



An
Coimisiún
Pleanála

Inspector's Report

ABP-322486-25

Development	Retention of single storey structure.
Location	110, Palmerstown Avenue, Dublin 20
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD25A/0041
Applicant(s)	Denise White
Type of Application	Retention Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party Vs Refusal
Appellant(s)	Denise White
Observer(s)	None
Date of Site Inspection	20/08/2025
Inspector	David Freeland

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	5
3.0 Planning Authority Decision	5
3.1. Decision	5
3.2. Planning Authority Reports	6
3.3. Prescribed Bodies	7
3.4. Third Party Observations	7
4.0 Planning History	7
5.0 Policy Context	8
5.1. National Guidance	8
5.2. Development Plan	10
5.3. Natural Heritage Designations	13
5.4. EIA Screening	13
5.5. Water Framework Directive	13
6.0 The Appeal	14
6.1. Grounds of Appeal	14
6.2. Planning Authority Response	16
6.3. Observations	16
6.4. Further Responses	16
7.0 Assessment	16
7.2. The principle and Use of the proposed development	16
7.16. Impact on residential amenities	21
7.17. Drainage	21

8.0 AA Screening.....	22
9.0 Recommendation.....	22
10.0 Reasons and Considerations.....	22
11.0 Conditions	23
Appendix 1 – Form 1: EIA Pre-Screening	

1.0 Site Location and Description

The appeal site is located to the south-east side of Palmerstown Avenue, an established residential area c. 350m south-west of the Chapelizod Bypass (R148). The area is noted by a mix of two-storey terrace and semi-detached dwellings.

The subject site comprises a two-storey end-of terrace dwelling with an existing single storey extension to the rear (stated floor area of 104.6sq.m). The dwelling has a vehicular access to front with a relatively generous front garden/driveway (10m depth).

The side (west) and rear (south) boundary to the property adjoins a laneway serving the subject and neighbouring dwellings on Palmerstown Avenue and Turret Avenue. The laneway has a width of c. 4.1m where it is accessed off Palmerstown Avenue and a width of c. 4.05m where it adjoins the rear boundary to the subject site.

The rear garden accommodates an existing small single storey flat roof shed positioned adjoining the west boundary and a detached single storey pitched roof structure positioned to the south end of the garden. The pitched roof structure adjoins the east boundary with no. 108 for its full depth (10.8m) and the rear boundary with the laneway. The structure is set-back from the western boundary by a minimum of 1.1m. The pitched roof has a ridge height of 4.125m reducing to 2.76m at eaves level. The internal structure comprises 1-bedroom (11.7sq.m), a living/dining room (18.6sq.m), toilet and shower room and a home office (11.7sq.m). The structure has a stated floor area of 55.6sq.m.

The structure has two entrances to the north side fronting the main dwelling (serving the home office and bedroom) with a main entrance to the south. The side boundary has two pedestrian entrances onto the laneway, one to the immediate south of the main dwelling and what appears to be a more recently constructed entrance towards the south end of the side boundary. This entrance would appear to serve the constructed single storey structure. The site visit further highlighted a wall of c. 1-1.2m in height (not indicated on submitted site plans) which sub-divides the rear garden between the main dwelling and rear single storey structure. This wall includes an access between the main dwelling and the single storey structure to the rear.

The adjoining property to the east, no. 108 Palmerstown Avenue has an existing shed structure positioned adjoining the rear boundary onto the laneway. It would appear that this structure was recently constructed with similar materials and finish as the single storey structure within the subject site.

There is a high number of properties on Palmerstown Avenue, Turrent Road and the wider area that have existing shed or garden room structures within their rear gardens of a similar scale as the subject structure.

The development is served by existing water connections to the site.

2.0 Proposed Development

The application is for Retention Permission of the single storey structure located within the rear garden. It is stated that the new building replaced a garage structure within the site.

It is intended that the structure will be used as a granny flat and home office and will be ancillary to the main two-storey dwelling.

The site layout plan indicates that an existing opening within the site boundary providing access onto the laneway is to be blocked up and made good with render.

3.0 Planning Authority Decision

3.1. Decision

On the 22nd April 2025 the planning authority decided to refuse permission for the following two reasons:

1. The proposed development would contravene the SDCC House Extension Design Guide (2025) and the South Dublin County Development Plan 2022 - 2028 with respect to policies on detached garden rooms and family flats respectively, due to:

- its excessive scale,*
- its use is not wholly ancillary to the residential use of the main dwelling, being effectively a separate dwelling, and*

- *inclusion of toilet and bathroom facilities specifically ruled out by the House Extension Design Guide.*

Given its scale and use, it is considered to be seriously injurious to the residential amenity and character of the area and due to the effective and haphazard provision of a dwelling would be contrary to the 'RES' zoning objective, and does not accord with the proper planning and sustainable development of the area.

2. The proposed development would set an undesirable precedent for other similar developments, which would in themselves and cumulatively, be harmful to the residential amenities of the area and would 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 noted that the development as a detached ancillary building was acceptable in principle subject to compliance with Section 3.16 and the Built Form Principles of the SDCC House Extension Guide (2025).
- The planner's report noted that the separation distance from the main dwelling (12.5m) and the retained area of rear private open space (104sq.m) was adequate although considered the structure was excessive in scale and would not be in-keeping with the character and form of development in the area, and would be contrary to the 'RES' zoning objective on account of its scale.
- It was noted that the water connection and sanitary facilities in the building and its detached nature was contrary to BFP 6 of the House Extension Design Guide and would create a harmful precedent in the county relating to the potential unauthorised subdivision of properties in the area for use as an independent living unit.
- The planning authority indicated that the provision of a detached building for use as ancillary residential facilities that is of an appropriate scale is supported, excluding the toilet/sanitary services.
- The report stated that the development cannot be assessed as a family flat on the basis that it is not attached to the main dwelling and provision of a linking

structure would not overcome the conflict with the residential character of the area.

- No significant objection was raised relating to access, car parking, drainage and flood risk subject to conditions in the event of a grant of permission.
- The site is not located within a Green Infrastructure (GI) Corridor, Link or Core Area as identified in the Green Infrastructure Map (Appendix 4 of Development Plan).
- The assessment within the planning report indicates that there is no requirement for appropriate assessment or environmental impact assessment.

3.2.2. Other Technical Reports

- Road Department: no objection.
- Water Services: Required further information.

3.3. Prescribed Bodies

Uisce Éireann: Report dated 24/04/202 – no objection subject to conditions.

3.4. Third Party Observations

None.

4.0 Planning History

Reg. Ref. SD19B/0292: Retention Permission Granted for existing single storey extension to side.

Relevant Applications to Nearby Properties include the following:

116 Palmerstown Avenue (located to the south-west of subject site)

ABP Ref. 314346-22 (SD22B/0230): Retention Permission Refused for an existing single storey rear garage outbuilding for use as residential accommodation stated as ancillary to the main house and used exclusively by occupants of the main house.

The Inspector's Report concurred with the planning authority's assessment that the provision of standalone residential accommodation to the rear of dwellings would not

comply with the Development Plan criteria for family flats and considered that there is a risk that the accommodation could be used as a separate dwelling unit at some time in the future. The Inspector's Report noted that a condition could be imposed restricting its use although the long-term enforceability of any such condition is questionable.

The Board decided to refuse permission, generally in accordance with the Inspector's recommendation for the following reason:

Having regard to the design, layout and use of the development to be retained, and the lack of integration with the existing dwelling house, it is considered that the proposed development would materially contravene the provisions of the South Dublin County Development Plan, 2022-2028, with specific reference to H15 Objective 1 and Sections 6.8.3: 'Family Flats' & 12.6.8: 'Residential Consolidation: Family Flats', which seek to ensure that family flats are of a temporary nature and are linked directly to the dwelling house so as to be capable of being subsumed back into the main residence. The development proposed for retention would therefore set an undesirable precedent for other similar forms of development and would be contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. National Guidance

National Planning Framework First Revision 2025

- *National Policy Objective 40*

Local planning, housing, health facilities and services, transport/ accessibility and leisure policies will be developed with a focus on meeting the needs and opportunities of an ageing population along with the inclusion of specific projections, supported by clear proposals in respect of ageing communities as part of the core strategy of city and county development plans.

Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy 2019-2031

- RPO 9.1:

Local authorities shall ensure the integration of age friendly and family friendly strategies in development plans and other relevant local policy and decision making, including provision for flexible housing typologies, buildings and public spaces that are designed so that everyone, including older people, disabled people and people with young children can move around with ease, avoiding separation or segregation.

- RPO 9.12:

In Planning policy formulation and implementation local authorities and other stakeholders shall be informed by the need to cater for all levels of disability, through the appropriate mitigation of the built environment, and in particular for the needs of an ageing population.

Housing For all – A New Housing Plan for Ireland (2021)

The Housing for All plan includes specific housing objectives (HPO 6 & HPO 7) for increasing and improving housing options for older people and people with disabilities through innovative, accessible and varied housing solutions.

Public Consultation for Review of Exempted Development (July 2025)

The Department of Housing, Local Government and Heritage is currently undertaking consultation (deadline 26th August 2025) as part of the review of exempted development regulations and has identified specific areas that need updating including domestic exemptions. Of relevance to the subject appeal, the review includes draft proposal for detached habitable accommodation in rear gardens as follows:

- *Size – the maximum size of the detached unit needs to be considered but could be up to 45m².*
- *The unit must comply with building regulations.*
- *Access – how will the unit be accessed.*
- *Garden size – the size of the residual private garden space that should be retained and set back distances from boundary walls. Under current exemptions for extensions to dwellings, 25m² of private garden space must be retained in the interests of residential amenity.*

- *Where there are individual waste water treatment systems ensuring adequate capacity.*

5.2. Development Plan

South Dublin Development Plan 2022 – 2028

Land Use Zoning:

The proposed development site is zoned as 'RES' with the stated land use zoning objective 'To protect and / or improve residential amenity'.

Relevant Sections/Policies

Section 6.3.1 Housing for Older People

Section 6.3.2 Housing for Persons with Disabilities and / or Mental Health Issues

- *Policy H3: Housing for All: Support the provision of accommodation for older people and people with disabilities and / or mental health issues within established residential and mixed use areas offering a choice and mix of accommodation types within their communities and at locations that are proximate to services and amenities.*
- *H3 Objective 2: To support housing options for older persons and persons with disabilities and / or mental health issues – consistent with NPO 30 in the NPF, RPO 9.1 and 9.12 of the RSES.*
- *H3 Objective 5: To actively encourage and directly support the provision of specific purpose built accommodation, including assisted living units and lifetime housing and adaptation of existing properties as a matter of urgency.*
- *H3 Objective 7: To ensure that those with specific housing needs, such as older persons, persons with disabilities, homeless persons, Travellers and people leaving Direct Provision, are accommodated in a manner appropriate to their specific needs and in a timely fashion.*

Section 6.8 Residential Consolidation in Urban Areas

Section 6.8.2 Residential Extensions

- Policy H14: Residential Extensions Support the extension of existing dwellings subject to the protection of residential and visual amenities.
- H14 Objective 1: To favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 12: Implementation and Monitoring and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines).
- H14 Objective 2: To review and update the South Dublin County Council House Extension Design Guide, 2010 during the lifetime of this Development Plan, to include a review of design options for mid terrace type extensions with a view to facilitating these extensions in Local Authority housing where appropriate.

The Development Plan and the House Extension Design Guide, 2010 does not include specific policy or criteria for detached sheds/garden rooms. A subsequent document, the House Extension Design Guide 2025 was published in February/March 2025 in line with the requirements of H14 Objective 2. Relevant extracts of the document relating to garden rooms are outlined below.

Section 6.8.3 Family Flats

A family flat refers to a temporary subdivision or extension of an existing single dwelling unit to provide semi-independent accommodation for an immediate family member (older parent or other dependent). The Council will consider family flat developments where an established need has been satisfactorily demonstrated.

- *Policy H15: Family Flats Support family flat development subject to the protection of residential and visual amenities*
- *H15 Objective 1: To favourably consider a family flat development where the Council is satisfied that there is a valid need for semi-independent accommodation for an immediate family member or members subject to the criteria outlined in Chapter 12: Implementation and Monitoring.*

Section 12.6.8 Residential Consolidation

Family Flats

A family flat is to provide semi-independent accommodation for an immediate family member (dependent of the main occupants of an existing dwelling). A family flat is not considered to represent an independent dwelling unit and as such open space and car parking standards are not independently assessed. Proposals for family flat extensions should meet the following criteria:

- The applicant shall be required to demonstrate that there is a genuine need for the family flat;*
- The overall area of a family flat should not generally exceed 50% of the floor area of the existing dwelling house;*
- The main entrance to the existing house shall be retained and the family flat shall be directly accessible from the front door of the main dwelling via an internal access door, and the design criteria for dwelling extensions will be applied;*
- Any external doors permitted (to provide access to private / shared open space or for escape from fire) shall be limited to the side or rear of the house;*
- Conditions may be attached to any grant of permission that the family flat cannot be sold, conveyed or leased separately from the main residence, and that when the need for the family flat no longer exists the dwelling must be returned to a single dwelling unit*

SDCC House Extension Design Guide 2025

Section 3.6 Garden Rooms and Section 3.6.2 Built Form Principle (BFP) 6 –sets out specific criteria for detached Garden Rooms and Sheds as follows:

- Should ensure adequate rear amenity space is retained.*
- Should be of a scale that is subordinate to the main house.*
- Should be sited and designed so as not to adversely impact on the amenities of adjacent properties.*
- Should provide for uses wholly ancillary to the main house.*
- Should not include toilet and or sanitary facilities.*

5.3. Natural Heritage Designations

The following natural heritage designations are located in the general vicinity of the proposed development site:

- The Liffey Valley Proposed Natural Heritage Area (Site Code: 000128), approximately 700m east of the site.
- The Grand Canal Proposed Natural Heritage Area (Site Code: 002104), approximately 2.6km south of the site.
- The Royal Canal Proposed Natural Heritage Area (Site Code: 002103), approximately 3.3km north of the site.

5.4. EIA Screening

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

5.5. Water Framework Directive

The subject site is located in an established residential area which adjoins the River Liffey Waterbody IE_EA_09L012350. The subject site is positioned centrally within a large residential area, c. 850m west of the River Liffey.

The application is for retention permission of a detached structure within the rear garden of no. 110 Palmerstown Avenue for use as a granny flat and home office. The development does not include new water/wastewater connections.

No water deterioration concerns were raised in the planning appeal.

I have assessed the development to be retained 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 any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- Nature of works e.g. small scale and nature of the development

Conclusion

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.

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal of the planning authority's decision to refuse permission has been submitted. The grounds of appeal can be summarised as follows:

- The appellant indicates that they were unaware that they were required to apply for planning permission on the basis that the existing structure replaced a previous large shed and was understood to be a like-for-like replacement.
- The structure was built to accommodate the appellant's mother for semi-independent living whilst also recovering from serious injury.
- A home evaluation report from an occupational therapist has been submitted. The report outlines the mother's medical condition, the inaccessibility of her own dwelling and confirms that she cannot be discharged from a step-down facility until extensive works are undertaken to her home in order to be accessible for her.
- The appellant contends that they have demonstrated a genuine need for the development and that the structure is purpose built to allow for support and semi-independent living for the appellant's mother. It is further suggested that

it would free up her existing property for another household, a consideration in the current housing crisis.

- While the appellant acknowledges that granny/family flats are traditionally attached to the main dwelling house, it is stated that the structure will remain ancillary to the house. The appellant stated that they would accept a condition restricting its use to ancillary purposes and the removal of sanitary facilities, if required, notwithstanding the genuine need for use of the structure as a family flat.
- The appellant contends that structure has been designed to have as little impact as possible on the parent dwelling and surrounding properties being positioned to the rear of a long garden bounded by a laneway to two sides with no overlooking or overshadowing of neighbouring properties.
- The appellant noted that the planning authority considered that the development is permitted in principle under the 'RES' zoning site and sufficient private open space is retained.
- The appellant contends that the structure to be retained complies with all criteria for Detached Garden Rooms and Sheds set out under the Built Form Principle (BFP) 6 save for the requirement that such a structure should not include sanitary facilities.
- The appellant disputes the planning authority conclusion that the structure is excessive in scale and that the planning authority has not demonstrated how the proposal would negatively affect neighbouring property, given the single storey scale and the separation distances achieved from the parent and neighbouring dwellings.
- No third-party objections were received and the only technical issue raised by the planning authority was the need for SuDs measures of which the appellant suggests may be addressed by way of condition.
- The appellant highlights current consultation on exempted development for rear garden structures as a solution to the housing crisis and new policy is likely to facilitate such development. The appellant suggests that in the

interim, the structure can serve ancillary purposes until such policy changes occur.

- In support of the development to be retained, it is suggested that there is a precedent for large structures in the rear gardens of dwellings in the vicinity. The appellant includes a number of examples of development of a similar scale.

6.2. Planning Authority Response

In a letter dated 09/06/2025, the planning authority confirmed its decision and that the issues raised in the appeal have been covered in the Chief Executive's Order.

6.3. Observations

None

6.4. Further Responses

None

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- The principle and nature of the proposed development
- Impact on residential amenity
- Drainage

7.2. The principle and nature of the proposed development

7.3. The subject site is located within an area zoned 'RES' within the South Dublin County Development Plan 2022-2028 with the accompanying objective '*To protect*

and / or improve residential amenity'. Policy H15, H15 Objective 1 and Section 12.6.8 of the Development Plan sets out the requirements for family flats which generally supports such uses subject to ensuring that such accommodation be attached to the main dwelling, have direct internal access and be capable of re-integration with the main dwelling. The Built Form Principle (BFP) 6 of the Council's House Extension Design Guide 2025 clarifies that detached garden rooms or storage sheds to the rear gardens shall be wholly ancillary to the main house and should not include toilet and or sanitary facilities.

- 7.4. On the basis of the development description and supporting documentation, I consider it appropriate to assess the development to be retained against the provisions within the Development Plan relating to family flats and Policy H14, H14 Objective 1 and the House Extension Design Guide 2025 relating to detached garden rooms. I am satisfied that a family flat or detached garden room is acceptable in principle under the site's zoning subject to complying with relevant criteria.
- 7.5. The development to be retained comprises a detached single storey pitched roof structure to the rear of 110 Palmerstown Avenue which is located adjoining the rear boundary with the service laneway and the eastern boundary shared with no. 114 Palmerstown Avenue. The structure is laid out as a habitable unit consisting of one bedroom, a kitchen/living space, a bathroom and a home office. The structure has two entrances to the north side fronting the main dwelling and a main entrance to the south. The site visit demonstrated that the internal was near completion. The side (west) boundary includes two pedestrian entrances, one located to immediate rear of the main dwelling and the second within close proximity to the southern entrance to the single storey structure to be retained which is proposed to be extinguished as part of the application. While not indicated on submitted site plans, the site visit indicates that a wall sub-dividing the rear garden has been constructed which includes an opening allowing access from front to rear.
- 7.6. The planning authority determined that the development could not be assessed as a family flat by reason of its detachment from the host dwelling and as such assessed it as a detached garden room. I note that the planning authority was generally satisfied that the structure as a detached garden room was acceptable in principle and that adequate separation distance and private open space has been retained with the development in situ. The planning authority made a decision to refuse

permission on the basis of its excessive scale being injurious to the residential amenity and character of the area, is not ancillary to the use of the main dwelling, being effectively a separate dwelling and for inclusion of toilet and bathroom facilities. The decision further considered that the proposal would set an undesirable precedent for the area.

- 7.7. The information with the original application indicated that the appellant purchased the dwelling in 2023 with the intention of undertaking renovation works to the main dwelling including the rebuilding of the existing rear extension. Following an urgent requirement to accommodate her mother, a decision was made to instead take on the building of a semi-independent granny flat. It is understood that the development to be retained is currently the subject of enforcement action by SDCC.
- 7.8. The grounds of appeal provide additional information relating to the appellant's mother's health and injury including an occupational therapist report. It is argued that the layout provides suitable and accessible accommodation while sufficient private open space is retained. The appellant highlights the absence of third-party objections, references housing need and contends that conditions could be applied restricting future use whether considered a granny flat or a detached garden room.
- 7.9. I am conscious of the current public consultation for exempted development which includes the potential for detached habitable accommodation. The draft exempted development provision allows for a habitable detached unit with an area up to 45sq.m which complies with building regulations and 25sq.m of private garden space is retained. The draft provisions include considerations relating to provision of set-backs from boundary wall, how the unit will be accessed and potential individual waste water treatment systems to ensure adequate capacity. Should the standards outlined above be enacted, I do not consider that the development to be retained subject of this appeal would be likely to meet the exempted development conditions based on area alone (55.6sq.m). While the conditions/limitations and timing of any forthcoming legislation is uncertain, it may reflect a policy direction towards greater flexibility of such accommodation although it should not be determinative in the context of the subject appeal.
- 7.10. I note the Board's decision under ABP-314346-22 in respect of no. 116 Palmerstown Avenue located a short distance from the appeal site where permission for a broadly

similar detached, habitable structure was refused. The Board determined that the development was contrary to the family flat policy within the Development Plan due to the lack of integration with the main dwelling which would not be capable of being reintegrated back into the main house. The Inspector's Report acknowledged that a condition could be imposed restricting its use, although considered that the long term enforceability of any such condition is questionable. This decision demonstrates that the provision of detached habitable structures to the rear of residential gardens falls outside of the scope of the policies and cannot be easily addressed by way of condition. Notwithstanding, while the precedent is noted, each case must be assessed on its own merits. In this instance, the subject development coincides with a period of change in national policy which would appear to favour such development.

- 7.11. Policy H15 of the Development Plan supports the provision of family flat development subject to protection of residential and visual amenities. H15 Objective 1 states that such proposals should be favourably considered where a valid need for semi-independent accommodation for an immediate family member is demonstrated. I am satisfied, based on the grounds of appeal and the supporting occupational therapist report that there is a genuine and medical need for family flat accommodation. I further acknowledge that the constructed accommodation would be likely to provide sufficient amenity and quality for family flat use with the overall floor area being in excess of the minimum standard for a 1-bedroom house within the Quality Housing for Sustainable Communities (2007) and for a 1-bedroom apartment within the Planning Design Standards for Apartments – Guidelines for Planning Authorities (2025). In this respect, I am of the view that the proposal aligns with the overall intent of Policy H15 and wider Development Plan policies and national guidance (as indicated in section 5.0 above) promoting varied forms of housing and provision for elderly and disabled persons.
- 7.12. Section 12.6.8 of the Development Plan sets out more detailed criteria for family flats. In a strict sense, the development to be retained does not comply with these standards with the structure being entirely detached from the main dwelling, is not capable of meaningful reintegration and its floor area appears to be in excess of 50% of the floor area of the main dwelling. More significant, the site visit highlighted that the rear garden has been subdivided by a permanent wall with a separate entrance

to the laneway (albeit now proposed to be blocked up). The physical separation in my view undermines the intended functional and ancillary relationship between the structure and the main dwelling and strongly suggests the capacity to function as an independent dwelling unit. The layout therefore goes beyond what could reasonably be considered a family flat and raises enforceability concerns in respect of any condition limiting the occupancy to a family member.

- 7.13. While I fully acknowledge the personal circumstances of the appellant, I am not satisfied that permission should be granted for retention of the development for use as a family flat under Policy H15, H15 Objective 1 and Section 12.6.8 of the Development Plan.
- 7.14. The Planning Authority's reason for refusal related to the development being contrary to the House Extension Design Guide 2025 due to it effectively being a separate dwelling with bathroom facilities which was not ancillary to the main dwelling. The principal difficulty is that that the structure has been laid out for habitable use which includes sanitary facilities, contrary to section 3.6 of the Design Guide and clearly presents as a separate dwelling unit with the incorporated subdivision of the rear garden and side entrance onto the laneway. The appellant indicated that the 2025 House Extension Design Guide was not published prior to submission of the original application and considered that it was unreasonable to expect the constructed building to be in compliance with the new guidance. I note that the 2010 House Extension Design Guide did not include criteria for detached garden rooms and as such, prior to the new guidance, there was no formal standard for garden rooms, specifically whether the inclusion of sanitary services was appropriate or not. Having regard to the demonstrated medical need for additional accommodation, I consider it reasonable for the development to be retained as a detached garden room subject to conditions restricting its use to purposes incidental to the enjoyment of the main dwelling and requiring the omission of the pedestrian access onto the laneway and the constructed wall sub-dividing the rear garden. Based on the appellants needs, I am of the view in this instance, that the inclusion of sanitary services as part of the ancillary use of the structure is acceptable.
- 7.15. In my view, the demonstrable genuine need for family accommodation in this instance distinguishes the subject development from the development refused to the rear of no. 116 Palmerstown Avenue.

7.16. Impact on residential amenities

- 7.16.1. The structure (55.6sq.m area) is located adjoining the south and eastern boundary (with no. 108). The structure is single storey with a pitched roof with a height of 4.125m reducing to 2.76m at eaves level and has a length of 10.8m. The site visit indicated that the neighbouring property, no. 108 had a structure of similar scale while the wider area was noted by a high number of buildings of varied scale. The site visit clarified that the structure is not discernible from the primary public realm on Palmerstown Avenue and does not appear as excessive in scale when viewed from the rear garden and laneway. I am satisfied that the development does materially impact the character of the streetscape, and I do not consider that it is injurious to the visual amenities of the area.
- 7.16.2. Having regard to the scale and height of the building and the separation from the main dwelling and neighbouring properties, I do not consider that the development results in excessive overlooking, overshadowing or has any significant overbearing impacts on neighbouring properties. I do not concur with the planning authority's decision to refuse permission based on reason of its excessive scale and injurious nature to residential amenity and character of the area. The siting, height, and design of the structure ensure that it does not unduly detract from the residential or visual amenities of the area and is in-keeping with the pattern of development in the area.

7.17. Drainage

- 7.18. The submitted plans and documentation has not included specific details of water/wastewater serving the development save for the application form which indicates no new connections are proposed. I note that the Irish Water has recommended inclusion of conditions requiring connection agreements for water, wastewater. As no new connection is proposed or appropriate in terms of ensuring the development does result in the long-term establishment of a fully separate dwelling unit, I do not consider these conditions are warranted.
- 7.19. The planning authority's report noted that the Drainage Department requested for further information regarding the use of SuDs within the site although considered that this issue may be addressed by attaching standards conditions regarding the use of

SuDs. I concur with the planning authority and consider the matter to be of a technical nature which would not preclude a grant of permission should it be deemed appropriate.

8.0 AA Screening

The application is for retention permission of a detached single storey structure within the rear garden of no. 110 Palmerstown Avenue for use as a granny flat and home office. No nature conservation concerns were raised in the planning appeal.

Having considered the nature, small scale and location of the project, and taking account of the screening determination of the planning authority, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site.

I conclude, 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. Appropriate Assessment, therefore, is not required.

9.0 Recommendation

I recommend that retention permission be granted for the single store structure based on the below reasons and considerations and subject to the conditions hereunder.

10.0 Reasons and Considerations

1. Having regard to the residential zoning of the subject site within the South Dublin Development Plan 2022 - 2028, the policies and objectives of the Development Plan including Policy H15 relating to family flat accommodation and wider Development Plan provision and national guidance supporting various housing options for older persons and those with disabilities, Section 12.6.8 of the Development Plan and Section 3.6 of the House Extension Design Guide 2025, the residential character and pattern of development in the area and the information submitted with the application and appeal

including evidence of a genuine need for additional and ancillary family accommodation, it is considered that, subject to conditions restricting its use, the proposed retention of development would not seriously injure the residential and visual 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 prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Within 3 months of the date of this order the following shall be complied with:
 - a. The constructed wall subdividing the rear garden shall be fully removed and the garden shall be reinstated as a single area of private open space serving the main dwelling.
 - b. The pedestrian entrance to the south end of the western boundary shall be permanently blocked up.

Revised floor plans and written evidence (including dated photographs) confirming compliance with the above shall be submitted to and agreed in writing with the planning authority within the same period.

Reason: to ensure the development remains ancillary to the main dwelling in accordance with the provisions of the Development Plan.

3. The structure shall be used for purposes incidental to the enjoyment of the dwelling on the site and shall not be used as separate, independent residential accommodation or for the carrying on of any trade or business.

Reason: In the interest of orderly development.

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. No surface water shall be allowed to discharge onto the public road or adjoining properties.

Reason: In the interest of orderly development and 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 prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable ABP 321167-24 Inspector's Report Page 15 of 16 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.

David Freeland
Planning Inspector

22/08/2025

Form 1 - EIA Pre-Screening

Case Reference			
Proposed Development Summary	Retention of single storey structure		
Development Address	110, Palmerstown Avenue, Dublin 20		
			In all cases check box 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 checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
			<input 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 checked="" 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 checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.			
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required			State the Class and state the relevant threshold

<input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	State the Class and state the relevant threshold
--	---

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)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____