



Planning & Development Consultants

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PO Box 13658
Dublin 14

Appeal lodged online via the Commission's web portal

The Secretary,
An Coimisiún Pleanála,
64 Marlborough Street,
Dublin 1.

28 August 2026

Dear Sir/Madam,

First Party Planning Appeal to An Coimisiún Pleanála in respect of the decision of Dun Laoghaire-Rathdown County Council to refuse planning permission under planning application, reg. ref. D26B/0382/WEB, for, "Permission is being sought for retention of extension to rear of property and office/gym to rear of property" at 50, Richmond Park, Monkstown, Blackrock, Co. Dublin, A94C3N8.

BPS Planning & Development Consultants Ltd., a firm of Irish Planning Institute¹ chartered town planning consultants, have been retained by Tara Gorby and Colin Kavanagh of 50, Richmond Park, Monkstown, Blackrock, Co. Dublin, A94C3N8² [hereafter "client"] to prepare and to lodge a planning appeal on to An Coimisiún Pleanála [hereafter "ACP"] on their behalf in respect of the decision of Dun Laoghaire-Rathdown County Council [hereafter "DLRCC"] to refuse planning permission under planning application, reg. ref. D26B/0382/WEB, for, "Permission is being sought for retention of extension to rear of property and office/gym to rear of property" at 50, Richmond Park, Monkstown, Blackrock, Co. Dublin, A94C3N8.

This planning application was refused by DLRCC on 20 August 2026; therefore, the final date for submission of this planning appeal is **16 September 2026**. This planning appeal is submitted on or prior to this deadline.

Section 3.0 of this Planning Appeal Report sets out our client's Grounds for Appeal regarding the DLRCC planning decision to refuse planning permission.

This appeal asks the Commission to overturn the decision of DLRCC and to grant planning permission for the development subject to standard planning conditions.

For the purposes of appeal validation, please find attached:

- (1) A Planning Appeal Checklist;
- (2) A Planning Appeal Report;
- (3) A copy of the decision of DLRCC and its accompanying conditions; and
- (4) The planning appeal fee (€660).

BPS acts for our client and all appeal stage correspondence should be directed to this office.

If you require any further details, please contact BPS using the details supplied on this letterhead.

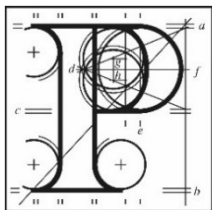
With best wishes,

Brendan Byrne Buck

Brendan Byrne Buck MIPI
Managing Director
BPS Planning & Development Consultants LTD

¹ <https://ipi.ie/>

² The planning application was lodged c/o Barry Molloy, Castletown, Kilberry, Navan, C15R7No.



An
Bord
Pleanála

Planning Appeal Form

Your details

1. Appellant's details (person making the appeal)

Your full details:

(a) Name

TARA GORBY AND COLIN KAVANAGH.

(b) Address

50, RICHMOND PARK, MONKSTOWN,
BLACKROCK, CO. DUBLIN, A94C3N8.

Agent's details

2. Agent's details (if applicable)

If an agent is acting for you, please **also** provide their details below. If you are not using an agent, please write "Not applicable" below.

(a) Agent's name

Brendan Buck MIPI

(b) Agent's address

BPS Planning & Development Consultants Ltd,
PO Box 13658, Dublin 14, D14NY27.

Postal address for letters

3. During the appeal we will post information and items to you **or** to your agent. For this appeal, who should we write to? (Please tick ✓ one box only.)

You (the appellant) at the address in Part 1

☐

The agent at the address in Part 2

☒

Details about the proposed development

4. Please provide details about the planning authority decision you wish to appeal. If you want, you can include a copy of the planning authority's decision as the appeal details.

(a) Planning authority

(for example: Ballytown City Council)

DUN LAOGHAIRE-RATHDOWN COUNTY COUNCIL

(b) Planning authority register reference number

(for example: 18/0123)

D26B/0382/WEB.

(c) Location of proposed development

(for example: 1 Main Street, Baile Fearainn, Co Ballytown)

50, RICHMOND PARK, MONKSTOWN, BLACKROCK, CO. DUBLIN, A94C3N8.



Appeal details

5. Please describe the grounds of your appeal (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

Please find an appeal report attached which sets out 'Grounds for Appeal'.

Supporting material

6. If you wish you can include supporting materials with your appeal.

Supporting materials include:

- photographs,
- plans,
- surveys,
- drawings,
- digital videos or DVDs,
- technical guidance, or
- other supporting materials.

Acknowledgement from planning authority (third party appeals)

7. If you are making a third party appeal, you **must** include the acknowledgment document that the planning authority gave to you to confirm you made a submission to it.

Fee

8. You **must** make sure that the correct fee is included with your appeal. You can find out the correct fee to include in our Fees and Charges Guide on our website.

Oral hearing request

9. If you wish to request the Board to hold an oral hearing on your appeal, please tick the “yes, I wish to request an oral hearing” box below.

Please note you will have to pay an **additional non-refundable fee** of €50. You can find information on how to make this request on our website or by contacting us.

If you do not wish to request an oral hearing, please tick the “No, I do not wish to request an oral hearing” box.

Yes, I wish to request an oral hearing

☐

No, I do not wish to request an oral hearing

☒

NALA has awarded this document its Plain English Mark

Last updated: April 2019.





Planning & Development Consultants

First Party Planning Appeal Check List

1. Name and address of the appellant: TARA GORBY AND COLIN KAVANAGH OF 50, RICHMOND PARK, MONKSTOWN, BLACKROCK, CO. DUBLIN, A94C3N8.¹
2. If an agent is involved, state the name of the agent: BRENDAN BYRNE BUCK MIPI.
3. Address of the agent: BPS PLANNING & DEVELOPMENT CONSULTANTS LTD., PO BOX 13658, DUBLIN 14, D14NY27
4. State the Subject Matter of the appeal: FIRST PARTY PLANNING APPEAL TO AN COIMISIÚN PLEANÁLA IN RESPECT OF THE DECISION OF DUN LAOGHAIRE-RATHDOWN COUNTY COUNCIL TO REFUSE PLANNING PERMISSION UNDER PLANNING APPLICATION, REG. REF. D26B/0382/WEB.
5. Description of the proposed development: FOR, "PERMISSION IS BEING SOUGHT FOR RETENTION OF EXTENSION TO REAR OF PROPERTY AND OFFICE/GYM TO REAR OF PROPERTY".
6. Address of the site/property/development: 50, RICHMOND PARK, MONKSTOWN, BLACKROCK, CO. DUBLIN, A94C3N8.
7. Local authority area: DUN LAOGHAIRE-RATHDOWN COUNTY COUNCIL
8. Planning authority register reference number: reg. ref. D26B/0382/WEB.
9. Attach, in full, the grounds for appeal and the reasons, considerations and arguments on which they are based. PLEASE FIND A PLANNING APPEAL REPORT ATTACHED SETTING OUT THE GROUNDS FOR APPEAL AND THE REASONS, CONSIDERATIONS AND ARGUMENTS ON WHICH THEY ARE BASED.
10. Enclose/Pay the correct fee for a First party appeal where retention of development is included: €660.
11. Provide copy of original local authority decision letter: COPY ATTACHED TO THIS APPEAL'S COVERING LETTER.
12. Ensure that the APPEAL is received by An Coimisiún Pleanála in the **correct manner** and in **time**. THIS PLANNING APPLICATION WAS REFUSED BY DLRCC ON 20 AUGUST 2026; THEREFORE, THE FINAL DATE FOR SUBMISSION OF THIS PLANNING APPEAL IS 16 SEPTEMBER 2026. THIS PLANNING APPEAL IS SUBMITTED ON OR PRIOR TO THIS DEADLINE.

BPS Planning Consultants LTD

Members of the Irish Planning Institute
28 August 2026

¹ The planning application was lodged c/o Barry Molloy, Castletown, Kilberry, Navan, C15R7No.

Barry Molloy
Castletown
Kilberry
Navan
C15R7N0

20-Aug-2026

**NOTIFICATION OF DECISION TO REFUSE PERMISSION FOR RETENTION
Planning & Development Act 2000, as amended**

Order Number P/1675/26	Date of Order 20-Aug-2026
Register Reference D26B/0382/WEB	Date Received 30-Jun-2026
National Portal Reference: 120000105186	

Applicant:
Development

Tara Gorby
Permission is being sought for retention of extension to rear of property and office/gym to rear of property.

Location:

50, Richmond Park, Monkstown, Blackrock, Co. Dublin, A94C3N8

Floor Area:
Time Extension up to and including:
Additional Information
Requested/Received:

Dear Sir / Madam

In pursuance of its functions under the above-mentioned Act, Dún Laoghaire-Rathdown County Council, being the Planning Authority, did by Order dated as above make a decision to **REFUSE PERMISSION FOR RETENTION** in respect of the above proposal.

For the avoidance of doubt the reasons and recommendations set out in the planners report were generally adopted as set out in the Executive Order, this can be viewed at the Council Offices or the Council website.

For the **1** reason(s) on the attached numbered pages.

Please note that, in accordance with Section 251 of the Planning and Development Act 2000, as amended, "where calculating any appropriate period or other time limit referred to in this Act or in any regulations made under this Act, **the period between the 24th Day of December and the first day of January, both days inclusive, shall be disregarded**".

Signed on behalf of Dún Laoghaire-Rathdown County Council.

Sharon Peppard

for Senior Executive Officer

1. Having regard to the nature of the development to be retained, which comprises the retention of a rear extension and detached garden room, would result in the overdevelopment of the site and reduce the level of private amenity currently afforded to the property which is contrary to Section 12.3.7 Additional Accommodation in Existing Built-Up Areas and Section 12.8.3.3 (i) Private Open Space for Houses of the Dun Laoghaire-Rathdown County Development Plan 2022-2028. Furthermore, the proposed development, if permitted, would set an undesirable precedent, and would, therefore, be contrary to the proper planning and sustainable development of the area.

SUBMISSIONS/OBSERVATIONS

NOTE (1): In deciding this planning application, the planning authority, in accordance with Section 34 (3) of the Planning & Development Act, 2000, as amended, has had regard to any submissions or observations received in accordance with the Planning and Development Regulations 2001 - 2010, pertaining to this application.

REMOVAL OF SITE NOTICE

NOTE (2): The applicant is reminded that in accordance with Article 20 of the Planning and Development Regulations 2001 - 2012, any site notice erected or fixed pertaining to this application shall be removed (if not already done so) following receipt of this notification.

FURTHER NOTES

APPEALS

This decision of the Planning Authority does not authorise works to commence and may be appealed to An Bord Pleanála by an Applicant or any person who made submissions or observations in writing in relation to this application to the Planning Authority.

A person who has an interest in adjoining lands in respect of which permission has been granted and who did not make a submission or observation under Section 37(6)(a) of the Planning and Development Act, 2000, as amended, may apply to the Board for leave to appeal the decision of the Planning Authority. Appeals should be sent to:

**The Secretary,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1.**

Tel: 01-8588100

Every appeal must be made in writing and must state the subject matter and full grounds of appeal. It must be fully complete from the start.

The Board must receive an appeal within four weeks, beginning on the date of the decision set out above. A Third Party appeal will be invalid unless accompanied by the prescribed fee and a copy of the receipt from the Planning Authority in respect of a submission/observation.

GRANT OF PERMISSION

In the case of a notification of a decision to Grant Permission, where no appeal is received by An Bord Pleanála against the decision, a PERMISSION will be granted by the Council as soon as may be after the expiration of the period for the making of an appeal.

REFUND OF FEES – REPEAT PLANNING APPLICATION

Provision is made for a partial refund of fees in the case of certain repeat applications submitted within a period of twelve months where the full standard fee was paid in respect of the first application where both applications relate to developments of the same character or description and to the same site. An application for a refund must be made in writing to the Planning Authority and received by them within a period of 8 weeks beginning on the date of Planning Authority's decision on the second application. Please consult the Planning & Development Regulations, 2001-2010, for full details of fees, refunds and exemptions.



Planning & Development
Consultants

First Party Planning Appeal

First Party Planning Appeal to An Coimisiún Pleanála in respect of the decision of Dun Laoghaire-Rathdown County Council to refuse planning permission under planning application, reg. ref. D26B/0382/WEB, for, "Permission is being sought for retention of extension to rear of property and office/gym to rear of property" at 50, Richmond Park, Monkstown, Blackrock, Co. Dublin, A94C3N8.

This Planning Appeal Report has been produced by BPS Planning & Development Consultants Ltd. for and on behalf of Tara Gorby and Colin Kavanagh of 50, Richmond Park, Monkstown, Blackrock, Co. Dublin, A94C3N8.

Document Control Sheet

Project	First Party Planning Appeal in respect of the decision of Dun Laoghaire-Rathdown County Council to refuse planning permission under planning application, reg. ref. D26B/0382/WEB.
Project No.	2026 – 519
Document title	First Party Planning Appeal Report.

Contents	No. of pages
Cover page	1
Control sheet	1
Table of contents	1
Text	15
Total No. of Pages	18

Rev.	Distribution	Author	Checked	Approved	Day	Month	Year
1	Client	BB	FB	EB	27	8	2026
2	Client	BB	FB	EB	28	8	2026
3	An Coimisiún Pleanála	BB	FB	EB	28	8	2026

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Date: 28 August 2026

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1.0 Introduction

BPS Planning & Development Consultants Ltd., a firm of Irish Planning Institute¹ chartered town planning consultants, have been retained by Tara Gorby and Colin Kavanagh of 50, Richmond Park, Monkstown, Blackrock, Co. Dublin, A94C3N8² [hereafter "client"] to prepare and to lodge a planning appeal on to An Coimisiún Pleanála [hereafter "ACP"] on their behalf in respect of the decision of Dun Laoghaire-Rathdown County Council [hereafter "DLRCC"] to refuse planning permission under planning application, reg. ref. D26B/0382/WEB, for, "Permission is being sought for retention of extension to rear of property and office/gym to rear of property" at 50, Richmond Park, Monkstown, Blackrock, Co. Dublin, A94C3N8.

This planning application was refused by DLRCC on 20 August 2026; therefore, the final date for submission of this planning appeal is **16 September 2026**. This planning appeal is submitted on or prior to this deadline.

Section 4.0 of this Planning Appeal Report sets out our client's Grounds for Appeal regarding the DLRCC planning decision to refuse planning permission for the following reason:

1. Having regard to the nature of the development to be retained, which comprises the retention of a rear extension and detached garden room, would result in the overdevelopment of the site and reduce the level of private amenity currently afforded to the property which is contrary to Section 12.3.7 Additional Accommodation in Existing Built-Up Areas and Section 12.8.3.3 (i) Private Open Space for Houses of the Dun Laoghaire-Rathdown County Development Plan 2022-2028. Furthermore, the proposed development, if permitted, would set an undesirable precedent, and would, therefore, be contrary to the proper planning and sustainable development of the area.

This appeal asks the Commission to overturn the decision of DLRCC and to grant planning permission for the development subject to standard planning conditions.

1.1 Planning appeal fee

This planning appeal pertains to a First Party appeal under the Planning & Development Act 2000 (as amended). The appeal pertains to the refusal of the retention of development within the curtilage of a single residential property.

Payment of the €660 statutory fee will be made online when this planning appeal is lodged.

A5	You want to appeal the decision of a planning authority on an application you lodged with it. • The appeal does include retention; • The appeal does not relate to commercial development; and • The appeal or application does not include an EIAR or NIS.	€660
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Fig. 1: Excerpt from the An Coimisiún Pleanála 'Fees: Planning Appeals' section of its website

1.2 Summary of the case and decision

This is an appeal by the applicants (Tara Gorby and Colin Kavanagh) against the decision of Dún Laoghaire-Rathdown County Council (DLRCC), dated on or about 20 August 2026, to refuse retention permission for:

- A single-storey rear extension to the existing two-storey end-of-terrace dwelling; and
- A single-storey detached garden room / office / gym (with associated toilet) in the rear garden

at 50 Richmond Park, Monkstown, Blackrock, Co. Dublin, A94 C3N8 (site area stated as approx. 0.01475–0.015 ha).

¹ <https://ipi.ie/>

² The planning application was lodged c/o Barry Molloy, Castletown, Kilberry, Navan, C15R7No.

The development is the as-built regularisation of structures erected following difficulties implementing an earlier grant (D23B/0191 / ABP-317518-23). Temporary first-floor French doors and Juliet balcony (which had formed part of earlier enforcement and a previous refusal under D25B/0434/WEB) have been fully removed and the elevation restored. No third-party submissions were received on the subject application. The sole reason for refusal centres on alleged overdevelopment arising from the quantum and quality of remaining private open space (POS), contrary to Sections 12.3.7 and 12.8.3.3(i) of the Dún Laoghaire-Rathdown County Development Plan 2022–2028 (CDP).

The applicants seek that An Coimisiún Pleanála grant retention permission.

1.3 Statutory basis for this planning appeal

The Commission generally considers an appeal as if the planning application had been made to it in the first instance and the decision of the Commission on an appeal operates to annul the decision of the planning authority³.

The current planning appeal pertains to the decision of Dún Laoghaire-Rathdown County Council to refuse retention permission. There were no technical objections from internal Departments or Sections and no third-party observations. We therefore ask that the focus of the Commission's assessment be on the sole reason for refusal (alleged overdevelopment arising from the quantum and quality of remaining private open space); however, we acknowledge that the Commission is entitled to assess the planning appeal *de novo*.

Our clients consider the refusal to be unduly harsh and disproportionate to the modest scale of the as-built single-storey structures. The reasons for this are set out in the grounds of appeal below.

2.0 Summary of and rationale for this appeal

The Council's decision is unduly harsh and punitive, it fails to properly apply relevant national and local policy (including the policy direction signalled by the new 2026 Exempted Development Regulations), misapplies open-space standards designed primarily for new dwellings, and does not adequately weigh the modest scale of the as-built works, the site's constrained history, the removal of the temporary first-floor elements, the southerly aspect, and the clear residential amenity benefits to the occupants of a small two-bedroom house.

2.1 Overdevelopment / private open space – the core refusal reason is not sustainable

The planner concludes that only around 16 sq.m of usable POS remains and that this is of low amenity value (overshadowed, limited light). The submitted Site Layout Plan indicates a higher figure (around 29.7 sq.m) when the eastern side passage is included; the planner rejects the side passage and front hardstanding as quality space.

Even accepting the lower figure for argument, the CDP standard of 48 sq.m (Section 12.8.3.3(i) for 1–2 bedroom houses) is a new-build standard. Section 12.3.7.1 (Additional Accommodation in Existing Built-up Areas) and Section 12.8.3.3 itself expressly allow case-by-case relaxation, particularly for existing dwellings, infill/corner sites, and where semi-private space or innovative design is present. The Development Plan does not impose a rigid minimum residual garden size after rear extensions or detached rooms; qualitative assessment of "usable private open space remaining" is required.

The Compact Settlements Guidelines (2024) SPPR 2 and related guidance (and the Apartment Guidelines) provide useful context: 2-bedroom units can be acceptably served by significantly smaller private + communal space packages (often 6–7 sq.m private + 6–7 sq.m communal). The remaining rear garden (southerly aspect), combined with the semi-private front curtilage and the amenity value of the garden room itself, delivers a higher standard of residential amenity for the occupants than the pre-existing conservatory arrangement.

The garden room (approx. 12.4 sq.m internal) and rear extension (approx. 16 sq.m) are modest. The extension projects only around 4.7–4.8 m and is single-storey with a flat roof and rooflight. The garden room has a low lean-to profile (ridge approx. 2.95 m falling to approx. 2.46 m). Both sit comfortably within the scale of structures routinely retained or permitted in similar urban settings.

The planner's assertion of "very low amenity value" is overstated. The rear garden retains a usable patio/open area with southern orientation. Shadow studies (submitted) and the low height of the

³ Section 37(1)(b) of the Planning and Development Act 2000 (as amended).

structures demonstrate that residual sunlight/daylight remains acceptable. The previous canopy (noted in the earlier refusal) has been removed.

2.2 Consistency with previous permissions and regularisation context

A garden room in essentially the same location was previously permitted under D23B/0191 / ABP-317518-23. While the as-built version differs in exact footprint and detailing, it is not a materially different or more impactful structure. The current application simply seeks to regularise the as-built version after construction access and other practical difficulties prevented full implementation of the 2023 permission.

The first-floor French doors / temporary balcony (the principal source of previous overlooking concern) have been fully removed and the elevation restored. This directly addresses a key element of the earlier refusal (D25B/0434/WEB) and the enforcement file (ENF 00225).

Enforcement history shows the applicants have engaged constructively and moved promptly to regularise. The subject application is the proper vehicle for regularisation; refusal would leave residual unauthorised development that the applicants have already sought (and largely succeeded) in remedying.

2.3 Residential amenity impacts on neighbouring properties – no undue harm

Both structures are single-storey only. **There is no overlooking.**

Overbearing and overshadowing impacts are limited by the modest heights, the existing boundary treatments, and the southerly orientation of the subject garden. The Compact Settlements Guidelines (SPPR 1) explicitly state that there shall be no specified minimum separation distances at ground level; impacts are to be assessed case-by-case.

No significant adverse impact on adjoining amenities arises.

The as-built scheme is less impactful on the public realm and neighbouring properties than the previously permitted two-storey side extension and cantilevered first-floor rear extension under D23B/0191 / ABP-317518-23.

2.4 Policy Direction – National Planning Framework, Compact Settlements Guidelines and the New 2026 Exempted Development Regulations

NPO 34 of the National Planning Framework (and the Revised NPF) and Policy PHP19 of the CDP actively support the adaptation and improvement of existing housing stock to meet household needs over the lifecycle.

The Sustainable Residential Development and Compact Settlements Guidelines (2024) encourage flexible approaches to density and amenity in existing urban areas and do not treat ground-level development as inherently problematic.

Critically, the Planning and Development (Exempted Development) Regulations 2026 (S.I. No. 338/2026, effective 27 July 2026) increase the Class 1 extension exemption from 40 sq.m to 45 sq.m and the Class 3 garden-structure exemption (sheds, stores, home offices, gyms) from 25 sq.m to 30 sq.m. A new Class also facilitates larger auxiliary habitable structures. While the subject structures pre-date the Regulations and are the subject of a retention application, the Regulations are a clear statement of national policy direction: greater flexibility for modest rear extensions and garden rooms is now the accepted approach. Refusing retention of structures that fall well within (or close to) the new exempted thresholds would be inconsistent with that policy direction.

2.5 Other Matters

No drainage, traffic, parking, visual amenity from the public realm, AA or EIA issues arise.

The application drawings are based on measured survey and are accurate. Any residual annotation inconsistencies are minor and do not go to the principle of the development.

Granting retention would not set an undesirable precedent; each case turns on its own facts. The modest scale, constrained site history, removal of the temporary first-floor elements, and clear amenity benefit to the occupants all distinguish this case.

2.6 Conclusion and Request

The refusal is based on an **overly rigid application** of new-build open-space standards to an existing small urban dwelling, fails to give adequate weight to the qualitative amenity benefits of the garden room and residual southern garden, and is out of step with national policy encouraging home adaptation and the clear direction of the 2026 Exempted Development Regulations.

The Commission is respectfully requested to:

- Set aside the decision of the Planning Authority; and
- Grant retention permission for the single-storey rear extension and the single-storey detached garden room / office / gym as shown on the submitted plans and particulars.

The applicants remain available to address any points of detail or to submit further clarification if the Commission considers it necessary.

3.0 Background details

3.1 Zoning and the principle of development

Under the Dún Laoghaire-Rathdown County Development Plan 2022–2028, the subject site is located on lands zoned Objective A, with a land-use zoning objective "To provide residential development and improve residential amenity while protecting the existing residential amenities." Residential extensions and detached garden rooms are permissible in principle under this zoning, subject to the policies and development-management standards of the Plan (in particular Sections 12.3.7 and 12.8.3.3).

3.2 Site location and Description

DLRCC's Planner's Report states:

The application address is No. 50 Richmond Park, Monkstown, Blackrock, Co. Dublin, A94C3N8. The subject site is located toward the southern side of Richmond Park which is a large residential cul-de-sac centred around the original Richmond Park House. The cul-de-sac is comprised of both single and two-storey dwellings of varying architectural style and design. On site is a two-storey end of terrace dwelling with pitched roof profile. The dwelling has an existing single-storey extension to the rear and a single-storey garden room within the rear garden also. The dwelling is setback from the public roadway and is served by off-street parking within the front curtilage of the property. The subject site is bounded by No. 49 Richmond Park to the west, No. 47 Richmond Park to the south and Nos. 52, 53, & 54 Richmond Park to the east. The subject site has a stated area of 0.015ha.

Most properties in this area – including those adjoining and surrounding our client's property – maintain a rear extension and a garden shed or room (of some kind). It is difficult to understand how DLRCC has found issue with our client's very modest rear extension and garden room.

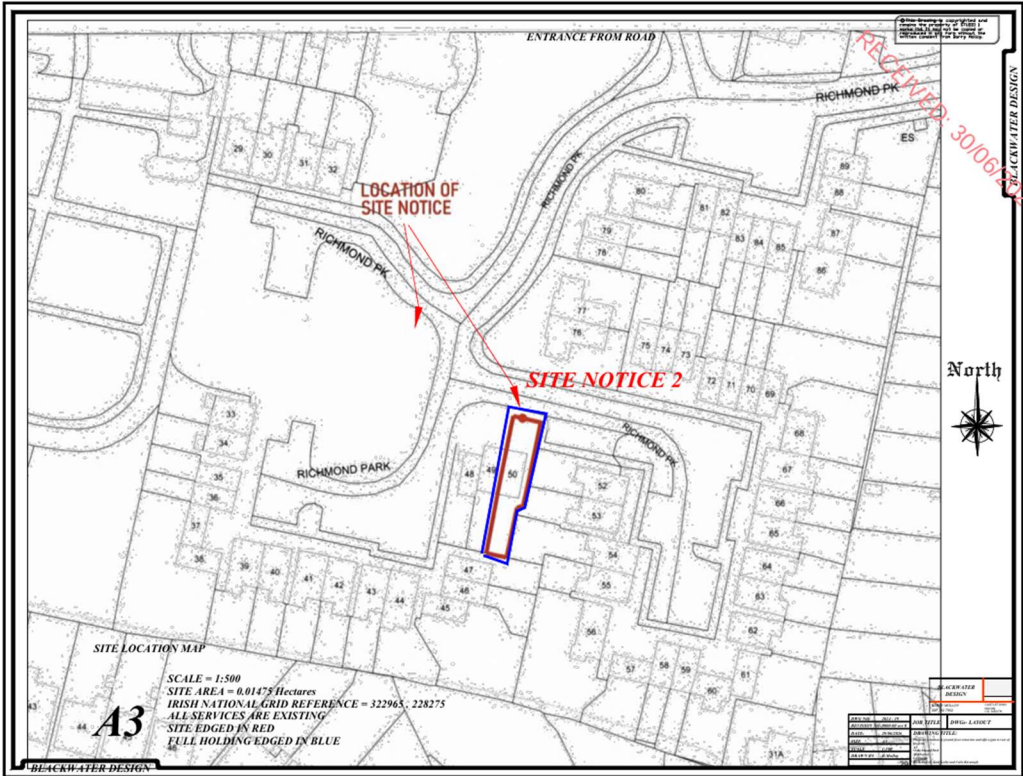


Fig. 2: The location of the site (Source: Site Location Map)



Fig. 3: The existing context (Source: Google Earth)

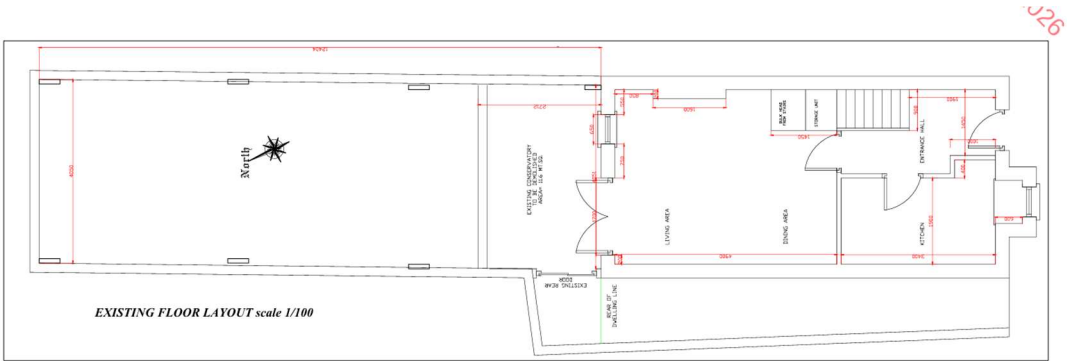


Fig. 4: The existing floor layout (Source: Planning application drawings)

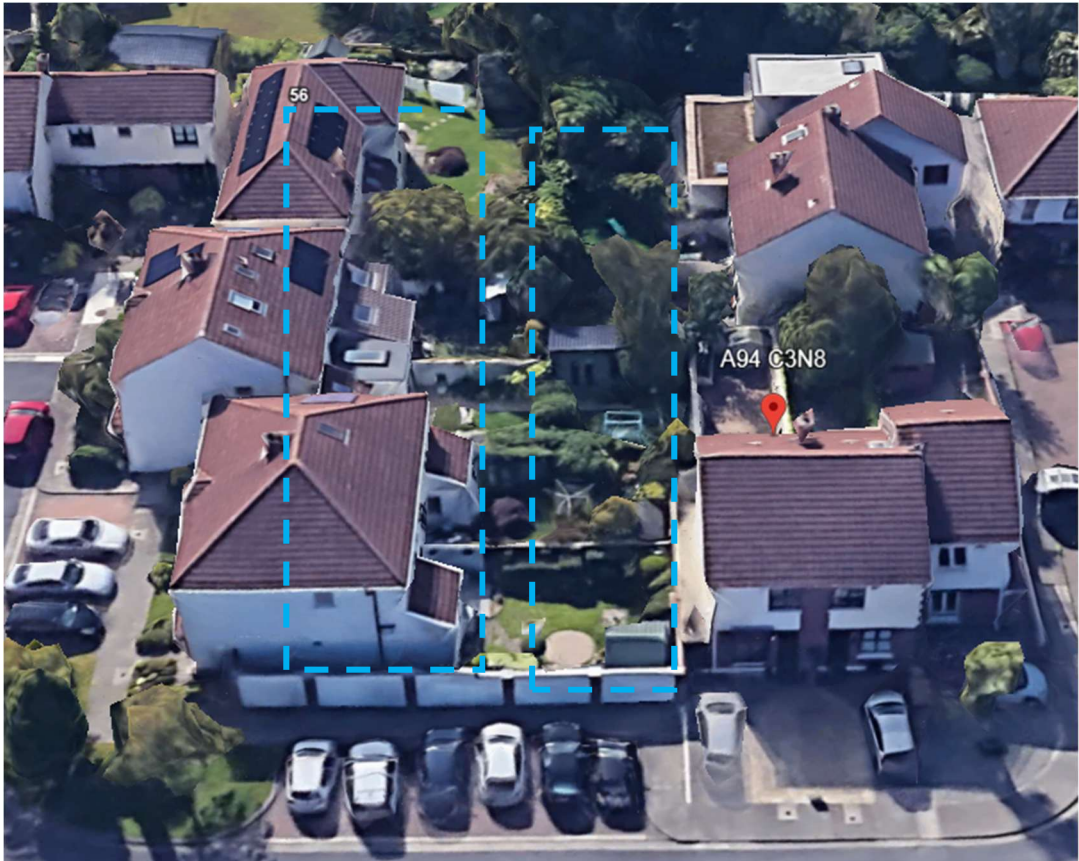


Fig. 5: Properties adjoining and surrounding client's property have all been extended to the rear and most maintain a shed or garden room (Source: Google Maps)



Fig. 6: Properties adjoining and surrounding client's property have all been extended to the rear and most maintain a shed or garden room (Source: Google Maps)



Fig. 7: Properties adjoining and surrounding client's property have all been extended to the rear and most maintain a shed or garden room (Source: Google Maps)

3.3 Planning & Enforcement History

There is a relevant planning and enforcement history for the subject site, summarised as follows:

- **D23B/0191 / ABP-317518-23** – Permission **granted (and upheld on appeal)** for, *inter alia*, demolition of a single-storey conservatory, construction of a single-storey front porch, a two-storey side extension, a cantilevered first-floor rear extension, and a detached garden office/gym with associated toilet and shower, together with associated works.
- **D25B/0434/WEB** – Retention permission refused for the as-built rear extension, first-floor French doors/balcony, and garden room (decision dated 25 September 2025). The principal reasons related to alleged impacts on neighbouring amenity (overlooking, overshadowing, overbearing) arising from the garden room with canopy and the first-floor roof terrace, together with concerns about the quality and quantum of remaining open space.
- **ENF 00225** – Enforcement file relating to non-compliance with the 2023 permission (principally the creation of a balcony area accessed via temporary first-floor French doors). Warning letters issued. The temporary first-floor French doors and Juliet balcony have since been fully removed and the elevation restored.
- Two subsequent applications (D26B/0080/WEB and another) were withdrawn to allow the current application (with the temporary first-floor elements omitted) to proceed.

The current application seeks only the retention of the single-storey rear extension, and the single-storey detached garden room. The previously contentious first-floor elements have been remedied without the need for planning permission.

3.4 Development to be retained

The development for which retention is sought comprises:

1. A single-storey rear extension (approximately 4.7–4.8 m deep, full width of the existing dwelling, flat roof with rooflight, height approximately 2.725 m); and
2. A single-storey detached garden room / office / gym (approximately 3.6 m × 4.05 m external, internal floor area circa 12.4 sq.m, lean-to roof falling from approximately 2.95 m to 2.46 m, containing a toilet).

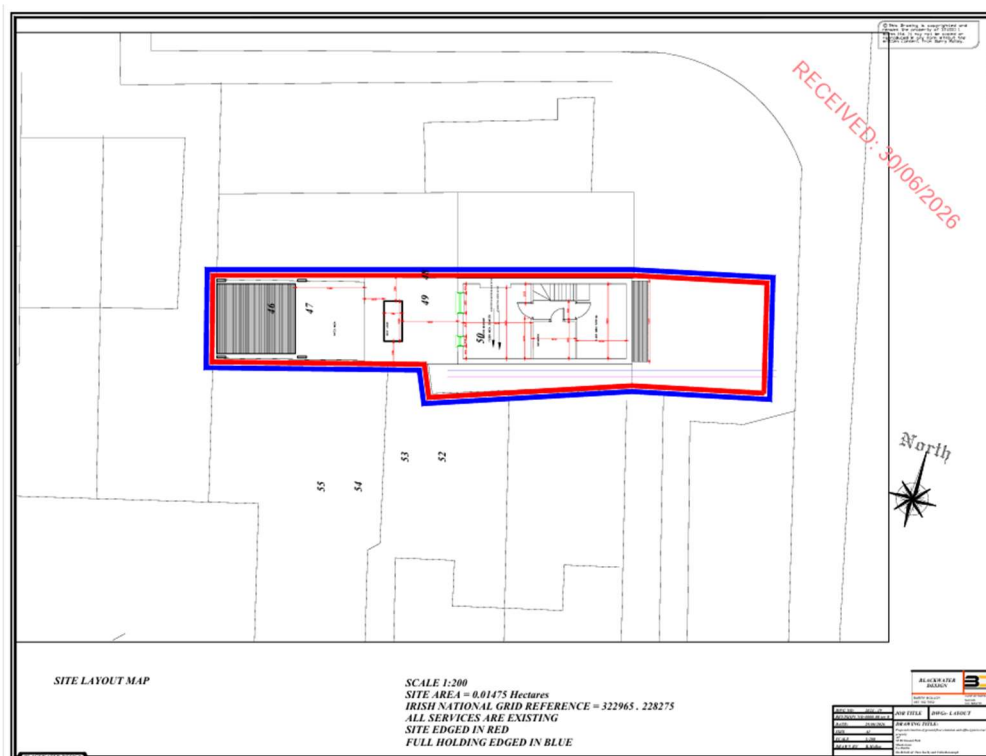
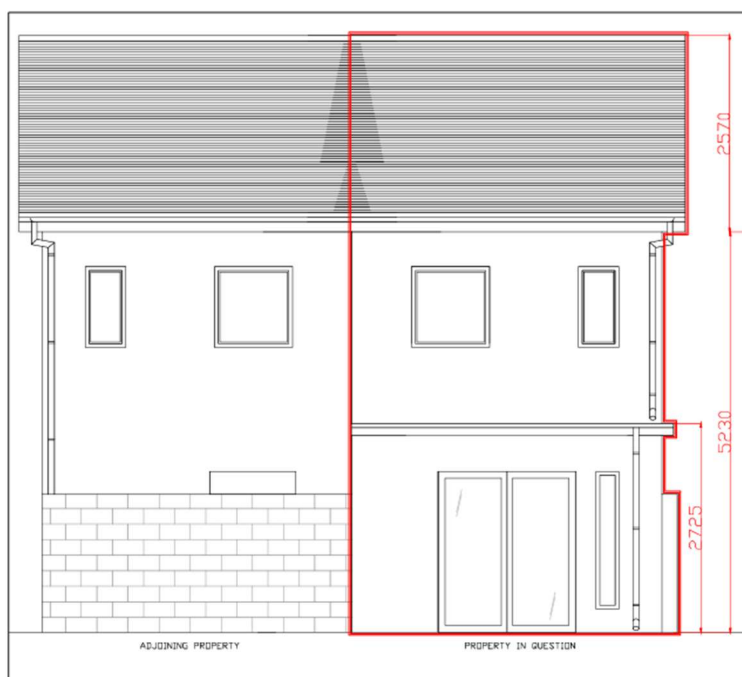


Fig. 8: Site Location Map (Source: Existing and Proposed Site Layout Plan)



REAR ELEVATION`scale 1/100

Fig. 9: Rear elevation with the 'as-built' ground level extension in place

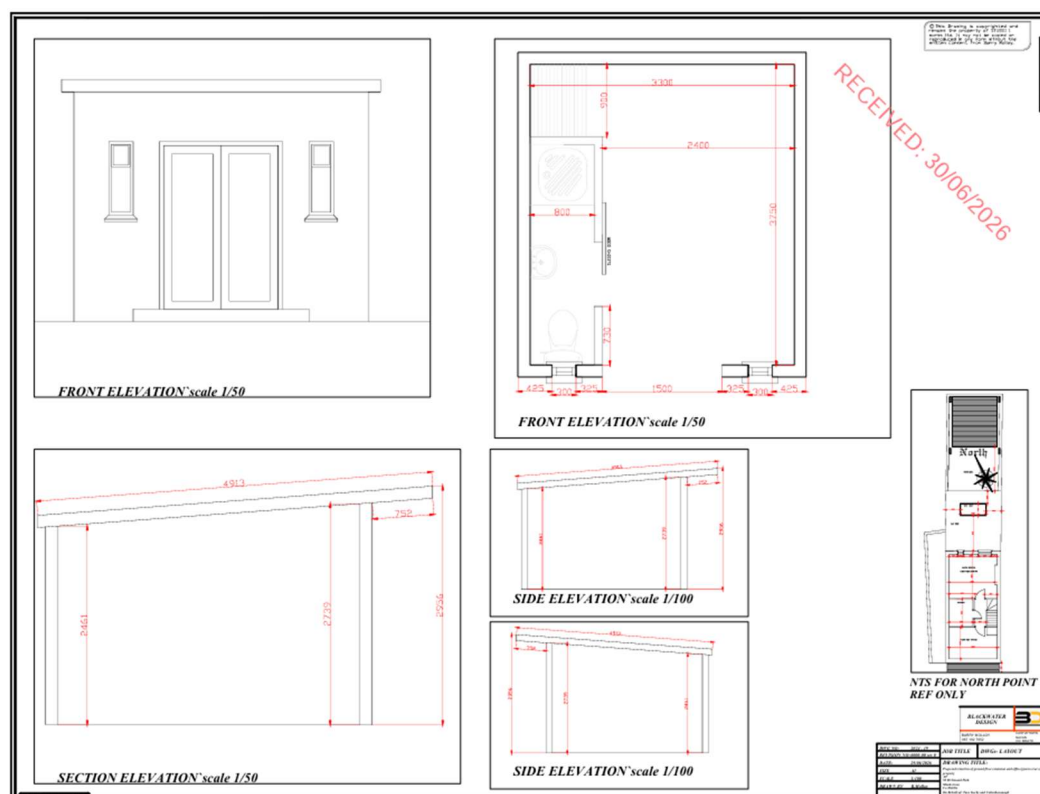


Fig. 10: Elevations of the office/gym room to the rear of property (Source: Submitted drawings)

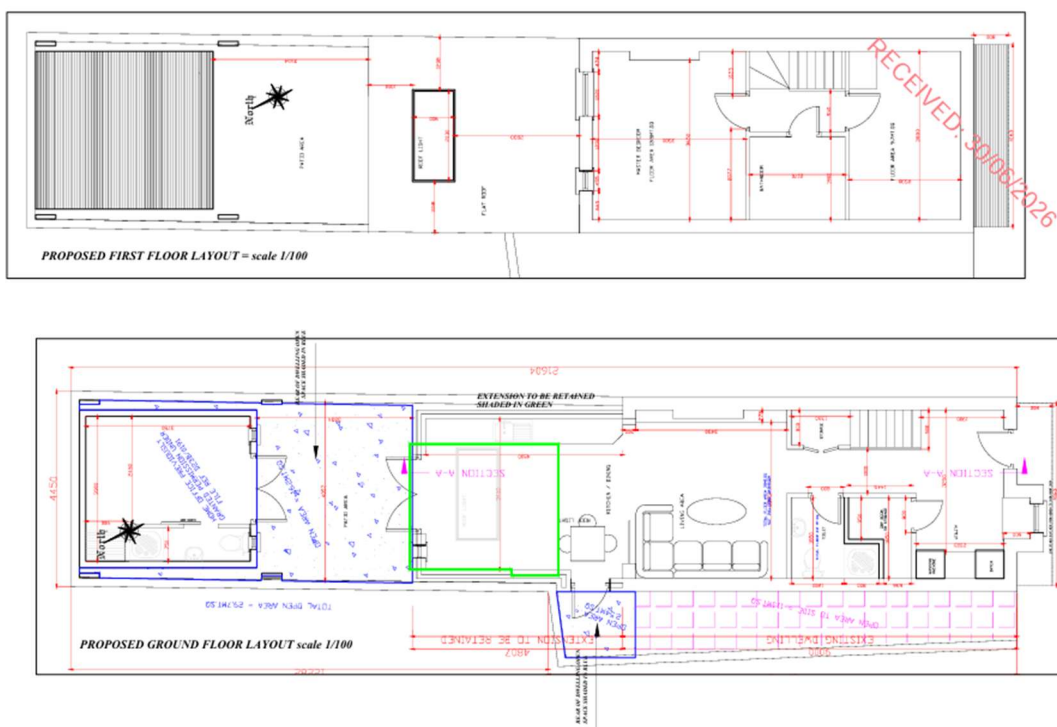


Fig. 11: As-built floor plans – “proposed” to be retained (Source: Submitted drawings)

3.5 Relevant Planning Policy

This planning appeal pertains to a refusal of retention permission for a modest single-storey rear extension and a single-storey garden room.

The following national, regional and local policy documents are particularly relevant:

- National Planning Framework (and Revised NPF) – NPO 34 (adaptation of existing housing stock);
- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) – especially SPPR 1 (separation distances at ground level) and SPPR 2 (private open space);
- Planning and Development (Exempted Development) Regulations 2026 (S.I. No. 338/2026, effective 27 July 2026) – increasing the Class 1 extension exemption to 45 sq.m and the Class 3 garden-structure exemption to 30 sq.m, and introducing a new Class for auxiliary habitable structures; and
- Dún Laoghaire-Rathdown County Development Plan 2022–2028 – Objective A zoning; Policy PHP19 (Existing Housing Stock Adaptation); Sections 12.3.7 (Additional Accommodation in Existing Built-up Areas), 12.3.7.1 (Extensions to Dwellings), 12.3.7.4 (Detached Habitable Room) and 12.8.3.3 (Private Open Space for Houses).

3.6 No Technical Objections from Internal DLRCC Departments and Sections

The planning file and Planner's Report confirm that no internal Department or Section of the local authority raised any technical concerns (drainage, roads, etc.) that would warrant refusal. The only issue identified by the case planner relates to the quantum and quality of remaining private open space.

3.7 No Third Party Objections or Observations

There were no Third Party objections or observations submitted to DLRCC in respect of this planning application. This confirms that no adjoining or surrounding properties are opposed to or concerned in any way by this planning application, which was properly advertised with site notice in place, etc. for five weeks.

3.8 Error / Over-statement in the DLRCC Planning Assessment

The Planner's Report places excessive weight on a rigid application of the 48 sq.m private-open-space standard in Section 12.8.3.3(i). That standard is framed primarily for new dwellings. Section 12.3.7 and the text of Section 12.8.3.3 itself expressly permit case-by-case relaxation for existing dwellings, particularly

where qualitative factors (southerly aspect, semi-private front space, amenity value of the garden room itself) are present. The Report also under-states the policy direction of the 2024 Compact Settlements Guidelines and the 2026 Exempted Development Regulations, both of which favour greater flexibility for modest rear extensions and garden structures.

The Planner's Report calculates remaining private open space at approximately 16 sq.m (rejecting the side passage and front hardstanding as quality space) and considers this area to be of low amenity value due to overshadowing. This forms the entire basis of the refusal.

4.0 Grounds for Appeal

The Commission is invited to grant retention permission for the single-storey rear extension and single-storey detached garden room. The following grounds are advanced in support of that request. Each ground is expanded with reference to the facts, the Development Plan, national policy, planning law principles, and the unreasonableness of the Planning Authority's approach.

The applicants obtained a full grant of planning permission in 2023 (D23B/0191, upheld on appeal under ABP-317518-23) for what they regarded as their "dream" extension scheme - a carefully designed package that included a two-storey side extension, a cantilevered first-floor rear extension, and a detached garden room. Implementation of that permission proved impossible because the adjoining neighbour refused to grant the access necessary to construct the permitted works. Faced with this practical barrier, and with builders already mobilised on site, the applicants sought to proceed with what they genuinely believed were exempted-development alternatives. They now accept that they misunderstood the precise limitations of the exempted-development provisions.

What stands on the site today is a modest, single-storey compromise that allows them to make do. They know it is not the scheme they had permission for and that it is not ideal. They simply do not understand why an honest, if mistaken, attempt to adapt their small home in the face of an access impasse has resulted in such prolonged enforcement action and an ultimately punitive refusal of retention for structures that are, by any objective measure, minor.

4.1 **Ground 1: The development is of a very minor nature and does not constitute overdevelopment**

The structures the subject of this appeal are, by any objective measure, minor.

The rear extension projects approximately 4.7–4.8m, is single-storey only, has a flat roof with one rooflight, and stands approximately 2.725 m high. The garden room has an internal floor area of approximately 12.4 sq.m, a low lean-to profile (maximum height approximately 2.95 m falling to 2.46 m), and contains only a toilet in addition to the office/gym space.

These are precisely the type of modest domestic structures that the planning system routinely regards as acceptable, and which the 2026 Exempted Development Regulations (S.I. No. 338/2026) have now placed firmly within (or very close to) the thresholds of exemption. The increase in the Class 1 extension exemption to 45 sq.m and the Class 3 garden-structure exemption to 30 sq.m is a clear legislative signal that structures of this scale are considered minor and should not, in ordinary circumstances, be the subject of protracted enforcement or refusal.

The applicants' position is straightforward. They had secured permission for a more ambitious scheme. When neighbour access made that scheme undeliverable, they attempted (incorrectly, as it turned out) to rely on the exempted-development provisions. The result is a single-storey rear extension and a small garden room that allow them to make do in a constrained urban house. They accept that the outcome is not ideal and is not what they originally planned. That very modesty, however, is the strongest argument against treating the development as overdevelopment or as something that requires the heavy hand of refusal. To characterise these structures as overdevelopment is to strain the ordinary meaning of the term beyond recognition. Overdevelopment implies a scale or intensity of development that is materially out of character with the site or that causes demonstrable harm. Neither is present here.

It is a long-established principle of planning law that the planning system should not be used to pursue *de minimis* or minor matters in a disproportionate manner. The structures here fall squarely into that category.

The Planning Authority's conclusion that the development constitutes overdevelopment rests almost exclusively on a rigid arithmetic application of the 48 sq.m private-open-space standard. That approach is flawed for the reasons set out in Ground 2. Once the open-space point is properly assessed, no residual basis remains for a finding of overdevelopment.

4.2 Ground 2: Private open space: misapplication of standards and failure to conduct a proper qualitative assessment

The sole substantive reason for refusal is the alleged inadequacy of remaining private open space (calculated by the planner at approximately 16 sq.m) and its claimed low amenity value.

Section 12.8.3.3(ii) of the County Development Plan sets a 48 m² standard for 1–2 bedroom houses. That standard is framed primarily by reference to new dwellings. Section 12.3.7 and the text of Section 12.8.3.3 itself expressly contemplate case-by-case relaxation for existing dwellings.

National policy now provides a clearer benchmark. SPPR 2 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) sets a private open space standard of 30 sq.m for a two-bedroom house and expressly allows flexibility in appropriate circumstances. Even if the Planning Authority's restrictive figure of approximately 16 sq.m is accepted for argument, the residual rear garden (with its southerly aspect), the functional amenity provided by the garden room itself, and the usable side passage together deliver a level of private amenity that is not materially out of step with the direction of national policy for compact urban housing.

The side passage is not merely a means of access. The applicants use it regularly as part of their outdoor living space - for seating and for barbecuing - depending on the position of the sun. It forms a genuine component of the usable private open space of the dwelling and should be recognised as such in any qualitative assessment.

The front curtilage, while hardstanding, provides semi-private space of a type commonly accepted in urban settings. The rear garden retains a usable patio area with a southerly aspect. The garden room itself contributes positively to the amenity of the household. The Compact Settlements Guidelines reinforce a flexible approach and recognise that compensatory or semi-private space may be taken into account.

The Apartment Guidelines provide a useful comparative benchmark: a two-bedroom apartment is required to have only 6–7 sq.m of private open space plus a similar quantum of communal space. The residual garden and semi-private frontage at the appeal site comfortably exceed that level of provision while also delivering the functional benefit of the garden room.

The planner's assertion that the remaining space is of "very low amenity value" because of overshadowing is overstated. The structures are low in height, the garden is south-facing, and the previously criticised canopy has been removed. Residual sunlight and usability remain acceptable for a constrained urban site of this size.

In short, the open-space objection is not sustainable when the correct qualitative, policy-compliant assessment is applied.

4.3 Ground 3: No undue impact on the residential amenities of adjoining properties

The development is single-storey only. There is no overlooking.

Overbearing and overshadowing impacts are limited by the modest heights, existing boundary treatments, and the orientation of the site. The Compact Settlements Guidelines (SPPR 1) expressly provide that there shall be no specified minimum separation distances at ground level; impacts are to be assessed on a case-by-case basis. No significant adverse impact on any adjoining property arises.

It is also material that the scheme previously permitted under D23B/0191 (and upheld by the Commission under ABP-317518-23) was considerably larger and more impactful. It included a two-storey side extension and a cantilevered first-floor rear extension. What is now sought to be retained is entirely single-storey, lower in height, and less impactful on both neighbouring properties and the public realm than the development the Commission previously accepted on this site.

4.4 Ground 4: Strong policy support for the retention of the development

National and local policy actively supports the adaptation of existing housing stock to meet the evolving needs of households.

NPO 34 of the National Planning Framework (and the Revised NPF) encourages the improvement and adaptation of existing homes.

Policy PHP19 of the County Development Plan is to the same effect.

The Compact Settlements Guidelines (2024) promote flexible approaches to density and amenity in existing urban areas and discourage rigid application of standards that would prevent reasonable home improvements.

The Planning and Development (Exempted Development) Regulations 2026 represent a clear legislative endorsement of greater flexibility for precisely the type of modest rear extension and garden structure the subject of this appeal.

To refuse retention of structures that sit comfortably within (or very close to) the new exemption thresholds would be inconsistent with the direction of national policy. The Planning Authority's decision fails to give these policy instruments the weight they deserve.

4.5 Ground 5: The Planning Authority has adopted a punitive approach and has unreasonably held the enforcement history against the applicants

The applicants accept that the structures were erected without the benefit of the 2023 permission and that an enforcement file was opened. They have, however, acted throughout in good faith and under significant practical difficulty.

They had obtained a full grant of permission for their preferred scheme. Implementation of that permission was frustrated by the adjoining neighbour's refusal to allow the necessary construction access. With builders already on site and the permitted scheme rendered undeliverable, they sought to proceed with what they genuinely (if mistakenly) believed were exempted-development alternatives. They now accept that they got the exempted-development assessment wrong. What remains on site is a modest single-storey compromise that allows them to make do. They know it is not ideal and is not the development they had permission for.

The focus of this appeal is on the planning merits of the development as it stands today. The applicants have removed the temporary first-floor elements that were the principal source of earlier concern, have commissioned accurate survey drawings, and have lodged successive applications with the explicit intention of regularising the position. The current application is the proper vehicle for that regularisation.

Enforcement exists to secure compliance; once an application for retention is made, the merits of the development fall to be assessed under the ordinary criteria of proper planning and sustainable development. The existence of a prior enforcement file is not, in itself, a reason for refusal, still less a reason for a punitive approach.

The Planning Authority's handling of this case has been punitive. It has allowed the enforcement history to colour its assessment of what is, on any objective view, a minor domestic development that raises no material amenity, visual or technical issues. The applicants have removed the temporary first-floor elements that were the principal source of earlier concern, have commissioned accurate survey drawings, and have lodged successive applications with the explicit intention of regularising the position. The current application is the proper vehicle for that regularisation.

To refuse retention of these modest structures - structures that the applicants themselves regard only as a pragmatic "make-do" solution after their permitted scheme was frustrated - would be disproportionate. The planning system should assess the development on its own merits. Once the open-space point is properly considered, the development is acceptable and the enforcement history should not be allowed to outweigh that assessment.

4.6 Ground 6 – Consistency with the pattern of development in the immediate area and with the earlier grant of permission

Virtually every property in the immediate vicinity has been extended to the rear and most contain a garden room, shed or similar structure. The appeal development is entirely consistent with this established pattern.

Moreover, a garden room in essentially the same location was previously permitted under D23B/0191 / ABP-317518-23. While the as-built version differs in precise dimensions and detailing, it is not a materially more impactful structure. The current application simply seeks to regularise the form that was actually constructed after practical difficulties prevented full implementation of the 2023 permission.

4.7 Ground 7 – Absence of any technical or third-party objections confirms the minor and acceptable nature of the development

No internal Department or Section of the Planning Authority raised any technical objection (drainage, roads, etc.). No third-party observations were received. The application was properly advertised.

The complete absence of any external or internal technical concern is powerful confirmatory evidence that the development is minor and acceptable under all of the standard assessment headings routinely applied by Dún Laoghaire-Rathdown County Council. The sole basis for refusal is an overly rigid and, it is submitted, incorrect application of the private-open-space standard.

4.8 Ground 8 – Overall proper planning and sustainable development

When the development is assessed under the ordinary headings of zoning compliance, residential amenity, visual impact, traffic, drainage, and national policy, it is acceptable. The residual open-space concern, properly analysed, does not justify refusal.

A grant of retention permission would:

- regularise a minor domestic development that causes no material harm;
- give effect to national policy favouring the adaptation of existing homes;
- be consistent with the pattern of development in the area and with the earlier Commission decision; and
- avoid the disproportionate outcome of requiring the removal of modest, well-used structures that enhance the amenity of a small urban dwelling.

For all of the foregoing reasons, the Commission is respectfully requested to grant retention permission.

5.0 Conclusion

This appeal concerns a modest single-storey rear extension and a small single-storey garden room at a constrained end-of-terrace house. The applicants had secured permission for a more ambitious scheme in 2023. Implementation of that permission was frustrated by the adjoining neighbour's refusal to grant construction access. In those difficult circumstances they attempted, in good faith but incorrectly, to rely on the exempted-development provisions. What stands on the site today is a pragmatic "make-do" solution. They know it is not ideal and is not the development they originally planned.

The structures are minor by any objective measure. They cause no overlooking, no significant overshadowing or overbearing impact, and no technical difficulties. No third party objected. No internal Department of the Planning Authority raised any technical concern. The sole basis for refusal is an overly rigid application of a private-open-space standard that is framed primarily for new dwellings and that the Development Plan itself allows to be applied flexibly to existing houses.

The Planning Authority's approach has been punitive. It has allowed the enforcement history to dominate the assessment of a development that, on the ordinary criteria of proper planning and sustainable development, is acceptable. That approach is disproportionate and inconsistent with national policy favouring the adaptation of existing homes, with the Compact Settlements Guidelines, and with the clear direction of the 2026 Exempted Development Regulations.

The Commission is therefore respectfully requested to set aside the decision of Dún Laoghaire-Rathdown County Council and to grant retention permission for the single-storey rear extension and the single-storey detached garden room as shown on the submitted drawings. Such a decision would regularise a minor domestic development that causes no material harm, would give effect to national policy, and would restore a sense of proportion to a case that has been allowed to escalate far beyond the scale of the structures involved.

6.0 Recommendation

Having regard to the foregoing, it is respectfully requested that An Coimisiún Pleanála allow this appeal and grant retention permission for the single-storey rear extension and the single-storey detached garden room / office / gym at 50 Richmond Park, Monkstown, Blackrock, Co. Dublin, in accordance with the plans and particulars lodged with the planning application.

6.1 Reasons & Considerations

Having regard to:

- a) the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022–2028, and in particular the Objective A zoning, Policy PHP19 (Existing Housing Stock Adaptation), Section 12.3.7 (Additional Accommodation in Existing Built-up Areas), Section 12.3.7.1 (Extensions to Dwellings), Section 12.3.7.4 (Detached Habitable Room) and Section 12.8.3.3 (Private Open Space for Houses), which together permit modest residential extensions and garden rooms and allow for case-by-case relaxation of numerical open-space standards for existing dwellings;
- b) the modest scale and single-storey nature of the development to be retained, comprising a rear extension of approximately 4.7–4.8 m depth and a garden room of approximately 12.4 m² internal floor area with a low lean-to roof profile;
- c) the physical context of the site, including its constrained size, end-of-terrace location, southerly rear aspect, the established pattern of rear extensions and garden rooms on adjoining and surrounding properties, and the absence of any significant overlooking, overshadowing or overbearing impact on neighbouring amenities;
- d) the practical difficulties that prevented implementation of the earlier grant of permission (D23B/0191 / ABP-317518-23), the applicants' subsequent good-faith (if mistaken) reliance on the exempted-development provisions, and the fact that the temporary first-floor elements that had been the principal source of earlier concern have been fully removed;
- e) the absence of any third-party objections or internal technical objections from Departments or Sections of the Planning Authority;
- f) the national policy direction set out in the National Planning Framework (NPO 34), the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) (particularly SPPR 1 and SPPR 2), and the Planning and Development (Exempted Development) Regulations 2026 (S.I. No. 338/2026), all of which support the adaptation of existing housing stock and greater flexibility for modest rear extensions and garden structures;
- g) the principle of proportionality in planning decision-making and the long-established approach that the planning system should not pursue minor or de minimis domestic development in a punitive manner; and
- h) the fact that the development, properly assessed under the ordinary criteria of proper planning and sustainable development, raises no material amenity, visual or technical issues that would justify refusal.

it is considered that the development to be retained is acceptable and that the Planning Authority's decision to refuse retention permission is disproportionate, overly rigid in its application of open-space standards, and contrary to the proper planning and sustainable development of the area.

The Commission is therefore requested to allow the appeal and to grant retention permission.

Signed:

Brendan Byrne Buck

BPS Planning & Development Consultants LTD

Members of the Irish Planning Institute

28 August 2026