



An  
Coimisiún  
Pleanála

**Commission Order  
ACP-323476-25**

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

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

**Planning Register Reference Number: D25B/0328/WEB**

**Appeal** by Denis and Cristina Saracuta care of Designroom Construction of 7 The Mall, Main Street, Leixlip, County Kildare against the decision made on the 1<sup>st</sup> day of August 2025 by Dun Laoghaire-Rathdown County Council to refuse permission.

**Proposed Development:** Retention of garden shed and updated ground levels to rear of site at 1A Willow Avenue, Druid Valley, Cherrywood, Dublin.

## **Decision**

**REFUSE permission for the above development for the reasons and considerations set out below.**

## 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 (i) (Private Open Space for Houses) of the Dun Laoghaire-Rathdown County Development Plan 2022–2028 and SPPR2 of the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024). It is considered that, by reason of its footprint and extent relative to the remaining garden area, the detached structure proposed to be retained cannot be regarded as modest in area or scale and would be contrary to Section 12.3.7.4 (Detached Habitable Room) of the Dun Laoghaire-Rathdown County Development Plan 2022–2028, and would result in substandard private amenity space. The development proposed to be retained would, therefore, be contrary to 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 to be retained 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 Schedule 2, Part 1, Class 3 of the Planning and Development Regulations 2001, as amended, 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 to be retained 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.



  
**Declan Moore**

**Planning Commissioner of An Coimisiún  
Pleanála duly authorised to authenticate  
the seal of the Commission.**

Dated this 5<sup>th</sup> day of DECEMBER 2025.