



An
Coimisiún
Pleanála

Inspector's Report

PL-500515-DF-25

Development	Retention of garden room, gazebo and shed with all associated site works.
Location	61 Carne Court, Huntstown, D15.
Planning Authority	Fingal County Council.
Planning Authority Reg. Ref.	FW25A/0440E
Applicant(s)	Siarhei Nemich.
Type of Application	Retention.
Planning Authority Decision	Grant permission subject to condition.
Type of Appeal	First Party
Appellant(s)	Siarhei Nemich.
Observer(s)	None.
Date of Site Inspection	04/02/26.
Inspector	Anthony Abbott King.

1.0 Site Location and Description

- 1.1. Carne Court comprises a streetscape of predominantly semi-detached houses in a network of residential streets on the west side of Huntstown Way.
- 1.2. No. 61 Carne Court is a detached two-storey house on a corner site at the entrance to the cul-de-sac of semi-detached houses.
- 1.3. The side (north) elevation of no. 61 Carne Court elevates onto the cul-de-sac. The entrance front elevates to the east onto a large rectangular area of open space enclosed by suburban houses.
- 1.4. The side garden of no. 61 Carne Court is enclosed by a high masonry wall. There are a number of structures located in the rear and side garden of no. 61 Carne Court including a timber clad and render garden room.
- 1.5. No. 60 Carne Court is a two-storey semi-detached house adjoining within the Carne Court cul-de-sac positioned at a right angle to no. 61 Carne Court. The gable of no. 60 Carne Court is located above the shared property boundary.
- 1.6. The garden room is located to the rear of the house abutting the rear / front side property boundary wall with no. 60 Carne Court (west). The rear garden wall of no. 61 Carne Court also elevates onto the front driveway of no. 60 Carne Court.
- 1.7. Site area is given as 0.032 hectares.

2.0 Proposed Development

- 2.1. The development located in the rear / side garden of no. 61 Carne Court comprises the retention of the following:
 - Single-storey flat-roof garden room;
 - Timber Gazebo;
 - Timber shed;
 - All associated drainage.

3.0 **Planning Authority Decision**

3.1. **Decision**

Grant retention subject to conditions.

3.1.1. Condition 2 is relevant and states:

Within 3 months of the date of this permission, the developer shall submit for the written agreement of the Planning Authority, amended plans omitting the WC and toilet facilities from the garden room, along with evidence the WC and toilet facilities have been removed and made good, unless before that date permission for retention is granted by the Planning Authority or by An Coimisiún Pleanála on appeal.

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

3.2. **Planning Authority Reports**

3.2.1. The decision of the CEO of Fingal County Council reflects the recommendation of the planning case officer.

3.2.2. Other Technical Reports

- No objection subject to condition.

3.3. **Third Party Observations**

There are no third party submissions on file.

4.0 **Planning History**

4.1. The following planning history on site is relevant:

- Under Reg. Ref. FW24A/0303E planning permission was granted for a single-storey partial lean-to and partial pitched roof front extension to consist of a living room and a porch front extension, a rear dormer to provide for the conversion of the existing attic space as a home office and widening of existing vehicular access (10/09/2024).

- Under Reg. Ref. FW23A/0391 planning permission was refused for one reason *inter alia* for the insertion of a rear dormer and front extension inconsistent with development plan policy.

5.0 Policy Context

5.1. Development Plan

I have set out below the relevant policies and objectives of the Fingal Development Plan 2023-2029 for the information of the Commission.

Zoning

The relevant land-use zoning objective is 'RS' (Map Blanchardstown South – Sheet 13): *Provide for residential development and protect and improve residential amenity.*

- Chapter 13 (Land use Zoning) states the vision for the objective is to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenities.

The proposed development is a permitted in principle use.

Chapter 3 (Sustainable Placemaking & Quality Homes) is relevant including the following policies:

Policy SPQHP41 is relevant and states:

Support the extension of existing dwellings with extensions of appropriate scale and subject to the protection of residential and visual amenities.

Policy SPQHO45 (Domestic Extensions) is relevant and states:

Encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area.

Chapter 14 (Development Management Standards) - Residential Extensions

Chapter 14 (Development Standards) Section 14.10. (Additional Residential Accommodation in Built-up Areas) in particular Section 14.10.2 (Residential Extensions) is relevant. It states that the need for housing to be adaptable to changing family circumstances is recognised and acknowledged. The planning authority will support applications to amend existing dwelling units to reconfigure and extend as the needs of the household change, subject to specific safeguards, in particular the protection of adjoining properties.

Garden Rooms

Section 14.10.4 is relevant and states:

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

5.2. Relevant National or Regional Policy / Ministerial Guidelines

- The Development Management Guidelines for Planning Authorities (2007).

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

The grounds of appeal are summarised below:

- The appeal is against Condition no. 2 of the notification of decision by the planning authority to grant planning permission for the proposed development, which requires the omission of sanitary facilities.
- The appellant claims that Condition no. 2 is disproportionate and inconsistent with national planning regulations. It is claimed that the requirement to remove the toilet imposes an undue hardship on the homeowner and is unreasonable.
- The garden room is used as a multi-purpose ancillary space functioning primarily as a home office and TV room. A small toilet was included for practicality, hygiene and accessibility.
- It is claimed that the Condition is inconsistent in particular with Class 3 of the Planning and Development Regulations 2001 (as amended). The Regulations permit garden structures to be up to 25 sqm. without imposing any conditions prohibiting sanitary facilities.
- In this regard Condition no. 2 is disproportionate given that national exempted development legislation does not prohibit toilets in such structures.
- The appellant claims that Condition no. 2 would not satisfy the proportionality planning test for a planning condition to be valid, as it is not necessary, relevant, enforceable, precise or reasonable.
- It is claimed that Section 14.10.4 (garden room) of the development plan is to prevent the creation of independent residential units not to prevent reasonable ancillary use supported by sanitary facilities.
- The condition is not warranted by the design, layout or intended use of the garden room, which has never been or is intended to be used as an independent residential unit. The garden room is used exclusively as a home office, tv room and space ancillary to the main dwelling.

- The appeal seeks the removal or amendment of Condition no. 2 in order to retain the sanitary facility subject to an alternative regulatory condition explicitly prohibiting residential use.
- The appellant states that there is no kitchen, the layout cannot accommodate a bed or living area and the garden room lacks independent access.
- The appellant is fully willing to accept a condition that would prohibit the use of the garden room for residential accommodation or overnight stays, would prohibit kitchen facilities and would provide for ancillary use to the main dwelling at all times.
- Finally, the appeal is accompanied by a certificate of compliance with planning regulations and building regulations, headed Tanner Structural Designs Ltd., paragraph 7 states that no planning permission is pertinent to the relevant works.

7.2. Planning Authority Response

The planning authority notes the comments of the applicant in relation to Class 3 of Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended)

The application was assessed by the planning authority against the policies and objectives of the Fingal Development Plan 2023-2029 and in particular reference is made to Section 14.10.4 (Garden Rooms) which sets out *inter alia* that: *any such structure shall not provide residential accommodation and shall not be fitted out in such a manner including by the insertion of a kitchen or toilet facilities.*

The Commission is requested to uphold the decision of the planning authority.

Finally, in the event the appeal is successful a financial contribution should be applied to the grant of planning permission.

7.3. Observations

None.

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.
- 8.2. I consider that the only planning matter at issue in this case is Condition 2 of the notification of decision to grant planning permission and that no other planning matters need to be considered by the Commission. Condition 2 the subject of this appeal is assessed below.
- 8.3. *Condition no. 2*
- Condition 2 provides for the omission of the WC and toilet facilities within a garden room located to the rear of the property in the interests of the proper planning and sustainable development of the area.
- 8.4. The footprint of the garden room is approximately 27sqm (3600mm x 7500mm). The floor plan shows a principal multi-purpose space and two smaller annexe spaces. One of the annex spaces is a WC (2.17sqm) the other an internal store room.
- 8.5. The appellant states that the garden room is used as a multi-purpose ancillary space functioning primarily as a home office and TV room. A small toilet was included for practicality, hygiene and accessibility.
- 8.6. I accept the bona fides of the appellant that the garden room is used exclusively as a home office, tv room and space ancillary to the main dwelling.
- 8.7. I note that there is no independent access to the garden room from the street.
- 8.8. The appellant claims that Condition no. 2 is disproportionate given that national exempted development legislation provides for the construction of garden structures up to 25 sqm without imposing any condition prohibiting sanitary facilities.
- 8.9. The planning authority in their appeal response submission states that the comments of the applicant are noted in regard to Class 3 of Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended).

8.10. Notwithstanding the planning authority applied the provision of the development plan under Section 14.10.4 (garden room) and requests the Commission to uphold the decision of the planning authority.

8.11. I note Class 3 of Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended).

8.12. However, I do not consider the exempted development provision relevant to this appeal, as the applicant has applied to the planning authority for a retention permission for the subject garden room.

8.13. The development to be retained is assessed under the relevant provisions of the Fingal Development Plan 2023-2029. I conclude that the provisions of the development plan are the relevant assessment framework.

8.14. *Extension of existing dwellings*

The relevant land-use residential zoning objective provides for residential development and the protection and improvement of residential amenity.

8.15. Section 10.4 (Additional Residential Accommodation in Built-up Areas) of the Fingal Development Plan 2023-2029 provides for the extension of existing dwelling houses.

8.16. I also note Policy SPQHP41 (support the extension of existing dwellings with appropriately scaled extension) and Policy SPQHO45 (domestic extensions).

8.17. I consider that the extension of the existing dwelling house at no. 61 Carne Court is supported by development plan policy and guidelines *inter alia* subject to compliance with the requirements of the development plan zoning objective to protect existing residential amenities and in accordance with the proper planning and sustainable development of the area.

8.18. *Garden rooms and conditionality*

Section 14.10.4 (garden room) of the Fingal County Development Plan 2023-2029 provides for the construction of a garden room within the curtilage of a dwelling house.

8.19. The paragraph *inter alia* states that garden rooms can provide useful ancillary accommodation such as a playroom, gym, or study/home office for use by occupants of the dwelling house.

- 8.20. However, the provision of a garden room is governed by conditionality. I consider that that regulation of ancillary residential accommodation is reasonable and is in the interests of the proper planning and sustainable development of the area.
- 8.21. Section 14.10.4 further clarifies that garden rooms shall not provide residential accommodation and shall not be fitted out in such a manner, including by the insertion of a kitchen or toilet facilities.
- 8.22. The appellant *inter alia* claims that the garden room is not an independent residential unit. Therefore, the removal of sanitary facilities is not necessary to regulate the use of the garden room.
- 8.23. I consider that the requirement to omit kitchen and toilet facilities is a reasonable exclusion given the ancillary nature and status of residential space authorised within the envelope of the external room, which in logic is dependent upon the services located within the dwelling house.
- 8.24. The appellant claims that Condition no. 2 would not satisfy the proportionality planning test for a planning condition to be valid, as the subject condition is not necessary, relevant, precise, enforceable and reasonable.
- 8.25. *Development management guidelines for planning authorities*
- I note Section 7.3 (Basic Criteria for Conditions) of the Development Management Guidelines for Planning Authorities (2007), which requires planning conditions to be necessary, relevant to the development to be permitted, enforceable, precise and reasonable.
- 8.26. Section 14.1 of the Fingal Development Plan (2023-2029) *inter alia* states that in all development proposals it is the aim of the planning authority to promote a high standard of design and amenity and to complement the existing character of a particular area.
- 8.27. Furthermore, proposals must comply with the standards and criteria that apply to particular development types (in this instance a garden room), be consistent with the objectives set out in the preceding chapters and be compliant with the relevant legislative guidance.
- 8.28. In the instance of garden room typology kitchen and toilet facilities are explicitly excluded from the development type.

- 8.29. I consider that the omission of kitchen and toilet facilities is a reasonable exclusion given the ancillary nature and status of the external room, which is dependent on the main dwelling house for essential services.
- 8.30. Sanitary facilities are shown on the submitted floor plans (WC) of the garden room (DRG. N. 002 dated 11//09/2025). I consider that the subject Condition no. 2 *inter alia* is a necessary iteration in order to ensure compliance with Section 14.10.4 of the Fingal Development Plan 2023-2029.
- 8.31. I concur with the planning case officer that the WC illustrated is not appropriate and should be removed.
- 8.32. Furthermore, I consider that Condition no. 2 is relevant to the proper planning and sustainable development of the area as it regulates the typology of development to be retained, which is a single-storey flat roof garden room located in the rear garden (as advertised on the public notice).
- 8.33. I also consider the condition is reasonable in the interests of the proper planning and sustainable development of the area, as the removal of sanitary facilities satisfies the requirements of the planning authority in regard to policing ancillary residential accommodation while it does not preclude the enjoyment of the garden room as stated by the appellant to be used as a home office, tv room and space ancillary to the main dwelling.
- 8.34. Finally, Condition no. 2 is precise in action and in timing as it reads: *within 3 months of the date of this permission, the developer shall submit for the written agreement of the Planning Authority, amended plans omitting the WC and toilet facilities from the garden room....*
- 8.35. I consider that Condition no. 2 is precise, is clearly understandable and is enforceable.
- 8.36. I conclude that Condition no. 2 in general satisfies the listed criteria in Section 7.3 (Basic Criteria for Conditions) of the Development Management Guidelines for Planning Authorities (2007).
- 8.37. *Amendment of Condition no. 2*

The appellant claims that Section 14.10.4 (garden room) of the development plan is to prevent the creation of independent residential units not to prevent reasonable ancillary use supported by sanitary facilities.

- 8.38. The appellant requests the omission or amendment of Condition no. 2 in order to retain the sanitary facilities and exclude residential use by condition.
- 8.39. The appellant is fully willing to accept a condition that would prohibit the use of the garden room for residential accommodation or overnight stays, would prohibit kitchen facilities and would provide for ancillary use to the main dwelling at all times.
- 8.40. I acknowledge that the inclusion of a WC maybe a desirable amenity within the garden room.
- 8.41. However, a grant of retention planning permission that would provide for the inclusion of toilet facilities would be contrary to Section 14.10.4 (garden room) of the development plan, which explicitly states a prohibition on the fitting out of garden rooms with kitchen and toilet facilities.
- 8.42. I do not consider that the facts of this case would warrant a contravention of the provisions of the development plan in particular given that the enjoyment of the garden room, as an ancillary space to the main dwelling house identified by the appellant as a home office / TV room, would not be precluded by the omission of the WC.
- 8.43. I conclude that the planning authority has correctly applied the provisions of Section 14.10.4 (garden room) of the Fingal Development Plan (2023-2029) and, therefore, Condition 2 of the notification of the grant of permission is appropriate, proportionate and reasonable.

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 minor works to the front façade and works to the front garden of a dwelling 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 garden structures 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

I recommend the retention of condition number 2.

Having regard to the nature of the condition the subject of the appeal, the Commission is satisfied that the determination by the Commission of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to attach condition number 2 and the reason therefor.

12.0 Reasons and Considerations

Having regard to the residential zoning objective, the pattern of development in the area and the policy framework provided by the Fingal Development Plan 2023-2029 for additional residential accommodation within built-up areas, including Section 14.10.4 (garden room) of the development plan, I consider that the inclusion of sanitary facilities prohibited under Section 14.10.4 would be contrary to the relevant provision of the development plan, which provides for a garden room within the curtilage of a dwelling house to be useful ancillary accommodation to the dwelling house. The omission of the WC would not preclude the enjoyment of the garden room as stated by the appellant to be used as a home office, tv room and space ancillary to the main dwelling. Therefore, the planning authority's condition no. 2 is warranted.

13.0 Conditions

2. Within 3 months of the date of this permission, the developer shall submit for the written agreement of the Planning Authority, amended plans omitting the WC and toilet facilities from the garden room, along with evidence the WC and toilet facilities have been removed and made good, unless before that date permission for retention is granted by the Planning Authority or by An Coimisiún Pleanála on appeal.

REASON: In the interest of 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

12 February 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL500515-DF-25
Proposed Development Summary	Retention of garden structures
Development Address	61 Carne Court, Huntstown, Dublin 15.
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2
	<input type="checkbox"/> No, No further action required.
<p>(For the purposes of the Directive, "Project" means:</p> <ul style="list-style-type: none"> - 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 N/A
<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>N/A</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>N/A</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. Adhikari Date: 12/02/2026