



An
Coimisiún
Pleanála

Inspector's Report PL-501389-LS-26

Development	Retention of shed.
Location	25 Hawthorn Way, Esker Hills, Portlaoise, Co. Laois
Planning Authority	Laois County Council
Planning Authority Reg. Ref.	2660120
Applicant(s)	Paul Moran
Type of Application	Retention
Planning Authority Decision	Grant Retention with Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Kamil Cierpisz
Observer(s)	None
Date of Site Inspection	27 th August 2026
Inspector	Terence McLellan

1.0 Site Location and Description

- 1.1. The subject site measures c. 0.014ha and refers to the two storey, semi-detached dwelling and plot located at 25 Hawthorn Way, Esker Hills, Portlaoise. The dwelling is typical of other dwellings in the housing estate in terms of scale, massing, design, and relationship to neighbours. Vehicular parking is provided to the front.

2.0 Proposed Development

- 2.1. Permission is sought to retain a single storey domestic shed constructed in the rear garden. As constructed, the building measures c.5.35m by 5.895m providing total internal floorspace of 25sqm. It has a very shallow mono-pitch roof sloping to the rear of the garden with a height of 2.965m at the highest point. There are windows on both side elevations facing towards the boundary with the adjacent dwellings, as well as windows and a door on the front elevation. The plans submitted annotate the three rooms in the building as W.C, home office, and games room.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Retention permission was granted by Laois County Council by Order dated 28th April 2026 subject to six generally standard conditions. Condition 3 restricts the use of the shed to purposes incidental to the enjoyment of the dwellinghouse and prohibits use for human habitation, any commercial, workshop, or other non-domestic use. The condition also specifies that no material change of use shall occur without prior planning permission.

3.2. Planning Authority Reports

- 3.2.1. The Planner's Report contains the following points of note:
- Not considered likely that the shed will be used as a standalone property to rent.

- The Applicant was asked about the intended use and stated that it is intended to be used as a space for storing and mixing paint and as a home office.
- No concerns regarding overlooking, loss of privacy or natural light impacts.

3.3. Other Technical Reports

- 3.3.1. Enforcement (12.03.2026): A warning Letter was issued to the registered owner on the 5th December 2025.

3.4. Prescribed Bodies

- 3.4.1. None.

3.5. Third Party Observations

- 3.5.1. One observation received from the Appellant raising the same matters as covered by the grounds of appeal, see Section 7.1 below.

4.0 Planning History

- 4.1.1. None of specific relevance.

5.0 Policy Context

5.1. Laois County Development Plan 2021-2027

- 5.1.1. The site is zoned Residential 1 – Existing Residential, the stated objective of which is ‘to protect and enhance the amenity of developed residential communities.’
- 5.1.2. DM HS 14 – House Extensions/Alterations in Urban and Rural Areas: Extensions and alterations to dwellings should:
- 1) Be of a scale and position which would not be unduly incongruous with its context;
 - 2) Harmonise with the principal building and fit into the site and surrounding area in terms of scale, bulk, form and materials.
 - 3) The design and finish of the proposed extension need not necessarily replicate or imitate the design and finish of the existing dwelling. More contemporary

designs and finishes often represent a more architecturally honest approach to the extension of a property and can better achieve other objectives, such as enhancing internal natural light;

- 4) Not have an adverse impact on the amenities of adjoining properties through undue overlooking, undue overshadowing and/or an over dominant visual impact;
- 5) Be positioned to ensure privacy and adequate sunlight and daylight to key habitable rooms;
- 6) Site coverage should be carefully considered to avoid unacceptable loss of private open space.

5.2. Natural Heritage Designations

5.2.1. None of relevance.

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

7.1.1. A third party appeal has been received from Kamil Cierpysz, against the decision of Laois County Council to grant retention permission for the development. The grounds of appeal can be summarised as follows:

- The Planning Authority accepted the Applicant's claims regarding the proposed use at face value.
- The Applicant does not reside at the property, it has been tenanted since June 2023. They cannot therefore use it as ancillary to the dwellinghouse.

- The physical features undermine the stated intended use. It has a WC and is consistent with a studio dwelling unit.
- Request that the Commission assess the structure on its physical merits rather than the room labels and unverified intended use.
- The development would result in overlooking to the Appellant's property and would fail to comply with DM HS 14 of the Laois CDP.
- If the Commission grant permission, then a condition should be imposed requiring the use of obscure glazed.
- Remaining open space at the property would fall below the minimum standards.

7.2. Applicant Response

7.2.1. No response.

7.3. Planning Authority Response

7.3.1. No response on file.

7.4. Observations

7.4.1. None received.

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, the report of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Intended Use
- Amenity

8.2. Intended Use

- 8.2.1. The Appellant argues that the shed is consistent with a studio dwelling unit and that the Planning Authority have fully relied on the Applicant's claim of intending to use the shed for ancillary use such as storing and mixing paint, and as a home office. The plans submitted with the application label the rooms as W.C, games room, and office. The Appellant further submits that the Applicant does not live in the main dwellinghouse as it has been tenanted since June 2023 and as such, they cannot use the shed as ancillary to the dwellinghouse.
- 8.2.2. At the time of my site inspection, access to the shed was made available. The inside of the shed is separated into three rooms. One room was a fully fitted shower room and toilet. The main room to the front had a fully fitted kitchen with all appliances, including a washing machine, oven/hob, extractor, and fridge/freezer. The room to the rear was being used for the storage of some materials that I assume are being used in the finishing of the shed. I also note that the rear garden had been subdivided by a 1.6m high wooden fence and gates, providing a fully enclosed amenity space to the front of the shed and a separate and fully enclosed amenity space to the rear dwelling.
- 8.2.3. Notwithstanding the comments in the Planner's Report and the annotations on the drawings received, I fully agree with the Appellant regarding the likely intended use and there is no doubt in my mind that the shed sought for retention is intended to be used as self-contained residential accommodation. In this respect, the accommodation provided would be seriously substandard, achieving just 25sqm for the entire living space. I consider that retention permission should be refused on this basis.

8.3. **Amenity**

- 8.3.1. The Appellant raises concerns that the windows in the shed would result in overlooking to their home due to their location/proximity, thereby compromising their amenity. In the event that the Commission seek to grant permission, it is requested that a condition be imposed requiring the windows to be obscure glazed. The Appellant also argues that the development would significantly reduce the level of private open space to the rear of the main dwellinghouse such that it would fall short of CDP standards.

Neighbouring Amenity

- 8.3.2. The distance from the windows of the shed to the Appellant's downstairs window is c. 5m although this is not directly facing, being at an oblique angle which does provide

some mitigation in terms of overlooking. Furthermore, it would be open to the Commission to impose a condition requiring the use of obscure glazing in the event that permission is granted. This could be applied to the side windows directly facing the boundaries and the front window closest to the Appellants property. Additionally, the boundary treatment is only 1.6m in height whereas rear garden fences are typically around 1.8m - 2m in height. Such an increase to the boundary treatment would, in my mind, fully address overlooking concerns from the window. On balance therefore, I do not consider that there would be any detrimental loss of privacy to the Appellant that could not be mitigated.

- 8.3.3. However, the shed is c. 3m in height and 0.5m off the common boundary with the Appellant's property and extends some 6m along this boundary. It is my opinion that the scale, massing and proximity along this boundary is such that the shed would be an incongruous, overbearing, and visually intrusive form of development. This particular matter is a new issue, and the Commission may therefore wish to seek the views of the parties. However, having regard to the other substantive reasons for refusal regarding the intended use, and concerns regarding the impact on the amenity space of the host dwelling (detailed below), it may not be considered necessary to pursue the matter.

Amenity of Host Dwelling

- 8.3.4. The front elevation of the shed is c. 4.2m from the rear façade of the main dwellinghouse and the windows on the front elevation directly face the ground floor windows of the main dwellinghouse. Whilst this relationship could be acceptable for a shed used as ancillary to the main dwellinghouse and as such by the same occupants, the Commission will note my comments regarding the intended use as separate self-contained accommodation.
- 8.3.5. In terms of private amenity space of the host dwelling, the shed takes up a considerable area of the rear garden such that the amenity space left measures just 30sqm. Moreover, this remaining amenity space has been further subdivided in order to provide separate private and enclosed amenity spaces to both the shed and the main dwellinghouse. This effectively leaves the main dwellinghouse with c. 15sqm of amenity space, which I do not consider to be acceptable.

9.0 AA Screening

9.1. I have considered the proposal in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located in Portlaoise, at a distance of approximately 8km from the Slieve Bloom Mountains SPA (004160), which is the nearest European site. The development comprises a domestic shed/ancillary accommodation. No appropriate assessment issues were raised as part of the 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. The reason for this conclusion is as follows:

- The nature and small scale of the works.
- The significant separation distance from the nearest European site and lack of connections.
- The availability of municipal wastewater services.
- The screening determination of the Planning Authority.

9.2. I conclude, on the basis of objective information, that the 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. There are no water courses in the immediate vicinity of the appeal site. The proposed development comprises the retention of a domestic garden shed/ancillary living space. No water deterioration concerns were raised in the planning appeal. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.

10.2. 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:

- The nature and scale of the works;
- The availability of mains wastewater services; and
- The location of the site in a serviced area, the distance from nearest water bodies, and the lack of direct hydrological connections.

10.3. 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 the Commission refuse retention permission, for the reason stated.

12.0 Reasons and Considerations

1. The Commission is not satisfied that the retained structure would function solely as ancillary accommodation to serve the main dwelling, particularly having regard to the form, layout, and facilities provided, including a shower room and fully fitted kitchen, such that the development would be capable of functioning as a separate, self-contained residential unit, and that this would provide an inadequate and substandard level of residential accommodation. The associated subdivision of the rear garden and the retention of the structure would significantly reduce the quantum and quality of private open space serving the host dwelling and would result in amenity space that would be inadequate to serve the reasonable amenity needs of the occupants of the main dwelling. Furthermore, the development by reason of its scale, massing, and location on the common boundary, would have an overbearing and visually intrusive impact on the neighboring rear garden such that it would seriously injure the residential amenity of this property. The retention of the development

would, therefore, 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.

Terence McLellan
Senior Planning Inspector

3rd September 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501389-LS-26
Proposed Development Summary	Retention of shed.
Development Address	25 Hawthorn Way, Esker Hills, Portlaoise, Co. Laois.
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	
☐ 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)	
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	

Yes ☐	
No ☐	

Inspector: _____ Date: _____