

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: FW24A/0403

Appeal by Jun Bilag and Cherry Palecpec of 177 The Boulevard, Mount Eustace, Tyrrelstown, Dublin against the decision made on the 20th day of November 2024 by Fingal County Council in relation to an application for permission for development comprising Permission to retain the rear single storey extension and garden room (Residential use ancillary to the enjoyment of the house) to the rear garden of dwelling house at 177 Boulevard, Mount Eustace, Tyrrelstown, Dublin in accordance with the plans and particulars lodged with the said Council (which decision was to grant permission subject to conditions for the retention of the rear extension and to refuse permission for the retention of the garden shed).

Decision

GRANT permission for the retention of the rear extension in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below.

REFUSE permission for the retention of the garden room based on the reasons and considerations marked (2) set out below.

Reasons and Considerations (1)

Having regard to the provisions of the Fingal County Development Plan 2023-2029, the nature and scale of the rear extension to be retained, it is considered that, subject to compliance with the conditions set out below, this element of development proposed to be retained would be appropriate in terms of scale, form and layout, would not adversely impact on the residential amenity of neighbouring properties, nor impact on the character or visual amenity of the existing residential estate. This element of the development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

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

Reason: In the interest of clarity.

2. The dwelling and the extension shall be jointly occupied as a single residential unit and shall not be used for any other purpose, including short-term letting, unless authorised by a prior grant of planning permission. The extension shall not be let, sold, or otherwise transferred or conveyed save as part of the dwelling. The principal use of the application site shall remain in private residential use.

Reason: In the interest of the proper planning and development of the area.

Reasons and Considerations (2)

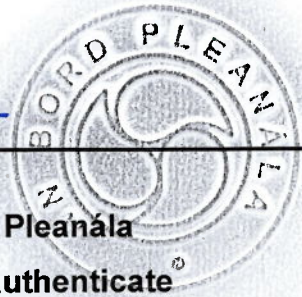
The garden room proposed to be retained, when taken in conjunction with the rear ground floor extension and remaining private rear amenity space to serve the existing residential dwelling, constitutes overdevelopment of this restricted site, and due to its scale, height, design, and proximity to the adjoining site boundaries would appear visually overbearing as viewed from the adjoining sites, in particular to the east, and would therefore detract from the residential amenity and character of the area. This element of the development proposed to be retained contravenes Section 14.10.4 'Garden Rooms' of the Fingal Development Plan 2023 - 2029, would set an undesirable precedent for similar developments in the vicinity and would, therefore, be contrary to the proper planning and sustainable development of the area.



Emer Maughan

Member of An Bord Pleanála

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



Dated this 24th day of March 2025.