

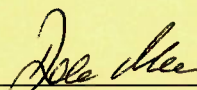
An
Coimisiún
Pleanála

Direction
CD-021433-25
ACP-323476-25

The submissions on this file and the Inspector's report were considered at a meeting held on 28/11/2025.

The Commission decided to refuse permission for the following reasons and considerations.

Planning Commissioner:


Declan Moore

Date: 02/12/2025

DRAFT WORDING FOR ORDER

Reasons and Considerations

Having regard to the existing balcony, steps and extensive hard-surfaced pathways to the rear of the dwelling, together with the scale, siting and associated hard landscaping works, the Commission is not satisfied that an adequate, usable area of private amenity space has been retained within the rear garden of the property, in accordance with Section 12.8.3.3 (Private Open Space for Houses) of the Dún Laoghaire–Rathdown County Development Plan 2022–2028 and SPPR2 of the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024). The detached structure, by reason of its footprint and extent relative to the remaining garden area, cannot be regarded as modest in area or scale and is therefore contrary to Section 12.3.7.4 (Detached Habitable Room) of the Dún Laoghaire–Rathdown County Development Plan 2022–2028. The proposed development for retention would, therefore, result in substandard private amenity space and would not be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Commission did not agree that the garden structure proposed for retention was modest in the context of the size and configuration of the rear garden or that the concerns raised by Observers in relation to drainage and structural stability had been adequately addressed. The Commission further noted that the application relates specifically to the retention of the garden structure and associated alterations to ground levels and that no clear or defined use has been advanced for the structure, its overall height exceeds the 3.0 metres referenced in Section 12.3.7.4 of the County Development Plan, and the drawings submitted are deficient in that they do not fully and accurately dimension the structure.

The Commission also considered that insufficient information was submitted with the application to enable a proper assessment of the altered garden levels and associated works. No pre- and post-development levels were provided, no details were submitted in respect of the source, quantity or nature of any fill used or removed, and no engineering information was provided to demonstrate the adequacy of any retaining structures or other stabilising measures to protect the dwelling, adjoining properties and boundary features. In addition, no details have been provided regarding the management of surface water drainage within the rear garden, which now largely comprises hard surfaces, or any existing or proposed connections to services. In light of these deficiencies, the Commission is not satisfied that the development proposed for retention would not give rise to an increased risk of surface water run-off, localised flooding or structural impacts on adjoining lands, or that it would comply with the relevant drainage and structural safety requirements of the planning authority.

Accordingly, the Commission considered it would not be appropriate to attach conditions to adequately mitigate these concerns and considered refusal of permission to be necessary and appropriate.