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**Planning and Development Act 2000, as amended**

**Planning Authority: Dún Laoghaire-Rathdown County Council**

**Planning Register Reference Number: D25A/0093/WEB**

**Appeal** by Peter and Rita Heuston of San Marco, Gordon Avenue, Foxrock, Dublin against the decision made on the 2<sup>nd</sup> day of April, 2025 by Dún Laoghaire-Rathdown County Council for permission for development comprising retention of: alteration of the approved North East boundary to extend the site to include additional land acquired. A single story detached habitable building containing a plantroom/external store and a garden room. Alteration of the approved common South boundary with the adjoining property Craiglea, to incorporate change of use of the original detached garage/workshop to residential use as a family/granny flat and alterations to the approved front entrance porch in the front elevation of the main house at San Marco, Gordon Avenue, Foxrock, Dublin in accordance with the plans and particulars lodged with the said Council (which decision was to grant permission subject to conditions for the boundary alteration, modification to the main dwelling and detached garden room to be retained in accordance with the plans and particulars and to refuse permission for for the granny flat to be retained.

## **Decision**

**GRANT permission for the retention of (i) alteration of the approved northeast boundary to extend the site to include additional land acquired; (ii) a single storey detached habitable building containing a plantroom/external store and a garden room; (iii) alteration of the approved common south boundary with the adjoining property Craiglea; and (iv) alterations to the approved front entrance porch in the front elevation of the main house 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/outline permission for (2) refuse permission for retention of the change of use of the original detached garage/workshop to residential use as a family/granny flat based on the reasons and considerations marked (2) under.**

### **Reasons and Considerations (1)**

Having regard to the nature and scale of the development proposed for retention and to the residential zoning as set out in the Dún Laoghaire-Rathdown Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would not be out of character with the surrounding area and would not seriously injure the residential amenities of adjacent development. The development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

Regarding the first party appeal in relation to Conditions 5, 6 and 7 the Commission noted Section 4(8) of the Dun Laoghaire-Rathdown County Council Development Contribution Scheme 2023-2028 which states that 'no exemptions or reductions under Article 7 of the Scheme shall apply to any development subject to retention permission other than the following list of

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exemptions, 7.1 - iv. v. vi. vii, viii. ix, x, xv & xvi as detailed below'. As none of these exemptions are relevant to the development proposed to be retained the Commission considered that a financial contribution was merited in relation to the retention of the porch on the main elevation and the garden room and attached Condition Number 4 accordingly.

## Conditions

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

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

2. The garden room shall not be used for residential accommodation and shall not be used, sold, let or otherwise transferred or conveyed, save as part of the dwelling.

**Reason:** To restrict the use of the garden room in the interests of residential amenity and proper planning.

3. Surface water drainage shall be to the requirements of the planning authority.

**Reason:** In the interests of public health, and the proper planning and sustainable development of the area.

4. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid within three months from the date of this Order or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

## **Reasons and Considerations (2)**

Having regard to Section 12.3.7.3 'Family Member/Granny' Flat Extension of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 which refers to the temporary subdivision of a single dwelling, it is considered that, by reason of its size, detachment from the main dwelling, and non-temporary nature of the proposed retention, the change of use of the garage/workshop to a family/granny flat does not accord with Section 12.3.7.3 of the development plan, and therefore in itself, and by the precedent it would set, would be contrary to the proper planning and sustainable development of the area.



In deciding not to accept the Inspector's recommendation to grant retention for the change of use the Commission considered that the development would not accord with Section 12.3.7.3 of the development plan and therefore in itself and by the precedent it would set would not accord with the proper planning and sustainable development of the area.

*Mary Gurrie*

**Mary Gurrie**

**Planning Commissioner of An Coimisiún**

**Pleanála duly authorised to authenticate  
the seal of the Commission.**



Dated this *27* day of *August* 2025.