



An  
Bord  
Pleanála

## Inspector's Report

### ABP-321546-24

<b>Development</b>	Conversion of existing garage to granny flat, single storey extension and associated site works.
<b>Location</b>	Hillcrest, Station Road, Lusk, County Dublin
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	F24A/0386E
<b>Applicant(s)</b>	Russell and Nishta O'Connor (Boodhoo)
<b>Type of Application</b>	Planning Permission
<b>Planning Authority Decision</b>	Refusal
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Russell and Nishta O'Connor (Boodhoo)
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	1 <sup>st</sup> February 2025
<b>Inspector</b>	Gary Farrelly

## 1.0 Site Location and Description

The subject site has a stated area of 0.2 hectares and is located within the townland of Hillcrest, Station Road, Lusk. The site accommodates an existing single storey dwelling which measures 174sqm and a detached garage which measures 29.4sqm. The ridge height of the front of the dwelling measures 5.2 metres which increases to 6 metres to the rear. The site is serviced by an existing connection to the public water and wastewater mains. Access to the site is via an existing entrance and driveway off the R-128 (Station Road). The site is bounded by residential dwellings to the east and west, agricultural lands to the north and the public road to the south.

## 2.0 Proposed Development

Permission is sought for the conversion of an existing detached garage for use as a 'granny' flat and the construction of a single storey extension. The floor area of the flat will measure 74.5sqm (*increased from 69sqm at additional information stage*). The internal layout will comprise of an open plan kitchen, dining and living area, 2 no. bedrooms, bathroom, utility, hallway and lobby. No external access is proposed, with access proposed internally via the main dwelling. The ridge height of the extension will measure 4 metres which is consistent with the existing ridge height of the detached garage. External finishes are not specified.

## 3.0 Planning Authority Decision

### 3.1. Decision

In considering the application, Fingal County Council (the planning authority) sought additional information in relation to the proposed wastewater and surface water drainage proposals. It also considered that the layout of the flat represented a separate building to the dwelling and requested revised plans that ensured that the unit could be readily integrated into the existing house when no longer required for use as a family flat.

After submission of the additional information, the planning authority (PA) considered that the design revisions did not adequately address its connectivity and integration

concerns and decided to refuse permission by Order dated 6<sup>th</sup> December 2024, for the following reason:

- 1. The proposed development by reason of its design and layout fails to adequately integrate with the existing dwelling and site context. As a result, the proposed development is therefore contrary to Objective SPQHO46 and Section 14.10.3 of the Fingal County Development Plan 2023-2029 and would seriously injure the amenities of the existing property on site. The proposed development would create an undesirable precedent for other similar development and is therefore contrary to the proper planning and sustainable development of the area.*

### **3.2. Planning Authority Reports**

#### Planning Report

The Senior Executive Planner (SEP) report on file assessed the proposed development in terms of its principle, visual and residential amenities, access and parking, services and drainage. After the submission of design revisions, the SEP considered that they failed to adequately address the PA's connectivity and integration concerns, and that it did not align with Objective SPQHO46 and Section 14.10.3 of the Development Plan. Additionally, due to the report on file from Uisce Éireann it was considered that the proposals did not address the feasibility of connection to the public water/wastewater infrastructure. The SEP report recommended refusal of permission which was endorsed by the Senior Planner.

#### Other Technical Reports

Water Services Department (reports dated 27/05/24 and 18/11/24) – The original report requested additional information in terms of foul drainage proposals. After confirmation that the site is connected to the public wastewater mains, the second report outlined no objection to the development subject to standard surface water conditions.

Transportation Section (reports dated 10/06/24 and 26/11/24) – These reports outlined no objection to the proposed development.

### **3.3. Prescribed Bodies**

Uisce Éireann (reports dated 03/05/24 and 27/11/24) – This report recommended the submission of a pre-connection enquiry in order to assess the feasibility of a connection to the public infrastructure.

### **3.4. Third Party Observations**

None

## **4.0 Relevant Planning History**

None according to file or planning register.

## **5.0 Policy Context**

### **5.1. Fingal Development Plan 2023-2029**

The subject site is zoned 'RU – Rural' where the objective is to protect and promote in a balanced way, the development of agriculture and rural-related enterprise, biodiversity, the rural landscape, and the built and cultural heritage. Residential Use is considered permitted in principle.

#### Objective ZO4 – Ancillary Uses

Ensure that developments ancillary to the parent use of a site are considered on their merits.

#### Policy SPQHP42 – Family Flats

Support the provision of family flats on suitable sites within established residential areas subject to specific design criteria.

#### Objective SPQHO45 – Domestic Extensions

Encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area.

#### Objective SPQHO46 – Family Flats

Ensure family flats:

- Are for a member of the family with a demonstrated need.
- When no longer required for the identified family member, are incorporated as part of the main unit on site.
- Do not exceed 75sqm in floor area.
- Comply with the design criteria for extensions, as above.

#### 14.10.2.2 Side Extensions

Side extensions will be evaluated against proximity to boundaries, size and visual harmony with existing (especially front elevation) and impacts on residential amenity. In certain cases, a set-back of the extension's front facade and its roof profile and ridge may be sought to protect amenities, integrate into the streetscape and avoid a 'terracing' effect. External finishes shall generally match the existing.

#### Section 14.10.3

Applications will be assessed in terms of the impact on the integrity of the existing dwelling and neighbouring properties and compliance with the following criteria must be demonstrated:

- A requirement for the family flat must be demonstrated including details of the relationship between the occupant of the main dwelling and the occupant of the family flat.
- When no longer requested for use as a family flat, the accommodation must be capable of being subsumed into the main property.
- Any such extension to the main dwelling shall be subsidiary in scale relative to the main dwelling and shall not exceed an internal floor area of 75 sq. m.
- The family flat should not impact adversely on either the residential amenities of the existing property or the residential amenities of the area.
- The entrance to the family flat must be via the main dwelling. Where own-door access is unavoidable, own-door access shall be located to the side or rear.
- No sub-division of the garden is permitted.

## **5.2. Natural Heritage Designations**

The subject site is not located within any designated site. The site is located approximately 1.4km from the Rogerstown Estuary Special Area of Conservation (SAC) (Site Code 000208) and Special Protection Area (SPA) (Site Code 004015). This is also designated as a proposed Natural Heritage Area (pNHA).

## **5.3. Environmental Impact Assessment (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. I refer the Board to Appendix 1 of this report.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

A first-party appeal was lodged to the Board on 23<sup>rd</sup> December 2024. The grounds of appeal are summarised as follows:

- There is a huge pressure for new housing in the current climate and it was deemed that the repurposing of the existing garage was the most sensible way to make the project work.
- It is the applicant's wish to have their elderly parents live with them in the near future.
- It is submitted that the applicant meets all of the criteria in relation to objective SPQHO46 and Section 14.10.3. A spreadsheet is attached outlining how the applicant complies with the criteria.
- The application complies with surface water drainage proposals for the site.
- The design was revised at further information stage to show an additional utility room which made the physical connection to the existing dwelling much greater.

## **6.2. Planning Authority Response**

The PA issued a response to the grounds of appeal on 17<sup>th</sup> January 2025 outlining that it had no further comment to make and requested the Board to uphold its decision.

## **7.0 Assessment**

7.1. 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, and having inspected the site, and having regard to the relevant local, regional and national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of the Development
- Design and Layout

### **Principle of the Development**

7.2. The proposed development is located on lands zoned 'RU – Rural' under the Fingal Development Plan 2023-2029 (FDP), where the objective is to protect and promote in a balanced way, the development of agriculture and rural-related enterprise, biodiversity, the rural landscape, and the built and cultural heritage. Residential use is considered permitted in principle and Objective ZO4 of the FDP seeks to ensure that development ancillary to the parent use on site are considered on their merits. Furthermore, Policy SPQHP42 of the FDP supports the provision of family flats on suitable sites within established residential areas subject to specific design criteria.

7.3. Having regard to the established residential use of the site and to the nature of the development comprising of a 'granny'/family flat extension, I consider that the proposed development is acceptable in principle, subject to my assessment below.

### **Design and Layout**

7.4. I note the PA's sole reason for refusal was in relation to concerns that the design and layout failed to adequately integrate with the existing dwelling onsite. I note that Objectives SPQH045 and SPQHO46 and Sections 14.10.2.2 and 14.10.3 of the FDP outline the design standards for such a proposal.

- 7.5. Firstly, the Board should note that it is a requirement to provide a demonstrable need for such a flat and I note that the applicant did provide such information as part of the application which the PA considered acceptable.
- 7.6. I note that the proposed design is single storey, has been sited to the side of the main dwelling onsite and has not been positioned forward of the front building line. The proposed ridge height of 4 metres is consistent with the garage's existing ridge height and is below the 5.2 metre ridge height at the front of the main dwelling.
- 7.7. The amended design submitted at further information stage provided a proposed utility room between the footprint of the existing garage and main dwelling. I consider that this has provided a more integrated physical relationship between the flat and dwelling. Furthermore, the 74.5sqm floor area of the flat is in accordance with the maximum scale outlined under Objective SPQHO46 and Section 14.10.3 of the FDP and is subservient in scale to the 174sqm main dwelling.
- 7.8. The Board should also note that no separate external access is proposed to the flat with only an internal access via the main dwelling. It is also not proposed to subdivide the garden space and I consider that there is adequate private amenity space for the occupants of both the main dwelling and the 'granny' flat. I am satisfied when the flat is no longer required for such use it would be able to be fully integrated into the main dwelling.
- 7.9. Having regard to the above, I consider that the proposed development does comply with the provisions of the FDP, namely Objective SPQHO46, Objective SPQHO45, Section 14.10.2.2 and Section 14.10.3. Therefore, it is my recommendation that permission should be granted.

#### **Other Issues**

- 7.10. The Board should note that Uisce Éireann requested the submission of a pre-connection enquiry form as further information, however, having regard to the nature of the development, I am satisfied that this can be satisfactorily addressed as part of a condition of any grant of permission.



## 8.0 Appropriate Assessment (AA) Screening

- 8.1. I have considered the project in light of the requirements of Section 177U of the Planning and Development Act 2000, as amended. The subject site is located approximately 1.4km from the Rogerstown Estuary Special Area of Conservation (SAC) (Site Code 000208) and Special Protection Area (SPA) (Site Code 004015).
- 8.2. 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. The reason for this conclusion is as follows:
- Having reviewed the Environmental Protection Agency's AA Mapping Tool, I note that there are no direct hydrological connections between the subject site and the designated site.
  - Having regard to the separation distance from the European Site regarding any other potential ecological pathways and intervening lands.
  - Having regard to the screening determination by the PA.
- 8.3. I conclude that on the basis of objective information, that the development would not likely have a 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.

## 9.0 Recommendation

I recommend that permission is **Granted**, subject to conditions, for the reasons and considerations set out below.

## 10.0 Reasons and Considerations

Having regard to the provisions of the Fingal Development Plan 2023-2029, to Policy SPQHP42, which seeks to support the provision of family flats on suitable sites, and to the design and layout of the proposed development, it is considered that the proposed development would not seriously injure the residential amenities of property in the vicinity and would be acceptable in terms of visual amenity. The proposed

development would comply with the family flat and domestic extension standards set out under Objectives SPQHO45 and SPQHO46, and Sections 14.10.2.2 and 14.10.3, of the Fingal Development Plan 2023-2029, and therefore, would be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 9<sup>th</sup> day of November 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

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

2. The proposed 'granny' flat extension shall be used solely for that purpose, and shall revert to use as part of the main dwelling on the cessation of such use.

**Reason:** In order to comply with the objectives of the Fingal Development Plan 2023-2029.

3. The external finishes of the proposed extension shall match those of the existing dwelling in respect of colour and texture, unless otherwise agreed with the planning authority.

**Reason:** In the interest of visual amenity.

4. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or to adjoining properties.

**Reason:** To prevent flooding and in the interests of sustainable drainage.

5. (a) All foul sewage and soiled water shall be discharged to the public foul sewer.  
(b) Only clean, uncontaminated storm water shall be discharged to soakaways.

**Reason:** In the interest of public health.

6. Prior to the commencement of development the developer shall enter into a Connection Agreement with Uisce Éireann (Irish Water) to provide for a service connection to the public water supply and wastewater collection network.

**Reason:** In the interest of public health and to ensure adequate water/wastewater facilities.

7. Site development and building works shall be carried out between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

**Reason:** To safeguard the amenity of property in the vicinity.

8. 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 Bord 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.

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.

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Gary Farrelly  
Planning Inspector  
4<sup>th</sup> February 2025

## Appendix 1: EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	ABP-321546-24			
<b>Proposed Development Summary</b>	Conversion of existing garage to granny flat, single storey extension and associated site works			
<b>Development Address</b>	Hillcrest, Station Road, Lusk, County Dublin			
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	<b>X</b>	
		<b>No</b>	No further action required	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>				
<del>Yes</del>			Proceed to Q.3	
<b>No</b>	<b>X</b>		No further action required	
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>				
<del>Yes</del>				EIA Mandatory EIAR required
<del>No</del>				Proceed to Q.4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>				
<del>Yes</del>				Preliminary examination required (Form 2)
<b>4. Has Schedule 7A information been submitted?</b>				
<del>No</del>		Pre-screening determination conclusion remains as above (Q1 to Q4)		
<del>Yes</del>		Screening Determination required		