



An
Coimisiún
Pleanála

Inspector's Report

PL-500494-SD-25

Development	Retention of single story home office, gym and bathroom.
Location	96, Earlsfort Road, Lucan, Co. Dublin, K78 X275
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD25B/0583W
Applicant(s)	Eric Baldwin
Type of Application	Retention
Planning Authority Decision	Grant Retention with Conditions
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	Eric Baldwin
Observer(s)	None
Date of Site Inspection	16 th March 2026
Inspector	Elaine Power

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1.0 Site Location and Description

- 1.1. The appeal site is located at no. 96 Earlsfort Road, Lucan, Co. Dublin, within a mature residential estate. The site has a stated area of 200sqm and currently accommodates a 2-storey semi-detached dwelling (99sqm) with a single storey existing ancillary garden room (35sqm) in the rear garden. There is off street car parking to the front of the house and private open space to the rear.

2.0 Proposed Development

- 2.1. It is proposed to retain an existing single storey structure in the rear garden accommodating a home office, gym and bathroom.

3.0 Planning Authority Decision

3.1. Decision

Retention permission was granted subject to 3 no. conditions. Conditions 2 and 3(b) are considered relevant.

Condition no. 2 Within 6 months of final grant of this permission, the bathroom serving the existing garden room shall be removed from same, with evidence demonstrating same submitted for the written agreement of the Planning Authority.

REASON: To protect the amenities of the area and in the interests of the proper planning and sustainable development of the area.

Condition no. 3 (b) The detached garden structure hereby permitted shall be for use ancillary to the enjoyment of the dwelling house and shall not be sub-divided or used for any commercial purposes, and the outbuilding shall not be sold, let (including short-term letting), leased or otherwise transferred or conveyed, by way of sale, letting or otherwise save as part of the single dwelling unit. Use of same as a home office is acceptable however no toilet shall be installed to the detached garden structure hereby permitted.

REASON: To prevent unauthorised development and in the interests of orderly development and residential amenities

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

The Planners report dated 20th November 2025 considered that the development was acceptable with regard to the visual and residential amenities of the area and, subject to a condition to omit the bathroom would accord with the relevant provisions of the 2022-2028 South Dublin County Development Plan and BFP1 and BFP6 of the SDCC House Extension Design Guide.

3.2.2. **Other Technical Reports**

None

3.3. **Prescribed Bodies**

None

3.4. **Third Party Observations**

None

4.0 **Planning History**

Subject Site

None

Enforcement: The Planners report notes that that Enforcement proceedings were undertaken (File S9804) on the 29th August 2025 in relation to construction of a building in the rear garden of the appeal site without benefit of planning permission

5.0 **Policy Context**

5.1. **South Dublin Development Plan 2022 - 2027**

The appeal site is zoned Objective RES to protect and / or improve residential amenity. Residential is permitted in principle under this zoning objective.

The following are considered relevant with regard to house extensions.

Policy H14: Residential Extensions: Support the extension of existing dwellings subject to the protection of residential and visual amenities.

H14 Objective 1: To favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 12: Implementation and Monitoring and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines).

Section 12.5.8 Residential Consolidation Extensions of Chapter 12 Implementation and Monitoring notes that the design of residential extensions should have regard to the permitted pattern of development in the immediate area alongside the South Dublin County Council House Extension Guide (2010) or any superseding standards.

5.2. **South Dublin County Council House Extension Design Guide 2025**

This is a non-statutory document that provides guidance for house extensions and residential developments. Section 3 sets out Built Form Principles (BFP). BFP1 relates to all extensions and alterations to houses and sets out the following criteria.

- Respects the appearance and character of the house and subject streetscape / local area.
- Does not read as overly dominate relative to existing structure by reason of scale or position.
- Provide comfortable internal space and useful outside space
- Incorporate energy efficient measures where possible.
- Does not adversely impact on adjacent properties by way of significant overbearing visual appearance.
- Does not result in significantly increased levels of overshadowing of adjacent properties.
- Does not directly overlook/result in significantly increased levels of overlooking of adjacent properties. Where a new window could result in overlooking or loss of privacy to neighbouring properties, consider alternative design solutions such as repositioning the window or use of a high-level window (cill level 1.7 metres or high above internal floor level), angled window or obscure glazing.

- Consideration of external finishes, such as use of light-coloured materials on elevations adjacent to neighbouring properties.
- Consideration of remaining private amenity space.

Built Form Principle (BFP) 6 states that Detached Garden Rooms and Sheds:

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

5.3. ***South Dublin County Council Development Contribution Scheme 2021-2025.***

This is the relevant contribution scheme, which was in place when the decision was made by South Dublin County Council.

Section 11 (i) states that the first 40 square metres of an extension to a house (including garages and conversion of attic to habitable areas) shall be exempt (subsequent extensions or extensions above 40 square metres to be charged at the residential rate per square metre). This exemption will not apply to development for which retention permission is sought.

5.4. ***Development Contributions Guidelines for Planning Authorities, 2013***

Development contribution schemes are a central instrument in improving the quality and therefore the competitiveness of local authority areas, thereby establishing an environment in which enterprise can thrive and communities progress. Development contributions provide critical resources to facilitate the funding of essential physical and social infrastructure that support the implementation of development plans of local authorities.

Development contributions provide the only statutory mechanism for capturing planning gain as part of the development management process.

General Development Contribution Schemes: Under section 48 of the Planning and Development Acts, planning authorities must draw up a development contribution scheme

in respect of certain public infrastructure and facilities provided by, or on behalf of, the local authority that generally benefit development in the area. All planning permissions granted are subject to the conditions of the development contribution scheme in operation in the area of the planning authority.

5.5. Natural Heritage Designations

5.6. The proposed development is not located within or immediately adjacent to any European Site.

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 (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. Please refer to Form 1 in Appendix 1 of report.

7.0 The Appeal

7.1. Grounds of Appeal

This is a first party appeal against condition no. 2 only which requires the bathroom to be omitted from the garden room. The grounds of the appeal are outlined below.

The garden room was constructed to improve the amenity of the house.

- It is considered reasonable that a shower would be available after a workout in the gym and request that this condition be removed.
- Permission was recently granted for a similar development under ABP316244-23, Reg. Ref SD23B/0017 which considered the omission of the bathroom to be unreasonable.
- It is requested that An Coimisiún Pleanála overturn the condition of the Planning Authority.

7.2. Planning Authority Response

In response to the appeal the Planning Authority states that they confirm their decision and stated that the issues raised in the appeal have been covered in the Chief Executives Order.

7.3. Observations

None

8.0 Assessment

8.1. Having examined the appeal details and all other documentation on file and inspected the site, and having regard to relevant policies and guidance, I consider that the main issues in this appeal are as follows:

- Condition no. 2 - Omission of the bathroom.
- Financial Contribution.

8.2. ***Condition No. 2 – Omission of the bathroom***

8.2.1. The grounds of the first party appeal relates to condition no. 2 only. Condition no. 2 of the grant of permission omits the bathroom from the garden structure. It is noted that Condition no. 3 (b) also states that no toilet shall be installed to the detached garden structure. Therefore, in my opinion this element of Condition no. 3 (b) is also relevant.

8.2.2. The proposed detached single storey garden room is a maximum of c. 6.8m in width by 6.2m in depth, with a stated area of 35sqm. It is located at the end of the rear garden, at the sites eastern (rear) boundary with No 13 and 14 Earlsfort Lawn, c. 2.6m from the rear building line of the main dwelling. The structure extends the full width of the garden and sits at the sites boundaries with adjacent properties, no. 94 and no. 98 Earlsfort Road. The structure has a flat roof with a maximum height of c. 2.5m and 1 no. roof light. There is c. 33sqm of rear private amenity space remaining to serve the existing dwelling. There were no objections from any third party during the application and there are no observations on the appeal. The Planners Report raised no objection in principle to the retention of the garden room, subject to the bathroom being omitted. I am satisfied that the design and layout of the garden room does not negatively impact on the existing residential of visual amenities of the existing dwelling or any surrounding property and that the only planning matter arising is the omission of the bathroom from the existing structure.

- 8.2.3. H14 Objective 1 of the Development Plan states that proposals to extend existing dwellings would be considered favourably subject to *inter alia* compliance with the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines). Section 3.6.2 of the updated South Dublin County Council House Extension Design Guide 2025 provides guidance for Garden Rooms and Sheds. Built Form Principle (BFP) 6 states that detached garden rooms and sheds should not include toilet and or sanitary facilities. While this criteria is noted, no clear rationale is provided within the guidance document as to why a toilet or sanitary facilities should not be provided within a garden room.
- 8.2.4. The Planners report states that the provision of a bathroom / toilet is unacceptable and shall be omitted and on this basis the structure is considered non habitable and ancillary to the main dwelling. Therefore, it would appear that the rational for omitting the bathroom is to ensure that the structure remains ancillary to the main dwelling house. It is noted that Condition 3(b) of the grant of permission also limits the use of the structure as ancillary to the enjoyment of the dwelling house.
- 8.2.5. The applicant has stated that the structure is intended as an ancillary structure to the main house and considers it reasonable that a shower facility would be provided within the home gym. It is noted that there is no appeal against Condition 3(b) which limits the use of the structure to ancillary to the main house. I agree with the applicant that it is reasonable that a bathroom facility would be provided within an ancillary structure and have no objection to its retention.
- 8.2.6. Notwithstanding this, it is noted that H14 Objective 1 of the Development Plan requires compliance with the guidance set out in the non-statutory South Dublin County Council House Extension Design Guide, which states that detached garden rooms and sheds should not include toilet and or sanitary facilities. However, as it would appear that the provision in the Guide is to ensure that garden rooms / structures remain ancillary to the main dwelling house I am satisfied that this is adequately address by the development description and by condition 3(b) which limits the use of the structure. Therefore, in my opinion non-compliance one of the criteria set out in Built Form Principle (BFP) 6 of the non-statutory South Dublin County Council House Extension Design Guide is not material.

8.3. **Financial Contribution**

- 8.3.1. It is noted that a financial contribution condition was not attached to the grant of permission and the Planners Report notes that as there is no evidence of a previous extension. Therefore, there is no contribution levied on the proposed floor space (29sqm).
- 8.3.2. Section 11 (i) of the SDCC Development Contribution Scheme 2021-2025, which is the relevant scheme that was in place when the Planning Authority's made its decision on the 20th November 2025, states that the first 40 square metres of an extension to a house shall be exempt. However, this exemption does not apply to development for which retention permission is sought. It is acknowledged that the development is less than 40sqm, however, as it is for retention permission it is my opinion that a financial contribution should be levied in this instance and that a condition should be attached in this regard.

9.0 **AA Screening**

- 9.1. In accordance with Section 177U of the Planning and Development Act 2000, as amended and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European sites in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required. This determination is based on:

- The small scale and nature of the scheme,
- The urban location of the site,
- The separation distance from nearest European site, and
- The lack of a direct or indirect pathway to any designated site.

10.0 **Water Framework Directive**

- 10.1. The subject site is located the suburban area of County Dublin. There are no watercourses within the appeal site. The river body LIFFEY_170 (IE_EA_09L012100) is located c. 1.5km west of the appeal site (poor status). The groundwater body is Dublin IE_EA_G_008 (good status).

- 10.2. No water deterioration concerns were raised in the planning appeal.
- 10.3. I have assessed the proposed 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 and 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.
- 10.4. The reason for this conclusion is as follows
- The small scale and nature of the development
 - Location-distance from nearest water bodies
 - Lack of hydrological connections
- 10.5. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

It is recommended that retention permission be granted subject to conditions.

12.0 Reasons and Considerations

Having regard to the sites residential zoning objective, the relevant provisions regarding residential extensions and garden rooms as set out in the South Dublin County Development Plan 2022 - 2028 and the South Dublin County Council House Extension Design Guide, 2025, the existing pattern of development in the area, and the nature and scale of the development to be retained, it is considered that, subject to compliance with the conditions set out below, the development to be retained is acceptable and does not seriously injure the residential or visual amenities of the area. The development to be retained is, therefore,

considered to be in accordance with the proper planning and sustainable development of the area.

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority and the development shall be retained and completed in accordance with the agreed particular

Reason: In the interest of clarity.

2. The existing dwelling and the garden room shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity

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

Reason: In the interest of public health and surface water management.

4. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the

Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

Elaine Power

Senior Planning Inspector

18th March 2026

Appendix 1: EIA Pre-Screening

Case Reference	PL-500494-SD-25
Proposed Development Summary	Retention of a single storey home office, gym and bathroom to the rear of the property.
Development Address	96 Earlsfort Road, Lucan, Co. Dublin, K78 X275
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.	

<p>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</p>	
<p><input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3</p>	
<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. No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</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)?

Yes

No

Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____