



An  
Coimisiún  
Pleanála

# Inspector's Report

## PL-501136-SD-26

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<b>Development</b>	Retention of a circa. 40 sqm prefabricated garden room / granny flat in the rear garden.
<b>Location</b>	11 Liffey Downs, Liffey Valley Park, Lucan.
<b>Planning Authority</b>	South Dublin County Council
<b>Planning Authority Reg. Ref.</b>	SD26A/0024W
<b>Applicant(s)</b>	Valdet Talla.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Valdet Talla.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	16/05/2026.
<b>Inspector</b>	Anthony Abbott King

## 1.0 Site Location and Description

- 1.1. The site comprises a detached dwellinghouse within a suburban streetscape. No.11 Liffey Downs is located on a corner site at the end of a convex streetscape of 6 detached houses of similar form and appearance.
- 1.2. No. 9 Liffey Downs is the adjoining detached house to the northeast. No. 9 has a substantial single-storey rear extension.
- 1.3. No. 11 Liffey Downs is located to the northwest of Liffey Glen an adjoining suburban avenue, which has a back to back rear garden relationship with the appeal site.
- 1.4. The main house on site is a two-storey property with a front and rear garden. The garden building the subject of this appeal is located in the southeast corner of the rear garden of no.11 Liffey Downs.
- 1.5. The garden building is a free-standing pitched-roof single-storey prefabricated gable-ended structure with fenestration, which abuts the southwest boundary (cul-de-sac carriageway) and southeast boundary (rear gardens of houses on Liffey Glen) of the appeal site.
- 1.6. The streetscape at Nos. 2-16 Liffey Downs forms a cul-de-sac to the southwest of the appeal site. These terrace houses are located directly opposite the garden boundary wall (and rear elevation of the prefabricated building to be retained) and are separated from the boundary by a broad carriageway.
- 1.7. The rear fenestrated elevation of the prefabricated building is located immediate to the southwest garden boundary wall, which is of masonry construction. The garden structure visible above the wall has a pebble dash style render finish.
- 1.8. The rear window openings of the prefabricated building face southwest and directly overlook the carriageway in front of the principal elevation(s) of the terrace streetscape to the southwest.
- 1.9. The access to the prefabricated building in the rear garden of no. 11 Liffey Downs is through the side garden of the main house.
- 1.10. The site area is given as 0.040 hectares.

## 2.0 Proposed Development

2.1. Retention of a circa. 40 sqm prefabricated garden room / granny flat in the rear garden.

## 3.0 Planning Authority Decision

### 3.1. Decision

Refuse planning permission

#### 3.1.1. Reason for refusal:

*The development for retention is inappropriate in terms of design, layout and internal arrangement for use as a structure ancillary to the main dwelling and does not meet the criteria for a family flat as defined under the South Dublin County Development Plan 2022-2028. The development provides a stand-alone habitable structure, that has the potential to facilitate a residential unit separate from the main dwelling on the property. This development would, by itself and by the precedent which the grant of permission for it would set for other relevant development, undermine the residential amenity of the area and would contravene the “RES” land-use zoning objective (which seeks to protect and / or improve residential amenity) contained in the South Dublin County Development Plan 2022-2028. Thus, the proposed development would seriously injure the amenities of property in the vicinity and is contrary to the proper planning and sustainable development of the area.*

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The decision of the CEO of South Dublin County Council reflects the recommendation of the planning case officer.

- The planning case officer considered that the structure in terms of design, layout and internal arrangement is inappropriate for ancillary use (garden room) would not comply with the relevant provisions of the development plan and House Extension Design Guide (2025) for house extension / garden room and sheds (BFP1 / BFP6).

- The design, layout and internal arrangement of the structure to be retained as built has the potential to facilitate a habitable residential unit wholly separate to the main dwelling house on site.
- Furthermore, the stand-alone structure to be retained would not satisfy the development plan criteria listed in Section 12.6.8 of the development plan for a family flat, as genuine need for a family flat is not demonstrated and the development is detached in terms of structure and use from the main house at present.
- The development would by itself and by reason of precedent would undermine the residential amenity of the area and would contravene the residential “RES” zoning objective, which seeks to protect and / or improve residential amenity, seriously injuring the amenities of property in the vicinity.

### 3.2.2. Other Technical Reports

- None requested.

### 3.3. **Third Party Observations**

There are two third-party observations on file, which are summarised below:

- The neighbouring residents in the vicinity object to the installation / retention of a mobile home (effective habitable unit) in the constrained rear garden of no.11 Liffey Downs, which is an unauthorised development.
- The unauthorised development represents over development resulting in loss of privacy, overlooking, noise disturbance and visual intrusion within a mature residential neighbourhood.
- The mobile home is a second semi-independent unit on site representing an intensification of use inconsistent with development plan policy for a family flat. It is comparable to a small apartment in size and design layout and far exceeds the scale of any ancillary garden structure.
- The mobile home located along the boundary wall is overbearing and overlooks the terrace of houses opposite on Liffey Downs resulting in a loss of privacy.
- The mobile home is out of character with the design of the local area and visually dominates the receiving environment with a site layout contrary to good

residential design principles resulting in the erosion of private open space, area character, amenity and sets an undesirable precedent.

- Insufficient clarity regarding foul drainage, surface water, services and compliance with building regulations.

## 4.0 Planning History

4.1. There is no recent relevant planning history on site.

## 5.0 Policy Context

### 5.1. Development Plan

The local policy framework is provided by the South Dublin County Council (SDCC) Development Plan 2022-2028. The relevant policies and objectives are set-out below:

- Zoning

The relevant land-use zoning objective is “RES”(Map 2): *'To protect and/or improve residential amenity.'*

- Urban Consolidation

Policy H14 (Residential Extensions) Objective 1 is relevant and states:

*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).*

- Residential Extensions

Section 12.6.8 (Housing / Residential Development) is relevant. Paragraph “Extensions” states:

*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.*

- Paragraph “Family Flats” is relevant and states:

*A family flat is to provide semi-independent accommodation for an immediate family member (dependent of the main occupants of an existing dwelling). A family flat is not considered to represent an independent dwelling unit and as such open space and car parking standards are not independently assessed. Proposals for family flat extensions should meet the following criteria:*

- *The applicant shall be required to demonstrate that there is a genuine need for the family flat;*
- *The overall area of a family flat should not generally exceed 50% of the floor area of the existing dwelling house;*
- *The main entrance to the existing house shall be retained and the family flat shall be directly accessible from the front door of the main dwelling via an internal access door, and the design criteria for dwelling extensions will be applied;*
- *Any external doors permitted (to provide access to private / shared open space or for escape from fire) shall be limited to the side or rear of the house;*
- *Conditions may be attached to any grant of permission that the family flat cannot be sold, conveyed or leased separately from the main residence, and that when the need for the family flat no longer exists the dwelling must be returned to a single dwelling unit.*

- Other relevant policy documents

The South Dublin County Council (SDCC) House Extension Design Guide (2025).

- Section 3.1.7 Built Form Principle (BFP) 1 (All Extensions & Alterations to Houses) is relevant and states:

- *Respects the appearance and character of the house and character of the house and subject streetscape / 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.*
  - *Do not adversely impact on adjoining 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 1.7m), 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 open space.*
- Section 3.6 (Garden Rooms) is relevant. Section 3.6.1 (General Considerations relating to structures within curtilage) *inter alia* states: *Detached garden rooms or storage sheds to rear gardens are acceptable in principle ....Ancillary uses to the main house on site include home office, games room, domestic storage, home gym or similar....*
  - Section 3.6.2 Built Form Principle (BFP) 6 (Detached Garden Rooms & Shed) is relevant and states:
    - *Should ensure adequate rear amenity space is maintained.*
    - *Should be of a scale that is subordinate to the main house.*
    - *Should be sites and designed so 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.*

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

- The Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024).

## 6.0 EIA Screening

- 6.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination.

## 7.0 The Appeal

### 7.1. Grounds of Appeal

The grounds of appeal are summarised below:

- The appeal statement seeks retention of a single-storey detached circa. 38 sqm prefabricated garden room / family flat (ancillary habitable space) located in the rear garden of no. 11 Liffey Downs (the appeal site).
- The appellant asks the Commission to grant permission for the garden structure / family flat subject to retention given that there is no discernible adverse residential or visual impact on the receiving environment arising from the structure and given that the structure is substantially in compliance with the policies pertaining to family flats of the development plan, including Section 12.6.8 (Family Flat Criteria 1-5), and the residential zoning objective.
- Furthermore, Section 3.1.6 of the South Dublin County Council (SDCC) House Extension Design Guide (2025) states that ancillary garden rooms and sheds are generally acceptable to the planning authority subject to Built Form Principles (BFP) detailed in the Guide. It is claimed that the development to be retained is in accordance with BFP1 (All Extension & Alterations) and BFP6 (Detached Garden Rooms & Sheds).
- The appellant had a similar detached habitable structure located in the rear garden for greater than a decade, the temporary prefabricated structure to be

retained is itself a replacement structure (aerial view google maps included in appeal statement of previous structure). The appellant originally thought that the present structure on site is an exempted development but accepts that it is not.

- The appellant disagrees with the argument of the planning authority that the structure neither meets independent (family flat) or semi-independent (garden room) residential criteria.
- The appeal statement clarifies the use of the structure, as an ancillary habitable space, providing temporary residential accommodation for the appellant's daughter who is a healthcare student and the primary occupant of the structure.
- The structure has a family flat internal layout comprising a bedroom, sitting area, kitchenette and bathroom consistent with development plan policy for a family flat. However, the sanitary facilities are not connected and are not in use. The sanitary features (unconnected W/C and shower area) can be removed from the structure and the area can be converted to storage.
- The structure is used as a semi-independent private space by the appellant's daughter who has a bedroom in the main house and eats, socialises and lives with her family. However, the appellant's daughter would enjoy a more independent space if the structure were to be permitted as a family flat subject to consideration and assessment by the Commission.
- The structure will not be rented. It will be used by family member(s) solely. The structure does not have an independent water, gas or electricity supply. It is entirely dependent on the main house for services and access. The structure shares the same private amenity space.
- The structure (38 sqm) is ancillary in floor area to the main house (198 sqm). It is claimed that it is not unduly visible from public spaces / roads. It does not appear as a separate dwellinghouse or independent unit.
- The appellant claims that the fact the temporary structure (can be removed from site when no longer needed by the immediate family member(s)) is not attached to the main house does not exclude it satisfying the criteria for a "family flat".

- It is claimed that the planning authority should be flexible to the cultural, nationality differences and needs of different communities in interpreting development plan policy, which promotes a flexible and adaptive approach to the needs of residents including the appellant who has a large extended family.
- There is no material or significant impact on residential amenity arising from the structure, which is only marginally above the current exempted (25 sqm) development provision (and would be in accordance with proposed Government provisions not yet enacted) and is located 9m from the rear building line of the main house. The residual garden area is 152 sqm.
- Furthermore, it is claimed the structure does not adversely impact the residential and visual amenity of neighbours in terms of overlooking, overbearing, overshadowing and material elevation finish, which matches the main house.
- In the matter of overlooking, the appellant highlights that the planning authority has no issue with the side window(s) of extensions proximate to the shared property boundary of adjoining properties (photograph(s) of the neighbouring properties for illustration purposes is included in the appeal statement).
- The appellant considers that a temporal condition requiring the removal of the structure (5 years) would be acceptable as would a condition regulating use to family member use (restricting sale, rent or lease). There will be no unauthorised use of the structure. The structure to be retained is a pre-fab has no foundation and can be removed.
- The structure is presently not lived in on a permanent basis by the appellant's daughter and it is not connected to services to provide such independent living. The appellant is willing to sign any necessary legally binding arrangement to ensure the structure is used as an ancillary habitable space to the main dwelling house and invites the Commission to apply all relevant conditions to allow its use comply with the SDDC development plan criteria.

## 7.2. Planning Authority Response

- The planning authority confirms its decision. The issues raised in the appeal have been covered in the CEO Order.

## 8.0 Assessment

8.1. I have examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant planning policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Zoning / principle of development
- Impact on main dwellinghouse & adjoining residential & visual amenity
- Family flat
- Garden room
- Other matters

### 8.2. Zoning / principal of development

The appeal site is zoned Objective “RES” of the South Dublin County Development Plan 2022-2028, which seeks to protect and/or improve residential amenity. Residential is a permitted land use.

8.3. I note that Policy H14 (Residential Extensions) Objective 1 seeks to favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and in compliance with the standards set out in the South Dublin County Council House Extension Design Guide.

8.4. I consider that the provision of additional residential accommodation on site is acceptable in principle subject to satisfying the requirements of the residential zoning objective to protect existing residential amenities and the relevant development management standards of the development plan, including the South Dublin County Council (SDCC) House Extension Design Guide (2025).

### 8.5. The impact on residential and visual amenity of the main house and adjoining properties

The rear garden of no. 11 Liffey Downs abuts the rear garden of no. 9 Liffey Downs to the northeast and the rear gardens of a number of properties in Liffey Glen to the southeast.

8.6. Section 3.1.7 Built Form Principle (BFP) 1 (All Extensions & Alterations to Houses) SDCC House Extension Design Guide (2025) provides a list of criteria guiding extension and alteration of dwellinghouses. I interrogate these matters below with reference to the receiving environment.

*Impact on No. 11 Liffey Downs*

- 8.7. The oblong structure to be retained is positioned in the southeast corner of the garden. The shorter end of the oblong abuts the boundary with the rear gardens of houses on Liffey Glen. The longer end abuts the side property boundary with the public carriageway.
- 8.8. The external finish exhibits a pebble plaster with coigns at the corners and the roof is pitched with a black roof slate. I consider on balance that the material finish is compatible with the main dwellinghouse on site.
- 8.9. The blank gable elevation of the garden structure faces northwest toward the rear elevation of the main dwelling house exhibiting a separation distance of 8995mm.
- 8.10. The rear garden is hard landscaped. The deck appears as a receiving platform camouflaging the wheels and undercarriage of the prefabricated structure.
- 8.11. I consider that the structure to be retained is visually integrated into the rear amenity space of the main house, as such, no visual amenity issues arise from viewing points to the rear of no.11 Liffey Downs.
- 8.12. The rear garden measures approximately 210 sqm (19m x 11m). The residual garden area would be greater than 160 sqm.
- 8.13. I consider that the garden structure given its single-storey height, separation distance from the main house, blank northwest elevation, and footprint allowing for a substantial residual garden and integrated landscaping does not result in an adverse impact on the residential and visual amenity of the main house itself or adjoining properties in the streetscape.
- 8.14. Finally, I conclude on balance the provision of accommodation ancillary to the main house would enhance residential amenity on site.

*Impact on adjoining properties including no. 9 Liffey Downs .*

- 8.15. The external dimension of the structure to be retained is 10000mm by 4160mm with a height of 3350mm. The floor level is 800mm above ground floor level giving an aggregate maximum height of 4150mm.
- 8.16. The separation distance between the front elevation and the northeast boundary incorporates a raised deck accessed from the rear garden of the main house by a flight of steps. The deck gives access at grade to the entrance of the garden structure to be retained, which is positioned 800mm above ground level.
- 8.17. The garden structure to be retained is positioned tight to the southeast corner of the garden. The footprint of the garden structure provides for a residual indicative wedged shaped open area, with a dept of approximately 10m extending across the width of the garden, between the front elevation of the structure and the northeast property boundary with no. 9 Liffey Downs.
- 8.18. The deck extends to the rear property boundary with the rear gardens of the houses on Liffey Glen. The rear property boundary is characterised by mature planting.
- 8.19. The structure has 3 fenestrated elevations. There are large symmetrically placed window opening either side of a centrally placed entrance door on the elevation facing the side property boundary with no. 9 Liffey Downs (front elevation).
- 8.20. The window openings light the dual aspect Livingroom / kitchen and the bedroom. The bedroom opening is 6805mm from the shared property boundary and the Livingroom/ kitchen opening is 4985mm from the shared property boundary.
- 8.21. The shared property boundary between nos. 9 and 11 Liffey Downs is of masonry construction with a timber trellis raised above the solid block wall. The line of sight from the access deck and the entrance elevation fenestration overlooks the rear amenity space of no. 9 Liffey Downs, as the trellis is not continuous and is punctuated by openings.
- 8.22. I consider that overlooking of the adjoining property from the garden structure and associated deck can be mitigated by extending the boundary wall to a height of 1.2m above the deck. This can be dealt with by way of condition.
- 8.23. I. conclude that the separation distance of the front window openings and entrance door from the shared property boundary with no. 9 Liffey Downs is acceptable providing an

adequate separation distance between the garden structure and the adjoining property to the northeast. Furthermore the increase in boundary height by condition would mitigate overlooking impacts on the adjoining property to the northeast.

*Impact on properties adjoining including to the rear at Liffey Glen*

- 8.24. The gable elevation (southeast elevation) has an expansive window opening lighting the Livingroom / Kitchen located on the shared property boundary abutting the rear garden wall with the adjoining houses on Liffey Glen.
- 8.25. The property boundary is heavily planted and there is no clear line of vision into the adjoining properties on Liffey Glen on the day of my site visit.
- 8.26. However, the location of an expansive window opening in an elevated position (800mm above garden level) on a shared property boundary with the rear amenity space of neighbouring residential properties is unacceptable in itself and by reason of the precedent it may establish for garden room structures in the vicinity.
- 8.27. I consider the location of an expansive window opening on the shared property boundary unacceptable. I note that the structure is not of masonry construction and is a prefabricated structure that is presently in situ.
- 8.28. However, I consider that the removal of the gable window and the replacement of the window with a solid blank panel may be an appropriate solution to protect the residential amenities of adjoining properties. This can be dealt with by way of condition if a positive recommendation is recorded.

*Houses to the southwest (nos. 1-16 Liffey Downs)*

- 8.29. The massing of the oblong structure is principally located along the southwest boundary of the rear garden of no.11 Liffey Downs. The structure abuts the existing masonry boundary wall and is clearly visible above the boundary (4150mm) from the public road.
- 8.30. A streetscape of two-storey houses (nos. 1-16 Liffey Downs) is located opposite the southwest boundary and is separated from the boundary by a broad carriageway. I note that the front elevations of the terraced houses are effectively located on-street.
- 8.31. The rear elevation facing the southwest side property boundary is punctuated by 2 window openings. Internally these openings light the kitchen / Livingroom and the

shower room. The openings are visible from the public domain. I interrogate this matter further below.

- 8.32. Notwithstanding that the rear elevation of the garden structure has visible window openings above the masonry boundary wall, I consider that there is a significant and adequate window to window separation distance between the front facades of nos.1-16 Liffey Downs and the development to be retained.
- 8.33. I note that the hard-surfaced cul-de-sac carriageway facilitates on-street parking between the subject terrace and the southwest boundary of no.11 Liffey Downs. I also note that there is a line of vision above the stationary parked vehicles toward the boundary and the development to be retained.
- 8.34. The elevation finish of the garden structure is a pebble dash style render not dissimilar to the main house. The render is not an exact colour match.
- 8.35. I note the rear elevation of the structure facing the streetscape opposite (nos. 1-16 Liffey Downs) has been painted to match the elevation colour of the main house and the side boundary wall.
- 8.36. Furthermore, I acknowledge that relationship between the rear window openings and the boundary is suboptimal given that the rear elevation of the garden structure is positioned tight inside the boundary and the opes are partly concealed behind the boundary wall.
- 8.37. However, I do not on balance consider that the development to be retained would constitute an incongruous or visually intrusive element in the streetscape given its material finish, single-storey height, depth and pitched roof profile.

8.38. Family flat

The first party has asked the Commission to grant permission for a “family flat”, as it is claimed that the structure to be retained is substantially in compliance with the policies pertaining to a “family flat” development as provided for in Section 12.6.8 (Criteria 1-5 family flat) of the South Dublin County Council Development Plan 2022-2028. I interrogate the criteria below.

- 8.39. I agree with the first party that the structure has a family flat internal layout, which comprises a bedroom, sitting area, kitchenette and bathroom.

*Requirement for a family flat*

The first party states that the development to be retained is to be used primarily by the daughter of the first party who is a third level student requiring independence or semi independence residential accommodation spatially separated from the rest of the family.

- 8.40. The daughter of the appellant uses the garden structure at present as a semi-independent private space. The appeal statement details that the primary user of the space has a bedroom in the main house and eats, socialises and lives with her family.
- 8.41. However, the first party states that the owners daughter would enjoy independent living if the structure were to be permitted as a “family flat” subject to consideration and assessment by the Commission
- 8.42. I note that the internal arrangement of the garden structure would facilitate independent living. However, the structure is not used as an independent residential unit, as confirmed on the day of my site visit.
- 8.43. I also note that the structure does not have water, gas or electricity supply independent of the main house. It is entirely dependent on the main house for services.
- 8.44. I accept the bona fides of the first party that there is a requirement on site for a “family flat” / semi-independent unit.
- 8.45. I conclude that the garden structure to be retained is not currently in use as an independent dwelling unit or “family flat”/ granny flat. However, I concur with the planning authority that the garden structure has the latent potential to be occupied as an additional residential unit on site.
- 8.46. *The overall area of a family flat should not generally exceed 50% of the floor area of the existing dwelling house*
- 8.47. The floor area of the garden structure is 38 sqm. The given floor area of the main house on site is approximately 200 sqm.
- 8.48. I consider that the garden structure to be retained is subordinate in floor area to the main house and is less than 50% the floor area of the main house as required.
- 8.49. *The main entrance to the existing house shall be retained and the family flat shall be directly accessible from the front door of the main dwelling via an internal access door..*

- 8.50. The structure to be retained is accessed through the side garden gate of the main house, which gives external access into the rear garden of the main house from the front garden and in-curtilage parking area.
- 8.51. The garden structure is located in the southeast corner of the rear garden. It is not attached to the main dwelling on site.
- 8.52. The structure shares the same private amenity space as the main house with no boundary division. However, the rear garden of the main house incorporates an expansive raised deck associated with the garden structure.
- 8.53. I note the deck is at the same grade as the entrance level of the garden structure and facilitates access to the garden structure, which is raised on wheels above garden level (800mm).
- 8.54. The garden structure is accessed through an entrance door that opens onto the raised deck at the rear of the garden. The raised deck and the garden structure are an integrated whole. The deck appears as a receiving platform camouflaging the wheels and undercarriage of the prefabricated structure.
- 8.55. The appellant notes that if required the side gate can be permanently closed off, and the rear garden and the prefab structure accessed via the main house. It is claimed that this would allow the “family flat” criteria to be satisfied.
- 8.56. I do not agree with the appellant that the structure to be retained satisfies the criteria for a “family flat” “Family flat” *inter alia* excludes independent access (*the family flat shall be directly accessible from the front door of the main dwelling via an internal access door*) where the detached garden structure to be retained located approximately 9m from the main house is a typology, which by definition is a stand-alone structure.
- 8.57. *Any external doors permitted (to provide access to private / shared open space or for escape from fire) shall be limited to the side or rear of the house...*
- 8.58. The garden structure to be retained is a standalone single-storey volume detached from the main dwellinghouse on site. The garden structure has an independent front entrance accessed from the private rear amenity space of the main house and is not dependent on the main house for internal access.

- 8.59. *Conditions may be attached to any grant of permission that the family flat cannot be sold, conveyed or leased separately from the main residence, and that when the need for the family flat no longer exists the dwelling must be returned to a single dwelling unit.*
- 8.60. The first party invites a condition(s) to prohibit sale / rental / lease of the structure as an independent residential unit reiterating that it will be used by family member(s) solely.
- 8.61. Furthermore, the first part highlights that the garden structure to be retained is a prefabricated structure without foundations and can easily be removed from site.
- 8.62. Finally, a condition is invited that would provide for the removal of the structure within 5 years (temporal condition of a retention permission), if required by the Commission, or when the structure is not required by a family member.

### *Conclusion*

- 8.63. The detached garden structure has an internal floor area of 38 sqm. The internal floor to ceiling dimension is 2360mm. It has a layout comprising a Livingroom / kitchen, bedroom and shower room (services connected). It has an independent entrance door.
- 8.64. I conclude that the detached nature, internal layout and floor area of the garden structure to be retained has the potential to be used as an additional dwelling unit on site with independent access through the side garden of the main house inconsistent with Section 12.6.8 of the South Dublin County Council Development Plan 2022-2028.
- 8.65. Garden room
- 8.66. The first party claims that the development to be retained is in accordance with BFP6 (Detached Garden Rooms & Sheds).
- 8.67. The first party states that the structure to be retained replaces a shed on site positioned in the same location, which was demolished to accommodate the present in-situ garden structure. I note the Google Map image of the previous shed on site.
- 8.68. Section 3.1.6 of the South Dublin County Council (SDCC) House Extension Design Guide (2025) states that ancillary garden rooms and sheds are generally acceptable to the planning authority subject to the relevant Built Form Principles (BFP) detailed in the Guide.

8.69. I interrogate the development to be retained on site against the provision Built Form Principle (BFP) 6 (Section 3.62 of the SDCC Design Guide (2025) – “garden rooms and sheds”).

*Should ensure adequate rear amenity space is maintained*

8.70. The rear garden has a residual amenity area of approximately 150 sqm. I consider that the residual garden area satisfies quantitative and qualitative private open space standards for the main house.

*Should be of a scale that is subordinate to the main house*

8.71. The footprint of the garden structure on site is 42 sqm (10000mm by 4160mm). I consider that the scale of the single-storey development to be retained is subordinate to the main house on site in terms of scale and floor area.

8.72. *Should be sites and designed so not to adversely impact on the amenities of adjacent properties*

8.73. I have interrogated the impact of the development to be retained on the receiving environment above. I conclude that on balance subject to condition that the garden structure does not have a significant adverse impact on the visual and residential amenities of adjoining properties and / or the area.

*Should provide for uses wholly ancillary to the main house*

8.74. Section 3.6.1 (General Considerations relating to structures within curtilage) details that detached garden rooms or storage sheds to rear gardens are acceptable in principle. These structures within the curtilage of the main house provide for ancillary uses to the main house to include home office, games room, domestic storage, home gym or similar use.

8.75. I consider that the structure to be retained can satisfy the above criteria by an ancillary use restriction condition.

*Should not include toilet and or sanitary facilities*

8.76. I note on the day of my site visit that the sanitary facilities are connected.

8.77. I also note that the first party has suggested that the sanitary features can be removed from the structure and the area can be converted to storage. This matter can be dealt with by way of condition.

- 8.78. I conclude that the garden structure to be retained subject to a non-habitable occupancy condition and removal of sanitary services would satisfy the criteria for a garden room ancillary to the main dwelling house to be use as an internal space for the purposes of study / work / recreation or storage.
- 8.79. Finally, the planning authority considered that the development to be retained by itself and by reason of precedent would undermine the residential amenity of the area and would contravene the residential “RES” zoning objective, which seeks to protect and / or improve residential amenity.
- 8.80. I do not on balance concur with the planning authority. I consider that the garden structure on site subject to condition would not seriously adversely impact the residential amenities of the area and would subject to condition satisfy the criteria for ancillary residential accommodation on site.
- 8.81. Furthermore, the ancillary garden structure would by the provision of non-habitable internal amenity space improve the residential amenity of the existing dwellinghouse on site.
- 8.82. In the matter of precedent, I note that no.11 Liffey Downs is a corner site with an atypical configuration given that the public carriageway runs the length of the side boundary of the property, which I presume in the instance of the appeal site has facilitated the positioning of the prefabricated structure within the rear garden of the property.

### Conclusion

- 8.83. The first part has applied for a garden room / granny flat as advertised in the public notice. The appeal statement clarifies that the retention application encompasses both an application for a “family flat” and a garden room. The development fails to satisfy the criteria for a “family flat”, as provided for in Section 12.6.8 of the South Dublin County Development Plan 2022-2028.
- 8.84. Furthermore, I note that a “family flat” is not explicitly listed as an appropriate use within the definition of a detached garden room, which specifies a use ancillary to the main house.

- 8.85. I do not consider a “family flat” / granny flat would satisfy the definition of ancillary use within the curtilage of the main dwellinghouse, as described in Section 3.6 (Garden Room & Sheds) of the SDCC House Extension Design Guide (2025).
- 8.86. Section 3.6.2 Built Form Principle (BFP) 6 (Detached Garden Rooms & Shed) explicitly *inter alia* excludes sanitary facilities, which I consider is a fundamental provision to facilitate family flat / granny flat occupation.
- 8.87. I conclude a detached garden room located within the curtilage of a main dwellinghouse does not encompass “family flat” / granny flat accommodation.
- 8.88. However, the development to be retained satisfies the garden room criteria provided in Section 3.6 of the SDCC House Extension Design Guide (2025), as ancillary amenity or storage space.
- 8.89. I concur with the planning authority that the stand-alone structure has the potential to facilitate a residential unit separate from the main dwelling unit on site contrary to the provisions of the development plan.
- 8.90. However, I conclude that the restricted use of the garden structure ancillary to the main house by the removal of sanitary facilities would ensure that the structure to be retained is not used as an independent or semi-independent habitable residential unit (family flat / granny flat).
- 8.91. I conclude that the explicit use of the structure to be retained must clearly be stated to be ancillary to the main house and not habitable occupancy use as a “family flat” or independent residential unit. This can be dealt with by way of condition if a positive recommendation is to be recorded.

8.92. Other Matters

A development contribution condition should attach if a positive recommendation is recorded.

I note that Section 11 of the SDCC Development Contribution Scheme 2026-2028 (adopted at October 2025 meeting of SDCC) requires that no reductions in whole or in part shall apply to permissions for retention of development irrespective of their exemption / reduction status.

## 9.0 AA Screening

I have considered the proposed development in-light of the requirements S177U of the Planning and Development Act 2000 (as amended).

The subject site is located within an established suburban area and is connected to piped services and is not immediate to a European Site. The proposed development comprises minor works to the rear of an existing dwellinghouse.

No significant nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site given the small-scale nature of the development.

I conclude that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

## 10.0 Water Framework Directive

10.1. The site is located in a suburban location. It is not proximate to a visible watercourse.

The development comprises minor works to an existing dwellinghouse.

No water deterioration concerns were raised in the planning appeal.

I have assessed the development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is the small scale and nature of the development.

I conclude based on objective information, the proposed development will not result in a risk of deterioration of any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## **11.0 Recommendation**

11.1. I recommend a grant of retention planning permission subject to condition for the following reasons and considerations.

## **12.0 Reasons and Considerations**

Having regard to residential zoning objective “RES’, which seeks to protect and/or improve residential amenity, the established pattern of development in the area and the policy framework provided by the South Dublin County Development Plan 2022-2028, including the South Dublin County Council (SDCC) House Extension Design Guidelines (2025), it is considered that the development to be retained subject to condition would satisfy Section 3.6 (Garden Room & Sheds) and Built Form Principle (BFP) 6 of the SDCC House Extension Design Guidelines (2025), would not have an adverse impact on the main dwellinghouse on site or on adjoining residential property in the vicinity, and as such, would be consistent with the proper planning and sustainable development of the area.

## **13.0 Conditions**

1. The development to be retained 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. Within three months of the date of the final grant of planning permission the developer shall comply with the following:
  - (a) The removal of the gable window (southeast elevation) and the substitution of a solid blank panel;
  - (b) The substitution of the open trellis to the shared property boundary wall with no. 9 Liffey Valley Downs with a solid screen providing for an increase in overall boundary height to 1.2m above the raised deck.
  - (c) The removal of the sanitary facilities and the substitution of a store room, omitting the WC and shower facility from the garden room, along with evidence the WC and shower have been removed and made good.

**Reason:** In order to comply with Section 3.6 (Garden Rooms & Sheds) of the South Dublin County Council (SDCC) House Extension Design Guide (2025) and in interests of residential amenity.

3. The garden structure to be retained shall be used as an ancillary space to the main house and shall not be used as a semi-independent (family flat) or independent residential unit.

**Reason:** In order to comply with Section 3.6 of the South Dublin County Council (SDCC) House Extension Design Guide (2025) and Section 12.6.8 (Family Flat) of the South Dublin County Council Development Plan 2022-2028.

4. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

**Reason:** To prevent flooding and in the interests of sustainable drainage.

5. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme.

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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Anthony Abbott King  
Planning Inspector

22 May 2026

## Appendix 1: Form 1 EIA Pre-Screening

<b>Case Reference</b>	PL-501136-SD-26
<b>Proposed Development Summary</b>	Retention of a 40 sqm prefabricated garden room / granny flat.
<b>Development Address</b>	No. 11 Liffey Downs, Liffey Valley Park, Lucan
<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.
<p>(For the purposes of the Directive, "Project" means:</p> <ul style="list-style-type: none"> <li>- The execution of construction works or of other installations or schemes,</li> <li>- Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)</li> </ul>	
<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. <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	<b>State the Class here</b>
<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	

<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>	
<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>	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.  <b>EIA is Mandatory. No Screening Required</b>	<b>State the Class and state the relevant threshold</b>  N/A
<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>	<b>State the Class and state the relevant threshold</b>  N/A
<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>	
<b>Yes</b> <input type="checkbox"/>	<b>Screening Determination required (Complete Form 3)</b>
<b>No</b> <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

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

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