



An
Coimisiún
Pleanála

Inspector's Report **ABP-322199-25**

Development	Retention of shed.
Location	69 Boulevard, Bealing Village, Tyrrelstown, Dublin 15, D15 W5X5
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	FW25A/0015E
Applicant(s)	Babu Velappan
Type of Application	Retention
Planning Authority Decision	Refuse Permission
Type of Appeal	First
Appellant(s)	Babu Velappan
Observer(s)	None
Date of Site Inspection	23/06/2025.
Inspector	Darragh Ryan

1.0 Site Location and Description

- 1.1.1. The existing development for retention is located to the rear of a terraced dwelling no 69Boulevard Bealing Village, Tyrrelstown Dublin 15. The property is a three – storey dwelling that fronts directly onto Boulevard Road.
- 1.1.2. The rear garden approx 12m length backs onto Bealing Mews where there is rear access from the back garden to Bealing Mews through a pedestrian entrance. The rear garden space is enclosed by a 2.2 m high block wall.
- 1.1.3. The shed for retention is 24sqm 5.3m X 4.3m with a height of 4m . The structure is a sand & cement finish with a pitched roof and is generally finished to a high standard. There is a small kitchen area, toilet facilities and store room in the structure.
- 1.1.4. The rear garden space has a total area of 34m². The site area is stated at .011ha.

2.0 Proposed Development

The development for retention is a 2-roomed building, with a sand-cement plaster finish. with a stated floor area of 24m² and roof ridge height of 4m. The building has a slated, hipped roof. The building is sited at the bottom of the rear garden. In the planning notices refer to the retention of a shed for the intended use as storage use and home gym.

There is a small kitchen area, toilet facilities and store room in the structure.

3.0 Planning Authority Decision

- 3.1.1. The planning authority issued a single refusal reason as follows:

Having regard to the scale, internal layout and design of the development proposed to be retained, it is considered that the development comprises a visually incongruous and dominant feature on this restricted site, which would have a significant negative impact on the existing residential amenity of surrounding properties. The development fails to satisfy the Development Management Standards set for garden rooms with Section 14.10.4 of the Fingal Development Plan 2023 to 2029. The proposed development, by itself or by precedent which the

grant of permission for it would set for other relevant development, would be contrary to the residential zoning objective of the site and would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2.Planning Authority Reports

3.2.1. Planning Reports

The planning authority report considered that the proposed development did not align with Section 14.10.4 of the Fingal Development Plan in relation to garden rooms. Section 14.10.4 states that any such structure shall not provide residential and shall not be fitted out in a manner including the insertion of a kitchen or toilet facilities. As the structure has been fitted for residential accommodation it does not satisfy the criteria for garden room as set out in Section 14.10.4 of the Fingal Development Plan.

The development as proposed would be visually incongruous and dominant feature in this residential location and would have a significant impact on the existing residential amenity of surrounding properties by reason of visual intrusion and visual overbearance.

Condition 30 of parent permission for 2,119 dwellings states the following:

Having regard to the provision of small rear garden sizes and narrow frontage houses, notwithstanding the exempted development provisions of the Local Government (Planning and Development) Regulations 1994, no additional development whatsoever shall take place within the curtilage of each house save with a prior grant of planning permission. Reason: to prevent overshadowing and overlooking of neighbouring private space and buildings by exempted development

Permitting such development would set an unwanted precedent for similar development in the local area.

3.2.2. Other Technical Reports

Water Services Department

No surface water / rainwater is to discharge into the foul water system under any circumstances.

The surface water drainage must be in compliance with the Greater Dublin Regional Code of Practice for Drainage Works, Version 6.0, FCC, April 2006.

3.3. Prescribed Bodies

Dublin Airport Authority

- The proposed development is located within Dublin Airport Noise Zone C. The Fingal Development Plan 2023-2029 (interim) contains the following objective in respect of this area: Objective DAO11 Strictly control inappropriate development and require noise insulation where appropriate in accordance with Table 8.1 above within Noise Zone B and Noise Zone C and where necessary in Assessment Zone D, and actively resist new provision for residential development and other noise sensitive uses within Noise Zone A, as shown on the Development Plan maps, while recognising the housing needs of established families farming in the zone. To accept that time based operational restrictions on usage of the runways are not unreasonable to minimise the adverse impact of noise on existing housing within the inner and outer noise zone.

Policy objective DAO-11, as set out above, seeks to strictly control provision of new residential development and other noise sensitive uses within Zones A, B, C and where appropriate in Zone D. In the interests of proper planning and sustainable development of the area, daa respectfully requests that, in the event of a grant of permission, a condition is attached requiring the noise sensitive uses to be provided with noise insulation to an appropriate standard, having regard to the location of the site within Noise Zone C of Dublin Airport. This is to ensure appropriate internal noise levels of habitable rooms in accordance with Fingal Development Plan Objective DAO11

3.4. Third Party Observations

There is a single third party observation on file. A friend of the family has submitted a letter of support for the development and sets out the need for the development.

The shed is intended for use as a garden room, storage and an additional kitchen. The additional kitchen is for the applicants daughter who has severe allergies and food needs to be cooked in an uncontaminated area.

There is no established precedent that prohibits features in a shed intended for storage as having a secondary kitchen. The exempted development guidelines do not specify what features can or cannot be included in a structure.

The applicant unknowingly erected the structure believing that it qualified under the exempted development regulations.

4.0 Planning History

There is no recent planning history for the site.

PA reg ref 99A/1620 – Planning Permission was granted for a residential development comprising 2,119 no 1,2,3 & 4 bed dwellings and ancillary site works. The construction of approximately 1.8km of an off-site trunk foul sewer pipeline to the Tolka Valley Sewer. The construction of 0.55km of an off-site trunk surface water pipelines to the Pinkeen River and use of 4000sq. meters of existing off site ponds for attenuation purposes. The reservation of a 3.54ha site for primary school, neighbourhood shopping and sundry support residential community services..

Condition 30 of above permission for 2,119 dwellings states the following:

Having regard to the provision of small rear garden sizes and narrow frontage houses, notwithstanding the exempted development provisions of the Local Government (Planning and Development) Regulations 1994, no additional development whatsoever shall take place within the curtilage of each house save with a prior grant of planning permission. Reason: to prevent overshadowing and overlooking of neighbouring private space and buildings by exempted development

5.0 Policy Context

5.1. Fingal Development Plan 2023-2029

Zoning Objective – Site zoned RS Residential in the Fingal Development Plan 2023-2029

Section 14.10.4 Garden Rooms

Garden Rooms can provide useful ancillary accommodation such as a playroom, gym, or study/home office for use by occupants of the dwelling house. Such structures should be modest in floor area and scale, relative to the main house and remaining rear garden area. Applicants will be required to demonstrate that neither the design nor the use of the structure would detract from the residential amenities of either the main residence or of adjoining property. External finishes shall be complementary to the main house and any such structure shall not provide residential accommodation and shall not be fitted out in such a manner including Development Management Standards by the insertion of a kitchen or toilet facilities. Such structures shall not be let or sold independently from the main dwelling.

5.2.Natural Heritage Designations

River Water Valley/ Carton SAC 001398 – 4.5km from the subject site.

6.0 EIA Screening

The proposed development does not come within the definition of a 'project' for the purposes of EIA, that is, it does not comprise construction works, demolition or intervention in the natural surroundings. Refer to Form 1 in Appendix 1 of report].

7.0 The Appeal

7.1.Grounds of Appeal

This is a first party appeal against the Decision of Fingal County Council to refuse permission. The issues raised directly address the reason for refusal. The issues can be summarised as follows:

7.1.1. Need for the development

- It is stated that the inconsistency in the drawings as submitted was the applicant submitted the original floor plans they were provided at the time of

the construction and not when the final design detail was finalised for the internals. The applicant was ensuring the external dimensions were accurate and were unaware internal modifications could raise planning issues.

- The stated need for the shed is that the applicants daughter suffers from severe allergies and there is a requirement to cook her meals in an uncontaminated space. The other room in the shed will cater for storage room and gym. The inclusion of the toilet is for convenience.

7.1.2. Precedent Case – Adjacent no 47 Boulevard, Bealing Village Tyrrelstown

- This retention application for a very similar structure was refused by Fingal County Council and overturned on appeal by An Bord Pleanála for a single storey rear garden shed/ exercise room with a floor space of 24sqm and pitched roof. The reason for refusal cited by Fingal County Council was almost identical to the case before the commission.
- An Bord Pleanála overturned this refusal concluding that the shed at No 47 was acceptable in terms of bulk, scale and visual impact. The applicants shed is a very similar size to that granted by An Bord Pleanála.
- The proposed development before the Commission has no impact on amenity of adjacent dwellings at nos 67 & 71 in terms of overshadowing and overlooking. This is supported by lack of objections from neighbouring properties.

7.1.3. Planning Policy

The proposal is supported by a number of National and Local Policies.

National Policy Objective 34 (Project Ireland 2040, National Planning Framework

Support the provision of lifetime adaptable homes that can accommodate the changing needs of a household over time. The retention of this garden shed aligns with this objective by allowing a household to adapt to its living environment to suit health and cultural needs.

Fingal Development Plan 2023-2029

Policy DMS 45 – Supports extensions and structures that provide additional space for households while respecting residential amenity and character.

Objective PM 45 – Encourage innovate housing solutions that support evolving household needs

Objective PM 46- recognises the importance of adaptable housing solutions in fostering inclusive communities.

7.2.Planning Authority Response

The planning authority submitted a response to the application on the 28th of April 2025.

- The application was assessed against the policies and objectives of the Fingal Development Plan 2023 – 2029 and existing government policies and guidelines.
- Section 14.10.4 with respect to Garden rooms any structure shall not provide residential accommodation and shall not be fitted out in such a manner including the insertion of kitchen or toilet facilities. The structure does not satisfy the criteria set for Garden Rooms within Section 14.10.4 of the current Development Plan.
- In the event appeal is successful contributions are recommended for Section 48 Development Contribution Scheme

7.3.Observations

- None

8.0 Assessment

- 8.1. Having examined the application details and all other documentation on file, including the appeal, and having inspected the site and having regard to the relevant national and local policy guidance, I consider the main issues in relation to this appeal are as follows:

- Principle of Development
- Design & Layout
- Use of building
- Appropriate Assessment

8.2. Principle of Development

The site is within the development boundary of Blanchardstown which is governed by the policies and objectives of the Fingal County Development Plan 2023 to 2029. Blanchardstown (which incorporates Clonsilla Road) is recognised within Fingal's Settlement Hierarchy (Table 2.20) as being located within "Dublin City and Suburbs Consolidation Area". The appeal site is subject to zoning objective 'RS' residential which with the stated objective to 'Provide for residential development and protect and improve residential amenity.'

The principle of providing a domestic shed/domestic gym on residentially zoned lands is considered acceptable.

8.3. Design & Layout

The proposed shed for retention is for a total area of 24sqm. The structure is 5.3m X 4.3m with a height of 4m. The planning authority refused permission as it was considered that the proposed development would be visually incongruous and dominant feature in this residential location and would have a significant impact on the existing residential amenity of surrounding properties by reason of visual intrusion and visual overbearance.

- 8.3.1. Having regard to the design and scale of the development proposal. The structure is for a maximum height of 4m and is set back off neighbouring boundaries. The site area is restricted and I note condition 30 of parent planning permission which restricted garages even where their size was generally within the exempted development regulations. Notwithstanding the above, I do not consider the structure itself to be overly dominant or overbearing in the context of neighbouring development. The applicant has demonstrated adequate control and management of surface water. Furthermore, I note no aspect of the development overhangs neighbouring properties. The boundary walls/fences between neighbours are over 2m in height which offers a degree screening from the development. On the day of

the site inspection it was noted a number of rear garden spaces had timber/ temporary structures erected which could be considered to be equally dominant visually. I am satisfied that the development as constructed is not an overbearing feature, would not be visually incongruous and would not constitute a dominant feature. In this regard, I do not consider the design and layout of the structure to be a substantive issue with which to warrant a refusal of permission.

8.4. Use of Building

- 8.4.1. The planning authority refused permission as it was considered that the proposed development did not align with Section 14.10.4 of the Fingal Development Plan in relation to garden rooms. Section 14.10.4 states that any such structure shall not provide residential and shall not be fitted out in a manner including the insertion of a kitchen or toilet facilities. As the structure has been fitted for with kitchen and toilet facilities it does not satisfy the criteria for garden room as set out in Section 14.10.4 of the Fingal Development Plan.
- 8.4.2. The applicant has stated the need for the shed is that the applicant's daughter suffers from severe allergies and there is a requirement to cook her meals in an uncontaminated space. The other room in the shed will cater for storage room and gym. The inclusion of the toilet is for convenience purposes only. Its further stated there is precedence for granting similar development as the Board granted a very similar structure under 319101-24.
- 8.4.3. Having regard to the precedent case as cited within the appeal documentation granted by the Board under 319101-24 for No 47 Boulevard, I consider there is a distinct difference between the current proposal and the case cited. There is no evidence the No 47 Boulevard, has cooking facilities or toilet provided within the structure as per the current proposal before the Commission. I note however the planning inspector under the 319101-24 assessment considered that in their opinion the proposal for retention at No 47 Boulevard was equivalent to a granny flat.
- 8.4.4. Noting the details supplied by the applicant in relation to the need for the development and for cooking with a family member with a severe food allergy, I consider it appropriate in this instance that a condition be attached where the Board minded granting permission only permitting use as an ancillary function to the primary residence. As per planning appeal 319101-24 a condition may attach

prohibiting any habitation of the structure. I note requirement of section 14.10.4 in relation to the provision of garden rooms, however, in this instance owing to the very limited site size and limited scale of the structure, I consider it appropriate to manage the use of the structure through condition. In my view the use of the structure as an independent living unit would not be feasible owing to the limited scale of development. The structure itself is not incongruous form of development in the local area and I therefore consider the retention of the shed can be considered acceptable in this case.

8.4.5. Water Framework Directive

I have assessed the proposed development for the construction of a single dwelling on zoned lands at Clonsilla and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to a surface water

8.4.6. The reason for this conclusion is as follows:

- The limited nature of construction on brownfield lands and number of best practice standard measures that will be employed to prevent groundwater and surface water pollution from the site.
- The brownfield nature of the development

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

8.5. Appropriate Assessment

- 8.5.1. I have considered the proposed development at 69 Boulevard, Bealing Village, Tyrrelstown, Dublin 15, in light of the requirements S177U of the Planning and Development Act, 2000, as amended.

The subject site is located c 4.5 km northeast of Rye Water Valley/Carton SAC Irish (001398). There are no drainage ditches or watercourses in the vicinity of the development site that provide direct connectivity to European sites. Article 10 of the Habitats Directive and the Habitats Regulations 2011 place a high degree of importance on such non-Natura 2000 areas as features that connect the Natura 2000 network. Features such as ponds, woodlands and important hedgerows were taken into account in the decision process.

- 8.5.2. The proposed development comprises the construction of a shed on lands on a within the residential setting of 69 Boulevard, Bealing Village, Tyrrelstown, Dublin 15.

- 8.5.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows;

- The nature and small scale of the development,
- The location of the development site and distance from nearest European site(s), and the weakness of connectivity between the development site and European sites.
- Taking account of the screening report/determination by the Planning Authority.

- 8.5.4. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

- 8.5.5. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act, 2000) is not required

9.0 Recommendation

I recommend that planning permission be granted subject to the following conditions.

10.0 Reasons and Considerations

Having regard to the nature, scale, location and design of the development 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 zoning objective for the site, as set out in the Fingal Development Plan 2023 -2029, would not seriously injure the visual or residential amenities of the area, and would therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 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. The garden shed/exercise room shall be for domestic related uses only, ancillary to the use of the existing dwelling on the application site. These uses shall be as indicated in the plans and particulars submitted to the planning authority at application stage (i.e. shed and home gym use only) and shall not be used for human habitation.

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

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

Reason: In the interest of clarity and the proper planning and sustainable

development of the area.

4. 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 Bord 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

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Darragh Ryan
Planning Inspector

25th June 2026

Form 1 - EIA Pre-Screening

Case Reference	322199-25
Proposed Development Summary	Erection of shed
Development Address	69 Boulevard, Bealing Village, Tyrrelstown, Dublin 15
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input checked="" type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	<p>State the Class and state the relevant threshold</p>
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>State the Class and state the relevant threshold</p>

<p>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</p>	
<p>Yes <input type="checkbox"/></p>	<p>Screening Determination required (Complete Form 3) <i>[Delete if not relevant]</i></p>
<p>No <input type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3) <i>[Delete if not relevant]</i></p>

Inspector: _____ Date: _____