



An
Coimisiún
Pleanála

Inspector's Report

PL-500720-DF-26

Development	Retention of detached building
Location	45 Willow Wood Grove, Hartstown, Dublin 15, D15 F88C
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	FW25A/0484
Applicant(s)	Nicanor Birca
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant	Nicanor Birca
Observers	Philip McMurray Ciara Ryan Conor Fitzgerald
Date of Site Inspection	27 th March 2026
Inspector	Barry Diamond

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1.0 Site Location and Description

- 1.1. The application site comprises an existing one and a half storey semi-detached dwelling which has amenity space areas to the front and rear of the dwelling. The site is set within a wider residential estate and backs onto other residential properties in Willows Drive.
- 1.2. A small outbuilding which is the subject of this appeal is located to the rear of the dwelling and is accessed via an existing pathway which runs along the southwestern gable of the dwelling. The outbuilding is single storey, finished in render and has a slightly graded mono pitch roof. The outbuilding faces onto the rear of existing dwelling and extends along the width of the rear garden area. There are a small number of window and door openings on the front elevation and one elongated rooflight.

2.0 Proposed Development

- 2.1. The proposed development seeks retention permission for a single storey detached garden room, with a gross floor area of 30.96sqm (as per the stated dimensions), which is located to the rear of the existing dwelling. The building includes an internal layout showing an external WC, a shower room, a home office and a tea station.

3.0 Planning Authority Decision

3.1. Decision

On the 12th January 2026 the Planning Authority issued a decision to refuse retention permission for the following reason:

1. The development to be retained by reason of its internal layout presents as a separate unit of accommodation and fails to accord with SPPR 2 and SPPR 3 of the Sustainable Residential Developments and Compact Settlements – Guidelines for Planning Authorities in Urban Areas. The development also fails to comply with Section 14.10.4 Garden Rooms and DMSO32 of the Fingal Development Plan 2023-2029. The lack of the provision of functional private open space would suggest the overdevelopment of the site. The development for retention being located within an area where the zoning objective is 'RS' which seeks to 'provide for residential development and protect and improve residential amenity' is contrary to the proper

planning and development of the area and if permitted would set a poor and undesirable precedent for substandard housing within a restricted rear garden area and would impact negatively on the character of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The decision of the planner reflects the need for amendments during the processing of the application and the decision to grant planning permission. It includes the following points:

- The site is located within zoning objective RS - Residential;
- It is evident that the building was constructed with the intention of a single residential unit;
- The building cannot be granted permission as a garden room in its current state given that it is fitted out with a kitchen, bathroom, shower contrary to Section 14.10.4 of the FDP;
- The private amenity space for the dwelling is substandard as it falls below the 25sqm minimum amenity space;
- The provision of this separate unit of accommodation would affect the amenities of the area contrary to Objective SPQH045 of the FDP;
- The retention of the unit would set an undesirable precedent in the area;
- Further information is required on how surface water will be managed on the site; and
- There are no EIA or Appropriate Assessment concerns with the development.

3.2.2. Other Technical Reports

- Water Services Section: no objection subject to conditions.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

There were two representations raised in observation during the processing of the planning application which is attached to the file. I consider that the issues raised are

also mirrored and expanded upon in their submissions to the Coimisiún and are not replicated in this section.

4.0 Planning History

4.1 Site

FW25A/0237 - In July 2025 the Planning Authority refused retention permission for the existing detached building in the rear garden area, for the proposed use as a work from home office at 45 Willow Wood Grove, Hartstown, Dublin 15, D15 F88C for the following reason;

1. The subject site is zoned 'RS' Residential with the objective to 'provide for residential development and protect and improve residential amenity' within the Fingal Development Plan 2023-2029. The development to be retained by reason of its internal layout presents as a separate unit of accommodation and fails to provide sufficient functional private open space and is indicative of overdevelopment within a restricted and confined rear garden area. In this regard, the development seriously injures amenities and materially contravenes SPPR 2 and SPPR 3 of the Sustainable Residential Developments and Compact Settlements – Guidelines for Planning Authorities (2024) which has been issued to planning authorities under Section 28 of the Planning and Development Act 2000 (as amended) and Section 14.10.4 Garden Rooms and Objectives DMSO19 & DMSO32 of the Fingal Development Plan 2023-2029. Furthermore, the development, by itself or by the precedent which a grant of permission for it would set for other relevant development, would materially contravene the 'RS Residential zoning objective of the site, and would, therefore, be contrary to the proper planning and sustainable development of the area.

FW25A/0048 - In March 2025 the Planning Authority refused retention permission for the existing detached building in the rear garden area, for the proposed use as a work from home office at 45 Willow Wood Grove, Hartstown, Dublin 15, D15 F88C for the following reason;

1. The development to be retained by reason of its internal layout presents as a separate unit of accommodation and would be contrary to the SPPR 2 and SPPR 3 of the Sustainable Residential Developments and Compact Settlements – Guidelines for Planning Authorities in Urban Areas. The development also materially

contravenes Section 14.10.4 Garden Rooms and DMSO32 of the Fingal Development Plan 2023-2029. The lack on provision of functional private open space would suggest the overdevelopment of the site. The development for retention being located within an area where the zoning objective is 'RS' which seeks to 'provide for residential development and protect and improve residential amenity' is contrary to the proper planning and development of the area and if permitted would set a poor and undesirable precedent for substandard housing within a restricted and confined rear garden area and would seriously injure the amenities of the area.

5.0 Policy Context

5.1. Development Plan

5.1.1 The Fingal Development Plan 2023-2029 is the operational plan for the area. The appeal site is zoned 'RS,' Residential with the associated land use objective 'to provide for residential development and to protect and /or improve residential amenity.' The appeal site is also located within the Dublin Airport Noise Zone D, within Blanchardstown Specific Objective Development Boundary.

5.1.2 The following sections /policies / objectives are pertinent:

SPQHP41 seeks to support the extension of existing dwellings with extensions of appropriate scale and subject to the protection of residential and visual amenities.

SPQHO45 seeks to support dwelling extensions of appropriate scale and subject to the protection of residential and visual amenities.

Objective DAO11 and DMSO105 – Requirement for Noise Insulation - The site is identified in the Plan as being located within Dublin Airport Noise Zone D which requires noise insulation where appropriate.

Objective DMSO23 – Separation Distance: A separation distance of a minimum of 22 metres between directly opposing rear first floor windows shall generally be observed unless alternative provision has been designed to ensure privacy.

Section 14.10.4 - Garden Rooms - can provide useful ancillary accommodation such as a playroom, gym, or study/home office for use by occupants of the dwelling house and any structure shall not provide residential accommodation or 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.

Section 14.10.2 Residential Extensions: supports applications to amend existing dwelling units to reconfigure and extend as the needs of the household change, subject to specific safeguards. In particular, the design and layout of residential extensions must have regard to and protect the amenities of adjoining properties.

Section 9.6.14 Landscape Character Assessment

Policy GINHP25 – Preservation of Landscape Character Types - Ensure the preservation of the uniqueness of a landscape character type by having regard to the character, value and sensitivity of a landscape when determining a planning application.

5.2. **Relevant National or Regional Policy / Ministerial Guidelines**

‘Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities’, Department of Housing, Local Government and Heritage, (2024).

Quality Housing for Sustainable Communities – Best Practice Guidelines 2007.

5.3. **Natural Heritage Designations**

The appeal site is not located on or within proximity to any designated Natura 2000 sites, with the nearest designated site is the South Dublin Bay and River Tolka Estuary SPA (SPA: 004024) which is located 11.64 km to the east of the site.

6.0 **EIA Screening**

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. Refer to Form 1 in Appendix 1 of my report.

7.0 **The Appeal**

7.1. **Grounds of Appeal**

The appellants grounds of appeal were submitted by Stephen Molloy Architects and can be summarised as follows:

- No. 45 Willow Wood Grove is currently rented and the detached building was erected with a view to renting the building for residential accommodation;
- The building is not being used for residential purposes rather it is being used by the tenants of the house for working from home and not by any third parties. The occupation of the existing tenants of the dwelling is of no concern to the third party's;
- There are no set hours for the use of the building;
- The building has access to nearby public access links;
- Objective DMSO33 and Section 14.10.5 allows for home based activity which has been approved thousands of times nationwide. The building is to be used as an amenity space;
- The Planning Authority took issue that the building was subdivided for its originally intended use;
- The measurement of the amenity space by the Planning Authority is not accurate as it has used the width of the building rather than the width of the garden area;
- The use of the building for any unauthorised use is a separate enforcement matter for the Planning Authority; and
- It doesn't make sense to remove the existing tea station and sanitary facilities.

7.2. Planning Authority Response

The applicant has referred to the fact that the subject development is to be used as a work from home space, however, upon site inspection it was apparent the building is fitted out with kitchen and toilet facilities which is contrary to Section 14.10.4 of the Fingal Development Plan 2023-2029.

The Planning Authority states that the Coimisiún should uphold the decision to refuse permission.

7.3. Observations

There were three representations (Nos: 34C, 36 & 43 Willow Wood Grove) raised in observation during the appeal which stated;

- There have been two previous refusals for this development under application Ref's: FW25A/0237 & FW25A/0048;
- The proposal is contrary to Section 14.10.4 Garden Rooms as it is a fully serviced independent residential unit;
- There is a substandard level of remaining garden space. The plans are not accurate as the building contains a bay projection which is not shown;
- The building emits odours from the kitchen element;
- The building is overly dominant and visually obtrusive;
- The dwelling is a rented property with no detail on the 'home based activity' which is to be carried out in the building;
- There is no defined working hours for the building which would affect nearby residential amenity;
- There are 6 to 7 vans and cars associated with the tenants of the house which creates a local parking hazard;
- The size of the unit is more extensive than would be required for an office;
- The building contains a bathroom, kitchen and shower facilities and the agents letter refers to the property being built for residential accommodation;
- The tenants of the house carry out manual labour activities for the applicant and do not work from home.

8.0 Assessment

8.1 Having 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, having inspected the site, and having regard to the relevant local policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Design
- Residential Amenity
- Access and Parking

8.2 Principle of Development

- 8.2.1 The proposed development comprises a garden room located to the rear of an existing dwelling, which is located within zoning 'RS,' Residential, with the associated land use objective 'to provide for residential development and to protect and /or improve residential amenity.'
- 8.2.2 I note that the Fingal Development Plan 2023-2029 (FDP) is supportive of garden rooms. In this regard Section 14.10.4 supports applications for ancillary accommodation such as a playroom, gym, or study/home office for use by occupants of the dwelling house. I consider that the principle of an ancillary building is acceptable subject to issues of design, neighbour amenity and other relevant factors.

8.3 Design

- 8.3.1 The application building is a single storey detached outbuilding located to the rear of the existing semi-detached dwelling. The building measures 7.67 metres wide, is 4.03 metres deep and has a ridge height of 2.89 metres, it is finished in render and has a shallow monopitch roof. The internal layout is noted on the plans to include a tea station, an office area and a shower room which also includes a sink and toilet. In addition, there is an externally accessed WC.
- 8.3.2 The application is described as a garden room and is to be used as a home office by the tenants of the adjacent dwelling. The Planning Authority and neighbouring third parties have raised concerns with the internal layout of the building which the applicant in their appeal submissions concedes was originally constructed and laid out for use as a residential unit.
- 8.3.3 When I inspected the building it was laid out, plumbed, serviced and equipped with a kitchen and bathroom contrary to Section 14.10.4 of the FDP which prohibits the fitting out of a garden room with kitchen or toilet facilities.
- 8.3.4 I do not accept that the subject development is limited to a 'tea station and sanitary facilities' due to the level of fit out provided, including ground level and above the counter cupboards, spaces for electrical appliances, the level of plumbing and electrical sockets would lead to the conclusion that the building contains a kitchen and not merely a team station. In addition, the sanitary facilities includes a shower, toilet and wash hand basin and therefore comprises all the elements of a bathroom. Due to the level of fit out and the facilities provided within the building I consider that

the subject development as fitted out would be contrary to Section 14.10.4 of the FDP.

8.3.5 I have not been provided with any indication by the applicant that they intend to remove these existing facilities, rather the applicant has indicated that it would not make any sense to remove the existing 'tea station and sanitary facilities'. Given that I am of the opinion that the level of fit out would be contrary to the FDP it must be a requirement that these facilities are removed from the development. This is a matter which can be progressed through the imposition of an appropriately worded condition.

8.3.6 The subject building has window and door openings on its northwestern elevation which face onto the rear elevation of No. 45. There are no other window or door openings on any other elevation, although there are two roof lights. In design terms the subject building is subordinate to the existing dwelling, has finishes which are in conformity with the host dwelling and would be considered acceptable.

8.3.7 The subject building has a footprint of 30.96sqm and there is a stated rear amenity area space of 25.9sqm. A third party objector and the Planning Authority raised a concern with the accuracy of the site plan as it did not include a bay window which projects from the rear return of the existing dwelling. I accept that the omission of the bay window from the plan would lead to a lower level of amenity space, however, it would not significantly alter the level of amenity space available and is broadly accurate.

8.3.8 In assessing the level of private amenity space to be retained, Section 14.10.2 of the FDP which addresses 'Residential Extensions' refers to the useability of the remaining rear private open space. While no minimum quantum of private space is defined as having to be retained I have considered that the remaining space is well enclosed, comprises a single block and provides a functional area for the residents of the dwelling which would also benefit from the functionality of the outbuilding which is the subject of the application.

8.3.9 I consider that the design of the building and the layout of the site are acceptable subject to a condition requiring the removal of the kitchen and bathroom areas.

8.4 **Residential Amenity**

8.4.1 The subject building has a single roof light and ground level windows on the southeastern elevation. These windows and door openings only look onto the rear of

No. 45 (application site). There is a 2 metre high wall to both the northeastern and southwestern boundaries which limits any views towards neighbouring properties.

- 8.4.2 Both the FDP and the SRDCSG are silent on any separation distances between ground floor windows and neighbouring properties. In this case given that there is screening provided at ground level by 2 metre high boundary walls I do not consider that any neighbouring building would be adversely affected by overlooking from a garden room.
- 8.4.3 The building has a low elevational height of 2.89 metres and has a minimum separation distance in excess of 7 metres from the nearest residential property I do not consider that the subject building has any adverse impacts in terms of overlooking or overshadowing on any neighbouring property.
- 8.4.4 Odours from the kitchen area were raised as an issue in objection to the application. The provision of the kitchen area is contrary to Section 14.10.4 of the FDP and needs to be removed. This is a matter which can be controlled through an appropriately worded condition.
- 8.4.5 I do not consider that any of the neighbouring residential properties would be significantly impacted by the building in terms of overshadowing, dominance, or adverse odour.

8.5 **Access and Parking**

- 8.5.1 I note that the Planning Authority have referred to SPPR 3 of the SRDCSG in their reason for refusal, however, there were no details on the file to justify how this policy was offended. There are no changes proposed to the access or existing level of parking, in addition, the building does not offer any additional bedroom space and therefore I do not consider that there is a need to assess the level of parking provision.
- 8.5.2 There were concerns raised regarding the number of vehicles associated with the existing dwelling and unsafe parking practices, which are existing and do not pertain to the application under consideration. Any concerns with parking on the estate road or near to junctions, if such matters are illegal, are matters for An Garda Síochana.

9.0 AA Screening

- 9.1 I have considered the development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located 45 Willow Wood Grove, Hartstown, Dublin 15 and no relevant designated sites are close by.
- 9.2 The proposed development comprises the retention of a detached building. No 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 there is no conceivable risk to any European Site.
- 9.3 The reason for this conclusion is as follows:
- Small scale and nature of the development; and
 - Distance from nearest European site and lack of connections.
- 9.4 I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Directive

- 10.1 The subject site is located at 45 Willow Wood Grove, Hartstown, Dublin 15, which is 84 metres north of the nearest water body.
- 10.2 The proposed development comprises the retention of a detached building. No water deterioration concerns were raised in the planning appeal.
- 10.3 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 as follows:

- Nature of works e.g. small scale and nature of the development ; and
- Distance from nearest water bodies and/or lack of hydrological connections.

10.4 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

11.1. That retention permission granted for the reasons and considerations set out below and subject to the conditions set out below.

12.0 Reasons and Considerations

Having regard to the design, appearance of the building to be retained, it is the Coimisiúns view that, subject to compliance with the conditions below, the development proposed would not seriously injure the visual amenities of the area or the residential amenities of any property in the vicinity and would not adversely impact on the character of the area. The development to be retained, therefore, would be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and received by the Planning Authority on the 14th day of November 2025, except as may
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	<p>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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Notwithstanding the detail on the submitted plans, the existing toilets, shower, kitchen units and household appliances shall all be removed from the building within four weeks of this decision. Thereafter the building shall not be fitted out with kitchen or toilet facilities.</p> <p>Reason: In the interests of orderly development</p>
3.	<p>a) The subject development shall be restricted to use as a home office & garden room that is incidental to the occupation of the adjacent dwelling house unless otherwise authorised by a prior grant of planning permission.</p> <p>(b) The existing dwelling house and the outbuilding which is the subject of this grant of planning permission, shall be occupied as a single residential unit, and the ancillary outbuilding shall not be used, sold, let, transferred or conveyed, save as part of the dwelling house, as extended.</p> <p>Reason: In the interests of orderly development</p>
4.	<p>Surface water from the proposed development must be addressed through on-site attenuation and disposal, the design of which is to be prepared by a suitably qualified chartered engineer, to be submitted and agreed with the Planning Authority within four weeks of this decision.</p> <p>Reason: To prevent flooding and in the interests of sustainable drainage.</p>
5.	<p>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</p>

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 Coimisiún 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, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Barry Diamond
Planning Inspector

14th April 2026

Appendix 1 - Form 1 EIA Pre-Screening

Case Reference	PL-500720-DF-26
Proposed Development Summary	Retention of detached building
Development Address	45 Willow Wood Grove, Hartstown, Dublin 15, D15 F88C
	In all cases check box /or leave blank
<p>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</p> <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) 	<p><input type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.</p> <p><input checked="" type="checkbox"/> No, No further action required.</p>
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<p><input type="checkbox"/> Yes, it is a Class specified in Part 1.</p> <p>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</p>	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<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</p>	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</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: _____

Date: _____

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