



An
Bord
Pleanála

Board Order

ABP-316244-23

Planning and Development Acts 2000 to 2022

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD23B/0017

Appeal by Laurence O'Reilly care of Matthew Fagan of 229 Clonliffe Road, Drumcondra, Dublin against the decision made on the 16th day of March, 2023 by South Dublin County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention of a utility shed in the rear garden at 36 Whitethorn Crescent, Dublin.

Decision

Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act 2000, as amended, to **REMOVE** condition number 1(b) and the reason therefor and to **ATTACH** a further condition so that it shall be as follows for the reason set out.

Further condition

The developer shall enter into water and wastewater connection agreements with Uisce Éireann (formerly Irish Water).

Reason: In the interest of public health.

Reasons and Considerations

The proposed development is located in an area zoned to 'protect and/or improve residential amenity' in the South Dublin County Development Plan 2022-2028. Having regard to the use of the utility shed as a gym/workout space, which is incidental to the permitted use of the dwellinghouse on site, it is considered reasonable that it includes sanitary facilities as set out in the plans and particulars submitted with the planning application. Accordingly, condition 1(b) shall be removed from the grant of planning permission and a further condition shall be attached for the reason set out.



Martina Hennessy

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this 9th day of August 2023.