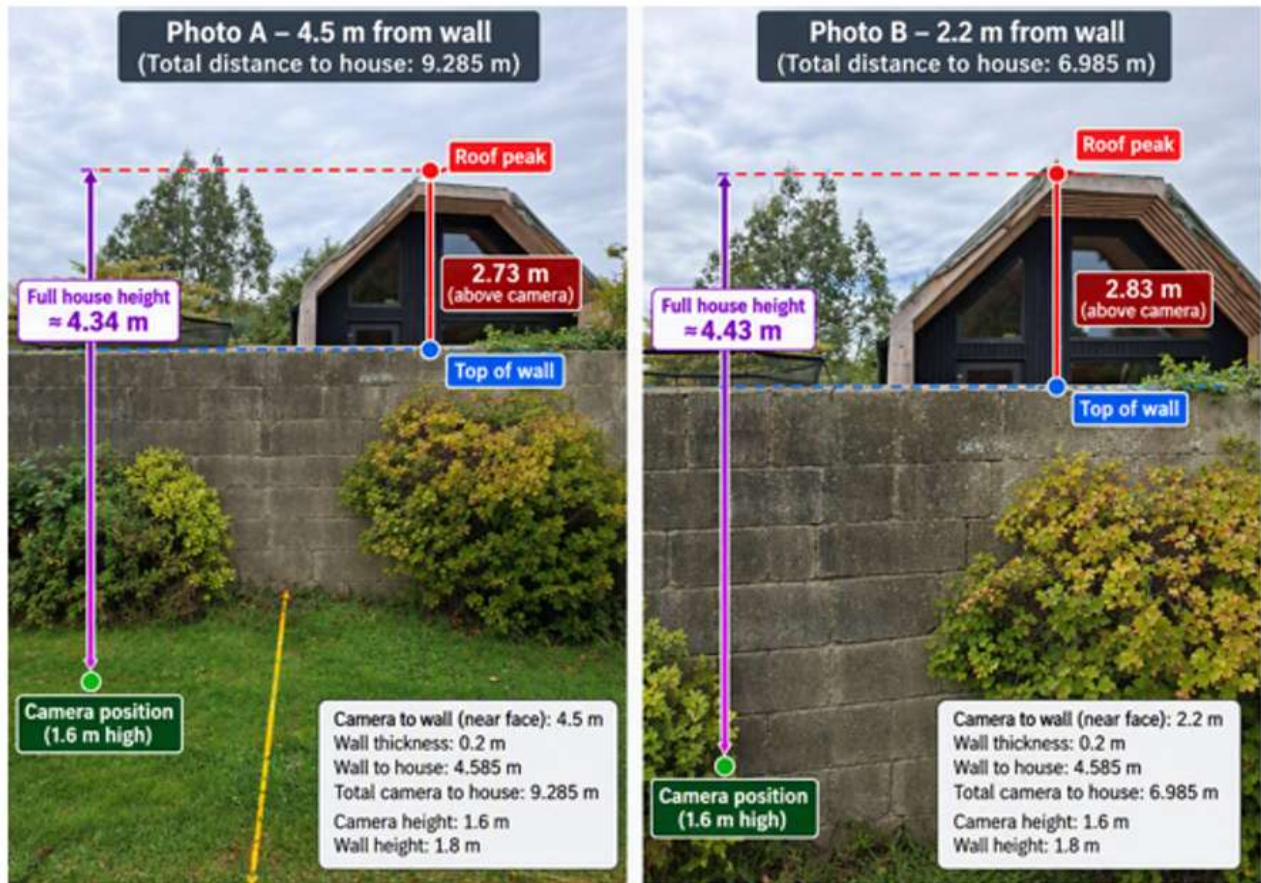
The report contains no discussion whatsoever of:

- existing site levels,
- finished floor levels,
- ridge height measured from natural ground level,
- compliance with statutory height restrictions.

The omission represents a significant flaw in the assessment.

Actual height estimates

Image 1: Estimates that the actual height of the structure may exceed 4.0 metres above ground level and may be approximately 4.4 metres.



- **Photo A** is taken from a measured position approximately 4.5 m from the boundary wall, with the camera approximately 1.6 m above ground level. The boundary wall has a measured height of 1.8 m.
- **Photo B** is an independent photograph taken from a second measured position approximately 2.2 m from the same boundary wall, with the camera approximately 1.6 m above ground level and the same unzoomed camera setting used.
- **Photos A and B** were analysed independently and calculated with AI assistance.
- **Photo A** produces an estimated height of approximately 4.34 m, while **Photo B** produces an estimated height of 4.43 m. The combined estimate is approximately **4.4 m**.

While photographic measurements do not constitute a professional measured survey, they nevertheless constitute new evidence raising a credible and material question concerning the actual height of the development for which retention permission has been granted.

Planner's Report:

'With regard to overshadowing, the development comprises a single storey structure with a limited footprint located towards the rear of the site.' (Planner's Report, p. 5)

In my initial submissions, I never mentioned issues with overshadowing, as our house is positioned east of 30 Whitebarn Road. However, there would be overshadowing effects on No. 28 Whitebarn Road. The mention of overshadowing in the Planner's Report is distracting from the crucial issues raised in my initial observations.

The report describes the development as a "single storey structure". This characterisation is misleading given that the building incorporates a mezzanine level. The description of the development as 'single storey' appears to conflate the number of storeys with the issue of height compliance. The planning report does not explain how the overall height was measured or why the raised base and mezzanine level were not considered relevant to that assessment.

4. Failure to Properly Consider Boundary Setbacks

The Planner's Report notes only that the structure is approximately 4.5m from No. 32 Whitebarn Road.

However, the report does not address:

- the distance between windows and the side boundaries,
- whether any windows are located within approximately 1 metre of a boundary,
- overlooking potential arising from these openings,
- compliance with setback requirements.

The report therefore fails to assess one of the principal concerns raised in my original submission.

5. Inaccurate Site Plans and Drawings

A core submission concern was the accuracy of the submitted drawings. The report acknowledges that this issue was raised but provides no assessment of whether the plans accurately represent the development as constructed.

The Planning Authority accepted the drawings without demonstrating that:

- the building footprint is accurately shown,
- all elements have been included,
- site levels are correct,

- boundary distances are correctly represented,
- the building as constructed corresponds with the drawings submitted.

Where retention permission is sought for an existing structure, accurate “as built” drawings are essential. This matter has not been adequately addressed.

If the submitted drawings do not fully and accurately represent the development as built, then the resulting assessment of privacy, overlooking, separation distances and residential amenity may also be flawed.

This is particularly relevant to the approximately 18.5m separation distance between the garden studio and my dwelling on which the Planner’s Report expressly relies on in its assessment of residential amenity.

It is unclear from the report:

- where this measurement originates,
- between which points it was taken,
- whether it was independently measured on site or derived from the submitted plans.

Given the apparent discrepancies identified in those plans, I submit that the 18.5m distance should not be relied on without independent verification.

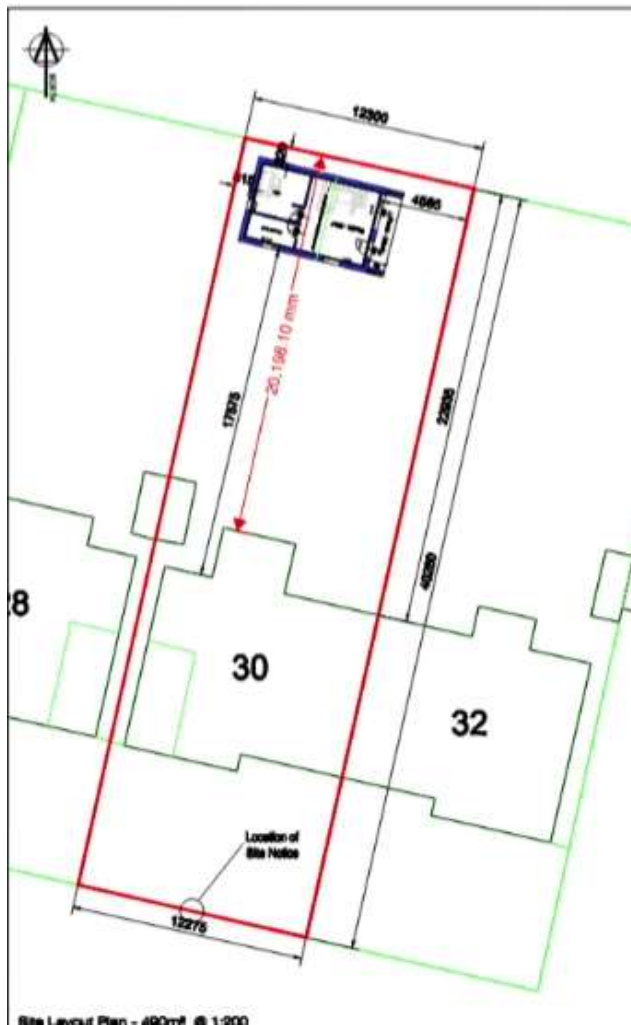
Inaccuracy of Site Layout Plan

I compared the Site Layout Plan submitted with the Application for Retention with an aerial view from Google Maps of Nos. 30 and 32 Whitebarn Road (Images 2 and 3).

Image 2: Distance between main dwelling and rear boundary at No. 30 Whitebarn Road
(Measured on Google Maps)



Image 3: Distance between main dwelling and rear boundary at No. 30 Whitebarn Road (Measured on Site Layout Plan PDF)



Submitted Site Layout Plan: 20.20m

Aerial image: 18.11m

Difference: 2.1m

Submitted plan distance is approximately 11% greater than the aerial image distance. Aerial measurements are comparative and are not presented as a substitute for a professional site survey.

Relevance and implications of this comparison:

- The plans are not accurate as the site layouts to Nos. 30 and 32 Whitebarn Road are incorrect.
- The submitted Site Layout Plan creates the misleading visual impression that the garden studio is much further away from the established residential development and neighbouring properties than appears to be the case.

Aerial imagery is not a substitute for a professionally surveyed site plan, and it is not suggested that the aerial measurement itself should be treated as a definitive survey measurement. However, a difference of around 2 metres over such a relatively short distance is sufficiently substantial to raise a legitimate question regarding the accuracy of the submitted Site Layout Plan. However, this was not addressed in the Planner's Report.

6. Failure to Properly Assess Visual Impact

The report concludes that the structure does not detract from the character of the area and is of an appropriate scale, massing and design.

This conclusion is unsupported by any objective visual assessment.

The structure:

- has a substantial overall massing,
- has a prominent height,
- contains extensive glazing,
- includes a porch structure and mezzanine element,
- has external finish comprising green corrugated metal cladding, with an appearance more akin to an agricultural or industrial building,
- presents a significantly different built form to traditional garden sheds or ancillary structures.

The description of the development as "modest in scale" materially understates the actual visual impact of the building. The extensive photographic evidence submitted in my initial observations should be reconsidered in the context of this appeal.

7. Failure to Assess Overlooking of No. 32 Whitebarn Road

Planner's Report:

'In relation to overlooking and privacy, the Planning Authority notes the separation distances involved, the orientation of the structure and the incorporation of louvred screening around the porch area. The development [...] would not give rise to undue overlooking or an unacceptable loss of residential privacy.' (Planner's Report, p. 5)

The report focuses almost exclusively on separation distances, louvres and orientation of the studio within No. 30 Whitebarn Road.

There is no meaningful assessment of:

- views available from the structure towards No. 32,
- overlooking arising from glazed elevations and porch,
- privacy impact on neighbouring gardens,
- loss of residential amenity to properties other than No. 30.

The conclusion that there would be no unacceptable overlooking appears unsupported by any analysis of sight lines, window positions or photographic evidence.

Louvred screening

The existence of louvres should not in itself be treated as evidence that overlooking has been satisfactorily mitigated. The louvres provide privacy screening only between the garden studio and the main dwelling and garden at No. 30 Whitebarn Road. However, they do not screen views through the principal glazed frontage or from the elevated porch in the direction of my property.

Images 4 – 6 show the views from the private rear rooms of my dwelling, demonstrating the direct line of sight towards the elevated porch and entrance of the garden studio.

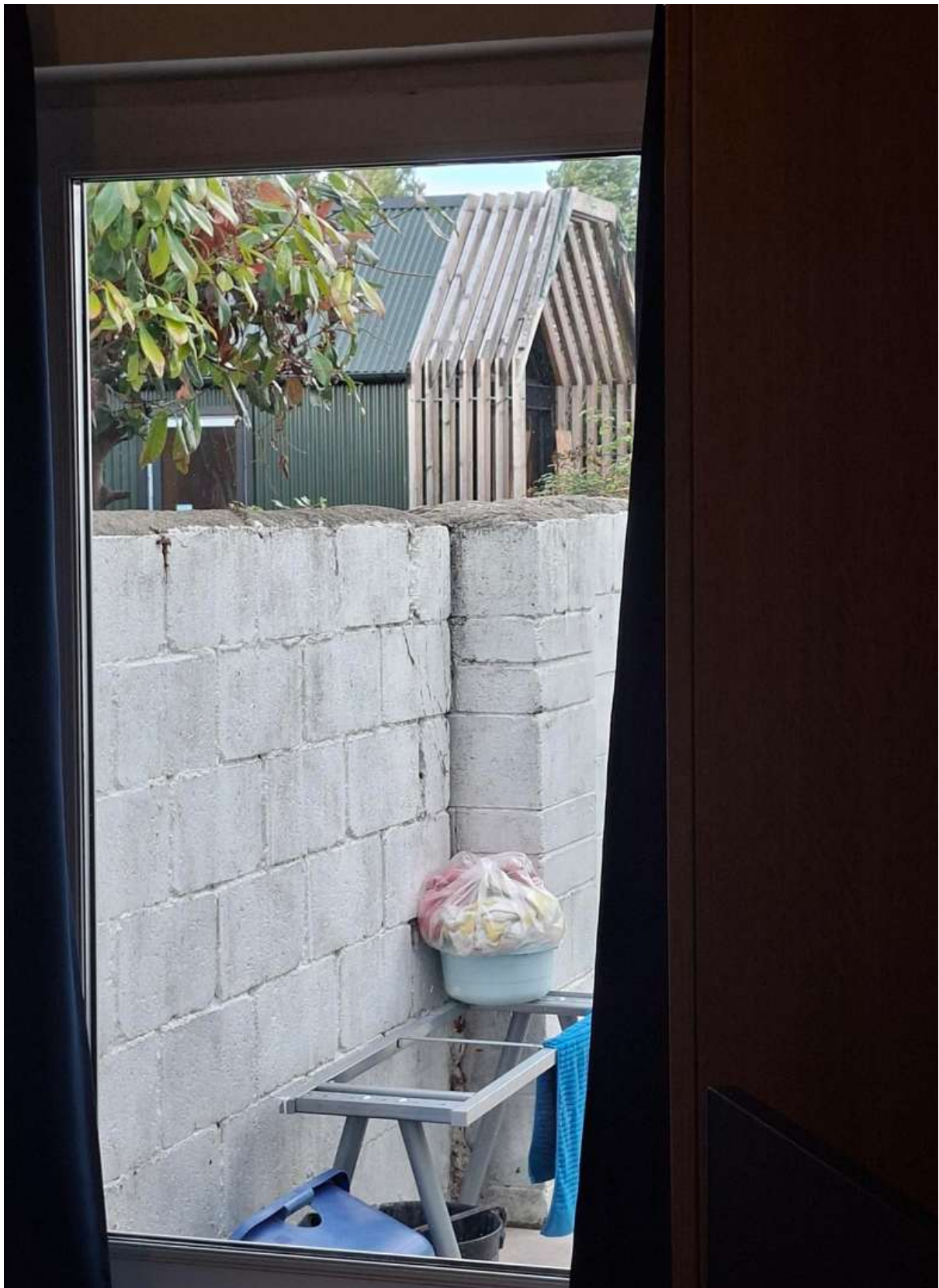
Image 4: View from my kitchen/dining area



Image 5: View from my bedroom while sitting on the bed



Image 6: View from my son's bedroom



The direct visual relationship between the garden studio and my property, as seen in Images 4 – 6, arises from a number of factors:

- the design and orientation of the structure itself, in particular the location of the elevated entrance porch and extensive glazing on the elevation facing my property (rather than the rear of the site at 30 Whitebarn Road),
- the calculated height of the structure (Image 1),
- the vertical relationship between the properties,
- the respective levels of the garden studio and my dwelling (the elevated position of the studio and the approximately 0.2m raised floor level of my dwelling).

The sightline from the studio towards the windows and private rooms at the rear of my dwelling is not merely a theoretical concern. People entering the garden studio via the elevated porch are clearly visible from the private rear rooms of my dwelling. Equally, people standing near the windows inside the studio are visible from our property.

Images 7 and 8 provide further evidence that this visual relationship extends through the glazed frontage and into the interior of the garden studio.

Image 7: View from my kitchen/dining area, taken at approximately normal eye level. The ladder visible inside the garden studio, circled in yellow, provides a clearly identifiable reference point demonstrating a direct line of sight through the glazed frontage into the interior of the studio.



Image 8: View from my bedroom, taken at approximately normal eye level. The same ladder inside the garden studio is again clearly visible through the glazed frontage, circled in yellow.



- The ladder is a clearly identifiable reference point within the interior of the studio.

- The photographs illustrate the potential for a person occupying the corresponding area within the studio to have a direct line of sight towards the private rooms of my dwelling.

The photographic evidence in Images 4 – 8 demonstrates that the overlooking and privacy issues cannot be assessed solely by reference to separation distance, orientation or the presence of louvres. It arises from the development as actually constructed, in particular the combination of the elevated base and porch, extensive glazed frontage, side windows and orientation towards my property.

Therefore, the actual overlooking relationship has not been adequately addressed in the Planner's Report.

8. Misapplication of Development Plan Policies

The report concludes that the proposal complies with:

- Policy PHP20,
- Section 12.3.1,
- Section 12.3.7.4, and
- Section 12.8.7 of the Development Plan.

However, the report does not explain how compliance was achieved in relation to:

- building height,
- setbacks from boundaries,
- footprint,
- site coverage,
- overlooking potential,
- the actual dimensions of the structure.

The conclusion of compliance is therefore not supported by a reasoned planning assessment.

9. Irrelevant Reliance on Neighbouring Planning History

The planner refers to planning permissions granted at Nos. 26 and 28 Whitebarn Road for rear extensions and attic conversions.

These permissions relate to house extensions and attic works and are not directly comparable to a detached garden building.

Their inclusion does not assist in assessing whether the retained structure is acceptable and may have distracted from the relevant planning considerations applicable to detached garden rooms.

10. Failure to Properly Assess Roof Design, Height and External Finish

The Planning Authority has failed to undertake a proper assessment of the roof form and overall height of the retained structure.

The report repeatedly characterizes the development as a modest single storey detached garden studio and concludes that its scale, massing and height are acceptable. However, there is no detailed assessment of the actual roof configuration or its compliance with applicable planning standards.

The retained building does not comprise a simple pitched roof structure finished in slate or tile. Instead, the building incorporates:

- a mansard-style roof profile,
- significant areas of metal cladding,
- a flat roof element,
- an internal mezzanine floor space,
- an overall bulk and massing substantially greater than a typical ancillary garden structure.

The Planner's Report contains no assessment of the implications of this roof design and appears to treat the structure as a conventional pitched roof garden room.

Furthermore, the submitted drawings indicate an overall height of approximately 4.0 metres. The report does not establish whether this dimension is measured from existing ground level or from the raised internal floor level. The floor level appears to be elevated above the surrounding garden and therefore the true external height may be significantly greater than reported.

In addition, substantial portions of the structure contain flat roof elements which exceed the height generally associated with comparable ancillary structures. The Planning Authority has not assessed whether the flat roof sections should be subject to different height considerations than a traditional pitched slate or tiled roof structure.

The report's conclusion that the structure is acceptable in terms of height and visual impact is therefore unsupported by any objective assessment of:

- roof type,
- roof geometry,
- external finishes,

- height measured from existing ground level,
- the visual impact of the mansard roof profile,
- the visual impact of extensive metal cladding,
- the effect of the elevated flat roof section.

Accordingly, the Planning Authority has failed to properly assess the actual form, scale and visual prominence of the retained structure and has reached conclusions which are not supported by the evidence presented.

11. Alternative Request for Conditions to Protect Privacy and Future Use of the Studio

If An Coimisiún Pleanála intends to uphold the decision to grant retention permission, further conditions should be attached to any permission requiring:

- all side-facing windows overlooking adjoining properties and any glazing within the elevated porch area or other elements capable of overlooking neighbouring properties be permanently fitted with frosted glass,
- no clear replacement glazing be installed at any future date without a further grant of a planning permission.
- The structure shall remain ancillary to the main dwelling at 30 Whitebarn Road and shall not be used or occupied as independent residential accommodation,
- The structure shall not be used independently for commercial, showroom or business purposes,
- The structure shall not be let, rented or occupied independently of the main dwelling,
- No kitchen, cooking facilities or other features facilitating independent residential occupation shall be installed without any further planning permission that may be required.

Note that the left window on the side elevation of the garden studio appears to have a frosted glass window, as shown in Image 9 (circled in yellow):

Image 9: Frosted window – left side elevation



However:

- Frosting the windows and doors alone would only address overlooking from within the garden studio, while leaving the external overlooking from the raised porch unresolved.
- The measure would therefore not be sufficient to protect our privacy and residential amenity.

Conclusion

The appeal should argue that the decision to grant retention permission is fundamentally flawed because the Planning Authority:

- failed to verify the actual dimensions of the structure,
- failed to properly assess overall height from natural ground level,
- failed to properly assess footprint and floor area,
- failed to assess window proximity to boundaries,
- failed to address inaccuracies in submitted drawings,
- failed to properly assess overlooking of neighbouring properties, particularly No. 32 Whitebarn Road,
- reached unsupported conclusions regarding visual amenity and compliance with Development Plan standards.

Yours faithfully,

A handwritten signature in black ink that reads "Bettina Knipschild". The script is cursive and fluid, with the first name "Bettina" and the last name "Knipschild" clearly legible.

Dr Bettina Knipschild
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Dublin 14
D14TX83