



An
Coimisiún
Pleanála

Inspector's Report

PL-501202-DR-26

Development

Retention of single storey shed to rear of dwelling

Location

76, Pinewood, Ballybrack, Dun
Laoghaire, Co. Dublin, A96W8D2

Planning Authority

Dun Laoghaire Rathdown County Council

Planning Authority Reg. Ref.

D26B/0042

Applicant(s)

Eamonn Quill

Type of Application

Retention

Planning Authority Decision

Refuse Retention

Type of Appeal

First Party

Appellant(s)

Eamonn Quill

Observer(s)

None

Date of Site Inspection

12th June 2026

Inspector

Jennifer McQuaid

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1.0 Site Location and Description

- 1.1. The subject site (0.01276ha) is located in a residential area in Pinewood, Ballybrack, Co. Dublin and is part of a terrace of six houses with public open space directly to the rear. The streetscape in the vicinity of the subject site is mainly characterised by other terraced dwellings of similar form and appearance to that of the subject dwelling.

2.0 Proposed Development

- 2.1. The retention development consists of:
- Revisions addressing reasons for refusal in application D25/0490.
 - Single storey shed structure (10sqm) to rear of existing dwelling.

3.0 Planning Authority Decision

3.1. Decision - Refusal

The proposed single storey shed structure for retention by reason of the location of the shed which is built directly onto the boundary of the public realm would be contrary to Section 12.3.7.1 of the County Development Plan and would set an unwelcome precedent for future similar development. The proposed shed for retention would fail to integrate satisfactorily with the area and would unduly impact on the visual amenity of the receiving environment and existing established pattern of development in the immediate vicinity of the site. The proposed shed for retention would, if permitted, be contrary to aforementioned sections of the Dun Laoghaire Rathdown County Development Plan 2022-2028 and to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The site is zoned as “A” which residential development is permitted in principle. As such, residential extensions may be permitted where the

Planning Authority is satisfied that the development would be compatible with the overall policies and objectives for the zone, would otherwise be consistent with the proper planning and sustainable development of the area.

- The revised application from the previous refusal includes the removal of the high-level windows and a new rendered finish. However, the location of the shed has not changed and is still built directly onto the boundary of the public realm. Section 12.3.7.1 (iii) Extensions of the CDP states “The proposed construction of new building structures directly onto the boundary with the public realm (including footpaths/open space/roads etc), is not acceptable and it will be required that the development is set within the existing boundary on the site and shall not form the boundary wall”. The Planning Authority is of the opinion that the same principle is applicable to extensions to the rear, in particular where these extensions directly interact with the public realm. The retention shed forms the boundary wall and is set onto the public realm boundary which accounts for a footpath and a public open space area. The proposed fails to comply with section 12.3.7.1 (iii) of the CDP and should be refused.
- The retention shed can be considered as a detached habitable room due to its scale and internal height being of habitable standard and is located to the rear amenity space of the dwelling. The Planning Authority are concerned with the scale of the proposed structure as it occupies a large proportion of the available useable private amenity space due to its positioning and context within the site. It is considered that due to the siting and scale of the shed renders the majority of the private amenity space unusable. The remaining open space is stated as 13.3sqm. However, the reduced open space is considered acceptable given the proximity to open space and parks nearby.
- The applicant stated the wall of the structure has been set back behind a new boundary wall between no. 76 Pinewood and the public realm; however, this is not considered the case. The door to the structure remains located on the boundary, indicating that the structure/shed has not changed in any material way. This was evident during the site inspection. Accordingly, the previously stated reason for refusal has not been addressed.

3.2.2. Other Technical Reports

- None

3.3. Prescribed Bodies

- None

3.4. Third Party Observations

- None

4.0 Planning History

Plan Reg: D25B/0490: Retention permission refused for a single storey shed for the following reason:

The proposed single storey shed structure for retention by reason of the materials proposed for retention and location of the shed which is built directly onto the boundary of the public realm would be contrary to Section 12.3.7.1 of the County Development Plan and would set an unwelcome precedent for future similar development. The proposed shed for retention would fail to integrate satisfactorily with the area, by reason of the materials and would unduly impact on the visual amenity of the receiving environment and existing established pattern of development in the immediate vicinity of the site. The proposed shed for retention would, if permitted, be contrary to aforementioned sections of the Dun Laoghaire Rathdown County Development Plan 2022-2028 and to the proper planning and sustainable development of the area.

ENF 23724: live case remains open in relation to a shed type structure to the rear garden of the property.

5.0 Policy Context

5.1. Development Plan

Dun Laoghaire-Rathdown County Development Plan 2022-2028.

The subject site is zoned as objective “A” which seeks to provide residential development and improve residential amenity while protecting the existing residential amenities.

Chapter 3 relates to Climate Action

Chapter 4 relates to Neighbourhood – People, Homes and Place

Chapter 12 relates to Development Management

Section 12.2.1 relates to Built Environment

Section 12.3 relates to Neighbourhood – People, Homes and Place.

Section 12.3.1 relates to Quality Design

Section 12.3.7 relates to Additional Accommodation in Built-Up Areas, including;

Section 12.3.7.1 relates to Extension to Dwellings

(ii) Extensions to the Rear

Ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining. The extension should match or complement the main house.

First floor rear extensions will be considered on their merits, noting that they can have potential for negative impacts on the amenities of adjacent properties, and will only be permitted where the Planning Authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities. In determining applications for first floor extensions the following factors will be considered:

- Overshadowing, overbearing, and overlooking - along with proximity, height, and length along mutual boundaries.
- Remaining rear private open space, its orientation and usability.
- Degree of set-back from mutual side boundaries.
- External finishes and design, which shall generally be in harmony with existing.

(iii) Extensions to the Side:

Ground floor side extensions will be evaluated against proximity to boundaries, size, and visual harmony with existing (especially front elevation) and impacts on adjoining residential amenity.

First floor side extensions built over existing structures and matching existing dwelling design and height will generally be acceptable. However, in certain cases a set-back of an extension's front façade and its roof profile and ridge may be sought to protect amenities, integrate into the streetscape, and avoid a 'terracing' effect. External finishes shall normally be in harmony with existing.

Any planning application submitted in relation to extensions, basements or new first/upper floor level within the envelope of the existing building, shall clearly indicate on all drawings the extent of demolition/wall removal required to facilitate the proposed development and a structural report, prepared by a competent and suitably qualified engineer, may be required to determine the integrity of walls/structures to be retained and outline potential impacts on adjoining properties. This requirement should be ascertained at pre-planning stage.

Side gable, protruding parapet walls at eaves/gutter level of hip-roofs are not encouraged.

The proposed construction of new building structures directly onto the boundary with the public realm (including footpaths/open space/roads etc), is not acceptable and it will be required that the development is set within the existing boundary on site and shall not form the boundary wall. The provision of windows (particularly at first floor level) within the side elevation of extensions adjacent to public open space will be encouraged in order to promote passive surveillance, and to break up the bulk/extent of the side gable as viewed from the public realm.

Section 12.3.7.4 relates to Detached Habitable Room.

This can provide useful ancillary accommodation such as a playroom, gym, or study/home office for the main residence. It should be modest in floor area and scale, relative to the main house and remaining rear garden area. The applicant will be required to demonstrate that neither the design nor the use of the proposed structure will detract from the residential amenity of adjoining property or the main house. Any such structure shall not be to provide residential accommodation for a family

member/ granny flat nor shall the structure be let or sold independently from the main dwelling.

5.2. Natural Heritage Designations

The subject site is not located within a protected site. The nearest sites are:

- Dalkey Coastal Zone and Killiney Hill pNHA (site code: 001206) is located approximately 900m northeast of the subject site.
- Loughlinstown Woods pNHA (site code: 001211) is located approximately 1.1km south of the subject site.
- Rockabill to Dalkey Island SAC (site code: 003000) is located approximately 2.7km east of the subject site.
- Dalkey Islands SPA (Site Code: 004172) is located approximately 3.2km northeast of the subject site.
- Dingle Glen pNHA (site code: 001207) is located approximately 3.6km southwest of the subject site.
- South Dublin Bay and River Tolka Estuary SPA (site code: 004024) is located approximately 4.5km north of the subject site.
- South Dublin Bay pNHA & SAC (site code: 000210) is located approximately north of the subject site.

6.0 EIA Screening

- 6.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads).

7.0 The Appeal

7.1. Grounds of Appeal

The grounds of appeal have been received from the applicant. The concerns raised are:

- Principle of Development: Incorrect application of section 12.3.7.1 (iii) of the CDP. This relates to side extensions, and not within the provisions relating to

rear extensions or detached ancillary structures. The CDP provisions relating to rear extensions state that such development will be assessed having regard to: "... length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining". No equivalent prohibition is set out in respect of development at or adjacent to rear boundaries. The application of Section 12.3.7.1 (iii) in the manner set out in the refusal constitutes a subjective interpretation rather than a concrete policy basis for refusal.

- **Type of Structure:** The structure comprises a separate, single storey shed located within the rear garden of the dwelling. It is ancillary in nature and does not form part of, nor is it internally connected with, the main dwelling house. The rear kitchen abuts the shed structure but are separate in terms of structural and functional terms, there is no shared structural wall or load-bearing integration between the structures, and the interface is limited to a simple abutment detail rather than forming a single unified building. Furthermore, there is a significant level difference between the two structures, with the kitchen extension located approximately five steps below the finished floor level of the shed. The shed is accessed via an external door opening onto the private open space and with rear access onto the public realm. The shed is not a habitable structure as the floor to ceiling height is 2.1 metres and not 2.4 metres.
- **Boundary:** The structure is located adjacent to the rear boundary of the site, which interfaces with an area of public open space. The proposed structure does not form part of the side boundary walls of the property. The side boundaries remain defined by separate boundary treatments, and the structure is not positioned in such a manner as to replace or constitute these boundaries. It is considered that the siting of the structure is compliant with the relevant provisions of the CDP and does not give rise to any material adverse impact on the public realm.
- **Status of limitations under Section 157(4) of the Planning and Development Act 2000 (as amended).** It is submitted that the Planning Authority may be statute barred from taking enforcement action in respect of the majority of the structure subject to this application. Images from google street view indicates

the structure, or substantial elements have been in situ since at least 2009 and indicates the structure has been in existence for a period significantly in excess of seven years. It is acknowledged that more recent alterations, including the addition of a roof structure circa 2 years ago, may fall outside of the statutory time limit and are therefore subject to assessment under this application. It is submitted that the recent roof works are the principal elements requiring substantive planning assessment in the context of the current appeal. The roof is modest in scale and lightweight in appearance, comprising a simple mono-pitch form with a contemporary timber-clad finish. The structure reads as a minor garden outbuilding and does not present as visually dominant within the context of the rear garden or adjoining open space. The roof structure does not overlook, overshadow or overbear the adjoining properties, nor does it alter the relationship of the structure with the adjoining public open space. The neighbouring structure incorporates a similar roof form and edge condition along the shared boundary, albeit finished in an alternative material. Therefore, the proposal aligns with the established pattern of development in the area.

- Precedents: D05B/0058 planning reference granted for rear extension whose outer wall forms part of the boundary with the public realm. Another example is at No. 4 St. Peters Terrace where the development similarly extends to the rear boundary which interfaces with a publicly accessible space. In Fingal County Council, there are multiple examples along Portrane Avenue

7.2. Planning Authority Response

- It is considered that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

7.3. Observations

- None

8.0 **Assessment**

8.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Visual impact
- Appropriate Assessment
- Water Framework Directive

8.2. **Principle of Development**

8.3. The Planning Authority refused retention permission of a domestic shed by reason of the location of the shed which is built directly onto the boundary of the public realm and would be contrary to Section 12.3.7.1 of the County Development Plan and would set an unwelcome precedent for future similar development.

8.4. The grounds of appeal state that section 12.3.7.1 (iii) of the CDP has been incorrectly applied as the retention relates to a rear domestic shed not a side extension. The structure comprises a separate, single storey shed located within the rear garden of the dwelling. It is ancillary in nature and does not form part of, nor is it internally connected with, the main dwelling house. There is a significant level difference between the two structures, with the kitchen extension located approximately five steps below the finished floor level of the shed. The shed is accessed via an external door opening onto the private open space and with rear access onto the public realm. The shed is not a habitable structure as the floor to ceiling height is 2.1 metres and not 2.4 metres. The proposed structure does not form part of the side boundary walls of the property. The side boundaries remain defined by separate boundary treatments, and the structure is not positioned in such a manner as to replace or constitute these boundaries.

8.5. I have reviewed the CDP and I note section 12.3.7.1 (iii) relates to Extensions to the Side. The proposed retention development relates to the retention of a domestic storage shed to the rear of an existing extension (kitchen) to a two-storey dwelling. The shed structure for retention has a floor area of 10.07sqm, the overall height is 2.52metres. The structure is

directly attached to the rear kitchen extension but has separate wall structures, there is a door opening onto the private open space with steps down into the private open space, there is a rear door which opens directly onto the public open space. The rear wall is the rear boundary wall. As stated above, the Planning Authority assessed the structure under section 12.3.7.1.

- 8.6. I further note section 12.3.7.1 (ii) Extensions to the Rear is applicable as the shed is attached to the rear extension of the existing dwelling to the rear, Section 12.3.7.1 (ii) states ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining. The extension should match or complement the main house. In this regard, the rear extension/storage shed is full length of the rear boundary wall of the site and is 1.4 metres longer than the width of the rear extension, the height is 2.52 metres and is similar to the existing rear extension, the rear shed is located on the mutual boundary with the public open space to the rear, there is no separation between the storage shed and the rear boundary wall. Additionally, no appropriate usable private open space is remaining, the total area is noted as 13.37sqm, this is significantly below the required standard of 40sqm as per SPPR 2 – Minimum Private Open Space Standard for Houses (Compact Settlement Guidelines). However, I note the subject site is directly adjacent a public open space and therefore, the reduced private open space can be considered acceptable in this instance. Overall, the rear storage shed generally complies with section 12.3.7.1 (ii) of the CDP.
- 8.7. However, under Section 12.3.7.1 a reference is made to “the proposed construction of new building structures directly onto the boundary with the public realm (including footpaths/open space/roads etc), is not acceptable and it will be required that the development is set within the existing boundary on site and shall not form the boundary wall”(which is located in the CDP under section 12.3.7.1 (iii) Extension to the Side), it is understandable that the Planning Authority applied this criteria to the retention of the storage shed, as it relates to construction of new building structures directly onto the boundary with the public realm, it does not specifically refer to rear or side and from my understanding and reading of this section, it applies to all types of development whether at the side, rear or front of the dwelling. Therefore, the retention structure utilises the rear boundary wall and forms part of the rear boundary wall which is located directly onto the boundary with the public realm area i.e. public open space. Therefore, the retention development does not comply with the criteria set out in section 12.3.7.1 of the CDP.

- 8.8. I note that reference has been made to assessing the structure in accordance with Section 12.3.7.4 Detached Habitable Room, however, I consider given the location of the shed directly attached to the rear of the dwelling (kitchen) and albeit separate wall structures, the shed is not detached and therefore I consider section 12.3.7.1 Extensions to Dwellings is the most appropriate policy for the proposed retention of the shed structure.
- 8.9. Having regard to the location of the shed structure directly attached to the rear extension of the existing dwelling and its location directly onto the rear boundary wall of the public realm space, the retention development is not in compliance with Section 12.3.7.1 Extensions to Dwellings of the CDP. I consider regardless of the location of the extension to the side/rear or front, any new building structure directly onto the boundary with the public realm (including footpaths/open space/roads etc) is not acceptable and the shed structure is required to be set within the existing boundary on site and shall not form the boundary wall. Therefore, retention permission shall be refused for non-compliance with section 12.3.7.1 of the CDP.
- 8.10. **Visual impact**
- 8.11. The planning authority refused retention permission as the storage shed would fail to integrate satisfactorily with the area and would unduly impact on the visual amenity of the receiving environment and existing established pattern of development in the immediate vicinity of the site.
- 8.12. The grounds of appeal state the roof is modest in scale and lightweight in appearance, comprising a simple mono-pitch form with a contemporary timber-clad finish. The structure reads as a minor garden outbuilding and does not present as visually dominant within the context of the rear garden or adjoining open space. The roof structure does not overlook, overshadow or overbear the adjoining properties, nor does it alter the relationship of the structure with the adjoining public open space. The neighbouring structure incorporates a similar roof form and edge condition along the shared boundary, albeit finished in an alternative material. Therefore, the proposal aligns with the established pattern of development in the area.
- 8.13. I have carried out a site visit, and the rear boundary wall is completed in white render plaster with an opaque rear door opening onto the public realm area. A flat roof is constructed and it generally exceeds the height of the adjacent properties rear boundary wall and associated rear sheds and appears out of place with the adjacent rear boundary

walls. The rear elevation/rear boundary wall of the shed appears as a habitable structure to the rear of the existing dwelling and is out of character with the adjacent rear boundary wall which mainly consists of wooden gates. In addition, the structure for retention has a door which appears as a front door and it out of character for the area. Therefore, I consider the proposed retention shed will negatively impact the visual amenity of the rear boundary wall and impact the character of the area.

- 8.14. Having regard to the location of the storage shed directly onto the rear boundary wall located with direct access to the public open space, the retention shed is considered out of character with the adjacent rear boundary wall and will unduly impact the visual amenity of the area by appearing as a separate habitable structure with direct access to the rear as opposed from the front of the existing dwelling. Therefore, it my opinion that the retention development is out of character with the area and will negatively impact visual amenity of the area and in particular the public open space to the rear.

8.15. **Other Issues**

- 8.16. The applicant has raised concerns that the storage shed has been constructed for a number of years and is outside the status of limitations under Section 157(4) of the Planning and Development Act 2000 (as amended). I consider that this is a matter for the Planning Authority and not for the Commission.

9.0 **AA Screening**

- 9.1. 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 not located within a designated site. Rockabill to Dalkey Island SAC (site code: 003000) is located approximately 2.7km east of the subject site. The proposal consists of retention of a garden shed. No nature conservation concerns were raised by the appellant.

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. The reason for this conclusion is as follows:

- Scale and size of the development.
- Distance to the nearest European site
- The lack of connections to the & SAC.

- Connection to public services

I conclude, on the basis of objective information, that the proposed & retention 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 subject site is located Pinewood, Ballybrack, Co. Dublin. The site lies on the western side of Wilton Road (R641). The proposal consists of retention of a garden shed. No concerns were raised in relation to water deterioration.

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

- Scale and size of the development
- Distance to the nearest waterbody
- The lack of connections to the waterbody
- Connection to public services

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

11.0 Recommendation

11.1. I recommend that planning permission should be refused for the reasons and considerations as set out below.

12.0 Reasons and Considerations

1. Having regard to the location of the single storey shed structure for retention which is built directly onto the rear boundary wall of the public realm and would be contrary to Section 12.3.7.1 of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 whereby new building structures directly onto the boundaries with the public realm are not acceptable, therefore, it is considered the retention development would be an inappropriate form of development at this location and would be out of character with the pattern of development in the area and would set a precedent for further inappropriate development in the vicinity of the site. The retention of the shed structure would, therefore, seriously injure the visual amenities of the area and would be contrary to the proper planning and sustainable development of the area.

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.

Jennifer McQuaid

Planning Inspector

23rd June 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501202-DR-26
Proposed Development Summary	Retention of single storey shed to rear of dwelling
Development Address	76, Pinewood, Ballybrack, Dun Laoghaire, Co. Dublin, A96W8D2
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 ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____