



An  
Bord  
Pleanála

## Inspector's Report

### ABP-321325-24

<b>Development</b>	Partial change of use of converted garage to dog grooming home-based business and associated site works.
<b>Location</b>	16 Rathdown Crescent, Terenure, Dublin 6W, D6W HK30
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	4250/24
<b>Applicant(s)</b>	Paula Lavery
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Marilyn and Kenneth Harris & Others
<b>Observer(s)</b>	Terenure Residents Association Patrick & Margaret Hagen
<b>Date of Site Inspection</b>	2 <sup>nd</sup> February 2025
<b>Inspector</b>	Ronan O'Connor

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## **1.0 Site Location and Description**

- 1.1. The subject site is a two-storey semi-detached house within a residential area, approximately 500m south-west of Terenure Village.

## **2.0 Proposed Development**

- 2.1. Partial change of use of converted garage to dog grooming home-based business and associated site works.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. Grant Permission (decision date 4th November 2024).

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The Planner's Report (Dated 4<sup>th</sup> November 2024) is summarised below:

- Under the Z2 zoning, home based economic activity is a permissible use.
- Notes the measures set out by the applicant to mitigate any adverse impacts
- Notes the contents of the third party submissions.
- Having regard to the modest scale of development and the mitigation measures put in place by the applicant, the Planning Authority do have no objections in principle to the proposed development.
- Was recommended that a temporary permission of three years be granted so the effect of the development can be reviewed.

#### **3.2.2. Other Technical Reports**

Drainage: No objections (Dated 16/09/2024)

#### **3.2.3. Conditions**

Conditions of note include:

Condition No. 3 – Temporary permission for 3 no. years after which the use shall cease/unless a further permission has been granted.

Condition No. 4 – Hours of operation/by appointment only/no staff to be employed (applicant only)/number of dogs per day limited to 4.

Condition 5 – Noise condition.

### **3.3. Prescribed Bodies**

3.3.1. None.

### **3.4. Third Party Observations**

3.4.1. 23 no. observations were received at application stage (16 no. objections, 7 no. in support). The issues raised are summarised in the Planner's report. I would note that the objections raised are similar to those concerns those raised in the grounds of appeal as summarised below, while the submissions in support raise some of the points raised in the first-party response to the appeal.

## **4.0 Planning History**

3594/12: Planning permission refused at number 16 Rathdown Crescent for widening of existing vehicular entrance to a width no greater than 3500mm and all other associated ancillary site works.

3293/12: 16 Rathdown Crescent, Terenure, Dublin 6W: Split decision granting permission for the conversion of the existing vehicular garage to internal store room, minor alterations to existing front elevation to facilitate conversion and all other associated ancillary site works and refusing planning permission for the widening of the existing vehicular entrance.

1584/04: Planning permission granted at number 16 Rathdown Crescent for first floor extension to side of house over existing garage, extension to verandah roof to front and extension of existing attic space to include new velux rooflight to rear and relocation of velux rooflight to side at 16 Rathdown Crescent, Terenure, Dublin 6W.

2123/00: 16 Rathdown Crescent, Terenure, Dublin 6W: Planning permission granted subject to conditions for demolition of first floor return to side, single storey garden room/kitchen extension to rear, utility, wc and study extension to side, new porch to front and attic conversion.

## **5.0 Policy Context**

### **5.1. Development Management Guidelines for Planning Authorities (2007)**

### **5.2. Development Plan**

The operative Development Plan is the Dublin City Development Plan 2022 – 2028

Zoning: The subject site is located in an area zoned Z2 which is 'To protect and/or improve the amenities of residential conservation areas.

Under the Z2 zoning 'Home based economic activity' is a permissible use.

Policy BHA9: Conservation Areas: To protect the special interest and character of all Dublin's Conservation Areas – identified under Z8 and Z2 zoning objectives and denoted by red line conservation hatching on the zoning maps. Development within or affecting a Conservation Area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.

Appendix 18: Section 8.0: Home Based Economic Activities: Home-based economic activity is defined as small scale commercial activity carried out by residents of a house, being subordinate to the use of the house as a single dwelling unit and including working from home. The planning authority recognises that such working arrangements can benefit individuals, families and the local community in addition to contributing to more sustainable land use patterns by reducing the need for commuting.

In determining applications for developments involving home based economic activity, the planning authority will have regard to the following considerations:

- The nature and extent of the work.

- The effects on the amenities of adjoining occupiers, particularly in relation to hours of work, noise and general disturbance.
- Anticipated levels of traffic generated by the proposed development.
- Arrangements for the storage of refuse and collection of waste

### **5.3. Natural Heritage Designations**

5.3.1. None.

### **5.4. EIA Screening**

5.4.1. See completed Form 1 on file. The proposed development is does not come within the definition of a 'project' for the purposes of EIA.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

6.1.1. 1 no. appeal was submitted from Marilyn and Kenneth Harris & Others. The grounds of appeal are summarised below:

- Planner's report failed to differentiate between the different types of home based economic activity.
- Failed to give sufficient weight to the Z2 residential conservation area.
- Has been a residential area throughout its existence over the past 80 years.
- Vast majority of the submissions (14 of 15) oppose the application.
- Those in support live outside the immediate vicinity of the application.
- It is not set out how the criteria of Appendix 18 Section of the Development Plan have been met.
- Submitted that the proposal would materially contravene the policy and objectives of the Dublin City Development Plan.
- Would be injurious to residential amenity if approved.

- Would result in noise disturbance from dog barking as well as noise from the equipment used.
- Increase in vehicular and pedestrian traffic from clients and deliveries/Impact on parking demand.
- Safety concerns due to increased traffic and unfamiliar vehicles.
- Impact of same on the Conservation Area.
- Impact of waste disposal (animal waste hair, potentially soiled water).
- Alterations to home to facilitate the dog grooming (such as installing sinks or plumbing) could be seen as non-conforming to residential use.
- Impact of signage or visible changes on the character and visual amenity of the neighbourhood.
- Impact of odour.
- Animal welfare/safety issues.
- Impact of extended opening hours.
- Planning officer did not distinguish between office/digital work from home and service-orientated work from home.
- Office based work from home maintains the residential character.
- Service orientated work from home has greater impacts/introduces a commercial element/such uses are commercial areas zoned as Neighbourhood Centres (NC) or District Centres (DC).
- Would result in a shift towards commercial use.
- Potential impacts on property values.
- Impacts on neighbouring gardens/spaces.
- Fundamental conflict with the zoning objective.

## 6.2. Applicant Response

- 6.2.1. A first-party response to the appeal was received on 20<sup>th</sup> December 2024. This is summarised below:

- Appeal lacks substance/sets out claims without providing appropriate justification.
- Appeal may be invalid as a receipt from the PA for one of the parties has not been submitted.
- Proposal is for a home-based economic activity in the form of a small dog grooming service that is ancillary to the applicant's home.
- Conditions attached to the permission address a number of the concerns raised by the appellants at application stage and at appeal stage.
- Concerns in relation to noise appear to stem from a misunderstanding of the scale and nature of the proposed dog grooming service.
- Proposal is small scale on an appointment only basis, with a maximum of one dog present at any given times/similar to having one pet dog in the house.
- If the dog is disruptive repeat appointments will not be offered.
- Precedents of similar services permitted in residential areas such as permitted under WEB1068/19.
- Noise generated by grooming equipment is minimal and comparable to everyday household appliances/hair dryers used for no more than 10 minutes during an average appointment.
- Applicant's home is equipped with triple-glazed windows and is fully insulated/will ensure noise generated remains within the property.
- Does not involve external works or signage/visual and architectural character of the conservation areas is unaffected.
- Maximum of 4 no. dogs per day.
- Applicant will comply with the conditions set by the Council.
- There will be a minimal influx of clients, equivalent to the number of visitors typically expected at a residential property.
- Only one car in the household – there is ample room in the driveway for client parking.



- Precent 4016/18 was granted permission – Inspector stated that there would only be a very limited impact on the surrounding road network.
- Will not generate regular delivery traffic – average of one delivery every 3 months.
- Waste will be disposed of through composting or regular household waste bin/local waste management service has confirmed that these waste disposal services are appropriate.
- Specialised sink strainer to prevent dog hair and debris from entering the drainage system.
- Dogs will not have access to the public pathway/secure outdoor area will be provided for toileting.
- Precedent 4224/18 cited in relation to waste.
- The level of odour generated will be minimal.
- Distinction between office/digital working from home and service-oriented working from home are not based on established planning policy/are irrelevant to the decision making process.
- Dublin City Council and An Bord Pleanála have granted permission for this use in other areas.
- Will comply with Policy BAH9//home-based economic activity is allowed for under the zoning/dog-grooming service meets the definition of a home based economic activity.
- Planning Precedents Cited include PA Ref 3287/22 – Finglas West; WEB1068/19, Clonsaugh; 4016/18, Dublin 6; 3952/16, Clonsaugh; 3704/22, Dublin 8; 4224/18, Dublin6 (APB Ref 304197).

### **6.3. Planning Authority Response**

6.3.1. A response from the Planning Authority was received on 20<sup>th</sup> February 2024. This is summarised below:

- Request that ABP uphold the decision of the Planning Authority in this case.

- Request that if permission is granted that a condition requiring the payment of a Section 48 development contribution is imposed.

#### **6.4. Observations**

- 6.4.1. 2 no. observations were received from (1) Terenure Residents Association and (2) Patrick & Margaret Hagen. These are summarised below:

##### Terenure Residents Association

- Would set a precedent and could result in the area losing its special status.
- Impact on already congested roads/impacts on parking.
- Impacts of dogs barking/visiting clients/smells.
- Is a residential conservation area.
- Area is free of commercial activity.
- Would see the loss of the unique character of the Conservation Area.
- Support the contents of the third-party appeal.

##### Patrick & Margaret Hagen

- Would allow for future home based activities to mushroom in the area.
- Would damage visual appearance and unique aspect of the area.
- Would have an impact on house prices.
- Increase in dog noise, odour, waste disposal.
- There are already a number of dog grooming facilities in the general area, one less than 5 mins walk in Terenure village.
- Monitoring of conditions/possibility of business expanding.
- Impact on traffic/parking.

#### **7.0 Assessment**

- 7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the

local authority, and having inspected the site, and having regard to the relevant local policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development.
- Impacts on Surrounding Residential Amenity (including noise/odour).
- Traffic Congestion/Parking.
- Waste Disposal.
- Visual Impacts/Impacts on the Residential Conservation Area.
- Other Issues.

## **7.2. Principle of Development**

7.2.1. The site lies within an area zoned Z2 'Residential Conservation Area' with an objective to 'protect and/or improve the amenities of residential conservation areas'. In relation to the proposed use, 'home-based economic activity' is a permissible use in such areas (Section 14.7.2 of the Development Plan refers). Appendix 18 of the Development Plan defines 'Home-based economic activity' as 'small-scale commercial activities carried out by residents of a dwelling being subordinate to the use as a single-family dwelling'. I am satisfied that the dog-grooming service proposed by the applicant, which is limited to a maximum of 4 no. dogs per day, and does not cater for more than 1 no. dog at a time, can be defined as a small-scale commercial activity. The applicant is the resident of the dwelling and the use itself is subordinate to the principle use a single-family dwelling, noting the extent of the area set aside for dog grooming as indicated on Drawing No. 2104-P-001, as submitted at application stage. As such the proposed use can be defined as a 'home-based economic activity'. Section 8 of Appendix 18 sets out that the planning authority recognises that such working arrangements can benefit individuals, families and the local community in addition to contributing to more sustainable land use patterns by reducing the need for commuting. In determining applications for developments involving home based economic activity, the planning authority will have regard to the following considerations:

- The nature and extent of the work (I have considered same above, and within other sections of this report).

- The effects on the amenities of adjoining occupiers, particularly in relation to hours of work, noise and general disturbance (I have considered same in Section 7.3 of this report).
- Anticipated levels of traffic generated by the proposed development (I have considered same in Section 7.4 of this report).
- Arrangements for the storage of refuse and collection of waste (I have considered same in Section 7.5 of this report).

7.2.2. Policy BAH 9 of the Development Plan relates to Conservation Areas. In relation to changes of use, it is stated that such changes will be acceptable where they are in compliance with the zoning objectives, and where they make a positive contribution to the character, function and appearance of the Conservation Area, and its setting. I have considered the former criteria in this section of the report, and the latter criteria in Section 7.6 of this report.

7.2.3. There is no distinction within the Development Plan between 'office/digital based' working from home and 'service orientated' working from home, a distinction raised by the third-party appeal submission. As such, and having regard to the above considerations, I am satisfied that the proposed use is acceptable in principle, under the Z2 zoning objective.

7.2.4. I am conscious, however, of the criteria as set out in Section 8, Appendix 18 of the Development Plan, and will consider same in this report, and I am also conscious of the zoning objective for such residential conservation areas which seeks to protect, and improve, the amenities of such residential conservation areas. This would include residential amenity and visual amenity, and I have considered impacts on same below.

### **7.3. Impacts on Residential Amenity**

7.3.1. The potential impacts from such a use are as raised by the third party appellants, and the observers on the appeal, and include potential noise impacts as well as potential odour impacts.

7.3.2. In relation to potential noise impacts, I note the very limited number of dogs proposed per day, 4 in total, and note that each dog will be groomed individually, with bookings on an appointment-only basis. This would not give rise to any

significant noise issues, and would be similar to having a domestic pet within the property. In addition, the majority of the grooming activity is within the house, with the only outdoor element being the toileting area. As such, any noise that does occur from barking, or from the use of the equipment, would be entirely within the house. In relation to the equipment used (hair dryers, clippers etc), this would not generate any significant noise impacts, and would generate similar noise levels to other domestic appliances. I would note that the PA have imposed a condition in relation to noise and I see no reason not to reimpose same, should the Board be minded to grant permission.

7.3.3. In relation to odour impacts, I am of the view that such impacts would be minimal, having regard to the limited number of dogs serviced per day, and would not be dissimilar to those arising from owning one, or more, domestic pets.

7.3.4. I also note the hours of operation of the proposed use, as conditioned by the Planning Authority, and the use is limited to between 08:30am and 5pm, Monday to Saturday. As such, I am not of the view that this activity, which is of a very limited scale, and is restricted in relation to hours of operation. would give rise to any material impacts on surrounding residential amenity.

#### **7.4. Traffic Impacts**

7.4.1. Having regard to the nature and scale of the proposal, it is unlikely to have any material impact on the surrounding road network, either in terms of traffic congestion or parking. There would be a maximum of 8 no. associated trips per day (drop-off and pick-up), and that is assuming that all clients drive to the site, which may not be the case. Parking for clients is within the curtilage of the site and, as such, impacts on existing on-street spaces will not be material.

7.4.2. In relation to impacts from deliveries to the site, I am satisfied that the requirements of such a use would not necessitate a volume of deliveries that would differ significantly to a domestic use, and in relation to same, the applicant has stated that there would only be one delivery, via DPD, every 3 no. months, which does not seem unreasonable. As such, I am satisfied that impacts from deliveries to the site, on the surrounding road network, would be negligible.

#### **7.5. Waste Disposal**

7.5.1. The applicant has stated that the waste generated on site would be disposed of via domestic waste disposal services, and has stated that discussions have taken place with a waste disposal company. I would be of the view that given the small-scale nature of the use, the volume of waste generated would not be significant. However, given the issues as raised by the third-party appellants, and by the observers on the appeal, and given the nature of the waste that will be produced (dog waste and dog hair), I am of the view that it is reasonable to impose a specific condition in relation to waste, similar to that imposed by the Board under ABP Ref 304197-19 (dog day care facility and dog grooming facility), notwithstanding that the Planning Authority have not imposed this specific condition. I am satisfied that the use will not necessitate specialised drainage facilities aside from the sink filter as proposed by the applicant, and I would note that the maintenance of the drainage on site would be in the interests of the applicant as much as in the interests of the surrounding area.

#### **7.6. Visual Amenity/Impact on the Residential Conservation Area**

7.7. I would note that no external alterations to the building nor any signage is proposed for the dog grooming service and, as such, there will be no impacts on visual amenity, nor will there be any impact on the character and appearance of the residential conservation area. In terms of the function of the area, I am of the view that the addition of an additional service in the area would have a positive impact on same, as referred to in a number of the submissions in support of the proposal at application stage, and the proposal would therefore be in compliance with Policy BHA 9 of the Development Plan.

#### **7.8. Duration of Permission**

7.8.1. I would note that the Planning Authority have imposed a 3-year duration on the permission, in order to further assess potential impacts of the use at a later date. I would note that the first party has not appealed same (nor has the first-party claimed that this condition is unreasonable). However, I would note that the Board considers appeal such as this one *de novo* and as such it is open to the Board to reconsider the merits or otherwise of this condition. In relation to same, I would note the provisions of the Development Management Guidelines (2007) which state that the grant of a temporary permission will rarely be justified if the applicant wishes to carry out development of a permanent nature which conforms with the provisions of the

Development Plan. In this instance, I have concluded that this proposal complies with same. Of note, also, is that said Guidelines state that the reason for a temporary permission can never be that a time limit is necessary because of the adverse effect of the development on the amenities of the area, noting that if such amenity impacts could arise, they can only be prevented by ensuring the development does not take place. As such, given the above, I am not of the view that the imposition of a 3-year duration on the permission is in line with the provisions of the above Guidelines, and, should the Board be minded to grant, I would recommend that this condition be removed.

#### **7.8.2. Other Issues**

- 7.9. Impact on property values – There is no indication that a well run, small-scale dog grooming service, ancillary to the use of the dwelling as a single family dwelling, would have a negative impact on surrounding property values.
- 7.10. Safety Concerns – I am not of the view that the proposed use would give rise to any safety or security concerns, notwithstanding the concerns raised in the third-party appeal submission, as there is no evidential basis to support same.
- 7.11. Validity of the appeal – I would note that the first-party submission has questioned the validity of the appeal, noting that a named appellant has not submitted the required receipt from the Planning Authority, relating to the objection made at application stage. In relation to same, the appeal has been deemed valid upon receipt, although it is within the gift of the Board to determine validity of the appeal at a later date.

### **8.0 AA Screening**

- 8.1.1. The nearest Natura 2000 sites are the South Dublin Bay SAC (Site Code 000210) and South Dublin Bay and River Tolka Estuary (Site Code 004024), both located approximately 5.7km to the east of the site. Having regard to the nature and relatively small scale of the proposed development, the location of the site within a serviced urban area, and the distance from the nearest European sites, I consider that no Appropriate Assessment issues arise, and that the proposed development would not be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

## 9.0 Recommendation

I recommend that permission be **Granted** for the reasons and considerations below:

## 10.0 Reasons and Considerations

The proposed dog-grooming service, which can be defined as a home-based economic activity, is acceptable in principle, having regard to the zoning objective that applies to the site. Subject to conditions, the proposed use will not have a material impact on surrounding residential amenity, nor will it give rise to any material impacts on the surrounding road network. The proposed use will not generate any significant volumes of waste and, subject to conditions, proposals in relation to disposal and collection of same are considered to be acceptable. The proposal is considered to be in line with the proper planning and sustainable development of the area.

## 11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 agree particulars.

**Reason:** In the interest of clarity.

2. The developer shall comply with the following:
  - (a) Hours of operation for the proposed dog grooming service shall be as follows: Monday to Saturday, 08.30am to 17.00pm, and not at all on Sundays and Bank Holidays.
  - (b) The dog grooming business shall be operated solely in conjunction with the residential use of the main house and shall not be occupied, sub-let or sold separate to the residential element of the main house.



- (c) Dog grooming shall be by appointment only.
- (d) The business shall be operated solely by the applicant, no staff are to be employed.
- (e) The maximum number of dogs to be groomed in one day shall not exceed four.
- (f) No signage shall be permitted.

**Reason:** To protect the amenities of the adjoining properties.

- 3. Noise levels from the development shall not be so loud, so continuous, so repeated, or such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any premises in the neighbourhood or to a person lawfully using any public place. In particular the rated noise levels from the development shall not constitute reasonable grounds for complaint as provided for in BS4142 Method for rating industrial noises affecting mixed residential and industrial areas.

**Reason:** In the interests of residential amenity.

- 4. The developer shall enter into a contract with a waste collection company that is suitably licenced and qualified for the collection of animal waste.

**Reason:** In the interests of public health.

- 5. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000 as amended. The contribution shall be within six months of the date of this Order or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

---

Ronan O'Connor  
Senior Planning Inspector

4<sup>th</sup> February 2025

# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	ABP-321325-24		
<b>Proposed Development Summary</b>	Partial change of use of converted garage to dog grooming home-based business and associated site works.		
<b>Development Address</b>	16 Rathdown Crescent, Terenure, Dublin 6W, D6W HK30.		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)	<b>Yes</b>		
	<b>No</b>	X No further action required	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>3.</b>			
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			

<b>5. Has Schedule 7A information been submitted?</b>		
<b>No</b>	X	<b>Screening determination remains as above (Q1 to Q4)</b>
<b>Yes</b>		

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