



An  
Coimisiún  
Pleanála

## Inspector's Report PL-501313-SD-26

|                                     |                                                      |
|-------------------------------------|------------------------------------------------------|
| <b>Development</b>                  | Retention for the construction of a garden structure |
| <b>Location</b>                     | 75, Woodford Road, Dublin 22, D22 W3C3               |
| <b>Planning Authority</b>           | South Dublin County Council                          |
| <b>Planning Authority Reg. Ref.</b> | SD26B/0084W                                          |
| <b>Applicant(s)</b>                 | Eamonn O'Shea                                        |
| <b>Type of Application</b>          | Permission                                           |
| <b>Planning Authority Decision</b>  | Refuse Permission                                    |
| <b>Type of Appeal</b>               | First Party                                          |
| <b>Appellant(s)</b>                 | Eamonn O'Shea                                        |
| <b>Observer(s)</b>                  | None                                                 |
| <b>Date of Site Inspection</b>      | 12 <sup>th</sup> August 2026                         |
| <b>Inspector</b>                    | Emer Doyle                                           |

## **1.0 Site Location and Description**

- 1.1. The site is located within the Clondalkin area of Dublin within an established residential estate comprising two storied semi-detached dwellings.
- 1.2. In the rear garden of the appeal site, there is a detached building/shed which is single storey in height located in close proximity to the rear boundary of the site. The site has been subdivided by way of a 2m high timber fence to provide open space to both the dwelling and the shed.
- 1.3. There is a live enforcement case on the site by the Planning Authority which relates to the subdivision of the site and the use the structure as a self-contained dwelling unit.
- 1.4. The site has a stated area of 0.21 hectares.

## **2.0 Proposed Development**

- 2.1. Retention permission is sought for the following:
  - Single storey structure of c. 26m<sup>2</sup> and ridge height of c. 2.88m,
  - Use as home office/ gym and toilet,
  - Finishes comprise of galvanised metal roof sheeting and timber cladding to front elevation.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. Permission refused for two reasons as follows:
  1. The development proposed for retention is located in an area for which the zoning objective is 'to provide for residential development and protect and improve residential amenity', as set out in the South Dublin County Development Plan 2022-2028, whereby it is the policy of the planning

authority to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity. Having regard to its scale and design, the garden structure proposed for retention - by itself and in combination with the physical subdivision of the site - results in insufficient private amenity space and insufficient useable private amenity space, and is of a scale that is not subordinate to the main dwelling on site, and departs from the development pattern in this established residential area. The retention of this garden structure would, if permitted, represent overdevelopment of a restricted site, and would seriously injure the amenity of residents of the main dwelling, and would therefore contravene the zoning objective for the area set out in the County Development Plan, and would contravene Built Form Principles set out in the South Dublin County Council House Extension Design Guide (2025), BFP1 and BFP6, and would therefore be contrary to the proper planning and sustainable development of the area.

2. The retention of this garden structure as constructed would set an undesirable precedent for development of similar form and scale which in themselves and cumulatively would be harmful to the residential amenities of the area, and thus contrary to the 'RES' zoning objective which applies in the area, and which seeks 'to protect and/or improve residential amenity', and the retention of the structure would therefore be contrary to the proper planning and sustainable development of the area.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

- Refers to a live enforcement case and the third party submission which both state that the development is currently being used as a habitable space. It is stated that the drawings do not show a kitchenette in the property. Concerns in relation to subdivision of property by placing a 2m high fence to provide private open space for the shed, size of the shed, and overdevelopment of the site. It is considered that the bathroom is an unacceptable element and contrary to BPF 6 of the House Extension Guidelines.

### 3.2.2. Other Technical Reports

- None.

### 3.3. Prescribed Bodies

No reports.

### 3.4. Third Party Observations

- 3.4.1. One third party submission to the planning authority. The objection expresses concerns in relation to the use as a self contained unit. It is stated that the landlord has never lived at the property and encloses an advertisement on the website daft.ie advertising the property for €1400 per month.

## 4.0 Planning History

### PA Reg. Ref. S9680

Enforcement file opened 12/05/25 in relation to alleged development in rear being used for habitable use. Planner's report notes that this is a live case.

## 5.0 Policy Context

### 5.1 Development Plan

#### South Dublin County Council Development Plan 2022-2028

The appeal site is zoned Objective 'RES' 'To protect and/or improve residential amenity.'

South Dublin County Council House Extension Design Guide 2025

The Design Guide supplements the policies and guidance of the Development Plan and offers guidance in relation to extensions including Garden Rooms.

Section 3 sets out Built Form Principles. Section 3.1.7 sets out a number of criteria in relation to design and impact on amenities.

Section 3.6.2 of the Guide provides guidance for Garden Rooms and Sheds. Built Form Principle (BFP) 6 states that Detached Garden Rooms and Sheds:

- Should ensure adequate rear amenity space is retained.
- Should be of a scale that is subordinate to the main house
- Should not include toilet or sanitary facilities,

## **5.4 Natural Heritage Designations**

- 5.1. The subject site is not located within any site designated as a Natura 2000 site or NHA/pNHA and is a significant distance from any designated 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 Regulations). No mandatory requirement for EIA therefore arises and there is no requirement for a screening determination.

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

The grounds of the First Party Appeal can be summarised as follows:

- The applicant accepts and is content for the use of the structure to be conditioned to restrict the structure to ancillary use.
- The decision of the planning authority is overly restrictive having regard to the modest scale and proximity to thresholds for exempted development. Class 3 of Schedule 2, Part 1 of the Planning and Development Regulations 2001, allows for structures which are 25m<sup>2</sup> and a height of 4m to be constructed as exempted development. The structure is only 1.6m<sup>2</sup> over the exempted development threshold.

- The Planning Authority's reasoning relies in part on the 'physical subdivision of the site'. That subdivision consists of a 2m high timber fence which is, of itself, exempted development under Class 5 of Schedule 2, Part 1 of the 2001 Regulations. The applicant is willing, by way of condition, to remove the internal subdivision fence between the principal dwelling and the garden structure, such that the rear curtilage will read as a single, unified amenity area appurtenant to the dwelling.
- The application drawings demonstrate that the rear curtilage of the dwelling retains approximately 49m<sup>2</sup> of private open space in total, of which approximately 31m<sup>2</sup> is useable, contiguous, level open space located between the rear of the principal dwelling and the front (east) elevation of the structure. Once the physical fence is removed, the rear curtilage will function as a single coherent area of useable amenity for the household.
- Having regard to the height and scale of the structure, BFP1 (subordinate scale) and BFP6 (private amenity space) of the South Dublin County Council Extension Design Guide (2025) are not offended.
- The proposed use is non-habitable, ancillary domestic use- a home office and gym for the occupants of the principal dwelling. A grant of retention with appropriate conditions would not provide any precedent for independent residential use of garden structures in the area.
- The appeal draws attention to precedent SD25B/0523W where the PA granted permission for a garden structure in the rear garden of a similar property. Condition 2(b) precludes subdivision/ short term letting etc., and condition 3 requires the toilet to be removed within 3 months.
- The applicant considers that the issues raised can be addressed by similar conditions to SD25B/0523W together with a requirement to remove the fence.
- The appeal suggests two conditions for the consideration of the Commission relating to restricted use as a gym and home office, omission of cooking facilities, and removal of subdividing fence.

## **7.2. Planning Authority Response**

7.2.1. A response was received from the Planning Authority as follows:

- The Planning Authority confirms its decision. The issues raised in the appeal have been covered in the Chief Executive Order.

## **7.3. Observations**

- None.

## **8.0 Assessment**

8.1. Having examined the appeal details and all other documentation on file and inspected the site, and having regard to the relevant policies and guidance, I consider that the main issues in this appeal are as follows:

### **8.2. Principle of Development**

8.2.1. The proposed development seeks to retain a garden structure of c. 26m<sup>2</sup> for home office and gym use. The site is located in a built up urban area on a residential plot where the zoning objective in the Development Plan is to protect and/or improve residential amenity. I am satisfied that the retention of a garden shed is acceptable in principle at this location.

### **8.3. Use of Shed and Subdivision of Garden**

8.3.1. The planner's report notes that the live enforcement case and the third party submission have stated that the proposed development is currently been used as a habitable space. I refer the Commission to the third party submission which shows numerous photographs of the internal layout of the shed as constructed with both kitchen and bathroom facilities. The third party submission to the planning authority includes an advertisement on daft.ie with the shed advertised for €1400 per month. The Planning Authority carried out two site inspections and noted that there is a

kitchenette in the property and as such the drawing submitted are inaccurate. In addition, the site was subdivided in order to provide private open space to both properties.

- 8.3.2. At the outset, it is important to note that I was unable to carry out an internal inspection of the property and am dealing with the appeal as presented in the application drawings and appeal documentation. I note that since the appeal was submitted to the Commission, new exempted development regulations came into effect allowing for the subdivision of the principal dwelling to allow for 1 No. additional self-contained unit within the existing building envelope. It is noteworthy that the application site is not the principal residence of the applicant and as such these regulations are not applicable to this property.
- 8.3.3. The reasons for refusal by the Planning Authority relate to the scale and size of the property, the physical subdivision of the site into two parts resulting in insufficient private open space, overdevelopment of a restricted site, and the undesirable precedent the development would set in a residential area.
- 8.3.4. The appeal sets out that the size of the shed is 26m<sup>2</sup> with a height of 2.8m. The retention permission sought is for use as a home office and gym ancillary to the main dwelling. It is stated that 'the applicant accepts and is content for permission, if granted, to be conditioned so as to restrict the structure to that ancillary use.' The appeal refers to Class 3 of the exempted development regulations and notes that the size of the shed is only 1.6m<sup>2</sup> over the exempted development floor space area of 25m<sup>2</sup>. In reference to the first reason for refusal relating to the physical subdivision of the site and the restricted open space, it is stated that the applicant is willing to remove the internal subdividing fence between the principal dwelling and the garden structure such that the rear curtilage will read as a single, unified amenity area for the dwelling. In terms of precedent, the appeal states that the proposed use is non-habitable, ancillary domestic use - a home office and gym for the occupants of the dwelling. A grant of retention with appropriate conditions would not provide any precedent for independent residential use of garden structures in the area. Section 4 of the appeal suggests conditions for consideration by the Commission as follows:
1. The internal subdivision boundary (the timber fence between the principal dwelling at 75 Woodford Road and the garden structure) shall be removed

within three months of the date of the order, and the rear curtilage shall thereafter remain unsubdivided.

2. The detached garden structure hereby permitted shall be for use ancillary to the enjoyment of the dwelling house at 75 Woodford Road, and shall not be subdivided or used for any commercial purposes, and the outbuilding shall not be sold, let (including short-term letting), leased or otherwise transferred or conveyed, by way of sale, letting or otherwise save as part of the single dwelling unit. Use of same as a home office and gym is acceptable; no cooking facilities shall be installed to the detached garden structure hereby permitted.

8.3.5. Whilst I note the concerns of the Planning Authority in relation to the use of this structure and the enforcement action in this regard, the appeal sets out very clearly that the subdivision of the site to provide for a self-contained habitable unit is not proposed. There is minimal visual impact from the structure as it can be seen only in glimpses over the fence from the front elevation and is well screened to the rear. As such, I do not consider that the visual amenities of the area would be unduly injured. The use proposed as home office/ gym use is acceptable at this location. The size of the structure is marginally above the exempted development size and is not out of scale with the garden size or existing development in the area in my view. The concern in relation to subdivision of the site and impact on private open space has been addressed in the appeal by the proposal to remove the fence and the condition 1 as suggested above by the applicant for consideration of the Commission. The second reason for refusal in relation to precedent is not applicable to the stated use as a home office and gym as many such structures have previously been granted permission by South Dublin County Council. I note from information on the file that the shed contains both a bathroom and kitchen. BPF6 of the 2025 South Dublin County Council House Extension Guidelines requires that garden sheds should not include toilet or sanitary facilities. I consider that should the Commission be minded to grant permission, both the kitchen and bathroom should be removed within 3 months of its decision. Further, I consider that a condition in relation to the removal of the fence subdividing the shed and the dwelling is necessary.

- 8.3.6. In conclusion, I consider that the retention of the structure as a home office/gym is acceptable and if the Commission is minded to grant permission, concerns in relation to use and residential amenity can be addressed by condition.

## **9.0 AA Screening**

- 9.1. I have considered the proposal for the retention of a garden structure in light of the requirements of S177U of the Planning and Development Act 2000 as amended. No nature conservation concerns were raised in the appeal.
- 9.2. The subject site is located on an established residential site and within an established residential area. The proposed development comprises in effect a relatively minor development as outlined in section 2 of this report. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows; the nature of the development, the distance to designated sites and the absence of pathway to these sites.
- 9.3. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects and likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## **10.0 Water Framework Directive**

- 10.1. The subject site is located in a suburban location in Clondalkin. The proposal consists of retention of a garden structure for office and gym use. No concerns were raised in relation to water deterioration.
- 10.2. 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 be granted for the reasons and considerations set out below and subject to the following conditions.

## **12.0 Reasons and Considerations**

Having regard to the nature of the development, the existing residential use of the site, the design, nature and scale of the proposed development and the pattern and character of development in the vicinity, it is considered that the development proposed to be retained would not have a significant adverse effect on the residential amenities and would not detract from the visual character of the area. The development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **13.0 Conditions**

1. The development shall be carried out and completed in accordance with the drawings and particulars as received by the Planning Authority on the 27<sup>th</sup> day of February 2026, except as may otherwise be required in order to comply

with the following conditions. Where such conditions require points of detail to be agreed with the Planning Authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

**Reason:** In the interests of clarity.

2. (a) The gym/office use hereby permitted shall not be used for human habitation, or any other commercial activity or for any purpose than a purpose incidental to the enjoyment of the dwelling.

(b) The bathroom and kitchen/cooking facilities shall be removed from the structure within three months of the date of this order. Revised drawings showing compliance with this requirement shall be submitted to and agreed in writing with the Planning Authority.

(c) The boundary fence dividing the site between the garden structure and the house shall be removed within three months of this order, and the rear curtilage shall remain unsubdivided. Revised drawings showing compliance with this requirement shall be submitted to and agreed in writing with the Planning Authority.

**Reason:** To restrict the use of the structure in the interest of residential amenity and in order to comply with the requirements of BPF6 of the South Dublin County Council House Extension Guide in relation to garden structures.

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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Emer Doyle  
Planning Inspector

14<sup>th</sup> August 2026

**Appendix 1: Form 1 EIA Pre-Screening**

|                                                                                                                                                                                                                                                                       |                                                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| <b>Case Reference</b>                                                                                                                                                                                                                                                 | PL-501313-SD-26                                                             |
| <b>Proposed Development Summary</b>                                                                                                                                                                                                                                   | Retention of garden structure for home and office use to rear of dwelling.  |
| <b>Development Address</b>                                                                                                                                                                                                                                            | 75 Woodford Road, Dublin 22.                                                |
| <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.                    |
| (For the purposes of the Directive, "Project" means:<br>- The execution of construction works or of other installations or schemes,<br>- Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources) |                                                                             |
| <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.<br><b>EIA is mandatory. No Screening required. EIAR to</b>                                                                                                                                           | <b>State the Class here</b>                                                 |

|                                                                                                                                                                                                                                                                               |                                                         |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|
| be requested. Discuss with ADP.                                                                                                                                                                                                                                               |                                                         |
| <input checked="" 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.<br><b>No Screening required.</b>                                  |                                                         |
| <input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.<br><b>EIA is Mandatory. No Screening Required</b>                                                                                                                       | <b>State the Class and state the relevant threshold</b> |
| <input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.<br><br><b>Preliminary examination required. (Form 2)</b><br><b>OR</b><br><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>                              | <b>State the Class and state the relevant threshold</b> |

|                                                                                                                                                                 |                                                                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|
| <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>No</b> <input checked="" type="checkbox"/>                                                                                                                   | <b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b> |

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_