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VIA ONLINE APPEALS PLATFORM

03 November 2026

An Coimisiún Pleanála
64 Marlborough Street
Dublin 1

RE: Retention Permission for the construction of a detached dormer style garage (130 sq. m. gross floor area) and all ancillary works at Wynfield House, Ticknock Road, Dublin 18.

REF No. [DLRCC Reg. Ref. D26B/0417/WEB]

FIRST PARTY PLANNING APPEAL

Dear Sir/Madam,

We act for the applicants, Rod McGovern and Emma Dooney, Wynfield House, Ticknock Road, Dublin 18.

This is an appeal by Rod McGovern and Emma Dooney against the decision of Dún Laoghaire Rathdown County Council (DLR) dated 07 October 2026 to refuse to grant retention permission for the above proposed development.

Please find attached a copy of the decision. Payment of the € 660.00 appeal fee has been made through the Commission's online portal.

The applicants are disappointed with the decision and the Council's planning assessment of the development to be retained having regard to the planning history of the site and their response to the request for further information. Our clients' grounds of appeal are set out below.

1. BACKGROUND TO THIS APPEAL

Site Planning History

1.1 Permission Reg. Ref. D07A/0922 was granted on 17 October 2007 for a stud and equine rehabilitation centre, a 2 storey dwelling house with partial basement, integrated garage, access road, landscaping, septic tank and percolation area, boundary treatments and ancillary site works subject to 12 no. conditions.

1.2 The duration of this grant of permission was extended to 17 October 2017 under Reg. Ref. D07A/0922/E1.

1.3 The approved site layout was amended pursuant to Reg. Ref. D12A/0398 dated 12 March 2014. The amendments to the permitted layout comprise; (1) the omission of the basement (c. 112 sq. m.) ; (2) an increased percolation area and (iii) the relocation of fencing to accommodate the increased percolation area.

1.4 The applicants implemented the original grant of planning permission pursuant to Reg. Ref. D07A/0922 as amended by Reg. Ref. D12A/0398. There are no prior to commencement of development compliance conditions. They paid the applicable development contributions to DLRCC and carried out the works pursuant to the approved site layout plan.

1.5 The equine rehabilitation centre including, inter alia, the stables and courtyard located at the south of the dwelling house was not built at that time. It is intended to complete this element of the development later as per our clients' FI response (see para. 1.10 below).

1.6 Planning permission Reg. Ref. D07A/0922 as amended by Reg. Ref. D12A/0398 expired on 17 October 2017.

1.7 Rod McGovern and Emma Dooney built a free standing dormer style garage at the rear of the house (see Site Plan Nelson O'Neill Associates (NONA) DRWG. No. A26007-ga-00).

1.8 DLR served a Warning Letter Ref. ENF 10526 dated 10 April 2026 in respect of the detached dormer garage structure. The applicants responded to the Warning Letter by preparing this application for retention permission (Reg. Ref. D26B/0417/WEB). Floor plans, section and elevation details of the garage are provided on NONA DRWG. No. A26007-ga-00.

1.9 On 10 September 2026, DLR issued a request for Further Information as follows.

> *1. The Applicant is invited to provide commentary pertaining to the status of the equine rehabilitation centre, stud, paddock area and associated facilities permitted under Reg. Ref. D07A/0922, as amended by Reg. Ref. D12A/0398. The Applicant is requested to demonstrate how the structure proposed for retention relates to and is compatible with the development previously permitted on the site, having regard to the conditions of the parent permissions, the planning rationale underpinning those permissions, and the applicable zoning objective. Clarification should be provided as to whether the retained structure replaces, supersedes or alters any element of the approved equestrian development.*

1.10 Our clients' response of 17 September 2026, copy attached sets out their position clearly. The response outlines the challenges and delays associated with the implementation of the original grant of planning permission. The response also confirms the applicants long-term commitment to the permitted use and refers to a future planning application for a stud and equine facility at Wynfield House.

1.11 The response considers the relationship between the previously permitted development and the garage to be retained. The applicants explicitly address this in the following extract from their 17 September response.

> *"The garage therefore does not preclude, diminish or interfere with the delivery of the permitted equine enterprise, and the courtyard area is readily capable of being reconfigured to accommodate the garage's footprint without material effect on the operation of the permitted use."*

1.12 NONA DRWG. No. A26007-OS-01, attached, is a 1:1000 scale A1 size Site Plan showing the garage to be retained in relation to the house and the previously permitted stables and courtyard layout. Figure 1 below is an extract from this Site Plan showing that the garage overlaps part of the courtyard. However, the garage to be retained does not overlap or conflict with the stables, outdoor arena, paddocks and any building granted at Reg. Ref. D07A/0922 as amended by permission D12A/0398.

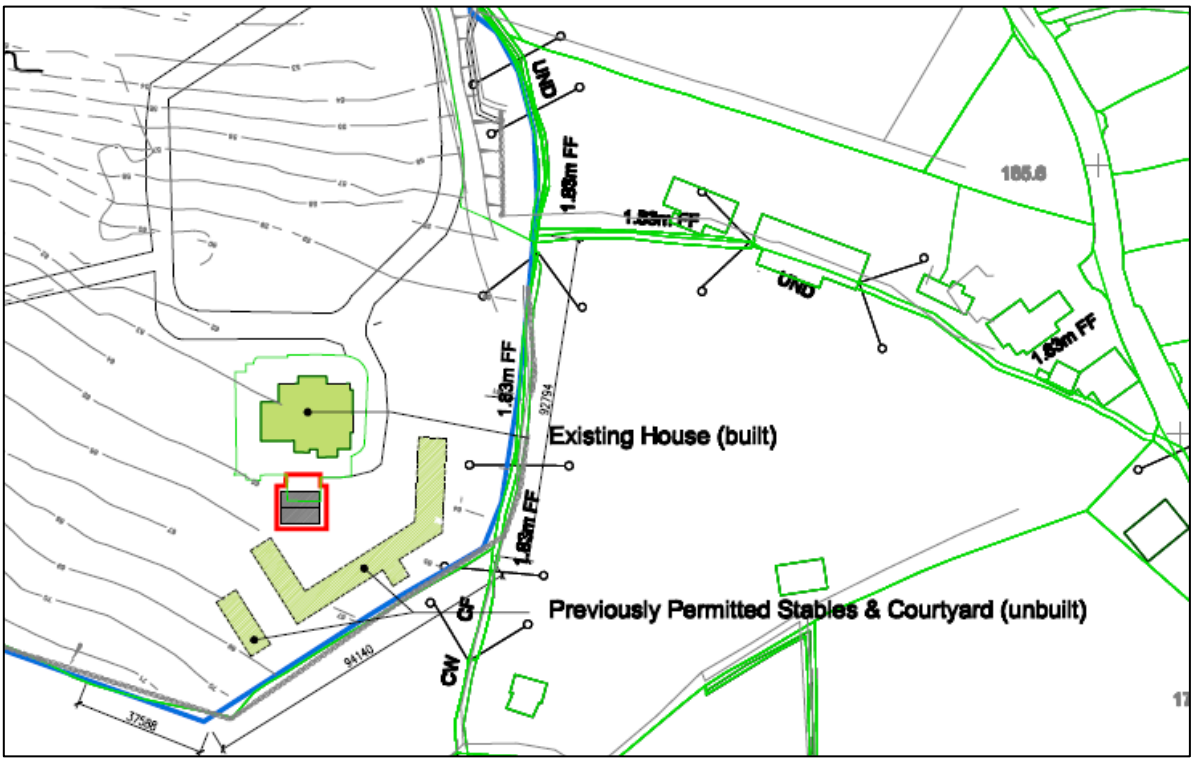


Figure 1: Extract from Site Plan [NONA DRWG. No. A26007-OS-01]

1.13 The applicants' FI response addresses the Council's concerns regarding the capability of the site to accommodate the garage alongside the stud and equine facilities.

1.14 Finally, the applicants reiterate that the garage does not replace or supersede any element of the approved equestrian development and that its retention will require only a minor adjustment of the permitted courtyard, and no alterations to the stables, arena and paddocks. It is also acknowledged that the future application for the stud and equine facility will incorporate a revised courtyard layout to reflect the garage structure thereby ensuring a coherent functional overall layout.

1.15 In view of this response, which addresses the request for Further Information, our clients are extremely frustrated by the Council's decision to refuse permission.

2 GROUNDS OF APPEAL

2.1 The wording of the Council's decision is set out in full below. Each part of the Council's reason for refusal is underscored and is then assessed in turn.

> *1. The applicant has failed to satisfactorily clarify the status of the previously permitted equine centre and to demonstrate how it might be delivered in accordance with both the permission and with the development proposed for retention. The proposed development for retention is mutually exclusive in spatial and locational terms with the layout shown for the permitted equine centre. It is noted that the equine centre and the house are both integral and interrelated components of the permission granted on these 'B' zoned lands. The subject proposal would therefore be contrary to Condition 1 of the original planning permission Ref. D12A/0398 and would be contrary to the proper planning and sustainable development of the area.*
>
> [Emphasis added by Kiaran O'Malley and Company Limited]

The applicant has failed to satisfactorily clarify the status of the previously permitted equine centre and to demonstrate how it might be delivered in accordance with both the permission and with the development proposed for retention.

2.2 The applicants reject DLR's assertion that they failed to clarify the status of the previously permitted equine centre or demonstrate how it might be delivered. Further Information lodged on 17 September 2026 could hardly be clearer and directly addresses these matters. Based on the reasoning in its decision, DLR does not agree or accept the response, and the Commission is respectfully invited to agree that the applicants clarified the status of the previously permitted equine centre.

2.3 DLR will be aware that the grant of permission authorising the house and the equine centre withered more than nine years ago and a fresh grant of permission is required to complete the stud and equine facility. Given the modest overlap between the garage to be retained and the previously permitted courtyard, retention permission could have been granted without jeopardizing any future proposal for the stud and equine facility.

2.4 The applicants confirm that this minor conflict will be addressed in a fresh application for the stud and equine facility. Accordingly, the emphasis placed by the Council on a layout in an expired planning permission is flawed, the assessment is unreasonable and the Council's decision to refuse retention permission is not justified.

The proposed development for retention is mutually exclusive in spatial and locational terms with the layout shown for the permitted equine centre. It is noted that the equine centre and the house are both integral and interrelated components of the permission granted on these 'B' zoned lands.

2.5 It is acknowledged that the garage is built to the rear (south) of the dwelling house and that it overlaps a small area of the previously approved courtyard (see Figure 1 above). However, the original permission for the courtyard expired in October 2017 and there is no extant grant of permission to carry out any further development within the curtilage of Wynfield House including any development in the vicinity of the garage to be retained. Hence, there is no conflict between the garage and any current grant of permission.

2.6 The appellants submit that this is not a reasonable basis for refusal. They consider that DLR has not had adequate regard to their Further Information response wherein they confirmed their commitment to apply for permission for a stud and equine facility with a revised courtyard to accommodate the garage resolving any potential conflict.

2.7 It appears from the second sentence above that the Council's rationale for this part of its decision to refuse retention may relate to the original grant of permission, and specifically to the partial completion of the permitted development. The latter is also addressed in the applicants' response to Further Information to which the Commission is referred.

2.8 We emphasize that any works completed within the life of the permission are authorised, from which it follows that the dwelling house and associated works completed within the appropriate period on foot of permission Reg. Ref. D07A/0922 as amended are authorised in accordance with Section 40(1) of the Act of 2000.

2.9 Planning permission has lapsed for the remaining works not completed within this period including the stables and the stables courtyard.

2.10 We reiterate that the courtyard will be modified to accommodate the garage in a future application for the stud and equine facility, and that a grant of retention permission for the garage will not jeopardize the delivery of the stud and equine facility.

The subject proposal would therefore be contrary to Condition 1 of the original planning permission Reg. Ref. D12A/0398 and would be contrary to the proper planning and sustainable development of the area.

2.11 As permission Reg. Ref. D12A/0398 has withered, we fail to understand the logic in this part of the decision. Where there is a breach of a condition, or non-compliance with any requirement in a grant of permission, planning authorities ordinarily pursue compliance by means of the provisions of Part VIII of the Planning and Development Act, 2000 (as amended). Save the Warning Letter issued in April 2010, which relates solely to the "dormer style detached structure to the rear of the property constructed post April of 2021 without the benefit of a grant of planning permission," there are no active or closed enforcement files in respect of the subject site.

2.12 It is not agreed that the proposed retention of the garage would be contrary to the proper planning and sustainable development of the area. No real planning reasons for refusing to grant retention permission are indicated in the decision. On the contrary, the assessments in both Planning Officer's Reports (September & October 2026) copies attached confirm that DLR considers the garage to be retained acceptable save for the Council's concerns regarding an alleged conflict with the permitted courtyard layout in the expired permission Reg. Ref. D07A/0922.

2.13 We welcome the analysis set out at pages 7 & 8 of the October Planning Officer's Report under the heading "Compliance with Detached Habitable Room Policy", which is based upon a site inspection and states, inter alia, as follows.

> *In this regard, the Planning Authority is satisfied that the nature and function of the structure are compatible with the established residential use of the site and that a reasonable need exists for such ancillary accommodation. Accordingly, the principle of the development is considered acceptable and consistent with the applicable provisions and objectives of the County Development Plan, under Objectives B and G.*

2.14 The rest of the assessment in this Planning Officer's Reports is very favourable with respect to visual impact and rural amenity and it concludes that the retention of the garage "would not result in a significant adverse visual impact on the surrounding landscape, would not detract from the rural character of the area, and would not adversely affect the high-

amenity environment of Ticknock." The Council considers that the development complies with the relevant provisions of the County Development Plan relating to the protection of rural amenity and landscape character.

2.15 The assessment includes a conclusionary statement on page 8 of the Planning Officer's Report, which states that "the proposed development is generally considered acceptable to the Planning Authority and is considered to accord with Section 12.37.4, Detached Habitable Rooms of the Dún Laoghaire Rathdown County Development Plan 2022-2028."

2.16 The applicants welcome the Council's comprehensive positive assessment of the garage to be retained with respect to the applicable provisions of the statutory County Development Plan. This conclusion contradicts the reason for refusal, which states that the development would be contrary to the proper planning and sustainable development of the area.

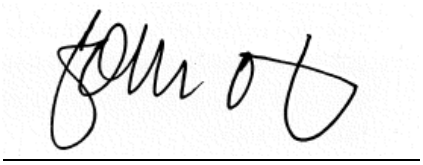
In conclusion, DLR's assessment and the rationale underpinning its decision fail to have regard to the expiry of the original grant of permission Reg. Ref. D07A/0922 as amended in October 2017. Accordingly, there is no conflict with any existing grant of permission. A further permission is required for the stud and equine facility and will include a modified courtyard to accommodate the garage to be retained. Our clients' Further Information response is clear in this regard. Where the Council's overall assessment is positive and the garage is considered acceptable to the planning authority, refusing retention permission serves no useful planning purpose.

We urge the Commission therefore to uphold this appeal and to grant retention permission for the garage for the main reasons, arguments and considerations set out above.

Our clients look forward to notification of your decision in due course.

Please acknowledge safe receipt and direct all correspondence to this office.

Yours faithfully,



John O'Malley
Kiaran O'Malley and Co. Ltd.
Encls

ENCLOSURES

1. DLR Planning Documents (Reg. Ref. D26B/0417/WEB)

    - DLR Decision to refuse to grant retention permission dated 07 October 2026
    - DLR Planning Officer's Report dated 10 September 2026
    - DLR Planning Officer's Report dated 07 October 2026

2. Response to Further Information dated 17 September 2026 (Reg. Ref. D26A/0417/WEB).
3. Nelson O'Neill Architects (NONA) DRWG. No. A26007-OS-01, 1:1000 scale Site Plan