



An
Coimisiún
Pleanála

Inspector's Report PL-501079-SD-26

Development	Retention of timber log cabin in back garden to rear and side of house.
Location	17, Raheens Crescent, Tallaght, Dublin 24, D24PTW2
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD25B/0385
Applicant(s)	Jhonny and Rafael Gomes
Type of Application	Retention
Planning Authority Decision	Refuse Retention
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	Jhonny and Rafael Gomes
Observer(s)	None
Date of Site Inspection	17/06/2026
Inspector	David Freeland

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1.0 Site Location and Description

The appeal site (c. 0.038 ha) is at No. 17 Raheens Crescent, within an established residential estate in Tallaght, Dublin 24. The estate is largely two-storey semi-detached and terraced housing and is bounded by the N81 to the south, Cheeverstown Road (R136) to the west, Cookstown Estate Road to the north and Cookstown Way to the east.

The site sits on a bend in Raheens Crescent and is irregular in shape, with a narrow front boundary which widens considerably to the rear. It contains a two-storey semi-detached dwelling with a pitched gable roof, with pebbledash finish common to the streetscape. The dwelling has off-street parking to the front and a side access leading to the rear garden.

To the rear, the dwelling has a recently constructed single-storey extension and a detached single-storey timber log cabin within the rear garden.

2.0 Proposed Development

Retention is sought for a detached single-storey timber log cabin in the rear garden, to the rear and side of the house, for use as an office, gym, playroom/games room and storage area, together with ancillary works.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority made a decision to Refuse Permission for the following reason:

The proposed development, by reason of design, siting, scale and massing, and relationship to the existing built form and character of the area and by way of intensifying backland development in a residential area, would result in significant adverse impacts on the residential amenity of existing adjacent properties and the established residential character and visual setting of the area. The proposal would thus be contrary to the 'RES' zoning objective of the site, which seeks 'to protect and/or improve residential amenity'. Furthermore,

the granting of permission of the subject development as proposed would set an undesirable precedent for other similar developments which would, in themselves and cumulatively, be harmful to the residential amenities of the area and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

Planning Reports

There are two planning reports on file.

The first report, dated 5 August 2025, may be summarised as follows:

- Principle: having regard to the 'RES' zoning, detached structures within the curtilage of an existing dwelling are permitted in principle, subject to the 2022–2028 South Dublin County Development Plan and the SDCC House Extension Design Guide (2025).
- Residential and visual amenity: the cumulative impact of the large cabin and the large rear extension – each running along party boundaries for significant lengths – would depart from the residential character of the area, set a poor precedent for the intensification of rear gardens, and undermine residential amenity. The report also flagged that the cabin's internal layout includes a toilet, which is not acceptable.
- Infrastructure and environmental: SuDS and environmental services could be dealt with by condition. The site is not within a Green Infrastructure Corridor, Link or Core Area.
- EIA and AA screening were determined not to be required.

Further information was requested on 5 August 2025 on a single issue – overdevelopment of the site.

Further information was received on 5 February 2026, comprising a response letter and a revised site layout plan. The applicant stated that the cabin cannot be cut in half for stability and feasibility reasons; that the rear garden retains well in excess of the 25 sq.m open-space requirement; that the cabin (stated at 45 sq.m) would comply with regulations being brought into effect by the Minister for Housing; that the

extent of rear open space avoids overdevelopment; and that other houses in the county have larger extensions. Examples of comparable permissions were provided.

The second report, dated 4 March 2026, maintained the earlier concerns. It found that the cumulative impact of the large cabin and rear extension, arranged in close proximity to party boundaries, would harm the residential character of the area and set a poor precedent for the intensification of rear gardens, and concluded that the development would materially contravene the 'RES' zoning objective and seriously injure the residential amenities of the area.

Other Technical Reports

None.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

One third party observation was received by the Planning Authority summarised as follows:

- The cabin is said to be occupied as a dwelling with lights on late at night and, if retention is granted, the observer anticipates a later application to change its use to a flat.
- The structure is described as a two-bedroom unit with a living room and kitchen. Concern is raised at the absence of a fire certificate, and reference is made to smoke from a rear room.

4.0 Planning History

P.A. Ref. SD23B/0526: Grant Permission & Refuse Permission for: 1. Attic conversion into non-habitable room with dormer window in roof at rear and Velux window to the front. 2. Porch extension to front. 3. Kitchen Extension at rear. 4. Granny flat extension at rear of Kitchen extension. 5. Narrowing of boundary pier to aid vehicular access to side along with internal alterations inc. new window in kitchen at gable.

Permission was refused for the proposed narrowing of the boundary pier for the following reason:

1. The proposed narrowing of boundary pier to aid vehicular access to side is not considered favourable by the Roads Department within South Dublin County Council. The Roads department do not favour any proposal that would see vehicles access the rear of dwellings using a shared narrow access. The reversing of these vehicles would be seen as hazardous and would pose a significant risk to users of the laneway (i.e. children at play, pedestrians, vulnerable users). Thus, the proposed development would give rise to traffic hazard and would be contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

South Dublin Development Plan 2022 – 2028

Land Use Zoning:

The proposed development site is zoned as 'RES' with the stated land use zoning objective 'To protect and / or improve residential amenity'.

Relevant Sections/Policies

Section 6.8 Residential Consolidation in Urban Areas

Section 6.8.2 Residential 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).
- H14 Objective 2: To review and update the South Dublin County Council House Extension Design Guide, 2010 during the lifetime of this Development Plan, to include a review of design options for mid terrace type extensions

with a view to facilitating these extensions in Local Authority housing where appropriate.

Section 12.6.8 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.

The Development Plan and the House Extension Design Guide, 2010 does not include specific policy or criteria for detached sheds/garden rooms. A subsequent document, the House Extension Design Guide 2025 was published in February/March 2025 in line with the requirements of H14 Objective 2. Relevant extracts of the document relating to garden rooms are outlined below.

SDCC House Extension Design Guide 2025

Section 3.6 Garden Rooms and Section 3.6.2 Built Form Principle (BFP) 6 –sets out specific criteria for detached Garden Rooms and Sheds as follows:

- *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.*

5.1. **Natural Heritage Designations**

The appeal site is not located within or adjacent to any designated European site (SAC or SPA) or Natural Heritage Area (NHA or pNHA). The closest natural heritage designations to the subject site include; Lugmore Glen pNHA (Site Code: 001212) – 1.9km to south-west. The closest European site to the subject site includes; Glenasmole Valley SAC (Site Code: 001209) – 3.3km to south

5.2. 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 (or Part V of the 1994 Roads Regulations). No requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

5.3. Water Framework Directive

An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive.

Having considered the nature, scale, and location of the proposed development, it is concluded that the proposal will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects. In addition, the proposed development will not adversely affect the achievement of established environmental objectives, including the protection, maintenance, and improvement of water body status, as required under the Directive.

Accordingly, the proposed development is considered to be compliant with the requirements of Article 4

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal was received, on the following grounds:

- Consistency and equal application of planning policy: The refusal is said to be inconsistent with the Council's treatment of comparable developments in its area. The appellant invokes Article 40.1 of the Constitution (equality before the law) and argues that materially similar structures have been granted, so that refusal here represents an inconsistent and unjustified exercise of discretion that undermines confidence in the planning system.

- Absence of material planning harm: The appellant contends that the log cabin raises no significant planning concern including, no overlooking, visual obtrusiveness or impact on the character of the area and does not harm residential amenity. The refusal is said to be disproportionate to the scale and impact of the development.
- Precedent within the area: The Commission is asked to have regard to comparable structures permitted locally. A selection of granted permissions in the SDCC area is provided as evidence that development of this nature is generally considered acceptable.
- Financial and practical considerations: The applicant submits that refusal would require alteration and removal at a cost of c. €10,000 or more, said to be a substantial and disproportionate burden, particularly given that comparable developments have been permitted elsewhere.

6.2. Oral Hearing

The appellant requested an oral hearing. Under section 134(3) of the Planning and Development Act 2000 (as amended), the Commission decided to determine the appeal without an oral hearing, having concluded that it could be dealt with adequately through written procedures (notified 14 May 2026).

6.3. Planning Authority Response

In a letter dated 17/04/2026, the planning authority confirmed its decision and that the issues raised in the appeal have been covered in the Chief Executive's Order.

6.4. Observations

None.

7.0 Assessment

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, and having inspected the site, and having regard to the relevant

local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- The principle of the development.
- Compliance with SDCC Garden Room Policy
- The cumulative scale and intensification of the site.

7.1. Principle of Development

7.1.1. The site is zoned 'RES', which seeks to protect and/or improve residential amenity. Under Section 3.6.1 of the 2025 Guide, detached garden rooms and sheds are acceptable in principle within the curtilage of a dwelling. I am satisfied the principle of a garden room is acceptable. Acceptability of the structure is dependent on compliance with criteria for such development and protection of residential amenities.

7.2. Compliance with the Garden Room Criteria (BFP6)

7.2.1. BFP6 of the SDCC House Extension Design Guide 2025 sets out five criteria for detached garden rooms and sheds. The structure should retain adequate rear amenity space, be subordinate in scale to the main house, be sited and designed so as not to adversely affect the amenities of adjacent properties, be limited to uses wholly ancillary to the main house and not include toilet or sanitary facilities. I consider each below.

7.2.2. The submitted plans indicate a total area of approximately 44.2 sq.m (gross internal floor area c. 39.4 sq.m), an external footprint of c. 8.3m x 5.3m, and a pitched roof with a ridge height of 3.3m falling to 2.4m at the eaves. The cabin is set c. 0.6m off the eastern boundary (shared with No. 15 Raheens Crescent), and its rear elevation is set c. 1.1m–2.2m off the southern boundary (which adjoins Nos. 13–17 Raheen Road). It is laid out with an open office/gym space, a playroom/games room, a storage area and a toilet.

7.2.3. Retained amenity space

7.2.4. The cabin and the rear extension divide the rear garden into two areas, a main space of c. 82 sq.m in the south-western corner and a smaller space of c. 39.7 sq.m to the north of the cabin. The applicant's site layout plan states c. 163 sq.m of open

space in total. On any of these figures, the open space retained is well in excess of the 25 sq.m standard under exempted development provisions of a Class 3 development of the Planning and Development Regulations, 2001, as amended or the standards for a 3/4-bedroom dwelling set out within the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024 (40-50sq.m), and I am satisfied this criterion is met in terms of quantum.

7.2.5. Subordinate scale

7.2.6. While the cabin is a large single-storey structure, the main house is two-storey with a converted attic, dormer and rear extension. I consider the cabin remains subordinate to the main house, and its scale in itself is not a reason for refusal.

7.2.7. Siting and impact on adjoining properties

7.2.8. The adjoining house to the east, No. 15 Raheens Crescent, has a similar scaled rear garden. Having regard to the scale/height of the structure, the oblique angle of the cabin to that house and a separation of c. 5.6m from its rear wall, I do not consider the cabin would significantly reduce daylight or sunlight to No. 15 or appear overbearing.

7.2.9. Having regard to the existing rear extension, I consider the cabin gives rise to no additional impact to No. 19. The adjoining properties to the south, Nos. 13 and 15 Raheen Road (which comprises semi-detached dwellings) have rear extensions set back from the boundary with the subject site while the first-floor level to those dwellings is c. 10.9m from that boundary. Having regard to these separation distances, I do not consider there would be any significant overlooking, overshadowing or overbearing impact. The cabin is located to the rear and is not visible from the public realm, and I do not consider it affects the visual amenity of the area.

7.2.10. On these criteria I find the cabin acceptable, and I accept the appellant's contention that it gives rise to no overlooking or visual harm. The issue arises relating to the remaining two criteria.

7.2.11. Ancillary use and sanitary facilities

7.2.12. BFP6 requires the use to be wholly ancillary to the main house and that no toilet or sanitary facilities be included. The plans show a toilet within the cabin, which is

contrary to BFP6. The applicant did not remove it at further information stage, the stated position being that the cabin could not be altered for stability and feasibility reasons.

- 7.2.13. The toilet is also relevant to whether the use is wholly ancillary. The stated uses, office, gym, games/play room and storage are of the type contemplated by Section 3.6.1. However, the inclusion of a toilet, taken with the scale and self-contained layout of the structure, indicates a building that could readily be used as independent accommodation rather than one whose use is wholly ancillary to the main house. I consider the cabin does not meet the wholly ancillary use criterion.
- 7.2.14. The third-party observation submitted to the planning authority contended that the structure is occupied as a dwelling with no fire certificate in place. This is an enforcement and Building Control matter which I cannot determine under this appeal.
- 7.2.15. The cabin therefore fails to comply with BFP6 on two of the five criteria, the toilet and the wholly ancillary use.

7.3. Cumulative Scale and Intensification of the Site

- 7.3.1. The cabin must also be considered together with the existing development on the site. Under P.A. Ref. SD23B/0526 the house was granted permission for a converted attic with dormer and a single-storey rear extension incorporating a kitchen and a self-contained granny flat with its own kitchen and bathroom. The extension projects approximately 11m from the original rear wall along the eastern boundary, and the cabin is located within the remaining garden, close to the eastern and southern boundaries.
- 7.3.2. The effect is that two large structures now run along or close to the party boundaries for their length, and the rear garden is left in two separate pockets rather than as a single usable space. A more coordinated approach, for example a wider, shallower extension with the cabin located against the rear boundary could have retained a single garden space of greater levels of amenity. As built, the layout is haphazard and uncoordinated, and the open space figures do not reflect this loss of quality.
- 7.3.3. Taking the development as a whole, a two-storey house with converted attic, a rear extension containing a granny flat, and a 44 sq.m cabin with its own toilet, I consider

the combined scale and use amount to an intensification of the site beyond what the 'RES' objective and the pattern of development envisaged by the Plan and the 2025 Guide can accommodate. I am satisfied the combined scale and use result in an intensification of the site that would be injurious to the residential amenities of the area.

- 7.3.4. The appellant contends that the refusal is inconsistent with permissions granted for similar structures within the SDCC operational area and relies on Article 40.1 of the Constitution. Each application is assessed on its own merits and in its own context. In this instance, the structure, when considering its use and its combined scale with other development within the site, it is not considered consistent with Development Plan policy and is ultimately considered injurious to the residential amenities of the area. A grant of permission elsewhere, does not establish that this structure meets relevant standards and policy.

7.4. Conclusion

- 7.4.1. While the principle of a garden room is acceptable, the cabin fails to comply with the garden room criteria of BFP6 because it includes a toilet and is not limited to a use wholly ancillary to the main house. In addition, the combined scale and use of the cabin and the existing rear extension amount to an intensification of the site that would be injurious to the residential amenities of the area. The grounds of appeal do not outweigh these considerations. I recommend that the Planning Authority's decision to refuse retention permission be upheld.
- 7.4.2. The garden room criteria and the toilet were raised in the Planning Authority's reports and were addressed by the applicant at further information stage. I am satisfied these matters fall within the scope of the appeal and that notification to the appellant per Section 137 of the Act is not required.

8.0 AA Screening

The application is for retention permission of a detached single storey structure within the rear garden of no. 17 Raheen Crescent.

No nature conservation concerns were raised in the planning appeal.

Having considered the nature, small scale and location of the project, and taking account of the screening determination of the planning authority, I am satisfied that it can be eliminated from further assessment because there is no link to any European Site.

I conclude, on the basis of objective information, that the development to be retained does not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Appropriate Assessment, therefore, is not required.

9.0 Recommendation

I recommend that retention permission be refused for the reasons and considerations set out below.

10.0 Reasons and Considerations

Having regard to the 'RES' zoning objective of the site, which seeks to protect and/or improve residential amenity, to Policy H14 and Section 12.6.8 of the South Dublin County Development Plan 2022–2028, and to the criteria for detached garden rooms set out at Built Form Principle 6 of the SDCC House Extension Design Guide 2025, it is considered that the structure for which retention is sought includes a toilet/sanitary facility and, by reason of its scale and internal layout, is not configured for use wholly ancillary to the main house, contrary to those criteria. It was also considered that the combined scale and use of the development, taken with the existing rear extension, results in an intensification of the site that would be injurious to the residential amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

David Freeland
Planning Inspector

18/06/2026

Appendix 1 - Form 1 - EIA Pre-Screening [EIAR not submitted]

An Coimisiún Pleanála Case Reference	PL-501079-WH-26		
Proposed Development Summary	Retention of timber log cabin in back garden to rear and side of house.		
Development Address	17, Raheens Crescent, Tallaght, Dublin 24, D24PTW2		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)	Yes		
	No	X	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No	X	N/A	No EIAR or Preliminary Examination required
Yes			Proceed to Q.4
4. Has Schedule 7A information been submitted?			
No	X		Preliminary Examination required
Yes			Screening Determination required

Inspector: _____ Date: _____