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

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: FW26A/0162E**

**Appeal** by Dan Bleahu care against the decision made on the 8<sup>th</sup> day of June, 2026 by Fingal County Council to refuse permission.

**Proposed Development:** Retention of a modified single storey structure (formerly a domestic shed) located within the rear garden, together with permission for the construction of an extension to provide a direct link to the existing dwellinghouse and its use as ancillary family accommodation (granny flat) incidental to the main dwellinghouse, with associated site works, all at 66 Latchford Park, Castaheany, Dublin.

## **Decision**

**GRANT** permission for retention of a modified single storey structure (formerly a domestic shed) located within the rear garden based on the reasons and considerations marked (1) under and subject to the conditions set out below. **REFUSE** permission for the construction of an extension to provide a direct link to the existing dwellinghouse and its use as ancillary family accommodation (granny flat) incidental to the main dwellinghouse based on the reasons and considerations marked (2) under).

## Reasons and Considerations (1)

Having regard to the nature, scale, location and design of the development proposed to be retained, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would comply with the 'RS Residential' zoning objective for the site and Section 14.10.4 (Garden Rooms) as set out in the Fingal Development Plan 2023-2029, would not seriously injure the residential or visual amenities of the area, and would, therefore, be in accordance with the 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, 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 in accordance with the agreed particulars.

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

2. (a) The garden room shall be for domestic related uses only, ancillary to the use of the existing dwellinghouse on site. These uses shall be as indicated in the plans and particulars submitted to the planning authority at application stage (i.e. workspace and store) and shall not be used for human habitation.
- (b) The toilet facilities/bathroom as indicated on drawing number 3.1.101 shall be removed. No kitchen facilities are permitted under this permission.

**Reason:** In the interest of clarity and the proper planning and sustainable development of the area.

3. The garden room shall not be sold, let or otherwise transferred or conveyed, save as part of the existing dwellinghouse on site.

**Reason:** In the interest of clarity and the proper planning and sustainable development of the area.

4. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

5. 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 of 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)**

1. Having regard to the form and floor area of the proposed family flat accommodation, in particular the quantum of floor area and the size and lack of daylight to the proposed bedroom, it is considered that the proposed development would fail to provide a satisfactory level of amenity for future occupiers and would unduly erode the residential amenities of the existing dwelling by reason of the level of private open space that would remain after the proposed development is completed. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The zoning objective for the 'RS Residential' zoning, in which zoning the site is located, Policy SPQHP41 (Residential Extensions), Objective SPQHO45 (Domestic Extensions), Section 14.10.2 (Residential Extensions (General)), Section 14.10.2.3 (Ground Floor Extensions (Rear)), and Section 14.10.3 (Family Flats) of the Fingal Development Plan 2023-2029 support the addition of residential rear extensions in general, and family flats in particular, subject to, inter alia, the protection of the residential amenities of adjoining properties. It is considered that the proposed development would have an overbearing impact on the amenities of number 64 to the west by reason of the cumulative impact of the heights and depths of the proposed family room and the existing rear extension in conjunction with the height and length of the link structure along the full length of the mutual boundary. The proposed development would be contrary to the aforementioned provisions of the development plan, and would, therefore, be contrary to the proper planning and sustainable development of the area.



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**Emer Maughan**

**Planning Commissioner of An Coimisiún**

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



Dated this 30<sup>th</sup> day of September 2026.