



An
Coimisiún
Pleanála

Inspector's Report

PL-501673-DF-26

Development

The retention of a modified single-storey structure (formerly a domestic shed) located within the rear garden, together with planning permission for the construction of an extension to provide a direct link to the existing dwelling house and its use as ancillary family accommodation (granny flat) incidental to the main dwelling. All with associated site works.

Location

66 Latchford Park, Castaheany,
Dublin 15, D15 KW22

Planning Authority

Fingal County Council

Planning Authority Reg. Ref.

FW26A/0162E

Applicant(s)

Dan Bleahu

Type of Application

Retention Permission; and Permission

Planning Authority Decision

Refuse

Type of Appeal	First Party
Appellant(s)	Dan Bleahu
Observer(s)	None.
Date of Site Inspection	3 September 2026
Inspector	Paul Christy

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Appendix A – Form 1: EIA Pre-Screening

1.0 Site Location and Description

- 1.1. The subject site is located in the large suburban residential area of Castaheany, north Dublin. The wider area is characterised by a typical suburban layout largely comprised of terraced dwellings. Latchford Park is characterised mainly by three and four-unit terraced dwellings. The subject property is at the right-hand end of such a terrace of four dwellings.
- 1.2. The dwellings are typical two-storey, brick-finished dwellings with a very small front garden and larger rear garden. An extension has been added to the rear of the property. There is a slight fall in level from the family flat towards the rear extension and the entire rear garden area between the two has been covered in concrete (or similar) paving tiles. A drainage channel runs across the width of the rear garden close to the rear extension.

2.0 Proposed Development

- 2.1. The proposed development is comprised of two parts:
 - Retention permission is sought for a single-storey structure at the bottom of the subject rear garden. The structure is 20.41m² in area, and is conterminous with the northern and western party boundaries and stepped back very slightly from the eastern party boundary. It is 'off-square', being slightly deeper on its western side (4.89m) than its eastern side (3.88m). It extends across almost the entire width of the garden ie. 6m wide at the front elevation and 6.08m wide along the rear elevation. In terms of height, the structure is 2.8m high at the front and slopes down slightly towards the rear so that it is 2.6m high on that side. The public notices refer to the structure as having been 'modified' and that it was 'formerly a domestic shed'. The submitted 'Existing Ground Floor Layout' plan shows the structure being sub-divided into: a 'Workspace', a 'Bathroom' and a 'Store'.
 - Permission is sought for:
 - ~ An extension to provide a 'direct link' between the house and the structure to be retained. The extension runs along the western side of the garden between the rear extension and the proposed structure and thus is c.6.29m long. It is conterminous with the party boundary with No.64 to the west. The proposed width is c.1.4m measured internally. The proposed height is 2.88m to match that of the front of the proposed family flat. The submitted plans include minor works to the rear extension rear elevation and family flat front elevation to accommodate doors at either end of the proposed link thus providing for a single, integrated structure.

~ The use of the structure as ancillary accommodation (granny flat) incidental to the main dwelling. The submitted 'Proposed Ground Floor Layout' plan shows the structure being sub-divided into: a Bedroom, Bathroom and 'Pantry'.

- 2.2. The application to the Local Authority was accompanied by two letters written by the Applicant. The first letter is a fairly typical cover letter in which the Applicant briefly sets out the case as to why the structure may be considered to be fully integrated with the primary dwelling. In the second letter, the Applicant refers to a family member with a 'recognised disability', and states that the proposed accommodation is to address the needs of the family member and that the accommodation will remain ancillary to the main dwelling and will not be used or sold as a separate independent residential unit.

3.0 Planning Authority Decision

3.1 Decision: Refuse

- 3.1.1. The Refusal was for one reason:

'The proposed development by reason of a lack of demonstrated need, does not satisfy the requirements for a family flat and is contrary to Section 14.10.3 and Objective SPQHO46 of the Fingal Development Plan 2023-2029. The proposed and retention development in its current format would quantify overdevelopment, would result in a poor-quality development and would adversely affect the residential character of the area and would seriously injure the amenities. As such, the proposed development would materially contravene the 'RS' zoning objective as indicated in the (Development Plan) and would therefore be contrary to the proper planning and sustainable development of the area.'

3.2. Planning Authority Reports

- 3.2.1. [Planning Report]: One report on file dated 8th June, 2026 signed by a Senior Executive Planner, endorsed by an Administrative Officer and signed off by a Senior Planner. The key contents of the report as it relates to the refusal reason may be summarised as follows:
- Section headed 'Impact on the Visual & Residential Amenity of the Area': The proposed and retention single-storey extension is excessive and would result in overdevelopment of the site. It is piecemeal in nature, given the existing single-storey detached building is already constructed to the rear, it would not provide a high-quality and visually pleasing finish. The Authority has concerns regarding the size and scale of the proposed and rear extension cumulatively.

- Section headed 'Family Flat': Section 14.10.3 of the Development Plan is applicable. The Authority has concerns regarding the information submitted. Specifically, the documentation originates from a different jurisdiction and does not sufficiently demonstrate a need for accommodation within a supported living environment. Furthermore, it remains unclear from the material provided whether the intended occupant is currently residing in this country having regard to submitted medical records that indicate that '*the applicant*' currently resides overseas. Therefore, insufficient information has been provided to ensure compliance with Objective SPQHO46 of the Development Plan.

3.2.2. [Water Services Department]: No objection, subject to standard conditions.

3.3. Prescribed Bodies

3.3.1. None.

3.4. Third Party Observations

3.4.1. None.

4.0 Planning History

4.1. Subject site:

- P.A. Ref. FW25A/0427E Retention of a single-storey (shed) located in the rear garden, to be used as a domestic home office with storage and toilet, together with all associated site works. 2025 Refusal for one reason:

'The subject site is zoned 'RS' Residential under the Fingal Development Plan 2023-2029, the objective of which is to 'Provide for residential development and protect and improve residential amenity'. Having regard to the internal layout and design of the single storey garden room structure, it is considered that the structure presents as a separate unit of accommodation and fails to comply with Section 14.10.4 Garden Rooms and Objective SPQHO45 of the Fingal Development Plan 2023-2029. The development for retention would therefore be contrary to the proper planning and sustainable development of the area and if permitted would set a poor and undesirable precedent for this type of development within a restricted rear garden area and would impact negatively on the character of the area.'

5.0 Policy Context

5.1. National Policy

- 5.1.1. [The 'Planning Design Standards for Apartments, Guidelines for Planning Authorities 2025'¹] includes minimum floor areas for different sizes of apartments (Section 3.3 refers). The stated minimum floor area for 'Studio apartments (1-person)' is 32m². This is included both in narrative and in 'Specific Planning Policy Requirement 2'. Appendix 1 contains additional metrics for studio apartments including: a minimum bedroom floor area of 25m²; and a minimum storage space requirement of 3m².

5.2. Development Plan: Fingal County Development Plan, 2023-2029

- 5.2.1. Zoning: The subject site is within an area zoned as 'RS Residential'. The relevant zoning objective is to: *'Provide for residential development and protect and improve residential amenity.'*

5.2.2. Chapter 3: 'Sustainable Placemaking and Quality Homes':

~ Policy SPQHP41 – 'Residential Extensions': *'Support the extension of existing dwellings with extensions of appropriate scale and subject to the protection of residential and visual amenities.'*

~ Objective SPQH045 – 'Domestic Extensions': *'Encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area.'*

~ Section 3.5.13.2 'Family Flats' *'Family flats are a means of providing additional accommodation with a level of independence for an undefined temporary period of time. Family flats allow for semi-independent accommodation for an immediate family member (dependent on the main occupants of the dwelling). Applications for family flats will be considered favourably subject to criteria set out in Chapter 14 Development Management Standards.'*

~ Policy SPQHP42 – 'Family Flats': *'Support the provision of family flats on suitable sites within established residential areas subject to specific design criteria.'*

~ Objective SPQHO46 – 'Family Flats': *'Ensure family flats:*

- *Are for a member of the family with a demonstrated need.*
- *When no longer required for the identified family member, are incorporated as part of the main unit on site.*

¹ Department of Housing, Local Government and Heritage, issued under Section 28 of the Planning and Development Act, 2000 (as amended).

- *Do not exceed 75 sq m in floor area.*
- *Comply with the design criteria for extensions, as above.*

5.2.3. Chapter 4: 'Community Infrastructure and Open Space'

~ Section 4.5.2.8 'Sustainable Urban Drainage Systems (SuDS)'. This Section includes, inter alia: *'SuDS must be included in all new developments'*.

5.2.4. Chapter 14: 'Development Management Standards'

~ Section 14.1: 'Introduction': *'Proposals must comply with the standards and criteria that apply to particular development types, be consistent with the objectives set out in the preceding chapters and be compliant with relevant legislative guidance.'* In this context, several provisions contained in Section 14.6, 'Design Criteria for Residential Development in Fingal' are relevant to the subject proposal as set out below.

5.2.5. ~ Objective DMSO27 in Section 14.8.3 'Private Open Space' identifies a requirement of a minimum of 75m² of private open space located to the rear of the front building line of the house for houses with 4 or more bedrooms, and a requirement of 60m² for houses with 3 bedrooms or less.

5.2.6. ~ Residential Extensions (General): Section 14.10.2 provides, inter alia, that: *'The need for housing to be adaptable to changing family circumstances is recognised and acknowledged and the Council will support applications to amend existing dwelling units to reconfigure and extend as the needs of the household change, subject to specific safeguards. In particular, the design and layout of residential extensions must have regard to and protect the amenities of adjoining properties, particularly in relation to sunlight, daylight and privacy'*.

5.2.7. ~ Section 14.10.2.3 Ground Floor Extensions (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 to serve the dwelling house. The proposed extension should match or complement the existing dwelling house.'*

5.2.8. ~ Section 14.10.3 – Family Flats: *'A family flat refers to the provision of accommodation connected to an existing dwelling with a level of independence for an undefined temporary period. This may involve the subdivision of a single dwelling, provision of an extension or conversion of a garage attached to the main dwelling, where the use is for a member of the immediate family (e.g. elderly parent). Applications will be assessed in terms of the impact on the integrity of the existing dwelling and neighbouring properties and compliance with the following criteria must be demonstrated:*

- *A requirement for the family flat must be demonstrated including details of the relationship between the occupant of the main dwelling and the occupant of the family flat.*

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

5.3. Natural Heritage Designations

- 5.3.1. The site is located 1.13km to the north of the Royal Canal Proposed Natural Heritage Area (Site Code 002103); and 5.2km to the north-east of the: Rye Water Valley/Carton Special Conservation Area (Site Code 001398), and Rye Water/Carton Proposed Natural Heritage Area (Site Code 001398).

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. Refer to Form 1 in Appendix A of report.

7.0 Water Framework Directive Screening

- 7.1. The subject site is located c.300m to the south-east of the Tolka River Waterbody (IE_EA_09T010800) and is situated over the Dublin Ground Waterbody (IE_EA_G-008).
- 7.2. The proposed development comprises: a small-scale, single-storey structure at the bottom of a suburban rear garden and detached from the subject dwelling (for which retention permission is sought); and the construction of an extension to provide a 'direct link' between the house and the aforementioned structure (for which Permission is sought). On the submitted application form it is indicated that it is proposed to connect to: the existing public water supply; an existing wastewater management/treatment system (no indication provided as to whether public or private); and to dispose surface of water to an existing public sewer/drain. In relation to the latter, the Local Authority's Water Services Department advised that: 'all new

areas contributing to rainwater runoff shall be discharged to commensurate and appropriate SuDS devices.

- 7.3. No water deterioration concerns were raised in the planning appeal.
- 7.4. I have assessed the proposed development as detailed at para. 7.2 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.
- 7.5. The reason for this conclusion is as follows:
- Whilst there is a potential hydrogeological pathway between the site and the Dublin ground waterbody as a result of soil exposure during groundworks, and potentially arising from any SuDS devices as referenced in the Local Authority Water Services Department report, given the small-scale of the proposed development and the assimilative capacity of the waterbody, which will dilute any potential effects, it can be concluded that there is no conceivable risk to this waterbody either qualitatively or quantitatively.
 - The nearest surface waterbody, the Tolka River Waterbody waterbody, is located c.300m to the north-west of the subject site, and there is no known hydrological connection between the two. Furthermore, it is proposed to dispose of effluent via an existing public sewer system.
- 7.6. Conclusion: 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.

8.0 The Appeal

8.1. Grounds of Appeal

- 8.1.1. One no. first party appeal was submitted by 'Manahan Planners' Town Planning Consultants on behalf of the Applicant. The Appeal is comprised of six sections. Sections 1 to 5 are preliminary, and predominantly factual, in nature addressing items including, inter alia: descriptions of the site location and the proposed development; planning history; and the decision of the Local Authority. Section 6

contains the core grounds of appeal and is divided into 9 sub-sections. These sub-sections may be considered in terms of two groups as follows.

8.1.2. Sub-sections 1 to 6 directly address the contents of the refusal reason as summarised below:

1. Principle of Development and Consistency with Zoning Objective: The proposal is '*consonant*' with the Zoning Objective. A use expressly supported by the Development Plan (Section 3.5.13.2 contains support for family flats) cannot constitute a material contravention.
2. Need: Relevant policy tests set out in Section 14.10.3 and Objective SPQHO46 have been met. Section 14.10.3 gives 'elderly parent' as the very example of the immediate family member such accommodation is intended to serve. The Authority's concerns including that the medical documentation originates from a different jurisdiction and that the intended occupant currently resides overseas do not correspond to any criteria in the Development Plan.
3. Section 14.10.3 Family Flats (Assessment Criteria): A rationale for each of the six criteria is provided including, for example, that it is capable of being subsumed into the main property when no longer required.
4. Overdevelopment: Sets out a case as to why the proposed does not constitute overdevelopment including, for example, that the scale of accommodation (29.2m²) is less than half the yardstick for such accommodation contained in the Development Plan (75m²).
5. Residential Amenity or Character of the Area (Injury To): The assertion is not supported by any specific analysis in the Planner's report. The development is single-storey and of low height. No third-party submissions received.
6. Design Quality: Contrary to the Planner's statement that the proposal is '*piecemeal*', it is a '*coherent and integrating solution*' taking an existing detached structure and properly connecting it to the associated dwelling.

8.1.3. Subsections 7, 8 and 9 address the following issues:

7. Positive policy support in the Development Plan, namely Section 14.11.2 (Age Friendly Housing) has not been factored into the assessment.
8. Absence of third party objections.
9. Any residual concerns that the Commission may have re the proposed accommodation remaining genuinely ancillary is readily and appropriately met by condition, rather than by refusal.

8.2. Planning Authority Response

8.2.1. The Planning Authority's response to the grounds of appeal can be summarised as follows:

- Remains satisfied that its decision is appropriate.
- Sufficient justification of need has not been demonstrated.
- Continues to have concerns regarding the overdevelopment of the site, particularly the proposed link, which link is considered to be of poor design quality and would have an adverse impact on the residential amenity of the surrounding area.

9.0 Assessment

9.1. Overview

9.1.1. Having examined the application details, and all other documentation on file including 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 local policies and guidance, I consider that the substantive issues in this appeal to be assessed are as follows:

- The principle of the development in terms of the Development Plan zoning objective;
- Development Plan policy for family flats, and demonstrated need;
- Design requirements;
- The suitability of the proposed accommodation for the stated purpose; and
- The degree of compliance with relevant detailed development management policy.

9.2. Principle of Development

9.2.1. At Section 6.1 of the Appeal, the Applicant's Agent disputes the conclusion in the Local Authority's refusal reason that the proposal '*would materially contravene*' the Development Plan zoning objective. The Agent does so on the basis that: '*It is difficult to conceive of a use more consonant*' with the zoning objective. I would agree that the proposed use is consistent with the type of development ('residential development') supported in the Objective. However, the acceptability of residential development is only one of two parts of the Objective. The second part is to '*protect and improve residential amenity*'. In the Authority's refusal reason, the reference to

the material contravention is preceded by references to the development '*adversely affect(ing) the residential character of the area*' and that it would '*seriously injure the amenities*'. I would partly agree with the Authority and partly agree with the Agent. I would partly agree with the Authority in the sense that it is appropriate to assess the application against, inter alia, both parts of the Zoning Objective. However, a judgement that residential amenities will be injured or affected, whilst equating to a conclusion that there is a 'contravention' of the Objective, does not equate to a 'material contravention', in my opinion, whereas, for example, a proposed industrial development in a residentially zoned area would constitute a material contravention. My own assessment of the potential impacts of the development on the character and amenities of the area is contained in Section 9.6 below.

9.3. Family Flats, and Demonstrated/Required Need

- 9.3.1. The Local Authority's refusal reason begins by stating that the proposed development does not satisfy the requirements for a family flat (contrary to Section 14.10.3 and Objective SPQHO46 of the Development Plan) '*by reason of a lack of demonstrated need*'. In the Appeal, the Applicant's Agent challenges the Authority's conclusion on two grounds. Firstly, it is stated that the '*first and principal requirement*', ie. that a requirement must be demonstrated, including details of the relationship between the occupant of the main dwelling and the occupant of the family flat, '*is plainly satisfied*'. The Agent states that the relationship is '*expressly identified*' (the intended occupant is the Applicant's father), and '*the need is expressly identified and supported*' (the Agent refers to the Applicant's letter of justification and a Disability Certificate and medical evidence confirming that the Applicant's father '*has a recognised disability and requires accessible accommodation and the support of his family*').
- 9.3.2. The second element of the challenge to the Authority's decision addresses three comments contained in a single paragraph in the Planner's Report (second last para. in the sub-section headed 'Family Flat'). In the first sentence of the paragraph, it is noted that the Authority has concerns regarding the information submitted. This follows an observation at the end of the preceding paragraph noting the submission of the letter of justification and evidence by means of medical records stating the family flat is to be used as accessible accommodation for the Applicant's father. The three comments of the Local Authority are noted below, together with the key observations of the Applicant's Agent in each case.

Local Authority Comment	Appeal Response
(Medical) ' <i>documentation originates from a different jurisdiction</i> ':	No policy requirement that the evidence of need originates within the State.
(Medical) documentation ' <i>does not</i>	No requirement that the Applicant

<i>sufficiently demonstrate a need for accommodation within a supported living environment</i> ':	demonstrate a need for a 'supported living environment'. The policy test is a demonstrated need for a family flat for an immediate family member – not a clinical assessment of institutional care needs.
Unclear from the material provided 'whether the intended occupant is currently residing in this country':	<i>'The fact that the father presently resides overseas is not a barrier to the grant of permission. To refuse permission because the intended beneficiary has not yet arrived would defeat the plain purpose of the policy and would produce untenable results that families could never make advance provision to bring an ageing relative home'.</i>

9.3.3. In my opinion, two tests as contained in Sections 3.5.13.2 and 14.10.3 of the Development Plan must be met in order to demonstrate a need (or requirement) for the proposed family flat. Firstly, there must be a strong relationship between the owner of the 'host' property and the prospective applicant of the family flat. In Section 3.5.13.2, the term 'Immediate family member' is used. 'Immediate family member' is also used in Section 14.10.3 but with the example of 'elderly parent' also referenced here. In the supporting documentation submitted to the Local Authority. The documentation submitted with the application indicates that the prospective occupant of the family flat is a parent of the owner of the principal dwelling, and thus would appear to satisfy this first test, in principle.

9.3.4. The second test refers to the level of dependence of the prospective occupant of the family flat. Unsurprisingly, there is no clear definition of dependence in the policy framework. The references in Section 3.5.13.2 include: 'a level of independence'; 'semi-independent accommodation'; and the prospective occupants being 'dependent on the main occupants of the dwelling'. The term 'a level of independence' is also included in Section 14.10.3. The submitted documentation refers to a 'severe disability' and thus, notwithstanding the absence of clear definitions in the Development Plan, it would appear that the second test is also satisfied in principle.

9.4. Design Requirements

9.4.1. A number of relevant practical design considerations are included in Objective SPQHO46 and Section 14.10.3 of the Development Plan policy framework:

- In Section 14.10.3, a family flat is described as referring to the provision of accommodation connected to an existing dwelling with a level of independence. Examples of such development are provided including: the subdivision of a single dwelling; provision of an extension; or conversion of a garage attached to the main dwelling.
- Objective SPQHO46 provides that family flats are 'incorporated as part of the main unit' when no longer required for the identified family member. Similarly, Section 14.10.3 provides that in such circumstances, the accommodation must be capable of being subsumed into the main property.
- Section 14.10.3 also notes that applications will be assessed in terms of the impact on the '*integrity*' of the existing dwelling.
- Both provisions require that family flats (shall) not exceed 75m² in floor area. In Section 14.10.3 there is a further stipulation that any such extension to the main dwelling shall be subsidiary in scale.
- Finally, Section 14.10.3 requires that the entrance to the family flat must be via the main dwelling. Where own-door access is unavoidable, own-door access shall be located to the side or rear.

9.4.2. Whilst the proposed development does not fall within the list of acceptable development types as noted in the first bullet above, I would take the position that this list is not exhaustive and thus the absence from the list of the type of development proposed in the subject application should not automatically be a reason for refusal. I also note that it is proposed to connect the exiting unit to the principal dwelling via the proposed link corridor with new door openings to be provided at either end of the corridor in the principal dwelling and the proposed family flat respectively, and that the link corridor can be incorporated as part of the main unit when no longer required for the identified family member. Furthermore, the proposed arrangements will provide a level of independence for the prospective occupant of the family flat. With regards to the impact on the '*integrity*' of the existing dwelling, there is no definition or elaboration in relation to this issue in the Development Plan and thus it is difficult to assess. In summary, whilst acknowledging that the proposed design is somewhat contrived, presumably to meet the policy requirement, the design does generally comply with the requirement of the first three bullets listed above, in my opinion.

9.4.3. With regards to the fourth and fifth bullets, the proposed is significantly less than the 75m² threshold, and the submitted design does provide for entrance via the main dwelling.

9.5. Quality of Proposed Accommodation

- 9.5.1. Whilst not referenced directly in the Development Plan policy framework, the suitability of the proposed accommodation for the proposed use is a material consideration, in my opinion. The Applicant has advised that an immediate family member does have a recognised disability and certification has been provided to this effect. The proposed accommodation comprises a (double) bedroom (13.9m²); a bathroom (3.1m²) and what is referred to on the submitted plans as a 'pantry' but is more akin to a small kitchen/utility room having regard to the sink and washing machine contained therein as noted at my site inspection (3.6m²). There is no living space proposed. The total floorspace of the proposed unit is 20.41m². It is appropriate, in my opinion, to compare the proposed accommodation against two recently approved Government standards.
- 9.5.2. The 'Planning Design Standards for Apartments, Guidelines for Planning Authorities 2025'² includes minimum floor areas for different sizes of apartments (Section 3.3 refers). The stated minimum floor area for 'Studio apartments (1-bedroom)' is 32m². This is included both in the narrative and in 'Specific Planning Policy Requirement 2'. Appendix A contains additional metrics for studio apartments including: a minimum bedroom floor area of 25m²; and a minimum storage space requirement of 3m².
- 9.5.3. The Planning and Development (Exempted Development (Act of 2000)) (No.3) Regulations 2026 (S.I. No. 340 of 2026)³ came into operation on the 27th July 2026. The Regulations introduce 'Class 3A – The construction, erection or placing of a detached house in the rear garden of a principal house'. In Condition and Limitation 7, it is provided that the total area of such structures 'shall not be less than 32m²'. Although I would not afford the same weight to these Regulations for the purposes of the consideration of the subject proposal, the consistency with the key metric of 32m² contained in the above-noted Guidelines nevertheless provides additional validation for its application to the subject case, in my opinion.
- 9.5.4. Whilst it may be argued that a 'family flat' is materially different from a studio apartment and from the type of accommodation envisaged in Class 3A, it is nevertheless striking that Government policy in both of the referenced statutory documents is to require a minimum floor area of 32m². Given the motivation for these policies ie. to encourage residential development in ways not previously envisaged or approved, it is reasonable to assume that the 32m² figure is at or near the absolute minimum that is considered necessary to provide a reasonable degree of comfort for occupants of these types of accommodation.

² Department of Housing, Local Government and Heritage, issued under Section 28 of the Planning and Development Act, 2000 (as amended).

³ Minister of State, Department of Housing, Local Government and Heritage.

- 9.5.5. The total proposed floor area of 20.41m² is significantly less than the minimum floor area specified in the aforementioned Government policies. In terms of individual room metrics, the proposed development is also significantly inadequate compared to standards contained in the Apartments Guidelines. The minimum bedroom size is 25m² in the Apartment Guidelines, compared to 13.9m² for the proposed development. A minimum storage space of 3m² is required in the Guidelines; there is no storage space provided in the proposed development.

9.6. Detailed Development Management Policies

- 9.6.1. Protection of Residential Amenities: The 'RS' Residential Zoning Objective, Policy SPQHP41 (Residential Extensions), Objective SPQHO45 (Domestic Extensions) and Section 14.10.3 (Family Flats) all contain similar policy content requiring the protection of 'residential amenities' of 'adjoining properties'.
- 9.6.2. The Local Authority's Refusal Reason included residential amenity, noting that the proposed development would '*adversely affect the residential character of the area and would seriously injure the amenities*'. At Section 6.5 of the Appeal, the Applicant's Agent refutes these concerns noting, inter alia: that the assertion is not supported by any analysis in the Planner's Report in terms of overlooking, overshadowing or overbearing impacts on neighbours; the low height of the structure; and the absence of any third party submissions.
- 9.6.3. The suburban layout in which the subject property is located is such that it adjoins five other properties, one to the west (No.64 Latchford Park); one to the east (No.68 Latchford Park), and three to the north (Nos. 55, 57 and 59 Latchford Square).
- 9.6.4. [No.64 Latchford Park to the West]: A similar extension as that of the subject property has been constructed to the rear of No.64, and a similar detached structure at the end of the garden has also been erected. Although I noted at site inspection that the front elevation of that detached structure is stepped back somewhat from that of the subject property⁴, I would not anticipate any material impact on the amenities of its occupants from either the existing structure for retention or the proposed link structure, given the similarity of development on either side of the party boundary and the height of the party boundary/planting.
- 9.6.5. [No.68 Latchford Park to the East]: At my site inspection I was afforded access to that property. At my inspection, I noted that the garden level of No.68 is lower by between the height of one and two breeze blocks (height of one breeze block =

⁴ The submitted Site Layout Plan shows the front elevation of the structure in No.64 being generally in line with that of the subject property.

21.5cm)⁵ and that the top of the subject structure is c.1.2m above the height of the party boundary fence. I also noted that the proposed bathroom window is in very close proximity to the party boundary and that a degree of overlooking is enabled by the window serving the proposed pantry. Perhaps most importantly from the perspective of No.68, I would note that there is a distance of c.5.53m between the rear elevation of the rear extension of the subject property and the front elevation of the proposed family room, and that the distance is less, c.4.68m, when measured between the respective front edges of the eaves overhangs of the two structures.

- 9.6.6. Notwithstanding the suburban location of the subject site, it is my opinion that the proposed development will have an overbearing impact on the amenities of No.68 by virtue of the cumulative impact of the height and depth of the proposed structure and the existing rear extension. It is my further opinion that the amenities of No.68 will be further impacted by the proximity of the shower/toilet window immediately adjacent to the party boundary and by overlooking from the proposed pantry window.
- 9.6.7. [Nos. 55 and 57 Latchford Square]: At my site inspection I was afforded access to the rear garden of one of these properties. As notated on the submitted site layout plan, the proposed structure is conterminous with the rear boundaries of No.57 (along its entire length), and No.55 (for c.40% of its length). The height of the structure extends c.1.2m above the top of the rear boundary fence of No.57. I would note also that there is a slight slope in the roof of the proposed structure from the front to the rear with the lower side being adjacent to the party boundary with Nos. 55 and 57. At my inspection, I noted that a rainwater collection drain was attached to the rear of the roof and a downpipe attached at the north-eastern corner. These arrangements are not identified on the submitted plans.
- 9.6.8. Again notwithstanding the suburban location, it is my opinion that the proposed development would have a detrimental impact on the amenities of No.57 by virtue of being overbearing as a result of the proposed structure being immediately adjacent to, and extending along the entire extent of, the rear boundary of No.57, and being significantly higher than party boundary fence. I would also conclude similarly in relation to No.55 notwithstanding that the proposed structure extends across only c.40% of the rear boundary of that property.
- 9.6.9. [No.59 Latchford Square]: The proposed family flat only adjoins the extreme south-west corner of No.59 and thus I have no concerns in terms of the amenities of this property.
- 9.6.10. Minimum Rear Garden Space: The rear garden space remaining after the proposed family room, rear extension and link structure are excluded is c.27.1m². As a guide to

⁵ I use this metric because two rows of breeze block were evident in the rear garden of No.68 between the garden ground level and the underside of the party boundary fence whereas, on the subject property side, the underside of the fence immediately adjoins the garden level .

the adequacy of this space, Objective DMSO27 in Section 14.8.3 'Private Open Space' of the Development Plan identifies a requirement for a minimum of 75m² of private open space located to the rear of the front building line of a house with 4 or more bedrooms, and a requirement of 60m² for houses with 3 bedrooms or less. Whilst the Objective DMSO27 is in respect of new build dwellings, it nevertheless provides a good benchmark in relation to the space that is required for dwellings of the scale of the subject property. Even if the bedroom proposed for the family room is discounted, there are three bedrooms in the principal house. Thus the rear garden space requirement would be 60m². The remaining c.27.1m² falls significantly short of the referenced standard and, for this reason, would be inadequate to serve the principal dwelling and the family flat.

9.6.11. Surface Water Drainage: Section 4.5.2.8 'Sustainable Urban Drainage Systems (SuDS)' of the Development Plan requires, inter alia, that SuDS '*must be included in all new developments*'. The Local Authority's 'Water Services Department' report advised of no objections in terms of surface water, subject to three conditions:

- a. *'No surface water / rainwater shall discharge into the foul water system under any circumstances.'*
- b. *'The surface water drainage must be in compliance with the Greater Dublin Regional Code of Practice for Drainage Works, Version 6.0, FCC, April 2006.'*
- c. *'All new areas contributing to rainwater runoff shall be discharged to commensurate and appropriate SuDS (sustainable drainage systems) devices, in accordance with the principles of the GDSDS (Greater Dublin Strategic Drainage Study, 2005) and best practice SuDS design as per the CIRIA SuDS Manual C753.'*

9.6.12. At my site inspection, I noted that the entire rear garden area between the proposed family flat and the recently added rear extension was covered over in concrete (or similar) paving tiles. I also noted that there is a slight fall in the ground level from the front elevation of the proposed family flat to the rear extension and that a narrow drainage channel runs across the width of the plot. At Question 20 of the application form submitted to the Local Authority, the Applicant indicated that surface water disposal was by means of connection to a public sewer/drain. Thus it is apparent that the Development Plan requirement that all new areas contributing to rainwater runoff shall be discharged to a SuDS device has not, and cannot, be achieved.

9.7. Material Contravention

9.7.1. I note that the Planning Authority's reason for refusal states that the proposed development materially contravenes the 'RS' zoning objective of the Development Plan. This Objective seeks to manage areas that are generally residential in character by both providing for residential development, and protecting and improving residential amenity and is not, in my view, sufficiently specific so as to

justify the use of the term ‘materially contravene’ in terms of normal planning practice. The Commission should not, therefore, consider itself constrained by Section 37(2) of the Planning and Development Act.

9.8. Other Matters

- 9.8.1. Sections 6.7 and 6.8 of Appeal: I note the Agent’s comments in these sections of the Appeal in relation to policy support for age-friendly housing, and the absence of third party objections respectively. In response, I would simply note that these factors do not overcome the significant concerns in relation to the development as discussed in the previous sections of my Report, in my opinion.
- 9.8.2. Development Contribution Scheme: Should a positive decision be forthcoming, I would refer the Commission to the following provision as contained in the Fingal Development Contribution Scheme, 2026-2030:
- Para. 23 in the section headed ‘Exemptions’ ordinarily includes an exemption for the first 40m² of an extension but then excludes ‘*development for which retention permission is sought*’.
- 9.8.3. Accordingly, having regard to the above, it would be appropriate to include a condition requiring a Development Contribution Scheme payment should a positive decision be forthcoming, in my opinion.

10.0 AA Screening

- 10.1. I have considered the proposed small-scale, single-storey structure at the bottom of a suburban rear garden and detached from the subject dwelling (for which retention permission is sought); and the construction of an extension to provide a ‘direct link’ between the house and the structure (for which Permission is sought) at 66 Latchford Park, Castaheany Dublin in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located: 5.2km to the north-east of the Rye Water Valley/Carton Special Conservation Area (Site Code 001398).
- 10.2. No nature conservation concerns were raised in the planning appeal.
- 10.3. 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 reasons for this conclusion are as follows:
- the nature of the works: small scale extension to an existing dwelling with existing connections to public services;

- the distance of the site from the nearest European site and the absence of any connections between the two.

10.4. I conclude that on the basis of objective information, 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 (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

11.0 Recommendation

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

12.0 Reasons and Considerations

1. Having regard to the form and floor area of the proposed family flat accommodation, in particular the quantum of floor area and the size of the bedroom, it is considered that the development would fail to provide a satisfactory level of amenity for future occupiers and would unduly erode the residential amenities of the existing dwelling by reason of the level of private open space that would remain after the development is completed. Accordingly, to permit the proposed development would be contrary to the proper planning and sustainable development of the area.
2. The Zoning Objective for the 'RS Residential' zoning, in which zoning the site is located, Policy SPQHP41 (Residential Extensions), Objective SPQHO45 (Domestic Extensions), Section 14.10.2 (Residential Extensions (General)), Section 14.10.2.3 (Ground Floor Extensions (Rear)), and Section 14.10.3 (Family Flats) of the Fingal County Development Plan, 2023-2029 support the addition of residential rear extensions in general, and family flats in particular subject to, inter alia, the protection of the residential amenities of adjoining properties. It is considered that the proposed development will have an overbearing impact on the amenities of No.68 to the east by virtue of the cumulative impact of the heights and depths of the proposed family room and the existing rear extension, and that the amenities of No.68 will be further impacted by the proximity of the shower/toilet window to the party boundary and by potential overlooking from the proposed pantry window. It is further considered that the proposed family room will have an unacceptably detrimental impact on the amenities of Nos. 55 and 57 Latchford Square to the north by virtue of being overbearing as a result of the proposed structure being located immediately adjacent to, and extending along the entire extent

of the rear boundary of No.57, and being located immediately adjacent to, and extending along c.40% of the rear boundary of No.55, and being significantly higher than the party boundary fences of these properties. Accordingly, to permit the proposed development would be contrary to the aforementioned provisions of the Fingal County Development Plan 2023-2029 and would thereby 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.

P. Christy

Paul Christy

Planning Inspector

11th September. 2026

Appendix A: Form 1 EIA Pre-Screening

Case Reference	PL-501673-DF-26
Proposed Development Summary	Small-scale, single-storey 'family room' structure at the bottom of a suburban rear garden and detached from the subject dwelling (for which retention permission is sought); and the construction of an extension to provide a 'direct link' between the house and the structure (for which Permission is sought).
Development Address	66 Latchford Park, Castaheany, Dublin 15
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? (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)	☒ Yes, it is a 'Project'. Proceed to Q2. ☐ No, No further action required.
2. Is the proposed development of a CLASS specified in <u>Part 1</u>, 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 <u>Part 2</u>, 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)?	
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: Paul Christy
P. Christy

Date: 11th September, 2026