

An  
Coimisiún  
Pleanála

**Commission Order  
PL-500415-DR**

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

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

**Planning Register Reference Number: D25B/0265**

**Appeal** by Declan Moran and by Brian Gorham and Siobhan Dempsey against the decision made on the 12<sup>th</sup> day of November, 2025 by Dun Laoghaire-Rathdown County Council to grant subject to conditions a permission to Donla Lynnott in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Retention of part-construction of, and permission to complete, garden shed/home office in rear garden with associated works, all at 56 Landscape Park, Churchtown, Dublin.

## **Decision**

**GRANT permission for the above 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 design and appearance of the development proposed to be retained and completed, the pattern of development in the vicinity, and the policy support for detached habitable rooms providing ancillary accommodation for the main residence, as set out in Section 12.3.7.4 of the Dun Laoghaire-Rathdown County Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, including a condition to reduce the size of the structure to ensure that the floor area and scale are appropriate, the development proposed to be retained and completed would be acceptable, would not seriously injure the visual amenities of the area or the residential amenities of property in the vicinity, and would not adversely impact on the character of the area. The development proposed to be retained and completed 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, the Commission had regard to the concerns raised by the Inspector in relation to potential impacts on the residential amenities of adjoining properties, including number 58 Landscape Park, and that the structure would result in overlooking of adjoining properties at numbers 75A and 70 Braemor Road. The Inspector also expressed concerns in relation to the size and scale of the structure and the negative precedent that would arise from the approval of a dual aspect building. The Commission acknowledged these concerns; however, the Commission was satisfied that the issues would be adequately addressed by requiring the size and scale of the structure to be reduced, and the windows and door positioned to the rear/north-east to be omitted. The Commission accordingly attached a condition to regulate these issues (condition number 2 refers).

Subject to compliance with condition number 2, the Commission was satisfied that the development proposed to be retained and completed, comprising a modest scale single storey garden room/shed, would be consistent with policy relating to detached habitable rooms providing ancillary accommodation for the main residence, as set out in Section 12.3.7.4 of the Dun Laoghaire-Rathdown County Development Plan 2022-2028. The Commission also concluded that, with the attachment of this condition, the development proposed to be retained and completed would not seriously injure the visual amenities of the area or the residential amenities of property in the vicinity and would not adversely impact on the character of the area. Accordingly, the Commission did not refuse the permission in accordance with the Inspector's recommendation.

## Conditions

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 16<sup>th</sup> day of October, 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 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 and to regulate the form of development.

2. (a) Within three months of the date of the final grant of planning permission, the developer shall submit for the written agreement of the planning authority revised accurately prepared, scaled and clearly dimensioned architectural drawings and details showing:
- (i) The garden room structure as built to date (current).
  - (ii) Proposals for the reduction in size and scale of the garden room by the removal of the external walls of the structure highlighted in yellow/green/blue on the drawings received by the planning authority on the 16<sup>th</sup> day of October, 2025.
  - (iii) Proposals for the removal of the concrete floor slab and foundation supporting the walls to be demolished as set out in (ii) above and the ground to be re-instated and grassed over.
  - (iv) The removal/block up of all rear (north-east) facing door ope and windows.
  - (v) The removal of the internal corridor so that all windows and doors, including any additional windows or doors, shall be on the south-west elevation of the structure facing the rear of the host house.
  - (vi) Details of the proposed materials and roof profile.
  - (vii) An accurate site layout of the revised development proposals.

(b) Within three months of agreement reached with the planning authority regarding the above, the developer shall furnish photographic evidence of compliance of the removal/demolition elements consistent with the drawings and details agreed in writing with the planning authority. For the avoidance of doubt this shall include items 2 (a) (ii)-(v) of this condition. Within one month of completion of the works proposed to be retained and completed (the smaller scale garden room structure), photographic evidence of the completed structure shall be furnished to the planning authority.

**Reason:** To prevent overdevelopment of the site and in the interest of orderly development.

3. The use of the garden room shall be restricted to a residential use directly associated with the use of the existing house on the site for such purposes, and the structure shall not be sub-divided from the existing house, either by way of sale or letting or otherwise, and shall not be used to provide residential accommodation for a family member/granny flat or used for commercial purposes.

**Reason:** To ensure the development complies with the terms of the permission and in the interest of orderly development.

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4. The attenuation and disposal of surface water shall be in accordance with the requirements of the planning authority. The surface water run-off generated by the development shall not be discharged to the public surface water sewer but shall be collected locally and contained within the property curtilage, as indicated in the planning application.

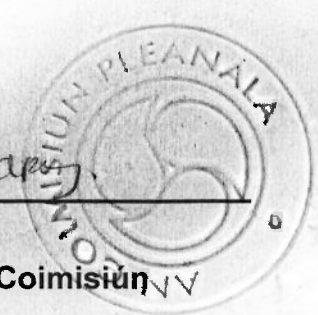

**Reason:** In the interest of sustainable drainage.

5. Site development and building works shall be carried out only between the hours of 0800 and 1900 Mondays to Fridays, inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

**Reason:** To safeguard the amenity of property in the vicinity.

6. 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 prior to commencement of development 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.



**Patricia Calleary**

**Planning Commissioner of An Coimisiún**

**Pleanála duly authorised to authenticate**

**the seal of the Commission.**

**Dated this 13<sup>th</sup> day of March 2026.**