



An
Bord
Pleanála

Inspector's Report

ABP-321662-25

Development	Retention of a garden room with a pitched roof to the rear of the existing dwelling and all associated site works.
Location	4 Arkle, Arnold Park, Killiney, Co. Dublin, A96 YPA0
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D24B/0449/WEB
Applicant(s)	Ruth Anna Coss
Type of Application	Retention
Planning Authority Decision	Refusal
Type of Appeal	First Party
Appellant(s)	Ruth Anna Coss
Observer(s)	None
Date of Site Inspection	3 March 2025
Inspector	Natalie de Róiste

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1.0 Site Location and Description

- 1.1. The site is one of four newly-built houses on an infill site at the junction of Arnold Park and Avondale Road, in Killiney, Co. Dublin. These houses have vehicular access via a cul-de-sac off Arnold Park, with their rear gardens facing onto Avondale Road. A garden room has been erected in the rear garden of the subject site with young Cherry Laurel (*Prunus laurocerasus* 'Novita') trees planted along the borders.
- 1.2. The site borders 76 Avondale Road to the northeast; this is a gable-fronted bungalow with front and rear garden, and driveway entrance to the front. Avondale Road is largely characterised by gable-fronted house with front gardens with driveways. The site borders 3 Arkle to the southwest. Avondale Road is a distributor road, with speed tables, cycle lanes, and bus stops.

2.0 Proposed Development

- 2.1. It is proposed to retain a freestanding garden room of c. 20 sqm gfa (c. 24 sqm footprint) to the rear garden (c. 90 sqm). The structure has a pitched roof with a standing seam metal finish, with a ridge height of c. 4.0 metres. It is divided in two internally, with the majority being used as a home office/playroom/storage area, with a smaller area used for external storage.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority refused permission for the following reason:

The proposed retention development, namely the as built structure (garden room), by reasons of its size, scale and location provided would be incongruous, and visually injurious and obtrusive when viewed along the streetscape and from adjoining properties, would be seriously out of character with the receiving environment, and would detract from the visual amenity of the area, and residential amenity, and would set a poor precedent for similar

type of development in the area. The proposed development would therefore seriously injure the amenities and depreciate the value of property in the vicinity and be contrary to the proper planning and sustainable development in the area.

3.2. Planning Authority Reports

3.2.1. The planner's report noted the site conditions, the observations on the file, the enforcement and planning history, Development Plan policy, the potential for negative visual impacts and for poor precedent, and recommended a refusal. The roof was not in place at the time of the planner's site visit.

3.2.2. Other Technical Reports

- Drainage Planning – no objection subject to condition.

3.3. Prescribed Bodies

No reports received.

3.4. Third Party Observations

Four received, from residents of Avondale Road, and from a residents association, summarised as follows:

- Structure is oversized, too close to the boundary, and overshadows and overbears on neighbouring property
- Negative impacts on visual amenity over a wide area
- Obtrusive due to size, height and elevated position
- Out of character with neighbouring properties, inappropriate materials
- Planting of hedging not possible
- Would constitute a poor precedent

4.0 Planning History

- 4.1.1. No planning history documents were provided by the Local Authority. The Planner's report refers to the parent permission on site, and one of the attached conditions:

D20A/0786 – Permission granted for construction of four two-storey houses, facilitated by demolition of two-storey dwelling, and all site works and amendments to vehicular access, subject to 16 conditions.

Condition 11 of that permission:

Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001 (as amended), or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the proposed dwelling house(s) without a prior grant of planning permission.

REASON: In the interests of the proper planning and sustainable development of the area.

- 4.1.2. The following enforcement action is quoted in the planner's report - *Enforcement ENF 31124 - The construction of a shed type structure within the rear garden of the property, which may not comply with the conditions and limitations attached to Schedule 2, Part 1, Class 3 of the Planning and Development Regulations 2001, as amended and without the benefit of a valid planning permission.*

5.0 Policy Context

5.1. Dun Laoghaire Rathdown Development Plan 2022-28

The site is subject to zoning objective A, which seeks 'to provide residential development and improve residential amenity while protecting the existing residential amenities'.

- 5.2. Chapter 8 covers Green Infrastructure and Biodiversity, and Policy GIB21: Designated Sites is as follows:

It is a Policy Objective to protect and preserve areas designated as proposed Natural Heritage Areas, Special Areas of Conservation, and Special Protection Areas. It is Council policy to promote the maintenance and as

appropriate, delivery of 'favourable' conservation status of habitats and species within these areas.

5.3. Policy Objective GIB28: Invasive Species is as follows:

It is a Policy Objective to prepare an 'Invasive Alien Species Action Plan' for the County which will include actions in relation to Invasive Alien Species (IAS) surveys, management and treatment and to also ensure that proposals for development do not lead to the spread or introduction of invasive species. If developments are proposed on sites where invasive species are or were previously present, the applicants will be required to submit a control and management program for the particular invasive species as part of the planning process and to comply with the provisions of the European Communities Birds and Habitats Regulations 2011 (S.I. 477/2011).

5.4. Chapter 12 - Development Management contains the following guidance:

Section 12.3.7.4 Detached Habitable Room

This can provide useful ancillary accommodation such as a playroom, gym, or study/home office for the main residence. It should be modest in floor area and scale, relative to the main house and remaining rear garden area. The applicant will be required to demonstrate that neither the design nor the use of the proposed structure will detract from the residential amenity of adjoining property or the main house. Any such structure shall not be to provide residential accommodation for a family member/ granny flat nor shall the structure be let or sold independently from the main dwelling.

5.5. **Dun Laoghaire Rathdown Invasive Alien Species Action Plan 2021**

5.6. This plan lists Cherry Laurel *Prunus Laurocerasus* as a high impact invasive species in Dun Laoghaire Rathdown as of 2020, and notes it should not be planted as a hedging plant.

5.7. Killiney Hill Habitat and Species Management Plan Rev A 2024

- 5.8. This plan shows Cherry Laurel *Prunus Laurocerasus* found within the Dalkey Coastal Zone and Killiney Hill pNHA, and sets out Objective/Action 5 to *Develop an invasive alien species management plan (IASMP) for Killiney Hill.*

5.9. Natural Heritage Designations

Rockabill to Dalkey SAC – 2600 m east

Dalkey Islands SPA – 2400 m east

Dalkey Coastal Zone and Killiney Hill pNHA – 660 m southeast

5.10. EIA Screening

- 5.10.1. 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 and 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.

6.0 The Appeal

6.1. Grounds of Appeal

One appeal was received, on behalf of the first party. Issues raised are summarised as follows:

- The garden room would typically meet the conditions and limitations of Class 3, Schedule 2 and constitute exempted development, if not for Condition 11 of the parent permission. It is of modest scale and does not constitute overdevelopment.
- Space has been left (c. 500-760 mm) to reinstate hedging in the interests of visual amenity, which is admittedly an issue due to the orientation of the new houses. High hedging surrounded the site of Arkle (the house previously on this site), and reinstated hedging can screen the proposal.

- An alternative proposal for a flat-roofed design with a maximum height of 2630 mm is set out, with revised drawings provided for Board review (Option A).

6.2. Planning Authority Response

The planning authority response (dated 23 January 2025) noted the revised drawings submitted as Option A, and considered the modified design with the incorporation of suitable landscaping would not result in an incongruous feature on the streetscape.

6.3. Observations

None received.

6.4. Further Responses

None received.

7.0 Assessment

- 7.1.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal and the report of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issue in this appeal to be considered is as follows:

- Impacts on visual amenity

7.2. Impact on visual amenity

- 7.2.1. The colour and materials (pale gray zinc effect aluminium roof, pale grey painted timber walls, and grey aluminium windows and doors) harmonise with the material of the infill housing, and the structure as a whole has a neat appearance. It is a typical size for an ancillary structure, and not oversized for the garden, with adequate amenity space remaining, and a small setback from the boundary walls. However, as noted above, these houses have their rear garden (private amenity area) bordering

the public road, and as a result the garden room has greater impacts on the public realm than would be typical.

- 7.2.2. These impacts are most significant on approach along Avondale Road from the northeast. The ridge height of just under 4 metres, the building length of 5.8 metres, the orientation of the building perpendicular to the front façades, and the lack of mature planting, makes the building obtrusive from this direction. It has an incongruous appearance, breaking the building line, catching the eye, and appearing out of character with the pattern of development on the street.
- 7.2.3. On approach from the southwest, there is more foliage, and the impacts are less significant when viewed from this direction, and the building is not obtrusive. Similarly, while visible from across the street, the backdrop of the two-storey houses and the neighbouring bungalow, and the view of the gable end of the structure, means the building assimilates successfully into the streetscape from that viewpoint.
- 7.2.4. I note submissions on the planning file regarding overbearing impacts on the property to the north, where it is visible from the living room window. Having regard to the location of the neighbouring house relative to the site boundary (set back from the boundary by the width of the garage) I consider the visual impacts on that property to be acceptable.
- 7.2.5. The appellant has proposed two mitigation measures: the planting of hedging, and the reduction in roof height. The screening hedging had been undertaken by the time of my site visit, with over a dozen young Cherry Laurel trees planted. This is similar in type to the neighbouring properties to the north, although not as mature, and as yet not providing adequate screening. No history files were provided by the Planning Authority, and as a result there is no information on the file regarding landscaping conditions in the parent permission D20A/0786. In any case, enforcement issues fall to the planning authority. I note the public notices on this planning application made no reference to hedging.
- 7.2.6. The existing front wall is c. 1.2-1.4 metres tall, and as such, additional screening is beneficial for the privacy of the residents' amenity garden area. However, at four metres tall, significant growth would be required from the hedging to screen the garden room. The planting of fast-growing non-native invasive species to screen developments that are otherwise visually obtrusive is not a satisfactory solution, and

is contrary to Development Plan policy. As such, a revised lower roof profile is in order.

- 7.2.7. New drawings have been submitted with the First Party Appeal for the Board to consider. The Planning Authority did not raise any concerns regarding the amended design. The roof shown is somewhat unorthodox, retaining the eaves of the pitched roof, but being truncated at a height of 2.63 metres, with a flat top with no fall indicated. It is not clear how the roof would drain. However, a reduction in height to such a level would significantly improve visual amenity, subject to appropriate design. Details could be agreed with the planning authority, by compliance condition, in the event of a grant of permission.

7.3. Other matters

- 7.3.1. I note the planning authority and third party concerns regarding precedent for similar developments. Similar proposals are likely, as garden sheds or garden rooms to rear gardens are a typical domestic development. Any such development in this infill development would require planning permission, and be subject to a full assessment on its merits.

8.0 AA Screening

- 8.1.1. Having regard to the nature and small scale of the proposed development (the retention of a garden room) and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on any European site.

9.0 Recommendation

I recommend a grant of permission subject to the below conditions.

10.0 Reasons and Considerations

It is considered that the development to be retained, subject to compliance with the conditions set out below, would not seriously injure the residential or visual amenities

of the area, and would comply with the standards set out for such developments in *Section 12.3.7.4 Detached Habitable Room* in the Dun Laoghaire Rathdown County Development Plan 2022-28.

11.0 Conditions

1. The development shall be retained, carried out and completed in accordance with the plans and particulars submitted with the application except as may be otherwise required by the following conditions.

Reason: To clarify the plans and particulars for which permission is granted.

2. The proposed development shall be amended as follows:

The roof shall be reduced in height to no greater than 3 metres, with an appropriate fall for drainage, within 6 months of a grant of permission.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: in the interests of visual amenity in the public realm.

3. This permission does not include permission for the landscaping of the site with Cherry Laurel (*Prunus Laurocerasus*), designated as a high impact invasive species in the Dun Laoghaire Rathdown Invasive Alien Species Action Plan 2020.

Reason: to clarify the extent of the permission, and to comply with Policy GIB21: Designated Sites of the Dun Laoghaire Rathdown County Development Plan, and to comply with the Invasive Alien Species Action Plan 2020.

4. The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services.

Reason: To prevent flooding and in the interests of sustainable drainage.

5. The structure shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies, or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such.

Reason: In the interests of neighbouring residential amenity, and to clarify the extent of the permission.

6. The structure shall not be put to any commercial use, or separated by lease or sale from the dwelling and garden.

Reason: In the interests of neighbouring residential amenity, and to clarify the extent of 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.

Natalie de Róiste
Planning Inspector

25 March 2025

Form 1

EIA Pre-Screening

ABP Case Reference	ABP-321662-25		
Proposed Development Summary	Retention of a garden room with a pitched roof to the rear of the existing dwelling and all associated site works		
Development Address	4 Arkle, Arnold Park, Killiney, Co. Dublin, A96 YPA0		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	☒
		No	☐
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	☐		Proceed to Q3.
No	☒		Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	☐		EIA Mandatory EIAR required
No	☐		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	☐		Preliminary examination required (Form 2)
5. Has Schedule 7A information been submitted?			
No	☒	Pre-screening determination conclusion remains as above (Q1 to Q4)	
Yes	☐	Screening Determination required	

Inspector: _____

Date: _____