



An
Coimisiún
Pleanála

Inspector's Report

PL-501843-DF-26

Development	Retention of a single storey timber structure to rear garden and all other associated site works.
Location	95 Cherryfield Lawn, Hartstown, Dublin 15, D15 A43F
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	FW26A/0209E
Applicant(s)	Wayne Bradley
Type of Application	Permission
Planning Authority Decision	Refuse retention permission
Type of Appeal	First party
Appellant(s)	Wayne Bradley
Observer(s)	None
Date of Site Inspection	19 th September 2026
Inspector	Barry Diamond

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1.0 Site Location and Description

- 1.1. The application site is circa 0.033ha and comprises an existing one and a half storey semi-detached dwelling. The dwelling is finished in a mixture of brick and render finish, it has a ridged roof with a contoured concrete roof tile. The existing dwelling fronts onto the public road and there is a rear garden area which contains the outbuilding which is the subject of the application.
- 1.2. At the time of the site inspection the rear garden area was bounded by a block wall with a fence above (2.5 metres high) along the southwestern boundary, along the rear boundary the site is defined by a block wall which varies in height (1.5-3m) and along the north eastern boundary by a block wall and a fence above which is approximately 2.5 metres in height.
- 1.3. The application dwelling adjoins No. 97 Cherryfield Lawn which is a semi-detached dwelling located to the north of the site and is of a similar design, height and finishes. No. 93 Cherryfield Lawn is a detached dwelling located to the south and has a similar design, height and finish. The site backs onto the rear gardens of Nos. 17 & 19 Cherryfield View. The site is set within a residential area comprising a mixture of dwelling types.

2.0 Proposed Development

The proposed development seeks retention permission for a single storey timber structure within the rear garden, comprising of a home office/utility/storage/gym area, with internal modifications and associated site works.

3.0 Planning Authority Decision

3.1. Decision

On the 9th July 2026 the Planning Authority issued a decision to refuse retention permission for the following reason:

1. Having regard to the RS Residential zoning objective for the subject site in the Fingal Development Plan 2023-2029, which seeks to provide for residential development and protect and improve residential amenity, and to the policy requirements of Section 14.10.4 Garden Rooms, it is considered that the proposed 42sqm garden room sought for retention, by virtue of its excessive scale, massing,

and footprint, fails to respect the character of the area and is not subordinate to the main dwelling. The structure would represent an overbearing and visually obtrusive form of development, leading to a significant negative impact on the residential amenities of the principle and adjoining properties, resulting in a congested pattern of development. The development results in the overdevelopment of the subject site, leaving a substandard residual private open space of c. 25 sqm. The proposed development would seriously injure the residential amenities of the occupants of the main dwelling, would be contrary Section 14.10.4 Garden Rooms and to the RS zoning objective of the Fingal Development Plan 2023 -2029. The proposal would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The decision of the planner reflects the decision to refuse retention planning permission. It includes the following points:

- There is only a residual 25sqm rear garden which is contrary to Section 14.10.4 of the FDP and the rear garden also houses an oil tank and a small storage structure;
- The building is oriented perpendicular to the main dwelling which creates a dominant, unsympathetic interface with the main house with concerns of it being visually overbearing;
- The development represents an over-intensification of the subject site;
- The development is not considered intensification in terms of traffic or parking;
- The proposal is acceptable in terms of water services subject to condition; and
- The proposal does not lead to any significant concerns in relation to Appropriate Assessment and Environmental Impact Assessment.

3.2.2. Other Technical Reports

- Water Services Section: no objection subject to conditions.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

There were no third party representations received during the processing of the application by the Planning Authority.

4.0 Planning History

Site

None

Setting

FW16B/0047 – Permission was granted in October 2016 for the proposed conversion of an existing 25m² single storey garage/shed into a habitable space ancillary to the existing dwelling at 1 Cherryfield Court, Hartstown, Dublin 15.

FW12B/0001 - Retention permission was granted in April 2012 for a single storey extension comprising garage, laundry room, off-kitchen storage & WC with driveway extension to access garage at 43 Cherryfield Court, Clonsilla, Dublin 15.

F01B/0007 – Permission was refused in May 2001 for the erection of new garden shed to rear at 26 Cherryfield Lawn, Clonsilla, Dublin 15.

5.0 Policy Context

5.1. Development Plan

5.1.1 The Fingal Development Plan 2023-2029 is the operational plan for the area. The appeal site is zoned 'RS,' Residential with the associated land use objective 'to provide for residential development and to protect and /or improve residential amenity.' The appeal site is also located within the Dublin Airport Noise Zone D, within Blanchardstown Specific Objective Development Boundary.

5.1.2 The following sections /policies / objectives are pertinent:

SPQHP41 seeks to support the extension of existing dwellings with extensions of appropriate scale and subject to the protection of residential and visual amenities.

SPQHO45 seeks to support dwelling extensions of appropriate scale and subject to the protection of residential and visual amenities.

Objective DMSO27 – Minimum Private Open Space Provision: 3 bedroom houses or less to have a minimum of 60 sq. m. of private open space located behind the front building line of the house.

Section 14.10.4 - Garden Rooms - can provide useful ancillary accommodation such as a playroom, gym, or study/home office for use by occupants of the dwelling house and any structure shall not provide residential accommodation or be fitted out in such a manner including by the insertion of a kitchen or toilet facilities. Such structures shall not be let or sold independently from the main dwelling.

5.2. Relevant National or Regional Policy / Ministerial Guidelines

Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities', Department of Housing, Local Government and Heritage, (2024) to include:

- SPPR 2 - Minimum Private Open Space Standards for Houses

5.3. Natural Heritage Designations

The appeal site is not located on or within any designated Natura 2000 sites, with the nearest proposed designated site being the South Dublin Bay and River Tolka Estuary SPA (SPA: 004024) which is located 13.58km to the southeast of the site and the South Dublin Bay SAC (SAC: 000210) which is 15.47km to the southeast of the site. The Liffey Valley (pNHA: 000128) which is c. 2.04km to the south of the site and the Royal Canal (pNHA: 002103) is located c. 1.08km to the south of the site.

6.0 EIA Screening

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 1 of my report.

7.0 The Appeal

7.1. Grounds of Appeal

The appellants grounds of appeal can be summarised as follows:

- The proposal is modest in height, visually lightweight and entirely contained within the private rear garden;
- There is no overlooking, overshadowing or loss of privacy;
- No maximum floorspace is prescribed for a garden room under Section 14.10.4 of the Fingal Development Plan;
- The garden room occupies less than 25% of the rear garden footprint;
- The building is ancillary to the main dwelling in height, bulk and function;
- Comparable garden rooms have been permitted;
- An existing two metre boundary fence screens the structure;
- Photomontages demonstrate that the structure is not overbearing;
- The structure improves the functionality of the dwelling;
- Plot ratio and site coverage remains low;
- Circulation space and usability of the garden are maintained;
- The Planning Authority did not provide a quantitative analysis to support its conclusions;
- The Fingal Development Plan allows flexibility on open space where it is usable, private, sunlit and functional; and
- Residual private open space below 60sqm has been accepted where usability is demonstrated;

7.2. Planning Authority Response

7.2.1 Whilst noting the comments in the appeal documents, the Planning Authority remains of the opinion that the proposed development would not sufficiently respect the existing residential amenity, is dominant and is excessive in scale. The proposal is overbearing and would negatively impact the residential and visual amenity and as proposed is out of character with the existing dwelling on site. Additionally, The Planning Authority contends that the garden room occupies less than 25% of the

rear garden when submitted plans indicate a substantial structure occupying in excess of 50% of the available rear garden space and cannot be considered subordinate to a dwelling that occupies a footprint of c. 67sq.m.

7.2.2 At the time of site inspection, the occupants of No. 95 Cherryfield Lawn did not have access to the garden room and as such it cannot be considered as ancillary or a benefit that improves functionality to the occupants of the principal dwelling. The 25 sqm's available as a rear garden is occupied by an oil tank, and another blockwork storage structure housing the boiler, which fails to demonstrate compliance with Section 14.10.4 of the Fingal Development Plan raising serious concerns regarding the quality of this private rear garden space for the primary residents. The Planning Authority respectfully request that the decision to refuse is upheld.

7.3. **Observations**

None

8.0 **Assessment**

8.1 Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, 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 considered are as follows:

- Principle of Development
- Design
- Residential Amenity

8.2 **Principle of Development**

8.2.1 The proposed development comprises an existing single storey outbuilding located to the rear of an existing dwelling, which is located within zoning 'RS,' Residential, with the associated land use objective 'to provide for residential development and to protect and /or improve residential amenity.'

8.2.2 I note that the Fingal Development Plan 2023-2029 (FDP) is supportive of garden rooms. In this regard Section 14.10.4 supports applications for ancillary

accommodation such as a playroom, gym, or study/home office for use by occupants of the dwelling house. I consider that the principle of an ancillary building is acceptable subject to issues of design, neighbour amenity and other relevant factors.

8.3 **Design**

- 8.3.1 The building to be retained is a detached building set 3.26 metres from the rear of the existing dwelling, it has a ridge height of 2.975 metres, is finished in a composite cladding and has a floorspace of 42sqm. It is annotated in the submitted plans that the building is subdivided into three parts, a gym, utility area and a storage area. The application has two doors and two windows which face onto the southwestern boundary. There are no other windows or door openings on the building.
- 8.3.2 It is stated by the Planning Authority that the appeal building is in excess of 50% of the rear garden area while the appellants agent states that it accounts for 25% of the rear garden footprint. From my measurements of the submitted site plan I am of the view that the appeal building including the roof canopy covers in excess of 50% of the rear amenity area. Section 14.10.4 of the FDP states that structures should be modest in floor area and scale, relative to the main house and the remaining rear garden area.
- 8.3.3 The appeal building is constructed in close proximity to the site boundaries of the rear garden, has a limited separation distance to the principal dwelling and has a stated footprint of 42sqm floorspace while the existing dwelling has a footprint of 67sqm. I am of the opinion, that the outbuilding to be retained is not modest in scale, given its footprint and proximity to the site boundaries which causes it to dominate the rear garden area and represents overdevelopment of the rear of the site contrary to Section 14.10.4 of the FDP.
- 8.3.4 The Planning Authority raises concern that following the construction of the rear garden room that there is only 26sqm of rear amenity space remaining. The appellant states that the FDP allows flexibility on open space where it is usable, private, sunlit and functional and that residual private open space below 60sqm (a reference to objective DMSO27 of the FDP) has been accepted where usability is demonstrated. They also indicate that a precedent schedule could be provided, however, it was not submitted and I cannot therefore take it into account.

8.3.5 The 26sqm of residual amenity space is positioned between the application building and the principal dwelling with a separation distance of 3.26 metres. I consider that the loss of in excess of 50% of the rear garden area is significant and the residual amenity space is quite constrained, has limited usability and gives a sense of being hemmed-in due to the limited separation distance. I do not consider that there are any site specific factors which would warrant any relaxation of the rear amenity space standards. It was indicated by the Planning Authority that the residents of the application dwelling did not have access to the appeal structure, however, it is not indicated whether this was a permanent or temporary issue.

8.3.6 The Planning Authority also raised a concern that the development would have a detrimental impact on the character of the surrounding area, however, in my opinion there is a limited visibility of the structure given the intervening built form. I do not consider that the structure would be detrimental to the overall character of the area.

8.4 Residential Amenity

8.4.1 Section 14.10.4 of the FDP states that any structure should not detract from the residential amenities of either the main residence or any adjoining property. The building has a height of 2.975 metres, is positioned close to the site boundaries and has window and door openings facing into the southwestern boundary. I am of the opinion that given the single storey nature of the proposal that the block wall along the southwestern boundary mitigates any overlooking of No. 93 which is located to the southwest of the appeal site.

8.4.2 The height of the building is indicated to be 2.975 metres and is positioned less than a metre from three of the site boundaries which are estimated to be in excess of 2.5 metres in height. The height of the boundaries are in excess of what would be exempted development for fences to the rear of a dwelling and I am not aware of any planning permission for the site boundaries to be erected as constructed.

8.4.3 Given the lack of planning approval or exemption for the height of the existing rear boundaries, I am of the opinion that retaining the subject structure would result in an overbearing impact on the adjoining properties. This is due to its significant height (2.975 metres), depth (8.18 metres), and the close proximity to the boundaries of Nos. 93 & 97 Cherryfield Lawn and No. 19 Cherryfield View.

8.4.4 Although the appeal building to be retained would have overbearing impacts, I consider that the potential for overshadowing and loss of light to occur at the

adjoining properties would not be significant given that the building is set back off the rear building line of the adjoining dwellings which would allow sunlight to the rear facing windows. While some overshadowing of the rear garden areas would occur this would not, in my view, be significant.

- 8.4.5 As previously stated the structure to be retained dominates the rear garden area of and given the scale of the structure and the limited separation distance to the main dwelling I consider that the structure has an overbearing impact on the host dwelling. In addition, the rear ground floor windows of the existing dwelling would look onto a blank gable of the appeal building at a distance of 3.26 metres which would result in a poor outlook for the residents of the host dwelling.
- 8.4.6 I consider that the subject development would give rise to overbearing impacts on the adjoining residential properties and the host dwelling and would have a detrimental impact on the outlook of the main dwelling. The impacts upon the residential amenity of the host dwelling and the adjoining residential properties would be contrary to Section 14.10.4 of the FDP.

9.0 AA Screening

- 9.1 I have considered the development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located at 95 Cherryfield Lawn, Hartstown, Dublin 15, D15 A43F no relevant designated sites are close by.
- 9.2 The proposed development seeks the retention of a single storey timber structure to rear garden and all other associated site works. No nature conservation concerns were raised in the planning appeal. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site.
- 9.3 The reason for this conclusion is as follows:
- Small scale and nature of the development;

- Distance from nearest European site and lack of connections; and
- The screening decision of the Planning Authority.

9.4 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. 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 at 95 Cherryfield Lawn, Hartstown, Dublin 15, D15 A43F which is 547 metres southeast of the nearest water body.

10.2 The proposed development seeks the retention of a single storey timber structure to rear garden and all other associated site works. No water deterioration concerns were raised in the planning appeal.

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

- Nature of works e.g. small scale and nature of the development ; and
- Distance from nearest water bodies and/or lack of hydrological connections.

10.4 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

That planning permission be refused for the reasons and considerations set out below.

12.0 Reasons and Considerations

Having regard to the RS Residential zoning objective for the subject site in the Fingal Development Plan 2023-2029, which seeks to provide for residential development and protect and improve residential amenity, and to the policy requirements of Section 14.10.4 Garden Rooms, it is considered that the building sought for retention, by virtue of its scale, massing and footprint, is not subordinate to the main dwelling, has an overbearing impact, presents a poor outlook for the principle dwelling and leaves a substandard residual private open space of c. 26 sqm. The development to be retained would seriously injure the residential amenities of the occupants of the main dwelling and would be contrary to Section 14.10.4 of the Fingal Development Plan 2023 -2029. The proposal 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, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Barry Diamond
Planning Inspector

22nd September 2026

Appendix 1 - Form 1 EIA Pre-Screening

Case Reference	PL-501843-DF-26
Proposed Development Summary	Retention of a single storey timber structure to rear garden and all other associated site works
Development Address	95 Cherryfield Lawn, Hartstown, Dublin 15, D15 A43F
	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.	
☒ 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 ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____

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