



An
Coimisiún
Pleanála

Inspector's Report

PL-501088-DF-26

Development

Retention of entrance canopy and bathroom in existing Garden Gym/Utility/Office. Permission for widening of canopy by c1.44m

Location

75 Castleknock Rise, Laurel Lodge,
Dublin 15, D15 FWK4

Planning Authority

Fingal County Council

Planning Authority Reg. Ref.

FW26A/0010E

Applicant(s)

Alex Sepelenco.

Type of Application

Retention and permission.

Planning Authority Decision

Refusal of retention and permission

Type of Appeal

First Party

Appellant(s)

Alex Sepelenco.

Observer(s)

None.

Date of Site Inspection

22nd May 2026

Inspector

Ann Bogan

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1.0 Site Location and Description

- 1.1. The 0.030ha site is located in an established residential area in Laurel Lodge, Dublin 15. The development to be retained is located in the rear garden of an existing two storey end of terrace dwelling, 75 Castleknock Rise, which is on a corner site. Rear garden is accessed via a pedestrian entrance from the front garden, labelled 75A Castleknock Rise.
- 1.2. An existing flat roofed 'Garden Room' type structure is located in the rear garden and it is stated as having an internal floor area of 18.9sqm and a height of c2.8m. It has a 2.115m long canopy projecting 0.984m from the south elevation, adjacent to the entrance to the structure.
- 1.3. A wall approximately 1.8m high runs along the side (southern) boundary of the rear garden adjoining the public footpath and along the rear (eastern) boundary with the adjacent dwelling.
- 1.4. The rear garden is subdivided by a c1.8m concrete post and metal fence, and the garden room is located in the southern part of the garden in a concrete paved yard. The northern part of the garden behind the fence is grassed and is accessed from the back door of the dwelling. There are also two concrete fencing posts in the concrete yard area near the garden room.
- 1.5. The rear boundary of 75 Castleknock Rise abuts No 66 Castleknock and the rear wall of the garden room is adjacent to the front garden of this neighbouring dwelling.

2.0 Proposed Development

- 2.1. The development consists of:
 - Retention of a canopy and bathroom in an existing Garden Gym/Utility/Office structure to rear of existing dwelling
 - Permission to widen the existing canopy by 1044mm.
 - Note that neither the fence dividing the rear garden nor the free-standing fence posts are included in the development description and it is assumed they are not part of the application.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Permission refused by Planning Authority on 5th March 2026 for the following reason:

Having regard to the development proposed to be retained, including the proposed alterations, it is considered the development fails to satisfy the Development Management Standards for Garden Rooms outlined in Section 14.10.0 within the Fingal Development Plan 2023-2029 and seriously injures the amenities and depreciates the value of property in the vicinity. To grant said development will set an inappropriate precedent for other similar forms of development. The development is therefore contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The Planning Authority acknowledge that they previously deemed a rear garden structure to be exempted development and issued a Section 5 declaration to that effect. However, the report states as the structure now contains a bathroom it is not considered exempt under Class 3, Part 1 Schedule 2 of the Planning and Development Regulations, 2001
- Overdominance, overshadowing and overbearing impacts are not considered to be issues with the development
- Reference is made to Development Plan Section 14.10.4 that garden rooms shall not be used as residential accommodation and not fitted with a bathroom or kitchen. Further the report states “Given the status of the structure it is considered that the proposed development in relation to the canopy cannot be permitted.” The planning officer concluded that “the development is considered contrary to the provisions contained in the Fingal Development Plan 2023-2029” and recommended refusal of permission and retention for the development

- It is considered the proposed project will not have a significant effect on any European sites
- As the development is not listed in Schedule 5 (Part 1 or 2 of the Planning and Development Regulations as amended no Environmental Assessment is required.

3.2.2. Other Technical Reports

- Water Services Report: No objection subject to conditions relating to disposal of surface water.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

None

4.0 Planning History

4.1. PL.06F.1091612 granted on appeal in May 1999, (following decision to refuse by Planning Authority), for two storey extension at the side of 75 Castleknock Rise and front porch.

4.2. Section 5 Declarations

- FS5W/001/24: A 24.85sqm garden shed/office in rear garden of 75 Castleknock Rise considered to be exempted development
- FS5W/003/26: Provision of a canopy attached to existing garden shed and at No 75 Castleknock Rise considered not to be exempted development, as canopy is attached to a structure which is considered unauthorised development and which is the subject on an application for retention. Replacement of rear garden internal fencing with wood fencing was considered not exempted development, as “it would sub-divide existing residential curtilage and represent an intensification of use which is inconsistent with the character of the structure and that of neighbouring structures”

5.0 Policy Context

5.1. Development Plan

Fingal Development Plan 2023-2029

Zoning: RS. Objective to “provide for residential development and protect and improve residential amenity” with a vision to “ensure that any development in existing areas would have a minimal impact on and enhance residential amenity”.

Chapter 14 Development Management Standards

14.10.3 Family Flats

A family flat refers to the provision of accommodation connected to an existing dwelling with a level of independence for an undefined temporary period. This may involve the subdivision of a single dwelling, provision of an extension or conversion of a garage attached to the main dwelling, where the use is for a member of the immediate family (e.g. elderly parent). Applications will be assessed in terms of the impact on the integrity of the existing dwelling and neighbouring properties and compliance with the following criteria must be demonstrated:

- A requirement for the family flat must be demonstrated including details of the relationship between the occupant of the main dwelling and the occupant of the family flat.
- When no longer requested for use as a family flat, the accommodation must be capable of being subsumed into the main property.
- Any such extension to the main dwelling shall be subsidiary in scale relative to the main dwelling and shall not exceed an internal floor area of 75 sq. m.
- The family flat should not impact adversely on either the residential amenities of the existing property or the residential amenities of the area.
- The entrance to the family flat must be via the main dwelling. Where own-door access is unavoidable, own-door access shall be located to the side or rear.
- No sub-division of the garden is permitted.

14.10.4 Garden Rooms

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.

Objective DMSO203 FCC SuDs Guidance Document

SuDS shall be incorporated into all parts of a development (open spaces, roads, footpaths, private areas), and have regard to the FCC SuDs Guidance Document – Green/ Blue Infrastructure for Development, as amended (Appendix 11)

Objective IU09 Surface Water Drainage Systems

Maintain and enhance existing surface water drainage systems in the County and to require SuDS in new developments where appropriate, as set out in the Greater Dublin Strategic Drainage Study (Vol 2: New Development) / Greater Dublin Regional Code of Practice for Drainage Works)

5.2. Natural Heritage Designations

5.2.1. The site is circa 8km from the Rye Water Valley/Carton SAC.

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. (See Form 1 in Appendix 1 of report).

7.0 The Appeal

7.1. Grounds of Appeal

Ground 1 Compliance with Section 14.10.4 Scale amenity and bathroom

- The development complies with Section 14.10.4 as floor area is below exempted development limit of 25sqm, is single storey, located to rear and does not reduce private open space below 25sqm, and external finishes complement main dwelling

- Bathroom is an internal addition with no external visual impact; canopy is a light-weight open sided structure
- Neither bathroom or canopy give rise to overlooking, overshadowing or loss of privacy for neighbouring properties
- Consider it reasonable that home owner should have ability to take shower after workout in home gym
- Presence of bathroom does not convert structure into residential accommodation; there is no kitchen or sleeping accommodation
- Prohibiting WC/Shower in garden gym would be disproportionate and undermines purpose of providing ancillary structures in residential gardens.

Ground 2 Board Precedent

- In ABP-316244-23 (SD23B/0017) Board determined a condition prohibiting toilet/bathroom facilities in a garden room was unreasonable
- Circumstances in this case are directly comparable
- Having regard to Board's own precedent submits that permission should be granted without condition restricting sanitary facilities

Ground 3 The canopy (included for completeness)

- Considers canopy is exempted development. Proposed widening is to provide additional cover from rainfall and is a modest functional addition

Ground 4 No injury to amenities or depreciation of property values

- Assertion in reason for refusal of serious injury to amenities and depreciation of property in vicinity is unsupported by evidence and is disproportionate to nature and scale of development; no third party objections were received

Ground 5 Proactive Engagement with Planning Process

Applicant demonstrated good faith and a willingness to work within planning code, promptly submitting applications for retention and Section 5 Declaration

7.2. Planning Authority Response

- Planning Authority wish to note that bathrooms within garden rooms are not appropriate having regard to Section 14.10.4 within Fingal Development Plan 2023-2029 and seriously injures the amenities and depreciates the value of property in the vicinity
- request the Commission to uphold decision of Planning Authority.
- If appeal is successful a financial contribution and/or any Special Development Contributions required in accordance with Fingal County Council Section 48 Development Contribution Scheme should be included

7.3. **Observations**

- None

8.0 **Assessment**

8.1. Having examined the application details and all other documentation on file, including the appeal documentation, the report of the local authority, having inspected the site, and having regard to the relevant national and local policies and guidance, I consider that the substantive issues to be considered in this appeal are as set out below:

- Principle of the development
- Impact on visual and residential amenity
- Compliance with Fingal Development Plan 2023-2029

8.2. **Principal of the Development**

8.2.1. The site is zoned “RS” Residential with an objective to “provide for residential development and protect and improve residential amenity” in the Fingal Development Plan 2023-2029. The development to be retained/altered relates to what is described as an existing Garden Gym/Utility /Office located in the rear garden of a dwelling and I am satisfied that it is compatible with the zoning objectives and subject to use of the

structure for purposes ancillary to the existing dwelling is acceptable in principle subject to the detailed considerations below.

8.3. Impact on Residential and Visual Amenity

- 8.3.1. The existing 2.8m high structure is screened from the street and the adjacent dwelling to the east (No 66 Castleknock Vale) by c1.8m high boundary walls. The roof and top 1m of the side wall are visible from the neighbouring front garden however, there are no windows in this elevation and therefore no overlooking of the neighbouring property occurs. The bathroom which is the subject of the retention application has a window in the north elevation, facing the solid fence which divides the garden, and is unlikely of itself to have any direct impact amenity on amenity of residents of the existing dwelling or other neighbouring properties, however, as outlined below, it has implications in the context of the requirement that the use of the structure be ancillary to the use of the dwelling and not used for residential accommodation.
- 8.3.2. I do not consider the open sided canopy, which is the subject of the retention application, to be overbearing when viewed from the adjacent property or the street and overlooking does not arise. I am satisfied that the external appearance of the structure and attached canopy does not detract significantly from the visual amenities of properties in the vicinity or when viewed from the street. The proposed extension of the canopy is modest in extent and I believe that it would not have a significantly greater impact on visual or residential amenities than the existing canopy.

8.4. Compliance with Development Plan

- 8.4.1. The planning application cover letter states that the 'Garden Room' was constructed under exempted development guidelines but as the Planning Authority determined that the bathroom and canopy do not constitute exempted development, retention permission is sought to regularise the matter. It is stated that the bathroom is required to provide sanitary facilities after a workout in the gym and the canopy is required to provide cover entering the gym/utility/office and permission is sought to widen the canopy to give greater cover from rain.
- 8.4.2. Planning Authority states that they issued a Section 5 Declaration confirming that a 24.85sqm garden shed/office, 2.9m in height located in the rear garden of the dwelling was exempted development in February 2024. However, the Planner's Report states

the details of the exempted structure submitted did not include a bathroom or kitchen facility and they now consider the 'Garden Room', as constructed, not be exempt under Class 3 Part 1 Schedule 2 of the Planning and Development Regulations 2001, as amended.

- 8.4.3. From the site inspection, I can confirm that the 'Garden Room' as constructed consists of three rooms: the external door opens into the main room, labelled on drawings as utility and office, and has a worktop and an array of shelves to the right and a raised counter to the left. A second smaller room contains a full height cupboard with sliding door and is labelled on the drawings as a gym; off this is the bathroom labelled WC, with a shower stall.
- 8.4.4. At present the 'Garden Room' described in the application as an existing garden/gym, utility/ office, appears to be mainly used for commercial storage purposes, including multiple commercial tool boxes and gas cylinders, including industrial gas cylinders. I assume this equipment is associated with the applicant's business activities. There is also a limited amount of what could be termed domestic items, including a small couch and some exercise weights in the main room. Overall, the principal use of the 'Garden Room' does not, at present, appear to correspond to uses ancillary to the dwelling, or to the uses indicated on the drawings submitted.
- 8.4.5. The Planning Authority are concerned that the presence of the bathroom facilitates use of the structure for habitable accommodation. It is clear that the design and layout of the structure is such that a conversion for habitable use would be easily achieved, with a potential kitchen /sitting room to the front and a bedroom and bathroom to the rear. In this context, as well as the presence of a bathroom, I note the main room is fitted with kitchen type units, (currently with cupboard doors absent), including a worktop which contains a cutout suitable for a cooker hob and a fitting overhead suitable for installing an extractor fan. There is also a high counter which would be suitable for dining.
- 8.4.6. However, the structure is not currently in use for habitation purposes, and such a use would clearly require planning permission. Any such application would have to take account of the requirements of Section 14.10.3 of the Fingal County Development Plan which sets out the requirements for 'Family Flats' attached to existing dwellings.

The assessment would include consideration of the impact of such a change of use on residential amenity of the existing dwelling and the occupants of the separate unit.

- 8.4.7. I note the number 75A on the side gate accessing the rear yard. It is unclear if this is intended to refer to the 'Garden Room' and it was not given as the address for the planning application. Alternatively, it could perhaps refer to an internal subdivision of the existing dwelling. I note also a fence has been constructed sub-dividing the rear garden, which the Planning Authority have confirmed by way of a Section 5 Declaration is not considered exempted development, however this is not part of the current application.
- 8.4.8. Fingal County Development Plan Section, 14.10.4 Garden Rooms, envisages 'Garden Rooms' as providing ancillary accommodation to the main dwelling, such as a playroom, gym or study/home office for use by the occupants of the dwelling house. Applicants are required to demonstrate that neither the design or use would detract from the main residence or of adjoining property. Section 14.10.4 also states 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."
- 8.4.9. In this case, as the 'Garden Room' includes a bathroom, the Planning Authority decided to refuse permission for the development on the basis that it fails to satisfy the standards for Garden Rooms outlined in Section 14.10.0 and that it "would seriously injure the amenities and depreciate the value of property in the vicinity" and set an inappropriate precedent for other similar forms of development. The canopy and extension to same were also refused "given the status of the existing structure" on the basis that they were attached to an unauthorised development.
- 8.4.10. The appellant cites a previous planning appeal as a relevant precedent. ABP316244-23 was an application for retention of a garden shed used as a gym and utility area in South County Dublin. It also contained a WC, which was excluded by condition in the Planning Authority decision, "to ensure that the development is in accordance with the permission and that effective control is maintained and to ensure that the building is not used as a habitable dwelling". This condition was appealed and omitted by the Board as: "Having regard to the use of the utility shed as a gym/workout space, which is incidental to the permitted use of the dwellinghouse on site, it is considered

reasonable that it includes sanitary facilities as set out in the plans and particulars submitted with the application”.

- 8.4.11. Neither the Planning Authority Planner’s report nor the Inspector’s report on appeal in the cited case make any reference to a Development Plan requirement that garden rooms/sheds not contain toilet facilities/bathrooms. Each case must be assessed on its merits and in the subject case there is a specific requirement to that effect in the Development Plan which I believe provides a policy basis for refusing permission for retention of the bathroom. In my opinion this is a reasonable and proportionate policy to ensure the protection of residential amenity from ad hoc and unregulated use of garden structures for residential accommodation. I share the Planning Authority concerns that granting permission in this case would create a precedent for other similar development.
- 8.4.12. I therefore recommend refusal of permission to retain the bathroom in the Garden Room on the basis that it does not comply with the provisions of the Fingal Development Plan 2023-2029 with regard to ‘Garden Rooms’.
- 8.4.13. I am satisfied that the retention of the canopy and its modest extension would not detract from the residential and visual amenities of the area, provided the Garden Room is used for purposes ancillary to the use of the existing dwelling, and recommend permission subject to a condition to that effect.

9.0 AA Screening

- 9.1. I have considered the development in the light of the requirements of S177U of the Planning and Development Act 2000 as amended. The site is c.8km from the Rye Water Valley/Cartron SAC. The development comprises retention of bathroom in existing Garden/Utility/Gym/Office structure and retention and extension of entrance canopy to said structure.
- 9.2. No nature conservation issues were raised in the planning appeal.
- 9.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it would not have any effect on a European Site. The reason for this conclusion is as follows:

- Nature of the works i.e. small scale and nature of the development
- Location and distance from nearest European Site and lack of connections

9.4. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on a 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 subject site is located at 75 Castleknock Rise, Laurel Lodge Dublin 15 and the nearest waterbody is the Royal Canal. The development comprises retention of bathroom in existing Garden/Utility/Gym/Office structure and retention and extension of entrance canopy to said structure.

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 groundwater water bodies 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 of the development
- The distance from nearest water bodies and lack of hydrological connections

10.5. I conclude 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. I recommend refusal of permission to retain the bathroom.

11.2. I recommend grant of permission for retention and widening of the entrance canopy, subject to conditions.

12.0 Reasons and Considerations

12.1. Retention of Bathroom:

Section 14.10.0 of the Fingal Development Plan 2023-2029 provides for the development of Garden Rooms as useful ancillary accommodation for use by occupants of the dwelling house, where they would not detract from the residential amenities of either the main residence or of adjoining property, subject to the structure not being fitted out by the insertion of a kitchen or toilet facilities.

Having regard to the development proposed to be retained, namely retention of bathroom in existing Garden Gym/Utility/Office structure, it is considered the development would not be in accordance with the Development Management Standards of the Fingal Development Plan and to grant permission for retention of the development would set an inappropriate precedent for other similar forms of development. The development is, therefore, contrary to the proper planning and sustainable development of the area.

12.2. Retention and widening of canopy:

Having regard to development proposed to be retained and widened, namely entrance canopy to existing Garden Room, it is considered that the development would not detract from the residential and visual amenities of the area, and would therefore, be in accordance with the proper planning and sustainable development of the area

13.0 Conditions

1. The canopy shall be retained and widened 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.

Reason: In the interest of clarity.

2. The canopy and the Garden Room to which it is attached shall be used solely for purposes ancillary to the existing dwelling.

Reason: In order to regulate and control the use of the development.

3. a. No surface water / rainwater shall discharge into the foul water system under any circumstances.

b. The surface water drainage must be in compliance with the Greater Dublin Regional Code of Practice for Drainage Works, Version 6.0, FCC, April 2006.

c. All new areas contributing to rainwater runoff shall be discharged to commensurate and appropriate SuDS (sustainable drainage systems) devices, in accordance with the principles of the GDSDS (Greater Dublin Strategic Drainage Study, 2005) and best practice SuDS design as per the CIRIA SuDS Manual C753.

Reason: In the interest of public health and protection of the environment.

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.

Ann Bogan
Planning Inspector

09 June 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501088-DF-26
Proposed Development Summary	Retention of entrance canopy and bathroom in existing Garden Gym/Utility/Office. Permission for widening of canopy by c1.44m
Development Address	75 Castleknock Rise
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?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ No, No further action required.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ 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
☒ 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?	
☒ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	State the Class and state the relevant threshold
☐ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	State the Class and state the relevant threshold
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	
No ☐	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: Ann Bogan Date: 9th June 2026