



An  
Coimisiún  
Pleanála

## Inspector's Report

**PL-500516-SD-25**

<b>Development</b>	Proposed construction of a single shed with pitched roof to rear garden of exit and retention of side gate
<b>Location</b>	No. 7 Fforster Grove, Lucan, Co. Dublin. K78 TV76
<b>Planning Authority</b>	South Dublin County Council
<b>Planning Authority Reg. Ref.</b>	SD25B/0627W
<b>Applicant(s)</b>	Lidia Mart
<b>Type of Application</b>	Permission and Retention Permission
<b>Planning Authority Decision</b>	Split Decision
<b>Type of Appeal</b>	First Party Normal Planning Appeal
<b>Appellant(s)</b>	Lidia Mart
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	16 <sup>th</sup> March 2026
<b>Inspector</b>	Elaine Power

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### **Appendix 1: EIA Pre-Screening**

## 1.0 Site Location and Description

- 1.1. The appeal site is located at no. 7 Fforster Grove, Lucan, Co. Dublin, within a mature residential estate. The site has a stated area of 280sqm and currently accommodates a 2-storey end of terrace dwelling with a stated area of 91sqm. There is off street car parking to the front of the house and private open space to the rear. There is an existing pedestrian gate in the side (southern) boundary wall.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a single storey structure with a pitched roof, accommodating a home office and personal gym, in the rear garden of the existing dwelling.
- 2.2. Retention permission is sought for existing side pedestrian gate installed to boundary wall providing pedestrian access to rear garden.

## 3.0 Planning Authority Decision

### 3.1. Decision

Split Decision: Retention Permission was refused for the pedestrian gate for the following reason

*The retention of the pedestrian access gate within the southern boundary of the site would set an undesirable precedent leading to obstructions for footpath users, thus the granting of retention permission for this element of the proposal, as constructed, would set an undesirable precedent for other similar developments which would, in themselves and cumulatively, have a potential detrimental impact on public safety and would be contrary to the proper planning and sustainable development of the area.*

Permission was granted for the single storey shed accommodating a home office and personal gym subject to 4 Conditions. Condition 2, 3(b) and 4 are considered relevant to this appeal.

### Condition no. 2: Amendments

Prior to the commencement of development, the applicant, owner or developer shall submit the following for the written agreement of the Planning Authority:

Revised plans that incorporate all of the following amendments-

- (a) The provision of a bathroom/ toilet is considered an unacceptable element of the proposed development and shall be omitted.

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

### Condition 3(b) Restriction on Use.

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

### Condition 4: Amendments.

Within 3 months of the granting of this permission, the applicant shall submit revised plans and photographs showing the pedestrian gate on the southern boundary removed and the original boundary wall treatment reinstated.

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

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

The Planners report dated 11<sup>th</sup> December 2025 considered that the garden room was acceptable with regard to the visual and residential amenities of the area and, subject to 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.

It was considered that the pedestrian access in the southern boundary wall would not accord with the objectives of the SDCC Development Plan to create a safe and coherent public realm and was therefore considered unacceptable.

### 3.2.2. **Other Technical Reports**

Roads Department: Report dated 3<sup>rd</sup> December 2025 recommended that permission be refused as the pedestrian gate would set an undesirable precedent leading to obstructions for footpath users.

### 3.3. **Prescribed Bodies**

None

### 3.4. **Third Party Observations**

None

## 4.0 **Planning History**

### **Subject Site**

None

### **Surrounding sites**

ABP-320802-24, Reg. Ref. SD24B/0258W: Permission was granted in 2025 for extensions and alterations to an existing house and a new access gate from the rear garden at 23 Fforster Drive.

Reg. Ref. SD10B/0466: Permission was granted in 2011 for a single storey extension and a new side gate to boundary wall at no. 10 Fforster Drive.

## 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).

Chapter 12 Implementation and Monitoring Section 12.5.8 Residential Consolidation Extensions 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**

The Design Guide supplements the policies and guidance of the Development Plan and offers guidance in relation to extensions including Garden Rooms.

Section 3 sets out Built Form Principles (BFP). Section 3.1.7 sets out BFP1 relates to all extensions and alterations to houses and sets out the following criteria.

- Respects the appearance and character of the house and / 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.

Section 3.6.2 of the Guide provides guidance for Garden Rooms and Sheds. 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. **Natural Heritage Designations**

5.4. 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 the refusal of permission for the access gate and against condition no 2 which omits the bathroom from the garden room. The grounds of the appeal are outlined below.

#### Access Gate:

- The door is opening in. Given the limited and personal use of the gate it would not pose a risk or nuisance to the public.
- It is well considered and was installed with high workmanship to ensure visual amenity has not been impacted.
- It is required for buggy access to and from the rear kitchen and to provide ease of access to the side of the dwelling, which is obstructed by levels, bin storage, external plant and car parking in the front garden.
- Permission has been granted at no. 10 Fforster Grove for a similar access and there are several other side access gates in the surrounding residential estate. Photographs of 5 no. existing, similar, access gates are submitted with the appeal.

Condition 2 – Omission of the Bathroom:

- The bathroom provides a required facility for working from home. The omission of the bathroom is unacceptable element.
- The applicant intends to use the space for working from home while also parenting a small child. It would cause an unnecessary disruption to the working day to have to move between the home office and the main house to use sanitary facilities.
- There are similar developments in the surrounding area that have been granted planning permission.

## 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:

- Reason for Refusal – Access Gate

- Condition no. 2 - Omission of the bathroom.

## 8.2. ***Reason for Refusal – Access Gate***

- 8.2.1. The Planning Authority refused permission for the retention of an existing pedestrian access gate within the side boundary wall of the dwelling, as it considered that it would set an undesirable precedent leading to obstructions for footpath users. It is noted that the Roads Section of the Planning Authority also recommended that permission be refused for the pedestrian gate as it was considered that it would set an undesirable precedent leading to obstructions for footpath users.
- 8.2.2. The gate to be retain comprises a high quality timber door with surrounding brickwork pillars. The pillars respect the height of the original boundary wall (2.2m). The applicant notes that the gate is inward opening and given its limited use related to the main dwelling house only it does not pose a risk or nuisance to the public. Having carried out a site visit it is noted that the gate is inward opening and that there are existing and approved similar pedestrian access gates provided at other residential properties within the housing estate.
- 8.2.3. The gate allows for direct access to the rear garden of the existing dwelling house, which the applicant notes is required for convenient access to the rear of the property as the side access is largely obstructed by level changes, bin storage, external plant and car parking in the front garden.
- 8.2.4. I am satisfied that given the inward opening nature of the gate and its ancillary nature to the main dwelling that it is unlikely to result in an obstruction to pedestrians on Fforest Grove. I am also satisfied that due to the high quality finish of the gate that it does not negatively impact on the visual amenities are the area. Therefore, I do not agree that permission should be refused for this element of the development. In addition, there is no requirement for Condition no. 4 of the Planning Authority's grant of permission which requires the applicant to provide evidence to the Planning Authority that the gate has been removed.

## 8.3. ***Condition no. 2 - Omission of the Bathroom.***

- 8.3.1. 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 hereby permitted.

- 8.3.2. The proposed detached single storey garden room is c. 9.75m in width by 4m in depth, with a stated area of 30.4sqm. It would be located at the end of the rear garden, at sites eastern (rear) boundary with No. 8 Fforster Drive, c. 4m from the rear building line of the main dwelling. The structure would extend the full width of the garden and would sit at the sites northern boundary with the adjacent property, no. 8 Fforster Grove and with the southern boundary with the public road. The structure has a pitched roof with a ridge height of c. 4.1m and 1 no. roof light. The proposed development would result in c. 79sqm 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 garden room, subject to the bathroom being omitted. I am satisfied that the design and layout of the garden room would 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.
- 8.4. 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.
- 8.5. 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.
- 8.6. 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 office. 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.

8.7. 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, I am satisfied that the provision of a bathroom within the ancillary structure would not alter 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.

## 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. 900m

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 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 proposed development, it is considered that, subject to compliance with the conditions set

out below, the proposed development would be acceptable and would not seriously injure the residential or visual amenities of the area and would be acceptable in terms of pedestrian safety and convenience. The proposed development would, therefore, 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 prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The existing dwelling and the proposed 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. All external finishes shall harmonise with the existing finishes on the house in respect of materials and colour.

**Reason:** In the interest of visual amenity

4. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity

5. 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.

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.

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Elaine Power

Senior Planning Inspector

18<sup>th</sup> March 2026

### Appendix 1: EIA Pre-Screening

<b>Case Reference</b>	PL-500516-SD-25
<b>Proposed Development Summary</b>	Proposed construction of a single shed with pitched roof to rear garden of exit and retention of side gate
<b>Development Address</b>	No.7 FForster Grove, Lucan, Co. Dublin., K78 TV76
<b>IN ALL CASES CHECK BOX / OR LEAVE BLANK</b>	
<b>1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?</b>	<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)	
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.	

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

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

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_