

An  
Bord  
Pleanála

Board Order  
ABP-318107-23

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 4107/23**

**Appeal** by Paul Keogh and Rosmary Commons of 32 Haddon Road, Clontarf, Dublin against the decision made on the 31<sup>st</sup> day of August, 2023 by Dublin City Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Retention of detached garden shed in garden at rear and timber screening at side at 32 Haddon Road, Clontarf, Dublin.

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## Reasons and Considerations

Having regard to the residential land use zoning of the site as set out in the Dublin City Development Plan 2022-2028 and to the pattern of development in the area, the Board considered that the shed structure and timber screen proposed for retention would not result in an adverse impact on the scale and character of the main dwelling and, subject to conditions, would not be injurious to the amenities of occupants of adjoining dwellings. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission for the retention of the detached rear garden shed, the Board considered it reasonable that the shed structure proposed for retention could, by way of condition, be confined to the applicant's property as outlined by their red line boundary.

## Conditions

1. The development shall be retained, 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 and the development shall be retained, carried out and completed in accordance with the agreed particulars.

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

2. The developer shall comply with the requirements set out in the Code of Practice from the Drainage Division, the Transportation Planning Division and the Noise and Air Pollution Section of the planning authority.

**Reason:** To ensure a satisfactory standard of development.

3. The development proposed to be retained shall comply with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0, details of which are available from the planning authority.

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

4. The pedestrian entrance (referred to as 'rear gate') is not authorised by this grant of permission.

**Reason:** In the interest of clarity and orderly development.

5. The development proposed to be retained shall be modified as follows:

- (a) The roof of the shed structure shall be set back from the rear laneway to be consistent with the existing property and red line (extent of development) boundaries. All of the development proposed for retention shall be contained within the property boundary.
- (b) The works required to set the roof back shall be concluded within six months of the date of this order.



**Reason:** In the interest of clarity and orderly development.

6. The development proposed to be retained shall comply with the following:
- (a) The proposed rear garden structure shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.
  - (b) The proposed garden room shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, horses or ponies without a prior grant of planning permission.
  - (c) The roof of the proposed garden room shall not be used for recreational purposes and shall be accessible for maintenance purposes only.
  - (d) The garden room shall not be access via the rear laneway without a prior grant of permission.

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

7. The development proposed for retention shall adhere to the permission granted under planning register reference number 3507/19 and its attached conditions.

**Reason:** In the interest of clarifying the scope of the permission and in the interest of orderly development.

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**Joe Boland**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board**

Dated this *24<sup>TH</sup>* day of *April* 2024