



An
Coimisiún
Pleanála

Inspector's Report ACP-323841-25

Question

Whether the installation of a timber bike shed and the installation of a timber bin shelter is or is not development, and is or is not exempted development.

Location

1, Maxwell Road, Rathmines, Dublin 6

Declaration

Planning Authority

Dublin City Council South

Planning Authority Reg. Ref.

0403/25

Applicant for Declaration

Planning Authority Decision

Is not exempted development

Referral

Referred by

Pádraig Francis and Sarah Tiffin

Owner

Pádraig Francis and Sarah Tiffin

Observer(s)

None

Date of Site Inspection

10th February 2026

Inspector

Patricia Byrne

1.0 Site Location and Description

- 1.1. The subject site relates to No. 1 Maxwell Road, Rathmines Dublin 6. The property, a two-storey, two-bay, brick-faced structure is end of terrace and is located in proximity to the junction of Maxwell Road and Frankfort Avenue. A laneway runs to the southwest.
- 1.2. The front garden, which is served by a vehicular entrance, is bounded by an angled boundary wall c. 2.0m in height to the adjoining laneway. The area is finished in part gravel/part paving slabs. Bin storage on the day of the inspection was arranged openly abutting the boundary wall.
- 1.3. The front garden of the adjoining house No. 3 Maxwell Road was observed to contain multiple bins stored openly, together with a number of steel bicycle stands, immediately in front of the dwelling house.
- 1.4. Construction work is underway in relation to a residential scheme to the west of the site, with access from the lane.

2.0 The Question

- 2.1. A question has arisen pursuant to Section 5 of the Planning and Development Act 2000, as amended, as to whether the installation of a timber bicycle shed and a timber bin shelter in the front garden of No. 1 Maxwell Road Dublin 6 is, or is not development, or is or is not exempted development.

3.0 Planning Authority Declaration

3.1. Declaration

Dublin City Council determined by Order dated 9th October 2025 in accordance with Section 5 of the Planning and Development Act 2000, as amended, that the development as described was not exempt from the requirement to obtain planning permission. The Order stated:

'The proposed installation of a timber bike shed and installation of a timber bin shelter in the front garden of the existing house are considered to comprise development. The

proposed structures, being approximately 1.35m high and forward of the front building line of the existing house, do not meet the criteria for exempted development under either Class 3 or Class 5 of Schedule 2, Part 1 of the Planning and Development Regulations (2001, as amended).

The proposed development is also not considered to be exempted development under Section 4 (i) (h) of the Planning and Development Act (2000, as amended), as it comprises external works which would materially affect the external appearance of the existing house and could potentially render it inconsistent with the character of the structure or of neighbouring structures’.

3.2. Supporting Documentation

- 3.2.1. The submission to the Planning Authority includes a cover letter/description of development, application form and site location map.
- 3.2.2. The location map indicates the position of the structures adjacent the boundary wall to the west of the front garden/forecourt. The accompanying description indicates the bicycle shed measuring approximately 2040cm by 1350cm by 110cm to be located against the side wall, to the rear of the parking area. The bin shelter is to be installed beside it, close to the gate. While no dimensions are provided for the bin store, it is described as a matching structure.
- 3.2.3. External access to the rear garden is not available to the homeowners and numerous examples of such structures are said to occur locally.

4.0 Planning History

- 4.1. The following planning history relating to the site is noted:

Reg. Ref. 5616/06 Permission GRANTED for the widening of a pedestrian access to create a vehicular access onto Maxwell Road.

Reg. Ref. 1998/06 Permission GRANTED for demolition of existing rear extensions and erection of a new two-storey extension to rear consisting of bedrooms and kitchen and refurbishment of existing house to remove existing bedsits, returning the entire building to a single dwelling unit at 1 Maxwell Road, Rathmines.

Reg. Ref. 1895/05 Permission GRANTED for demolition of rear extensions and provision of a two-storey extension to rear comprising bedrooms and kitchen with refurbishment to remove existing bedsits retraining property to single dwelling unit.

4.2. **Previous ACP References/Referrals**

ABP-318484-23

Whether the construction of a bicycle storage unit in the front garden/driveway at 58 Orpen Green Stillorgan Drive Blackrock Co. Dublin is or is not development or is or is not exempted development.

The Order dated 20th June 2024 concluded that the construction of the bicycle storage in the front lawn/driveway was development and was not exempted development on the grounds that the works were not in compliance with Condition and Limitation 1 of Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.

5.0 **Policy Context**

5.1. **Dublin City Development Plan 2022-2028**

- 5.1.1. Under the Dublin City Development Plan 2022-2028 Volume 3 the subject site is illustrated on Map Set H and zoned under Zone Z2 Residential Neighbourhoods (Conservation Areas). The associated objective seeks *'to protect and/or improve the amenities of residential conservation areas'*

5.2. **Natural Heritage Designations**

None

6.0 **The Referral**

6.1. **Referrer's Case**

The following matters are raised in the appeal submission:

- The bicycle shed is proposed to be substantially lower than the external side wall of the house against which it would be installed.
- The boundary wall was rebuilt at a new angle so as to widen the driveway to the lane, allowing for the development of adjacent lands. This represents a more significant change to the property than the proposal.
- Planning permission was granted for a residential scheme on lands adjacent which would have a greater impact on the appearance of the property than the structures proposed. A proposed mews dwelling would also change the present view from the subject property.
- A neighbouring property is dilapidated and multi-tenanted with its condition rendering it less in character with the neighbourhood than the proposed development.
- Numerous examples of varied bicycle and bin storage solutions are in place locally (photographs attached).
- The option of constructing the required storage area to the rear of the property is not available. Bringing bicycles through the house is impractical.

6.2. **Planning Authority Response**

None on file.

7.0 Statutory Provisions

7.1. Planning and Development Act, 2000, as amended.

Section 2(1) – Interpretation

The following are relevant to the subject question:

‘structure’ means ‘any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined and

(a) where the context so admits, includes the land on, in or under which the structure is situate and

(b) in relation to a protected structure or proposed protected structure includes-

(i) the interior of the structure

(ii) the land lying within the curtilage of the structure

(iii) any other structures lying within that curtilage and their interiors and

(iv) all fixtures and features which form part of the interior or exterior of any structure or structures referred to in subparagraph (i) or (iii)’

‘works’ ‘includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure’.

Section 3(1) – Development ‘except where the context otherwise requires, development means-

(a) the carrying out of any works in, on, over or under land or the making of any material change in the use of any land or structures situated on land or

(b) development within the meaning of Part XXI (inserted by section 171 of the Maritime Area Planning Act 2021).

Section 4 (1) sets out development that is exempted development for the purposes of the Act. The following provisions under Section 4(1) are relevant.

Section 4(1)(h) ‘development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures’

Section 4(1)(j) ‘development consisting of the use of any structure or other land within the curtilage of a house for any purpose incidental to the enjoyment of the house as such’

Section 4(4) ‘Exempted development’

‘Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

7.2. Planning and Development Regulations 2001, as amended.

Article 6

(1) Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.

Article 9

As provided for in Article 9(1)(a), the following development to which article 6 relates, shall not be exempted development, if the carrying out of such development would, *inter alia*:

- (i) 'contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act'.

Schedule 2

Part 1 – Exempted Development – General

Description of Development –

Development within the curtilage of a house

Class 3

The construction, erection or placing within the curtilage of a house of any tent, awning, shade or other object, greenhouse, garage, store, shed or other similar structure.

Conditions and Limitations

1. No such structure shall be constructed, erected or placed forward of the front wall of a house.
2. The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres.
3. The construction, erection or placing within the curtilage of a house of any such structure shall not reduce the amount of private open space reserved exclusively for the use of the occupants of the house to the rear or to the side of the house to less than 25 square metres.
4. The external finishes of any garage or other structure constructed, erected or placed to the side of a house, and the roof covering where any such structure has a tiled or slated roof, shall conform with those of the house.
5. The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.

6. The structure shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such.

8.0 **Assessment**

Section 5 of the Planning and Development Act 2000, as amended seeks to determine whether the subject matter constitutes development within the meaning of planning and development legislation and so following, to determine if such development comes within the scope of exempted development.

The purpose of this assessment is not to determine the acceptability of otherwise of the proposed installation or its compliance or otherwise with the provisions of the operative Development Plan or with proper planning and sustainable development.

8.1. **Is or is not development**

- 8.1.1. Having regard to Section 2(1) of the Planning and Development Act 2000, as amended, I conclude that the proposal, comprising the installation of a bicycle shed, and a bin shelter is development within the meaning of the Act.

8.2. **Is or is not exempted development**

- 8.2.1. The next issue to be considered is whether the development is exempted development or not. Development can be exempt from the requirement for planning permission by either Section 4 of the Planning and Development Act 2000, as amended, or by Article 6 of the Planning and Development Regulations 2001, as amended.

It is contended by the referrer, that the installation would not materially affect the external appearance of the dwelling, being substantially lower than the side wall and would be unobtrusive. The wall in question, rebuilt at an angle is viewed as having a more significant impact on the appearance of the dwelling house. Furthermore, ongoing development on lands adjacent and also permitted opposite the site will result in a substantial change in the appearance of the property and view therefrom.

- 8.2.2. While no visual representation of the proposed structures is provided, the dimensions provided in the referral to the Planning Authority indicate the bicycle shed measuring approximately 2040cm by 1350cm by 110cm, with the bin shelter described as a matching structure. The location map indicates the structures placed forward of the front building line of the dwelling. This does not meet the criteria for exempted development under Class 3 of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended.
- 8.2.3. Furthermore, the proposed development is not considered to be exempted development under Section 4 (1) (h) of the Planning and Development Act (2000, as amended). Section 4(1)(h) refers to development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.
- 8.2.4. I am of the opinion that the installations in question, which would be of considerable benefit to the residential use of the site, cannot reasonably be construed as maintenance, improvement or other alteration of the structure, and instead comprise separate and distinct installations within the curtilage of the dwelling. As such, I hold that the provisions of Section 4(1)(h) do not apply.
- 8.2.5. The proposal which is the subject of this referral relates to new purpose-built structures for bicycle and bin storage. As such, the provisions of Section 4(1)(j) of the Act pertaining to development consisting of the use of any structure or other land within the curtilage of a house for any purpose incidental to the enjoyment of the house as such, do not apply.
- 8.2.6. I note supporting photographs provided which illustrate examples of bicycle and bin storage on Maxwell Road [Exact locations not specified]. I also observed from site inspection, the presence of bicycle stands/frames to the front elevation of the neighbouring property No. 3 Maxwell Road. An examination of the Planning Authority's database does not refer to related planning applications.

- 8.2.7. The bicycle shed and bin shelter installations are intended to be located to the front elevation of the dwelling house. This would not be compliant with Condition and Limitation No. 1 of Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 as amended, requiring that no such structure shall be constructed, erected or placed forward of the front wall of a house.
- 8.2.8. Accordingly, I consider the works comprise development and that such development is not exempted development given the requirements of Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.

9.0 Environmental Impact Assessment

- 9.1. 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 of report.

10.0 Appropriate Assessment

- 10.1. I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000, as amended.

The proposal comprises the installation of a timber bicycle shed and a timber bin shelter.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site. The reason for this conclusion is as follows:

- Nature of the works e.g. small scale and nature of the development.
- Distance from nearest European site and lack of connections.
- Taking into account of the screening of the Planning Authority.

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.

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

11.0 Recommendation

11.1. I recommend that the Commission should decide this referral in accordance with the following draft order.

WHEREAS a question has arisen as to whether the installation of a timber bicycle shed and the installation of a timber bin shelter is or is not development, and is or is not exempted development:

AND WHEREAS the said question was referred to An Coimisiún Pleanála by Pádraig Francis and Sarah Tiffin on the 30th October 2025.

AND WHEREAS An Coimisiún Pleanála, in considering this referral, had regard particularly to –

- (a) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act 2000, as amended,
- (c) Article 6 and Article 9 of the Planning and Development Regulations, 2001, as amended, and Class 3 of Part 1 of Schedule 2 of those Regulations.
- (d) the pattern of development in the area.

AND WHEREAS An Coimisiún Pleanála has concluded that the construction of the bicycle shed and bin shelter in the front garden is development and is

not exempted development on the grounds that the works are not in compliance with Condition and Limitation No. 1 of Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 as amended.

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by section 5 of the Planning and Development Act 2000, as amended, hereby decides that the works as described is development and is not exempted development.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way

Patricia Byrne
Planning Inspector

18th February 2026

Form 1 - EIA Pre-Screening

Case Reference	ACP: 323841-25
Proposed Development Summary	Whether the installation of a timber bicycle shed and the installation of a timber bin shelter is or is not development and is or is not exempted development.
Development Address	No. 1 Maxwell Road Dublin 6
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 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 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	

<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)</p>
<p>No <input type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____

Date: _____ -