



An
Coimisiún
Pleanála

Commission Order
PL-500897-DF-26

Planning and Development Act 2000, as amended

Planning Authority: Fingal County Council

Planning Register Reference Number: F25A/1143E

Appeal by Gerry and Carmel Wintzer against the decision made on the 9th day of February 2026, by Fingal County Council to refuse permission for the proposed development.

Proposed Development: The development consists of retention permission for two storey side extension to existing dwelling which consists of enclosed carport/garage at ground floor, residential use at first floor at Winzerhaus, Channel Road, Rush, County Dublin.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the provisions of the Fingal County Development Plan 2023-2029, the planning history of the site and the nature and scale of the development proposed to be retained, it is considered that, subject to compliance with the conditions set out below, the development would not seriously injure the residential or visual amenities of the area, and would be acceptable in terms of traffic, pedestrian safety and convenience. The development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Commission noted that the extension proposed to be retained is located approximately 0.2 metres from the neighbouring dwelling to the west, at a distance which is significantly below the 2.3 metre minimum separation between units referred to by Objective DMSO26 (Separation Distance between Side Wall of Units) of the Development Management Standards of the county development plan. The Commission further noted that Objective DMSO26 sets out that separation distances may be reduced on a case-by-case basis, and having considered the totality of the information on the appeal file, including the established use of the extension as ancillary to the permitted long established house, the pattern of development in the area, and the absence of any measurable external impact on the adjacent residential amenities, the Commission did not share the opinion of the Inspector that the proposal would constitute a material contravention of the plan's development management standard. The Commission agreed with the Inspector that the extension proposed to be retained would be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. The existing dwelling and the extension shall be jointly occupied as a single residential unit and the extension shall not be used, sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

3. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



MaryRose McGovern

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



Dated this *16th* day of *June* 2026