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

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: FW25A/0440E**

**Appeal** by Siarhei Nemich against the decision made on the 21<sup>st</sup> day of November, 2025 by Fingal County Council to grant permission subject to conditions in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** (1) Retention of the single storey flat roof garden room located in the rear garden. (2) Retention of the timber gazebo located in the rear garden. (3) Retention of the timber shed located in the side garden. (4) Retention of all associated drainage, at 61 Carne Court, Huntstown, Dublin.

## Decision

Having regard to the nature of the condition the subject of the appeal, the Commission is satisfied that the determination by the Commission of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to ATTACH condition number 2 so that it shall be as follows for the reason set out.

2. Within three months of the date of this permission, the developer shall submit for the written agreement of the planning authority, amended plans omitting the WC and toilet facilities from the garden room, along with evidence the WC and toilet facilities have been removed and made good.

**Reason:** To comply with the provisions of the Fingal Development Plan 2023-2029 in relation to the development type (garden rooms) in accordance with the proper planning and sustainable development of the area.

## Reasons and Considerations

Having regard to the residential zoning objective, the pattern of development in the area and the policy framework provided by the Fingal Development Plan 2023-2029 for additional residential accommodation within built-up areas, including section 14.10.4 (garden room) of the development plan, it is considered that the inclusion of sanitary facilities prohibited under section 14.10.4 would be contrary to the relevant provision of the development plan, which provides for a garden room within the curtilage of a dwellinghouse to be useful ancillary accommodation to the dwellinghouse. The omission of the WC would not preclude the enjoyment of the garden room as stated by the appellant to be used as a home office, tv room and space ancillary to the main dwelling. Therefore, the planning authority's condition number 2 is warranted.



**Emer Maughan**

**Planning Commissioner of An Coimisiún**

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



Dated this 23<sup>rd</sup> day of March 2026