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**Planning and Development Act 2000, as amended**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F25A/0525E**

**Appeal** by Alexander Tsedryk care of House and Extension Plans of 77 Camden Street Lower, Saint Kevin's, Dublin against the decision made on the 6<sup>th</sup> day of August 2025 by Fingal County Council to refuse permission for the retention of the following: insulated front façade; block and timber front boundary wall; single-storey sloped roof covered structure to the side for storage; single-storey metal prefab structure to the front for bike and boat storage; single-storey sloped-roof rear shed in use as a home office; and flat-roof open-canopied barbecue/amenity area to the rear at Saint Elmo's, Barrack Lane, Lusk, County Dublin.

## **Decision**

**GRANT** permission for retention of insulated front façade of the dwelling and single storey sloped roof covered structure to the northern side of the dwelling in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. **REFUSE** permission for retention of block and timber front boundary wall and single-storey metal prefab structure, single-storey sloped roof shed to the rear garden of the existing dwelling for use as a home

office; and open-canopied barbecue/amenity area based on the reasons and considerations marked (2) under.

### **Reasons and Considerations (1)**

Having regard to the nature and scale of the proposed development for retention (insulated front façade of the dwelling and the single-storey sloped roof covered structure to the northern side of the dwelling) it is considered that, subject to compliance with the conditions set out below, these elements of the development proposed for retention, would comply with the zoning objective for the site and the policies with respect of residential extensions and alterations in the ACA, as set out in the Fingal County Development Plan 2023–2029, would not be injurious to the visual or residential amenities of the area, or the special character of the Lusk ACA, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Conditions**

1. The elements of the development hereby granted shall be retained and completed in accordance with the plans and particulars lodged with the application.

**Reason:** In the interest of clarity.

### **Reasons and Considerations (2)**

1. The development for retention (block and timber front boundary wall, single-storey metal prefab structure for bike/boat storage and asphalted /tarmacadamed area forward of the dwelling), by reason of its design, scale and materials used, is not sympathetic to, and does not complement, the established character of Barrack Lane. As such, to grant permission for

retention of the development would seriously injure the visual amenity of the area, would adversely affect and detract from the Lusk Architectural Conservation Area (ACA) in contravention of Objective HCAO24 of the Fingal Development Plan 2023-2029, which requires proposals for any development affecting building(s) that contributes to the character of an ACA be sensitively designed, compatible with the special character of the ACA and appropriate in terms of the proposed scale, mass, height, architectural treatment, materials and impact on architectural features. The proposed development would, therefore, be considered to be contrary to the proper planning and sustainable development of the area.

2. The development for retention (single storey sloped roof shed to the rear of the garden for use of a home office) by reason of the internal layout presents as a separate unit of accommodation and fails to accord with SPPR 2 of the Sustainable Residential Developments and Compact Settlements – Guidelines for Planning Authorities in Urban Areas. The development also fails to comply with 'Section 14.10.4 Garden Rooms' and Objective DMSO32 of the Fingal Development Plan 2023-2029. The development proposed for retention would set an undesirable precedent for other similar developments within restricted rear garden areas and would, therefore, be contrary to the proper planning and sustainable development of the area.
3. The Commission is not satisfied, given the apparent lack of permeable or semipermeable surfaces across the site and in the absence of detailed drawings or engineering advice, that the development for retention (open canopied BBQ/amenity area, single storey sloped roof shed to the rear of the garden for use of a home office and asphalted/tarmacadamed area forward of the dwelling) appropriately addresses and complies with the planning authority's requirements for the disposal of surface water. The applicant has not demonstrated compliance with the provisions of the Fingal County Development Plan 2023-2029 and the development proposed to be retained



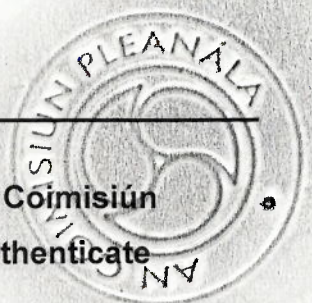
would be prejudicial to public health and, as such, would be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant retention permission for each element of the development proposed for retention, the Commission did not agree that the 'office/garden room' element should be conditioned to comply with the requirements set out in the SPPR2 or County Development Plan, the applicant should determine how they might proceed to bring that aspect into compliance or remove it.

The Commission was also concerned about the management of surface water and did not agree that this matter could be conditioned. While the Site Notice and Application did not specify that retention permission was being sought for the extensive hard surface (asphalt/tarmacadam) to the front of the dwelling, the accompanying drawings do, and the Commission was concerned that, combined with what appears to be a lack of permeable or semipermeable surfaces behind the dwelling and the amount of area currently under cover, the management of surface water had not been addressed when considering the various elements proposed for retention, individually and cumulatively. A condition requiring submission of details about the management of surface water after permission has been granted, would not be considered to contribute to proper planning and sustainable development, in the particular circumstances of this application.

  
Declan Moore

Planning Commissioner of An Coimisiún  
Pleanála duly authorised to authenticate  
the seal of the Commission.



Dated this 9th day of DECEMBER 2025