



An
Coimisiún
Pleanála

Inspector's Report

PI-500415-DR-25

Development	Retention of part-construction of, and permission to complete garden shed / home office in rear garden with associated works.
Location	56 Landscape Park, Churchtown, Dublin 14.
Planning Authority	Dun Laoghaire-Rathdown County Council.
Planning Authority Reg. Ref.	D25B/0265
Applicant(s)	Donla Lynnott.
Type of Application	Retention permission.
Planning Authority Decision	Grant permission subject to condition.
Type of Appeal	Third Party
Appellant(s)	(1) Declan Moran (2) Brian Gorman & Siobhan Dempsey.
Observer(s)	Jill Kavanagh.
Date of Site Inspection	19/02/26.

Inspector

Anthony Abbott King

1.0 **Site Location and Description**

- 1.1. Landscape Park is located within a network of residential avenues forming a series of curvilinear streetscapes located to the north of Churchtown Road Upper.
- 1.2. No. 56 landscape Park and no. 58 Landscape Park are a pair of two-storey semi-detached houses located on the east side of Landscape Park. No. 56 Landscape Park is an end of streetscape property that has recently been extended.
- 1.3. The house has a larger plot than the neighbouring properties given the end of streetscape location. A large side extension has been constructed and is at completion stage.
- 1.4. A large detached single-storey block work structure is located in the rear garden of no. 56 Landscape Park, which is the subject of this appeal. This structure has been constructed to roof level.
- 1.5. The houses on this section of Landscape Park and on Braemor Road to the north-east have front gardens and long back garden. No. 56 Landscape Park shares a rear boundary with houses nos. 75A, 77 & 79 Braemor Road.
- 1.6. A lane to the south of the property linking Landscape Park with Braemor Road to the north-east separates the curtilage of no. 56 Landscape Park from the neighbouring property to the south at 54A Landscape Park.
- 1.7. The site area is given as 0.080 hectares.

2.0 **Proposed Development**

- 2.1. The development to be retained and completed is described in the public notice as follows:

Retention of a foundation slab and the partly constructed block walls and the construction of a single-storey garden shed, storage room and home office to rear garden, all to include surface water drainage and all external works.

3.0 **Planning Authority Decision**

- 3.1. **Decision**

Grant permission subject to 9 conditions.

3.1.1. The following bespoke condition(s) are relevant:

Condition 2 states:

Within three months of the date of the final grant of planning permission, the Applicant shall submit for the written agreement of the Planning Authority, revised drawings showing the removal of the external walls of the garden room structure highlighted in yellow/green/blue.

Reason: To prevent overdevelopment of the subject site and in the interests of orderly development.

Condition 4 states:

The glazing within the 2 no. proposed windows to the rear of the garden room structure shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable.

Reason: In the interests of residential amenities.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The decision of the CEO of Dun-Laoghaire-Rathdown County Council reflects the recommendation of the planning case officer subsequent to a further information request.
- The planning authority requested further information on the 08/07/2025 in respect of the following matters.
 - Item (1) clarification of the extent of the existing rear structure that is to be demolished, retained, repurposed / reused. The applicant to demonstrate compliance with Section 12.3.7 (Additional Accommodation in Existing Built-up Areas) and Section 3.4.1.2 Policy Objective CA6: Retrofit and Reuse of Buildings of the Dun Laoghaire-Rathdown Development Plan 2022-2028.
 - Item (2) the applicant is requested to contact Uisce Éireann to ascertain the feasibility of building near / over waste / water infrastructure present on site.

- Item (3) clarification of how surface water run-off generated by the extension is to be disposed of on site in accordance with Section 10.2.2.6 Policy E16: Sustainable Drainage Systems of the Dun Laoghaire-Rathdown Development Plan 2022-2028.
- The applicant responded on the 16/10/2025 and the response was assessed as satisfactory by the planning authority as follows:
 - Item (1) the revised layout was considered subject to amendment below in accordance with the relevant sections of the Dun Laoghaire-Rathdown Development Plan 2022-2028.

The applicant submitted revised plans highlighting the element of the garden room structure to be retained and reduced in height. The drawing is colour coded clearly identifying the walls highlighted in yellow to be reduced in height to 2.44m, the walls highlighted in blue to be reduced in height to 1.8m and the walls highlighted in green to be demolished.

The walls in red comprising the remaining garden shed structure would be acceptable in terms of scale, footprint and residual open space with reference to the main house.

The planning authority had concern in regard to the extent of the structure to be retained and that the retention of these walls would represent overdevelopment of the site.

A condition is recommended that would attach to a planning permission that would within 3 months require the submission of revised plans / drawings that would indicate that the walls highlighted in yellow, blue and green would be omitted from the development.

Finally, the proposal is considered acceptable in terms of length and maximum height (3.3m).

- Item (2) the applicant response included a letter from Uisce Éireann indicating no objection to the development.
- Item (3) The applicant clarified that no storm water would be disposed of to the municipal sewer.

3.2.2. Other Technical Reports

- Uisce Éireann has reviewed the proposed development as indicated on drawing no. DML/R4B/DIV25152/03 and has no objection to the retention of the garden building (letter dated 18 June 2025).
- Drainage Division subsequent to further information response has no objection subject to condition.

3.3. Third Party Observations

There are a number of third party submissions on file, including from the owners of the neighbouring properties at no. 58 Landscape Park and nos. 75A & 79 Braemor Road. The submissions are summarised below:

- The proposed development to be retained / completed is contrary to the proper planning and sustainable development of the area. The concerns of the neighbouring property owners have been highlighted from the first application on site (2022) to retain the unauthorised garden structure.
- There is a complex planning history, including in part that relates to the garden structure. The current application is a repeat application previously refused planning permission by the Commission and the refusal reason has not been adequately addressed in the current proposal.
- It is claimed that the size of the garden structure is excessive. The floor area of the structure has increased from 36 sqm (granted planning permission under reg. ref. D14B/0415) to 45 sqm. It is claimed the gross floor area as measured from inside the external walls is 48 sqm.
- The existing structure has unnecessary rear fenestration and a door opening, which has an adverse impact on the residential amenity of adjoining properties notwithstanding mature boundary vegetation. This matter was highlighted by the Commission inspector in 2024.
- The proposed development would be contrary to Section 12.3.7.4 (Detached Habitable Room) of the Dun Laoghaire Rathdown County Development Plan 2022-2028.

- The site location and site layout map are inaccurate and misleading. They show the walls to be retained not to be to the rear of no. 75A Braemor Road, which is incorrect.
- The walls of the building to be retained are within 1.1m of the main sewer. No permission on file received from Irish water. The applicant has failed to provide a confirmation of feasibility from Uisce Éireann in the current application noting that a previous reason for refusal cites the uncertainty in the matter of the location of the foul sewer.
- The issue of boundary wall trespass remains a matter of concern to the owners of the shared property boundary between nos. 56 and 58 Landscape Park.

4.0 Planning History

4.1. The following planning history is relevant:

- Under reg. ref. 24B/0356 the planning authority received an application for retention of a partly completed two-storey extension to the side and rear of the existing dwelling and completion of remaining works to the extension. This application was the subject of a further information request and subsequent clarification request principally in the matter of the location of the public sewer, as no response was received the application was deemed withdrawn.
- Under reg. ref. D24B/0125 the planning authority had granted planning permission for retention of an existing foundation slab and partly constructed block walls and permission for the construction of a garden shed / home office (45 sqm). Subsequently, under reg ref. ACP-319881-24 permission was refused by the Commission.

The reason for refusal is stated below:

In the absence of a clear indication in the plans and particulars submitted with the application and in the response to the grounds of appeal, as to the exact location of an existing foul sewer traversing the application site relative to the proposed development, the Board cannot be satisfied that the proposed development will not adversely impact on the public infrastructure and, therefore, cannot be satisfied that the proposed development would not be prejudicial to

public health. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

- Under D22A/0243 retention permission was refused for a reinforced concrete foundation slab and partly constructed concrete blockwork walls and permission for the construction / completion of a single-storey rear garden shed, storage room, home office / studio building (approximately 80 sqm).

Subsequently the Commission upheld the planning authority decision under reg. ref. ACPPL06D.313896. The reasons for refusal stated by the Commission are outlined below.

- (1) *The Board noted from the file details that the Drainage Division of the planning authority raised concerns in relation to surface water drainage, while confirmation of feasibility was required from Irish Water due to the presence of a 300mm diameter foul sewer crossing the rear of the site which may be impacted by the proposed development. The Board was not satisfied, on the basis of the information on file with regard to the Uisce Éireann foul sewer, that the proposed development would not be prejudicial to public health, and therefore the Board considered that the proposed development would be contrary to proper planning and sustainable development.*
- (2) *The development proposed for retention and the proposed development fails to accord with Section 12.3.7.4 Detached Habitable Room of the Dun Laoghaire Rathdown County Development Plan 2022-2028 due to its excessive scale. The Board considered the mass, scale and form of the proposed garden shed, storage room, home office / studio building structure was excessive in that it extended from boundary to boundary. The Board considered that, if granted, the proposed development would set an undesirable precedent and would, therefore, be contrary to the proper planning and sustainable development of the area.*

The planning authority (D22A/0243) reason for refusal is outlined below:

- (1) *The proposed development fails to accord with Section 12.3.7.4 Detached Habitable Room of the Dun Laoghaire Rathdown County Development Plan 2022-2028 due to its excessive scale and ability to function as a separate independent dwelling, family member unit or large office. The building for which*

retention permission is requested is not considered to be ancillary to the primary dwelling and if granted the proposed development would set an undesirable precedent for similar development; may adversely impact the amenity of adjoining property's and would, therefore, be contrary to the proper planning and sustainable development of the area.

- Under reg. ref. D14B/0415 (ABPPL06D.244488) planning permission was granted on the 20th May 2015 (as extended under reg. ref. D14B/0415/E for 3 years - no later than 15/06/2023) for demolition of part of two-storey building to the side and rear, construction of new two-storey extension to front, side and rear, single-storey front porch, loft conversion with Velux and a single-storey garage/studio building to the rear garden.

The applicant was requested by way of condition to discharge the following:

Prior to commencement of any development on site a floor plan and elevation drawings for the single-storey garage / studio building to the rear garden shall be submitted for the written approval of the Planning Authority. This structure shall be a maximum 36 sqm in floor area and a maximum of 3.6m in height. No development shall take place until the written approval of the Planning Authority has been received in relation to this condition.

Reason: To enable the Planning Authority to check the proposed development when completed by reference to approved particulars.

5.0 Policy Context

5.1. Development Plan

The Dun Laoghaire-Rathdown County Development Plan 2022-2028 is the local planning policy document. The following policy objectives are relevant:

The area zoning objective is "A": *To provide residential development and improve residential amenity while protecting the existing residential amenities.*

Urban Consolidation

- Chapter 4 (Neighbourhood-People, Homes and Place), Section 4.3.1.2, Policy Objective PHP19 (Existing Housing Stock-Adaptation) is relevant and states:
 - *Conserve and improve existing housing stock through supporting improvements and adaptation of homes consistent with NPO 34 of the NPF.*
 - *Densify existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods.*

Extensions

- Chapter 12 (Development Management) Section 12.3.7.1 (Extensions to Dwellings) provides guidance with respect to porches, front extensions, side extensions, rear extensions, roof alterations, attic conversions and dormer extension.
- Section 12.3.7.4 (Detached Habitable Room) is relevant and *inter alia* states:

This can provide useful ancillary accommodation such as a playroom, gym, or study/home office for the main residence. It should be modest in floor area and scale, relative to the main house and remaining rear garden area. The applicant will be required to demonstrate that neither the design nor the use of the proposed structure will detract from the residential amenity of adjoining property or the main house. Any such structure shall not be to provide residential accommodation for a family member/ granny flat nor shall the structure be let or sold independently from the main dwelling.

5.2. Relevant National or Regional Policy / Ministerial Guidelines

The Department of Housing, Local Government and Heritage 'The Sustainable Residential Development and Compact Growth Guidelines for Planning Authorities', (15 January, 2024).

6.0 EIA Screening

6.1. 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. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination.

7.0 The Appeal

7.1. Grounds of Appeal

There are two lodged appeals, which are individually summarised below:

(1) Appeal by Declan Moran on behalf of the resident of no. 75A Braemor Road.

- The window to the rear of the appeal structure is directly behind and in close proximity to the rear garden wall of the appellant's property at no. 75A Braemor Road. The rear window directly overlooks the rear garden of the property having a significant adverse impact in the enjoyment of the dwelling's private amenity space.
- The appellant shares the concern of the An Bord Pleanála inspector's report (ABP-319881-24), which states that the window appears unnecessary and would give rise to undue overlooking.
- It is claimed given the proximity of the window opening to the property boundary that planting cannot be expected to restore privacy. Furthermore the planting would negate the purpose of a window perse.
- The appellant agrees with the An Bord Pleanála inspector's report (ABP-319881-24), which concluded that there is a diminishment of residential amenity caused by the placement of this window contrary to Section 12.3.7.4 and the residential land use zoning objective of the development plan.
- The drawings submitted in the planning application are inaccurate and misleading in representing the location and position of a window to the rear of the structure to be retained. The drawings show the position of the building to be retained not to be to the rear of no. 75A Braemor Road. It is claimed that this is a significant misrepresentation.

- Furthermore, the drawings contain conflicting information. The Drawing named “Drawing FI.pdf” described as “Drawing FI” (dated 14th October 2025) and received by the planning authority on 22 October, 2025 doesn’t show any windows to the rear of the structure to be retained.
- The appellant concludes that the Commission refuse the development or to require the rear windows to be replaced by a rooflight to address residential amenity concerns.

(2) Brian Gorman & Siobhan Dempsey residents at no. 58 Landscape Park.

- The appeal statement is accompanied by a report by an independent consulting engineer (Fitsimmons Consulting Engineers) in the matter of the trespass onto the appellant’s property resulting from the demolition to facilitate and construction of the development to be retained and completed.
- The garden structure to be retained appears to have a spatial extent of 65.7 sqm (independent engineer’s actual measurement) in reality (11m x 5.97m) and sits within the unauthorised 79.3 sqm structure constructed 4 years ago (construction commenced May 2021). The applicant claims the structure is 45 sqm. in the covering letter. However, measurements given in “Drawing FI.pdf” show it to be 55sqm (i.e. 11m x 5m).
- It is claimed that although the structure has been reduced in size (from 79.3 sqm to 65.7 sqm), it is still too large and out of proportion within context (82.8% of the existing structure is to be retained). It is out of character with the surrounding gardens and landscapes.
- The structure even in scaled back form has a negative visual impact and has a negative impact on the privacy of no. 58 Landscape Park. The appellant is advised professionally that the appeal development is having an adverse impact on the value of their home. Photographs of the existing structure taken from no. 58 Landscape Park at first floor elevation are attached to the appeal statement (provenance given as May 2025).
- A demolition order was served by the planning authority in September 2024 but was never carried out by the owner / occupier / developer of the site for the removal of the unauthorised structure of which the development to be retained

forms part (ENF37721). The appellant requests that permission should not be granted to re-use parts of the structure that should have been previously demolished.

- The demolition of part of the shared party wall (6m section) between no. 56 & no.58 Landscape Park forms part of the unauthorised development, as no consent for boundary demolition and reconstruction (gable wall approximately 2.67m x 5.97m) was given by either the property owner (no. 58 Landscape Park) or the planning authority. This demolition / construction action represents an illegal trespass.
- The appellant has written to adjoining property owner an estimated 11 times by solicitor's letter asking for the removal of the gable wall to be retained. The subject letters that sought to remedy this matter have not been heeded or resolved the encroachment onto the lands at no. 58 Landscape Park. It is claimed that the remainder of the boundary is unstable with a gap and lean in it making it unsafe (photographs are appended to the appeal statement).
- The gable wall (approximately 16 sqm / 5.97m x 2.67m) of cavity block construction even if it is agreed to be permitted will remain a concern to the appellant given its potential lack of structural integrity. There is a gap between it and the original boundary of 65mm. The wall has not been independently certified compliant with building regulations.
- Notwithstanding the statement(s) of the planning authority in the matter of encroachment / oversailing of adjoining property, the Commission is advised of the following: (1) the present encroachment onto the adjoining property at no. 58 Landscape Park of the development to be retained and completed; (2) that no consent or permission exists in regard to this encroachment, which is a flagrant contravention of property rights.
- The appellant cites Drawing Fl. Pdf submitted under reg. ref. D25B/065, which accurately shows the divisible gable wall as being across the full width of the boundary wall.
- It is claimed that the applicant has submitted unreliable and misleading drawings. It is claimed that a decision to grant planning permission should not have been

made. The plans are hand drawn with hand writing that is often quite illegible and are of poor quality.

- The appellant cites discrepancies including the scale of the structure to be retained within its immediate surroundings. It is claimed *inter alia* that the structure is closer to the rear of no. 58 Landscape Park than the submitted drawings depict.
- The appellant claims that the additional 141 sqm of space provided by the extension of the main dwelling house will provide sufficient working from home space negating the substantive requirement for the garden room structure.
- The appellant claims that the sewer pipe *inter alia* the reason for previous refusal (a risk to public health) remains built over by the foundation slab in the location of the proposed patio.
- The appellant requests the demolition of the existing structure and the construction of the garden room authorised under the parent permission (D14B/0415). The building authorised (2014) sat 1.25m inside the property boundary with no. 56 Landscape Park and comprised a smaller 12 sqm plus 24 sqm garden structure.
- Finally, the wall in the east corner of the site (public lane side) is unstable and is visibly in need of repair as a result of unauthorised construction works. It is claimed it is a public safety hazard.

7.2. Applicant Response in the case of a 3rd Party Appeal

The applicant response dated the 21 December, 2026 is summarised below:

- The submitted response addresses the two appeals against the planning consent granted by the planning authority for the subject development.
- The previous application (D24B/0125) was overturned by the Commission (ACP-319881-24) solely due to the requirement for the applicant to engage with Uisce Éireann in the matter of a 300mm diameter sewer which passes adjacent to the proposed development.

- This matter has now been addressed. A letter from Uisce Éireann, dated 18/06/2025, attached to the Response, confirms that Irish Water have no objection to the retention of the development.
- In the matter of the appeal by Declan Moran (C/O 75A Braemor Road), the objection refers to a small high level window in the rear of the development. The subject window is positioned at a high level 2m from the rear boundary with no view to the outside. It is claimed that nothing can be seen beyond the boundary given the screening provided by mature vegetation.
- The planning authority have conditioned that the window(s) be furnished with opaque glass. The applicant will comply with this condition.
- The development is consistent with the zoning objective providing *inter alia* a home office, which is accepted as a highly sustainable approach to the impacts of commuting on the environment.
- In the matter of the appeal by Brian Gorham & Siobhan Dempsey (58 Landscape Park), the submission is designed to mislead and misrepresent.
- The planning history of the adjoining properties (nos. 56 & 58 Landscape Park) is relevant. A joint application for the extension of both properties was granted in 2014. The owners of no. 58 Landscape Park were facilitated by access (7 months) to the lands at no. 56 Landscape Park in order to conduct works authorised by this permission.
- It is claimed that the agreement between the parties provided for the co-operation of the owners of no. 58 Landscape Park in the development of no. 56 Landscape Park. There was a breach of this agreement and a boundary dispute resulted. The claim of trespass as stated in the appeal statement and the attached Fitzsimons Consulting Engineers Report is unfounded.
- In the matter of the submitted Fitzsimons Consulting Engineers Report, the relevance is not clear to the applicant. The Report confirms that the boundary wall is built 50mm on the side of no. 58 Landscape Park and 165mm on the side of no. 56 Landscape Park. There can be no trespass due to the agreement to build a party wall / boundary wall centred on the boundary.

- The joint works to nos. 56 & 58 Landscape Park are now complete after an extension of duration of permission. These works were the subject of a decision to build a party wall centred on the boundary and to build the rear boundary centred on the boundary.
- It is claimed that there is no encroachment into the adjoining property and that the instability of a section of the boundary wall (which is out of plumb) is the result of inadequate foundations (as built by the owner of no. 58 Landscape Park).
- In the matter of the structural integrity of the gable wall (thickness of 215mm) of the garden room structure located on the boundary, centred on the boundary as previously agreed and located exactly where a 100mm wall previously existed, the wall is structurally sound and is constructed on a reinforced concrete foundation. The construction was supervised by a chartered engineer.
- The applicant does not consider the boundary matter relevant to the planning authority or the Commission.
- In the matter of the quality of the submitted drawings, the planning authority considered that the drawings were sufficiently clear to make a decision to grant planning permission. It is denied that there are any substantive discrepancies in the drawings and plans submitted.
- The claim by the appellant that the garden structure remains too large / out of proportion is subjective. The structure is the minimum size feasible for the requirements of the applicant.
- Finally in the matter of the boundary wall to the public lane on the other side of the rear garden of no. 56 Landscape Park, repairs have been completed to the wall. Furthermore, this is a matter for the local authority.

7.3. Planning Authority Response

The planning authority refer the Commission to the previous Planner's Report. It is considered that the grounds of appeal do not raise any new matter which, in the opinion of the planning authority would justify a change in attitude to the proposed development.

7.4. Observations

There is one observation on file from the owner of 79 Braemor Road. The observation is summarised below:

- The principal concern relates to the rear facing door on the proposed structure, which it is claimed directly overlooks the observers rear garden. The door is unnecessary as an alternative access / egress (opposite side of the building) exists and the rear door has no function as it leads nowhere.
- The observer is concerned that the door may in the future lead to a patio area in the present location of mature vegetation (dense tree trunks). The dense vegetation reinforces the point that the rear windows and door are unnecessary.
- The boundary wall is 2 feet high and without the screening of an existing garden shed the occupants of no. 56 Landscape Park would have full uninterrupted views into the observer's garden.
- The applicant's description of a 'mature laurel hedge' as screening is inaccurate. The planting consists of laurel trees and the vegetation provides minimal privacy. Furthermore, there is no guarantee that the planting will remain once permission is granted.
- The An Bord Pleanála inspector identified on their previous report that the rear door has the potential to give rise to undue residential "diminishment" inconsistent with Section 12.3.7.4 of the development plan and the residential zoning objective.
- The drawings submitted by the applicant are of poor quality and do not clearly illustrate what is being constructed. The observer requests the submission of more accurate drawings to enable neighbours to fully understand the scale, design and impact of the development.
- The observer requests reassurance that the structure under appeal will be completed in accordance with the submitted plans and particulars, including conditions, given previous breaches of planning conditions.

- The observation is accompanied by black and white photocopies of pictures of the rear garden of the observer at the interface with the appeal site including the distance between the boundary wall and the proposed structure; the laurel tree screening and; the impact on privacy with or without the observers garden shed in situ.

8.0 **Assessment**

8.1. I have 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 planning policies and guidance, I consider that the substantive issues to be considered are as follows:

- Zoning / Principle of development
- Planning history
- Section 12.3.7.4 (detached habitable room) of the Dun Laoghaire-Rathdown County Development Plan 2022-2028.
- Impact on existing residential amenities
- Other Matters.

8.2. Zoning / principal of development

The site is zoned to provide for residential development and improve residential amenity while protecting the existing residential amenities.

8.3. Policy Objective PHP19 (Existing Housing Stock-Adaptation) of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 supports the improvement of the existing housing stock by improvement and adaption.

8.4. Section 12.3.7 (Additional Accommodation in Existing Built-up Areas) of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 recognises the need for people to extend and renovate their dwellings.

8.5. Section 12.3.7.4 (detached habitable room) of the Dun Laoghaire Rathdown County Development Plan 2022-2028 provides for the construction of additional residential

accommodation in the form of an ancillary detached structure to the main dwelling house.

- 8.6. The applicant states that the substantive use of the structure to be retained and completed is a home office, which it is claimed is accepted as a highly sustainable approach to the impacts of commuting on the environment (applicant response dated 21/12/25).
- 8.7. The proposed floor area (45 sqm) meets the minimum requirements of the applicant with a number of family members working from home.
- 8.8. Residential development is a permitted in principle use. I conclude that the development to retain and complete a detached habitable room in the rear curtilage of the dwelling house as ancillary accommodation on site is acceptable in principle.

8.9. Planning history

The appellant(s) states that the development to be retained and completed must be contextualised with reference to the complex planning history on site including the history of planning refusal for the retention of the subject development.

Original permission

- 8.10. The applicant applied for an extension of the existing dwelling house at no. 56 Landscape Park in 2015 (D14B/0415), including a rear garden room. The planning authority and subsequently An Bord Pleanála (ABPPL06D.244488) granted planning permission subject to condition.
- 8.11. The permission was later extended under reg. ref. D14B/0415/E for 3 years – to complete no later than 15/06/2023. This permission has now expired.
- 8.12. The garden room on the submitted drawings shows a single-storey structure located at the rear of the garden with a separation gap between both the side and rear boundaries. The separation with the rear boundary is 1m.
- 8.13. The structure was set back from the northern side boundary at a minimum separation distance of 1250mm. The structure was set back from the southern side boundary by 3540mm.
- 8.14. The structure was designated as a single-storey shed. It had an external measurement of 1200mm x 4000mm (48 sqm).

- 8.15. The planning case officer in the assessment of the single-storey garage / studio building to the rear noted that inadequate floor plans had been submitted. However, the application form stated a floor area of 36 sqm and the planning case officer deduced a height of 3.6m.
- 8.16. The planning case officer considered the floor area of the detached structure was modest in scale relative to the main house as proposed.
- 8.17. The planning case officer considered a compliance condition necessary to regulate the construction of the detached garden structure given the absence of submitted drawings. This condition was attached as Condition 3 of the final grant of planning permission (ABPPL06D.244488) restricting the floor area of the garden structure to a maximum 36 sqm and a maximum height of 3.6m.
- 8.18. The subject condition attached to the final grant of permission in 2014. I note that the planning case officer assessing the current retention / completion proposal under appeal states that the subject condition compliance was not received by the planning authority.

Compliance

- 8.19. Subsequent to an extension of duration of permission (until the 15/06/2023), the applicant submitted compliance drawings in the matter of Condition 2 of the final grant of planning permission (May, 2022).
- 8.20. Condition 2 of the final grant (ABPPL06D.244488) required the omission of the side windows in the location of the master bedroom and relates to the side extension to the main dwelling house. The compliance was discharged in July, 2022.
- 8.21. The submitted Drawing no. 317-21T, stamp dated January 2022, in addition shows the proposed fenestration of the garden room structure (shed). The fenestration includes a single vertical window opening measuring 600mm (wide) x 1100mm (verticality) lighting a shower room.

Previous refused development

- 8.22. Subsequent to the original grant, the applicant applied for the retention and completion of a larger garden structure / foundation slab (approximately 80 sqm) under reg. ref. D22A/0243 (ACPPL06D.313896).

- 8.23. The planning authority and An Bord Pleanála refused permission. The reasons for refusal related to proximity to a significant water infrastructure asset (location to be clarified) and the excessive scale of the development inconsistent with Section 12.3.7.4 Detached Habitable Room of the Dun Laoghaire Rathdown County Development Plan 2022-2028.
- 8.24. The most recent planning refusal (ACP-319881-24) on site relates to the retention and completion of a 45 sqm garden structure, which was refused permission (prejudicial to public health) by the Commission by reason of the unknown location of the foul sewer traversing the property.
- 8.25. *Development to be retained and completed*
- In the matter of the retention and completion permission being assessed under this appeal(s), the planning authority had serious concern at the size of the as built blockwork slabs.
- The planning authority was unclear the extent of the existing blockwork that would be demolished / retained and that part of the existing structure that would comprise the proposed smaller completed garden room / shed.
- 8.26. The applicant submitted further information on the 16/10/2025 in response to a request for clarification of the extent of the existing rear structure that is to be demolished, retained, repurposed / reused.
- 8.27. The response includes a colour coded Drawing No.1/1 RFI 56LSP, dated 14/10/2025. I note that the appeal file contains a copy of this drawing, which is a black and white copy of the original. The highlighted areas in green, red, yellow and blue are not clearly discernible.
- 8.28. The accompanying further information response letter helps to clarify the location on site of the highlighted colour coding. Furthermore, the colour coded drawing is available on-line as part of the planning authority file.
- 8.29. I consider that the clarification provided by the applicant response letter to further information is sufficient to read the black and white photocopy including the locations identified by colour coding (Drawing No.1/1 dated 14/10/2025).

- 8.30. The overall size of the existing foundation structure and block work walls is clearly visible on site and as viewed from the neighbouring property to the north at no. 58 Landscape Park (Appellant 2).
- 8.31. The walls highlighted in yellow are designated 'the perimeter' on the submitted further information response drawing. The applicant states that the yellow colour coded walls will be reduced in height to 2440mm.
- 8.32. The existing block work walls highlighted in yellow are clearly identifiable on site. They are visible above the side boundary onto the public lane to the south and clearly visible from the rear garden of no. 75A Braemor Road (Appellant 1).
- 8.33. The wall highlighted in blue extends at a right angle from the southern side boundary recessed behind the front elevation of the garden room structure would be retained and reduced in height to 1800mm.
- 8.34. There is a separation gap proposed between the northern extremity of the blue coded wall and the southern gable of the roofed structure. I estimate an approximate 2m gap. The gap would give access to the enclosed southern patio and an entrance to the roofed garden room.
- 8.35. The walls shown in green would be demolished. These walls comprise the link walls between the walls highlighted in yellow and blue, which fully enclose the proposed patio.
- 8.36. In summary, the residual existing concrete slab external to the proposed roofed detached habitable room would form an enclosed patio or external garden room to the south of the roofed garden room. The patio area is orientated south and would be accessed from the internal space by a door in the south gable wall of the proposed garden room proper.
- 8.37. The walls highlighted in red would comprise the roofed detached habitable room.
- 8.38. The roofed detached habitable room and the external enclosed patio would extend for the full width of the rear garden of no. 56 Landscape Park.

Floor area / foot print to be retained

- 8.39. The applicant states in the covering letter accompanying the application that the total area of the development is 45 sqm. However, the floor area of the proposed garden structure is given on the application form as 45 sqm (gross floor area measured inside the external walls).
- 8.40. The submitted drawings show an external envelope of 5000mm x 11000mm. A proposed footprint of 55 sqm.
- 8.41. The 55 sqm footprint is confirmed by the further information response Drawing No.1/1 RFI 56LSP, dated 14/10/2025. The residual existing foundation slab area is shown as the uncovered / unroofed patio area.
- 8.42. The appellant (2) at no. 58 Landscape Park claims that the garden structure is reduced in size from 79.3 sqm to 65.7 sqm (5970mm x 11000mm) and that an approximate 83% of the existing structure is to be retained.
- 8.43. The appellant at no. 58 Landscape Park states that the garden structure is 65.7 sqm by reason of the measured width of the structure along the shared property boundary. I note the Fitzsimons Consulting Engineers Report, dated December 2025, submitted by the appellant (2) with the appeal statement – see below.

The Fitzsimons Consulting Engineers Report Appellant 2)

- 8.44. The engineering report attached to the appeal statement, prepared by Fitzsimons Consulting Engineers (FCE), dated December 2025, states that the northern gable of the garden room structure to be retained has a measured width of 5970mm (Appendix B: Boundary Survey - DRG.S001).
- 8.45. Section 1.2 (Survey) of the Report documents that measurements were taken using a Leica Disto S910 and steel tape.
- 8.46. I note the findings of the Fitzsimons Consulting Engineers Report including the subject gable measurement on the shared property boundary, which is 970mm greater than the width measurement of the proposed garden room submitted on the application drawings (5000mm - DRG. 1/3, dated 15/05/2025) and the further information response drawing (5000mm – DRG. No.1/1 RFI 56LSP, dated 14/10/2025).

- 8.47. I note that the concrete slab thickness as measured by FCE is 400mm above the garden level in the garden of no. 58 Landscape Park and the height of the wall is 2250mm above the as built concrete slab.
- 8.48. I conclude that the submitted drawings are of poor quality and are not as scaled. Furthermore there is a discrepancy in the submitted drawings and the structure as built and surveyed by the appellant on the shared property boundary with no. 58 Landscape Park.
- 8.49. I note that the drawings accompanying the application are not of an indicated scale and have been photocopied.
- 8.50. The applicant by response, dated 21/12/25, states that there is no inaccurate or misleading mapping and the development will be completed in accordance with the submitted plans.
- 8.51. I consider that the 10 sqm discrepancy between the stated floor area to be retained on the application form (45 sqm), gross floor space measured inside the external walls, and the footprint of the structure to be retained as measured from the submitted drawings (55 sqm) maybe accounted for by the thickness of the blockwork walls.
- 8.52. However, I cannot conclude that the submitted drawings are accurate in evidencing that the completed roofed development would have a footprint of 55 sqm.

Internal configuration

- 8.53. The indicative floor plan shows the internal accommodation comprising 4 separate internal spaces including an identified home office (approximate floor area 20 sqm) and store room (approximate floor area 10 sqm).
- 8.54. A corridor is accessed via an entrance door located on the south gable elevation. The corridor with a north / south alignment provides internal access to a home office with high level fenestration orientating east and a storage room positioned in the middle of the floor plan with fenestration orientated west.
- 8.55. The fourth internal space is unidentified on the floor plan (Drawing No. 1/1 dated 14/10/2025). It is aligned east-west with a door opening on both the east and west (roller shutter) elevations. The external envelope of the fourth space is distinct with a separate mono-pitch roof exhibiting a front gable elevation rising to the parapet height of the west elevation (front) of the substantive garden structure.

8.56. I consider by process of elimination the fourth internal space is the identified shed in the text description of the development to be retained.

Height

8.57. The maximum height of the garden structure is given as 3300mm (Drawing No. 2/3 dated 15/05/2025).

8.58. I note that height of the structure would be lower on the shared property boundary with no. 58 Landscape Park given the pitch of the roof above the shed (fourth internal space).

Setting

8.59. The garden structure is located more than 20m from the rear façade of the main dwelling house (24m separation distance is shown between the rear elevation of the dwelling house and an indicative mid-point of the south gable elevation of the garden structure).

8.60. The rear elevation of the proposed roofed garden structure is located 2500mm from the rear boundary. The structure is located onto the side boundary with no. 58 Landscape Park to the north exhibiting a gable elevation to the adjoining property as viewed from the rear garden of no. 58 Landscape Park. The south gable is located 6m from the side boundary with the public lane to the south.

Material finish

8.61. The front facade would be clad in stonework with vertical timber cladding. The principal mono-pitch roof would exhibit a raised seam zinc / metal finish with a 3-4% maximum pitch. The rear elevation would exhibit a rendered blockwork finish.

8.62. The applicant states that the incorporation of a low pitch mono-pitch roof is in order to reduce height and visual presence with reference to the main dwelling.

8.63. Location, scale and design of the garden room structure

Section 12.3.7.4 (Detached Habitable Room) of the Dun Laoghaire Rathdown County Development Plan 2022-2028 *inter alia* acknowledges that detached garden rooms can provide useful ancillary accommodation such as a playroom, gym, or study/home office for the main residence.

- 8.64. Furthermore, non-habitable detached rooms should be modest in floor area and scale, relative to the main house and remaining rear garden area.
- 8.65. The subject dwelling house is oriented east-west situated toward the western section of a linear plot. The garden structure is located in the rear garden of the dwelling house proximate to the eastern property boundary separated from the boundary by a spatial gap (2500mm).
- 8.66. There is a spatial separation of approximately 20m between the habitable room structure and the rear elevation of the main house creating a clear visual separation between the main house and the ancillary accommodation.
- 8.67. The existing structure on site comprises a foundation slab with concrete block work walls constructed above the slab. The window and door openings are clearly visible.
- 8.68. The habitable room to be retained and completed would be smaller floor area to the previously extended main house. The residual rear garden of the property represents an acceptable amenity space.
- 8.69. The garden structure enjoys dual fenestration on both its west (front) and east (rear) elevations. The fenestration is both orientated west toward the garden (rear elevation of the dwelling house) and orientated east toward the rear property boundary at the eastern extremity of the plot. I interrogate this matter further below.
- 8.70. The planning authority subsequent to further information response remained concerned at the extent of the structure to be retained.
- 8.71. The planning authority recommend a grant of permission *inter alia* conditional that within 3 months revised plans / drawings that would indicate that the walls highlighted in yellow, blue and green would be omitted from the development in order to reduce the extent of the structure to be retained *inter alia* in the interests of preventing overdevelopment of the site.
- 8.72. The planning authority concluded that the remaining garden room structure highlighted in red would be acceptable in terms of floor area and scale relative to the main house. I do not concur with the planning authority.
- 8.73. I acknowledge that the proposed roofed structure to be retained and completed would be smaller than the footprint of the existing slab, which extends across the back garden of the property.

- 8.74. I concur with the planning case officer that the footprint / scale of the existing blockwork slabs is of concern. However, I do not concur that the removal of the walls highlighted in yellow, blue and green would make the development acceptable.
- 8.75. I note from the response to further information that the applicant confirms that the existing boundary walls to the rear of no. 56 Landscape Park are a minimum of less than 1m in height “and provide little or no privacy and security”.
- 8.76. Notwithstanding the positioning of an ESB substation to the north-east within the curtilage of no. 75A Braemor Road, the removal of the rear wall highlighted in yellow on colour coded Drawing No.1/1 RFI 56LSP, dated 14/10/2025, would create a direct overlooking relationship between the proposed patio of the detached habitable room and the rear garden of no. 75A Braemor Road.
- 8.77. Finally, I note for the information of the Commission that the development description in the public notice does not include demolition or part demolition of the existing structure(s) on site (see Section 2.1 above).

Scale of development to be retained & completed

- 8.78. The appellant(s) acknowledge that the structure has been reduced in size. However, it is claimed that the structure to be retained is out of character with the surrounding gardens and landscapes and is still too large and out of proportion in context.
- 8.79. The rear gardens of the houses on Landscape Park and on Braemor Road are characterised by their openness with the exception of small garden sheds with modest footprints.
- 8.80. I do not consider that the establish pattern of development precludes a detached habitable room of scale and modest footprint in the rear curtilage of no. 56 Lamdscape Park consistent with Section 12.3.7.4 of the Dun Laoghaire Rathdown County Development Plan 2022-2028.
- 8.81. The appellant (2) requests the demolition of the existing structure(s) on site and the construction of the garden room authorised under the original permission (D14B/0415).
- 8.82. The previous authorised garden structure on site had a restricted floor area of 36 sqm. I note that the external measurement of that structure is 48 sqm denoted as a single-storey shed. I also note that this permission has now expired.

- 8.83. The applicant has stated on the application form that the habitable room would have a floor area of 45 sqm acknowledging that it is larger than the previously authorised structure.
- 8.84. On balance I consider that the proposed garden room structure (55 sqm) and associated external garden room enclosure in combination (approximately 80 sqm) represents a significant and inappropriate scale of development to the rear of no. 56 Landscape Park out of character with the established pattern of development in the vicinity.
- 8.85. I further consider that the removal of the external walls shown on Drawing no. No.1/1 RFI 56LSP, as required by the planning authority by way of condition, would not mitigate the adverse impacts of the existing slab / blockwork structure in the rear garden of no. 56 Landscape Park.
- 8.86. Furthermore, there are other planning matters of significant that relate to the detail design and footprint of the garden room that need to be addressed given the sensitive location of the structure within its backland residential context. These matters are investigated below.
- 8.87. I conclude that the form and massing of the garden room and associated enclosed patio area would be inconsistent with Section 12.3.7.4 of the Dun Laoghaire Rathdown County Development Plan 2022-2028 given that the combined structure(s) would not be modest in scale within context.
- 8.88. Impact on adjoining properties
Section 12.3.7.4 (detached habitable room) *inter alia* states that the applicant will be required to demonstrate that neither the design nor the use of the proposed structure will detract from the residential amenity of adjoining property or the main house.
- 8.89. The appellants *inter alia* and observer cite the adverse impact on their existing amenities resulting from the location, proximity to the shared property boundary, and design of the garden structure.
Impact on the abutting semi-detached house at no. 58 Landscape Park
- 8.90. The substantive matter concerning appeal statement (2) and the attached Fitzsimmons Consulting Engineers Report, dated December 2025, is the location of the development to be retained on the boundary with the adjoining property at no. 58 Landscape Park.

- 8.91. The appellant claims that the existing wall was constructed without landowner consent and that the action represents trespass.
- 8.92. The appellant advises the Commission that the development to be retained and completed is an encroachment onto the appellant's property at no. 58 Landscape Park adjoining the appeal site and that no consent or permission exists in regard to this encroachment.
- 8.93. I note this matter in the context of the overall grounds of appeal. However, any issue of oversailing or encroachment into neighbouring property is a civil matter and cannot be resolved through the planning process.

Overlooking, overbearing and visual impacts

- 8.94. In the matter of existing residential amenities, the appellant (2) claims that the subject garden room structure even if scaled back is inappropriate in size and location and would have a negative visual impact and has a negative impact on the privacy of no. 58 Landscape Park.
- 8.95. Notwithstanding that the shared property boundary between the adjoining houses is not screened for its entire length (as viewed on the day of my site visit), I do not consider that the retained and completed development to the rear of no. 56 Landscape Park would result in overlooking of the adjoining property at no. 58 Landscape Park.
- 8.96. The development exhibits a blank gable wall to the rear garden of no. 58 Landscape Park. There is no direct overlooking of the adjoining property to the north.
- 8.97. The line of sight of the proposed garden room fenestration is toward the rear elevation of the dwelling house at no. 56 Landscape Park (west elevation fenestration) and toward the rear property boundary and rear gardens of the houses on Braemor Road (east elevation fenestration).
- 8.98. Furthermore oblique overlooking from the fenestration in the west elevation of the garden room of the rear garden of no. 58 Landscape Park would be mitigated by the location of the proposed fenestration, which is positioned away from the shared property boundary.
- 8.99. The opening in the existing blockwork structure located proximate to the boundary is designated as a roller shutter access to a shed within the garden room proper on the submitted drawings.

- 8.100. The Fitzsimmons Consulting Engineers Report, dated December 2025 attached to the appeal statement (2) notes that the planning application proposes to increase the height of the existing gable wall of the garden room structure by another 1050mm to bring the height of the structure to the proposed finished roof height of 3300mm.
- 8.101. I note that the proposed roofed habitable room has a reduced height on the shared property boundary exhibiting a distinct mono-pitch roof rising away from the boundary to the substantive roof height of the main structure (3300mm).
- 8.102. I note the height of the existing gable elevation of the garden room structure as viewed from the rear garden of no. 58 Landscape Park and as measured by the appellant's engineer (FCE) on site (Wall 2250mm + Slab 400mm).
- 8.103. Notwithstanding the proximity of the development located on the property boundary with no.58 Landscape Park, I do not consider that the completed habitable room would in terms of its height and massing have a significant adverse impact on the residential amenities of no. 58 Landscape Park.
- 8.104. The development is located to the south and overshadowing impacts would be minimal.
- 8.105. I conclude that overbearing and overshadowing impacts would be acceptable given the single-storey height of the development, the significant distance of the development from the dwelling house (approximately 20m from the established two-storey rear building line of no. 58 Landscape Park) and the extent of the amenity space to the rear of no. 58 Landscape Park that would remain unaffected by the development to be retained.
- 8.106. Finally, the appellant claims that the structure even though it would be reduced in size (from 79.3 sqm to 65.7 sqm), would still be too large and out of proportion within context resulting *inter alia* in adverse visual impacts.
- 8.107. I note that the partially completed structure is unkempt and that a completion of the structure or part thereof would represent a positive action. The appellant states that the current dishevelled and overgrown state of the neighbouring garden is depreciating their property.
- 8.108. However, I agree with the appellant that the structure to be retained and completed is inappropriate in scale inconsistent with Section 12.3.7.4 of the Dun Laoghaire

Rathdown County Development Plan 2022-2028 and is out of character with the established pattern of development in the vicinity, as interrogated above.

8.109. *Impact on the adjoining houses on Braemor Road*

The appeal lodged on behalf of the resident of no. 75A Braemor Road concludes that the Commission refuse the development or require the rear window(s) to be replaced by a rooflight to address residential amenity concerns.

8.110. The east orientated fenestration is positioned 2500mm from the shared property boundary with nos. 75A & 79 Braemor Road.

8.111. The appellant (1) at no. 75A Braemor Road states that the rear window(s) directly overlook the back garden of the appellant's property having a significant adverse impact in the enjoyment of the private amenity space of the adjoining dwelling to the north-east.

8.112. The observer states without the positioning of a garden shed in the rear garden of no. 79 Braemor Road, providing screening to the shared property boundary (2 feet in height), the occupants of no. 56 Landscape Park would have full uninterrupted views into the observers garden.

8.113. The observer clarifies that applicant's description of a 'mature laurel hedge' as screening is inaccurate. The planting consists of laurel trees and the vegetation provides minimal privacy

8.114. It is claimed that the door to the rear of the structure to be retained directly overlooks the rear garden of no. 79 Braemor Road. I agree with the observer.

8.115. On the day of my site visit, I note there is a low boundary wall and mature vegetation located to the rear property boundary of no. 56 Landscape Park.

8.116. However, I can confirm that there is no mature tree screening on that part of the boundary between the rear of no. 79 Braemor Road and the subject garden structure.

Mitigation of overlooking by condition

8.117. The planning case officer by way of condition recommended the glazing within the 2 number proposed windows to the rear of the habitable room shall be manufactured opaque or frosted glass. The condition is attached in the interests of residential amenity.

- 8.118. I concur with the planning case officer that there are significant residential amenity issues arising from the location of fenestration in the east elevation of the roofed habitable room.
- 8.119. However, I do not consider that the inclusion of opaque glass would mitigate significant adverse overlooking / perceived overlooking impacts on the amenities of nos. 75A and 79 Braemor Road.
- 8.120. I note that the tree line to the rear of the garden structure (described by the applicant as a laurel hedge) does not extend to the boundary with no. 58 Landscape Road. There is a gap in the vegetation screening between the east facing rear door and the rear boundary with no. 79 Braemor Road (observer).
- 8.121. The proposed rear access door would have a clear line of sight into the garden of no. 79 Braemor Road from the threshold of the open door positioned 2500mm from the low boundary wall that delineates the rear property boundary between no. 56 Landscape Park and no. 79 Braemor Road (observer).
- 8.122. Furthermore, the perception of overlooking from the rear window(s) of the proposed habitable room to be retained would be significant given the proximity of the window opening(s) to the low rear property boundary and the clear line of sight into the rear garden of no. 75A Braemor Road (Appellant 1).
- 8.123. The submitted floor plans show that the fenestration in the east elevation (rear) would provide natural light and ventilation to the working from home space within the habitable room. This space by designation would be actively used during the day with light and ventilation solely reliant on the high level window openings 2500mm from the property boundary.
- 8.124. I note the negative assessment of the planning inspector cited by the appellant (1) in the matter of the rear fenestration of the habitable room structure, which recommended in the instance of a positive recommendation, the omission of the windows and door in the rear elevation or the omission of the door and the use of opaque glass in the window openings (ACP-319881-24).
- 8.125. The inspector was concerned with the necessity for fenestration facing the rear boundary of the site where the potential to give rise to undue overlooking of the rear

private amenity space of adjoining Breamor properties diminishing residential amenities is evident.

8.126. The current proposal is materially the same in regard to the positioning of fenestration in the rear elevation of the habitable room structure (Drg. No. 2/3 dated 16 March 2024).

8.127. I consider the window openings notwithstanding their high level position (1400mm) and the door opening in the east elevation (rear) are inappropriate given their proximity (2500mm) to the rear boundary and the resultant significant adverse impact on the existing privacy of nos. 75A & & 79 Breamor Road in terms of overlooking and potential noise disturbance.

Assessment and status of legacy development

8.128. I acknowledge that the location of the footprint of the proposed habitable room and associated enclosed patio structure is a legacy development granted planning permission in 2015 under reg. ref. D14B/0415 (ABPPL06D.244488). However, the permission was clearly conditioned to regulate the form and design of the structure, including floor area and fenestration.

8.129. Furthermore, the location of the foundation slab is not in the position indicated on the submitted drawings (D14B/0415). The previously authorised studio / shed structure is located 1000mm from the rear property boundary. The existing slab is located 2500mm from the rear property boundary.

8.130. The existing slab also extends to the side boundaries. The footprint of the permitted garden structure (2015) was set back from the side boundaries by 1250mm (north) and 3540mm (south).

8.131. The detail design of the garden room was not submitted to the planning authority in compliance with Condition 3 (garden structure) of the final grant of planning permission. I acknowledge that no formal compliance submission was made to the planning authority in the matter of Condition 3.

8.132. Notwithstanding that no formal compliance documentation was submitted in the matter of Condition 3, the submitted Drawing no. 317-21T, stamp dated January 2022, submitted in compliance with Condition 2 (master bedroom fenestration), shows the proposed fenestration of the "Studio" structure in the rear garden.

- 8.133. The fenestration includes a single vertical window opening measuring 600mm (wide) x 1100mm (verticality) lighting a shower room.
- 8.134. The floor plan indicates two internal spaces both measuring 16 sqm and one external space measuring 16 sqm. All three spaces are integrated under a single roof structure.
- 8.135. The current proposed fenestration and door opening located in the east elevation (rear) are materially difference to the "shed" fenestration shown on compliance drawing no. 317-21T, stamp dated January 2022.
- 8.136. In conclusion, the proposed fenestration to be retained has not been the subject of compliance approval. Furthermore the garden structure foundation slab as illustrated on Drawing No.1/1 RFI 56LSP, dated 14/10/2025, and as viewed on site is not positioned as shown on the original submitted drawings (D14B/0415) and the compliance drawing no. 317-21T.
- 8.137. Finally, I note that the Development Management Guidelines for Planning Authorities (2007) provide guidance in the matter of development to be retained that such development must be considered as with any other application. The application under appeal must therefore be assessed on the same basis as if the entire development is proposed.
- 8.138. The garden structure severs the linear residential plot at no. 58 Landscape Park between the rear elevation of the main dwelling house and the rear property boundary creating a satellite linear space with a dept of 2500mm between the rear elevation of the habitable room structure and the rear property boundary.
- 8.139. Notwithstanding that there is planting along most of the boundary the resultant space is a lightwell with fenestration facing directly into the back gardens of the adjoining properties on Braemor Road.
- 8.140. I consider that permitting a dual aspect detached habitable room structure, with a fenestrated elevation orientated east (2500mm from the rear property boundary) in combination with a fenestrated elevation orientated west, would set an undesirable precedent for the introduction of an intermediary building line in a sensitive backland location.
- 8.141. I conclude that the proposed development should be refused retention and completion permission.

8.142. *Other Matters*

There are a number of other matters that have been raised by the appellant(s) / observer. The attachment of a development contribution by the planning authority to the notification of grant of permission is also addressed (Conditions nos. 6,7 & 8)

Water infrastructure asset

8.143. The location of the water infrastructure asset on site has been clarified the reason for previous refusal(s) of retention and completion applications. Uisce Éireann has reviewed the proposed development as indicated on drawing no. DML/R4B/DIV25152/03 and has no objection to the retention of the garden building (letter dated 18 June 2025).

8.144. I consider that this matter has been addressed satisfactorily.

8.145. *Quality of the submitted drawings*

In the matter of the poor quality of the submitted drawings highlighted by the appellant(s) and the observer, I acknowledge the drawings lack clarity in particular in the positioning of the existing structure to the boundaries of adjoining properties.

However, I note that the submissions received from all parties demonstrated a full understanding of the development to be retained and completed.

8.146. I note that paragraph 11 (discrepancies in drawing and plans) of the applicant response, dated 21/12/25, denies that there are any substantive discrepancies in the drawings and the plans submitted.

8.147. The appellant at no. 75A Braemor Road states that the property is not shown to be to the rear of the development to be retained on the submitted drawings, including the position of a rear window directly to the rear and in close proximity to no. 75A Braemor Road. It is claimed that this is a significant misrepresentation.

8.148. I can confirm on the day of my site visit that no. 75A Braemor Road is located to the north-east of the rear curtilage of no. 56 Landscape Park and the development to be retained is located behind the garden boundary wall separating the properties, including a proposed window opening.

8.149. My assessment above has been informed by the relationship between no. 75A Braemor Road and the development to be retained to the rear of no. 56 Landscape Park.

8.150. I conclude that the submitted documentation in combination with my site visit is sufficient to make a full and complete planning assessment of the development to be retained and completed.

The Development contribution

8.151. The Dun Laoghaire-Rathdown County Council Development Contribution Scheme 2023-2028 provides for a contribution for domestic extensions per square metre in excess of 40 sqm. I note that the dwelling house has been extended previously in excess of the 40 sqm threshold.

8.152. I consider that the attachment of a development contribution is appropriate if the Commission is to decide to grant permission for retention and completion.

9.0 **AA Screening**

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

The subject site is located within an established suburban area and is connected to piped services and is not immediate to a European Site. The proposed development comprises retention and completion works in the rear curtilage of an existing swelling house.

No significant nature conservation concerns were raised in the planning appeal.

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 given the small-scale nature of the development.

I conclude 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

10.0 **Water Framework Directive**

10.1. The site is located in a suburban location. It is not proximate to a visible watercourse.

The development comprises retention of a garden structure within the curtilage of an existing dwelling house.

No water deterioration concerns were raised in the planning appeal.

I have assessed the development 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 the small scale and nature of the development.

I conclude based on objective information, the proposed development will not result in a risk of deterioration of 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.

11.0 Recommendation

11.1. I recommend a refusal of retention and completion permission for the reasons and considerations outlined below:

12.0 Reasons and Considerations

The proposed structure and retained blockwork enclosed associated external patio extending across the entire rear garden of no. 56 Landscape Park would in terms of its overall footprint and scale detract from the residential amenity of adjoining property, exhibiting a fenestrated elevation orientated west toward the main dwelling house in combination with a fenestrated elevation orientated east toward the rear boundary (separation distance 2500mm), which would result in significant overlooking and loss of

privacy to the adjoining properties at nos. 75A & 79 Braemor Road inconsistent with Section 12.3.7.4 (detached habitable room) of the Dun Laoghaire-Rathdown County Development Plan 2022-2028. Furthermore, the dual aspect building would set an undesirable precedent for the introduction of an intermediary building line in a sensitive backland location severing the linear residential plots on Landscape Park between the rear elevation of the main dwelling house(s) and the rear property boundary, inconsistent with the zoning objective, which seeks to protect the existing residential amenities while providing for new and improved residential development and, as such, would be inconsistent with the proper planning and sustainable development of the area.

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.



Anthony Abbott King
Planning Inspector

27 February 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PI-500415-DR-25
Proposed Development Summary	Retention and completion of garden structure as home office / shed
Development Address	56 Landscape Park, Churchtown
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?	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> No, No further action required.
(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)	
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	

<p>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?</p>	
<p><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.</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 checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: A. Asha

Date: 27/02/2026