



An  
Coimisiún  
Pleanála

Commission Order  
ACP-323700-25

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

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F25A/0644E**

**Appeal by Albert Flynn care of Hughes Planning and Development Consultants of 85 Merrion Square South, Dublin against the decision made on the 26<sup>th</sup> day of August, 2025 by Fingal County Council to refuse permission for the proposed development.**

**Proposed Development:** Retention permission for the removal of two disused (derelict) outbuildings of 103 square metre in area and retention of a newly constructed 68 square metre single storey shed for storage and non-habitable use with pitched roof over to the rear of the existing semi-detached dwelling to include ancillary works at 10 Burrowfield Road, Sutton, 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 provisions of the Fingal Development Plan 2023-2029 and to the nature and scale of the development proposed for retention on residentially zoned land, it is considered that, subject to compliance with the conditions set out below, the development proposed for retention including the demolition of derelict outbuildings and construction of 68 square metre shed for non-habitable use does not form a dominant feature in the area or seriously injure the visual or residential amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the provisions of Section 14.10.4 (Garden Rooms) of the Fingal Development Plan 2023-2029 and proper planning and sustainable development of the area.

## **Conditions**

1. The development shall be retained in accordance with the plans and particulars lodged with the application, and by the further plans and particulars received by An Coimisiún Pleanála on the 22<sup>nd</sup> day of September 2025, 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 within three months of the date of this Order and the development shall be carried out and completed in accordance with the agreed particulars.

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

2. The structure shall be used for the purposes of a shed/storage only and shall be ancillary to the main dwelling and shall not be used for human habitation or any commercial, industrial or other use.

**Reason:** To protect the character and principal use of the site.

3. The existing boundary between the development site and railway corridor shall not be altered in any way without prior consent from Iarnród Éireann.

**Reason:** In the interest of railway safety.

4. All works associated with the development including maintenance and construction shall be within the applicant's site only. No works or development shall encroach into neighbouring property.

**Reason:** In the interest of residential amenity.

5. The existing shed to the front of the shed proposed for retention on site shall be removed within three months of this decision and shall not be retained on site for construction or other use, nor for use as a domestic shed or for other domestic use.

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

6. The garden room/structure shall be used solely for purposes incidental to the enjoyment of the dwelling house and shall not be fitted out with kitchen facilities, toilet or shower facilities, or used for habitable accommodation. Any such facilities existing shall be removed to the satisfaction of the planning authority prior to beneficial occupation of the development.

**Reason:** To ensure the development remains ancillary to the main dwelling and complies with the garden room policies of the Development Plan, in the interest of residential amenity and proper planning and sustainable development of the area.

7. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the dwellinghouse without a prior grant of planning permission.

**Reason:** In the interest of residential amenity.

8. Within three months of the date of this Order the applicant shall submit surface water proposals for the development for written agreement of the planning authority. The disposal of surface water shall comply with the requirements of the planning authority for such works and services.

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

9. 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 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.

*Marie O'Connor*  
Marie O'Connor

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

Dated this 07 day of January 2026

