



An
Bord
Pleanála

Inspector's Report

ABP-321716-25

Development	Retention of single storey rear extension with 3 no rooflights (14sqm).
Location	1 Laurelton, Swords, Co. Dublin, K67 VF82
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F24A/0938
Applicant(s)	Brian O'Shaughnessy
Type of Application	Retention Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party v Refusal
Appellant(s)	Brian O'Shaughnessy
Observer(s)	None
Date of Site Inspection	8 th April 2025
Inspector	Gerard Kellett

1.0 Site Location and Description

- 1.1. The site related to No.1 Laurelton which is the small residential cul-de-sac residential development located along Glen Ellan Road in Swords, Co. Dublin. It consists of a two-storey semi-detached dwelling with a side ground floor family flat extension, a rear ground floor extension (subject of the application), and a shed at the rear. The immediate area is characterised by similar two-storey semi-detached dwellings, with residential developments and open space/fields to the west. The existing dwelling has a stated floor area of 167.70 sqm. The stated site area is 0.0346 hectares.

2.0 Proposed Development

- 2.1. Retention permission is sought for as constructed single storey rear extension (14 sqm total floor area). The extension extends 4.2 metres from the existing rear elevation and incorporates an A-gable pitched roof with three Velux-type rooflights and includes all associated site works. The overall height of the structure is stated at 3.8 metres.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority refused permission on the 13th of December 2024 for the following reason:

- 1) The existing house is subject to unauthorised development. Further additions such as the proposed development would represent consolidation of unauthorised development on this site, (having regard to the existing family flat on site) for which no permission exists, none has been sought and would therefore injure the amenities of the area, set an undesirable precedent for similar development and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The Planner's Report forms the basis for the decision to refuse permission. stating:
 - Unauthorised Development: The existing house includes a side ground floor. family flat extension that was constructed without planning permission. This unauthorised development has not been regularised, and granting retention permission for the rear extension would consolidate this unauthorised development.
 - Design and Residential Amenity: The proposed rear extension is small (14 sqm), visually unobtrusive, and does not negatively impact the visual or residential amenity of the area. It aligns with the neighbouring dwelling and maintains adequate space between the rear window and the garden wall.

3.2.2. Other Technical Reports

- Water Services – No objection
- Transport Planning – No objection

3.3. Prescribed Bodies

None

3.4. Third Party Observations

None

4.0 Planning History

- 4.1. **PA REF: F01A/1319:** Permission granted to allow kitchen returns at ground floor level to be constructed as an option at the rear of houses 1-186 and 255-301, already permitted under permission F98A/0290.
- 4.2. **PA REF: F98A/0290:** Permission granted for 5 detached, 387 semi-detached, and 48 terraced 3- and 4-bedroom houses, accessed from the newly constructed distributor road at Glen Ellan.
- 4.3. **Active Enforcement Case:** Ref. No. 23/290A: Enforcement action recorded for the erection of a structure for habitable use on land at 1 Laurelton, Swords, Co. Dublin, without the benefit of planning permission.

5.0 Policy Context

5.1. Development Plan

Fingal County Development Plan 2023 – 2029

The Fingal County Development Plan 2023 – 2029 is the relevant Development Plan for the subject site.

The subject site is zoned “RS – Residential” which has zoning objective, *“to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity”*.

3.5.13.1 Residential Extensions

Policy SPQHP41 – Supports extensions of appropriate scale, subject to the protection of residential and visual amenities.

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.

Chapter 14 Development Standards

14.10.2 Residential Extensions

The need for housing to be adaptable to changing family circumstances is recognised and acknowledged and the Council will support applications to amend existing dwelling units to reconfigure and extend as the needs of the household change, subject to specific safeguards. In particular, the design and layout of residential extensions must have regard to and protect the amenities of adjoining properties, particularly in relation to sunlight, daylight and privacy. The design of extensions must also have regard to the character and form of the existing building, its architectural expression, remaining usable rear private open space, external finishes and pattern of fenestration. Additionally, careful consideration should be paid to boundary treatments, tree planting and landscaping. The following section provides guidance in relation to, front extensions, side extensions, rear extensions, first floor rear extensions, roof alterations including attic conversions and dormer extensions.

14.10.4 – Ground Floor Extensions (Rear)

Focuses on ensuring rear extensions are appropriately scaled and do not negatively impact neighbouring properties.

5.2. Natural Heritage Designations

The subject site is located within any Natura 2000 sites. The nearest are:

- Malahide Estuary SAC (000205) c 1.6 km to the east.
- North-west Irish Sea SPA (004236) c 7.2 km to the east

6.0 Environmental Impact Assessment Screening

- 6.1. Having regard to the nature and scale of the development, it is not considered that it falls within the classes listed in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended), and as such preliminary examination or an Environmental Impact Assessment is not required. See Appendix 1.

7.0 The Appeal

7.1. Grounds of Appeal

A first party appeal has been lodged against the Planning Authority's decision to refuse permission. The grounds of appeal can be broadly summarised as follows:

- Purpose of Retention Application:
The retention application aims to regularise a modest single storey rear extension (14 sqm) and ensure no consolidation of unauthorised development on the site.
- Unauthorised Development: The unauthorised side extension was constructed in 2007 is being addressed separately under Fingal County Council Enforcement Ref. 23/290A. This appeal focuses solely on the rear extension and not the side extension. The side extension was constructed 18 years ago to accommodate a family member.
- Impact on Amenities: The grounds of appeal note Fingal County Council acknowledged that the rear extension has no negative impact on visual or residential amenities, and the Water Services Department raised no objections.

7.2. Planning Authority Response

Response received dated 10th February 2025 requesting the Board to uphold the decision of the Planning Authority. If the appeal is successful, provisions for financial contributions, bond/cash security of 2 or more units, tree bond, and contributions for play provision facilities should be included in conditions for approval.

7.3. Observations

None

8.0 Assessment

Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Design and Visual Amenity
- Residential Amenity

8.1. Principle of Development

- 8.1.1. The site is zoned 'RS Residential' with an objective to *"Provide for residential development and protect and improve residential amenity"*. Extensions are permitted under this zoning objective and accordingly, the proposed development is acceptable in principle.
- 8.1.2. The Planning Authority's reason for refusal cited the existing dwelling is subject to an unauthorised development being a single storey side extension (family flat) and a further addition would represent consolidation of unauthorised development on this site. The grounds of appeal state the retention application solely pertains to the modest rear extension (14 sqm) and does not involve the unauthorised side extension. The side extension is being separately addressed under Enforcement Reference 23/290A with Fingal County Council.
- 8.1.3. Whilst I note the Planning Authorities concerns with regard to a further addition would represent consolidation of unauthorised development on this site, I have regard to the development description before me that being the retention of a single storey extension (14sqm) to the rear of the existing property. The floor plans submitted indicate the use of the structure as an extended kitchen area ancillary to the main dwelling on site. Potential unauthorised development in my opinion is not matter for the Board but for the PA to adjudicate.

8.2. Design and Visual Amenity

- 8.2.1. In term of design and visual amenity I have had regard to the relevant provisions of the Fingal Development Plan 2023–2029, in particular policy SPQHP41 which supports extensions of appropriate scale, subject to the protection of visual amenities and objective SPQHO45 which encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment. Furthermore section 14.10.2 (Residential Extensions) which support extensions to existing dwellings where they meet changing household needs and protect neighbours' sunlight, privacy, and amenity. The design must respect the existing house, open space, and surroundings. Moreover, section 14.10.4 (Ground Floor Extensions (Rear)) focuses on ensuring rear extensions are appropriately scaled.
- 8.2.2. The subject site includes a two-storey hipped roof semi-detached dwelling and the development for retention relates to a single storey A-gable roofed design 3.8 metres in height with a total floor area of 14 sqm. The extension extends 4.2 metres from the existing rear elevation and incorporates with three Velux-type rooflights. I note the Planning Authority did not express any concerns with regard to the design and visual amenity of the structure to be retained.
- 8.2.3. I have inspected the site and it is my view with a floor area of 14sqm the rear extension is a modest addition to the existing dwelling and appropriately scaled at a height of 3.8 metres as required by section 14.10.4 of the plan. Private amenity space for the existing dwelling would be maintained in excess of 25 sqm as required by section 14.10.2 (Residential Extensions) of the plan. Furthermore, having regard to the low profile height at 3.8 metres, the roof materials matching the existing dwelling and the location to the rear elevation which has very limited visibility from the public road, I consider that the design of development to be retained is acceptable and does not introduce any undue impact on the visual amenity of the surrounding area in accordance with policy SPQHP41, objective SPQHO45, section 14.10.2 (Residential Extensions) and section 14.10.4 (Ground Floor Extensions (Rear)) of the plan.

8.2.4. Having regard to the foregoing, I consider the development to be retained is in accordance with policy SPQHP41 which supports extensions of appropriate scale, subject to the protection of visual amenities, objective SPQHO45 which encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment, section 14.10.2 (Residential Extensions) and section 14.10.4 (Ground Floor Extensions (Rear)) of the plan focuses on ensuring rear extensions are appropriately scaled. Therefore, it is recommended that retention permission be granted.

8.3. Residential Amenity

8.3.1. In term of residential amenity, I have had regard to the relevant provisions of the Fingal Development Plan 2023–2029, in particular policy SPQHP41 which supports extensions of appropriate scale, subject to the protection of residential amenities and objective SPQHO45 which encourage sensitively designed extensions to existing dwellings which do not negatively impact on adjoining properties. Furthermore section 14.10.2 (Residential Extensions) which support extensions to existing dwellings where they protect neighbours' sunlight, privacy, and amenity. The design must respect the existing house, open space, and surroundings. Moreover, section 14.10.4 (Ground Floor Extensions (Rear)) focuses on ensuring rear extensions are appropriately scaled. Moreover, section 14.10.4 (Ground Floor Extensions (Rear)) focuses on ensuring rear extensions do not negatively impact neighbouring properties.

8.3.2. The subject site includes a two-storey hipped roof semi-detached dwelling and the development for retention relates to a single storey A-gable roofed design 3.8 metres in height with a total floor area of 14 sqm. The extension extends 4.2 metres from the existing rear elevation and incorporates with three Velux-type rooflights. I note the Planning Authority did not express any concerns with regard to the impact on residential amenity from the structure to be retained.

8.3.3. I have inspected the site it is my opinion the rear extension seeking retention is a modest addition to the existing dwelling of (14sqm) and would be appropriately scaled at a height of 3.8 metres as required by section 14.10.4 of the plan. Furthermore, the

extension is set off the neighbouring boundary to the west by 58 centimetres and aligns with the neighbouring dwellings (No.2 Laurelton) flat roof extension and maintains a sufficient distance of 12.420 metres between the rear window and the rear garden wall to the north. Given this, it is my view the development to be retained is acceptable and would not have undue negative impact to the residential amenity of neighbouring properties and is in accordance with policy SPQHP41, objective SPQHO45, section 14.10.2 (Residential Extensions) and section 14.10.4 (Ground Floor Extensions (Rear)) of the plan.

- 8.3.4. Having regard to the foregoing, I consider the development to be retained is in accordance with policy SPQHP41 which supports extensions of appropriate scale, subject to the protection of visual amenities, objective SPQHO45 which encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment, section 14.10.2 (Residential Extensions) and section 14.10.4 (Ground Floor Extensions (Rear)) of the plan focuses on ensuring rear extensions are appropriately scaled. Therefore, it is recommended that retention permission be granted.

9.0 Appropriate Assessment Screening

- 9.1. Refer to Appendix 2. Having regard to nature, scale and location of the development to be retained and proximity to the nearest European site, it is concluded that no Appropriate Assessment issues arise as the development to be retained would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

10.0 Recommendation

- 10.1. I recommend that retention permission should be GRANTED for the reasons and considerations as set out below.

11.0 Reasons and Considerations

11.1. Having regard to the nature, scale, location and design of the development to be retained, it is considered that, subject to compliance with the conditions set out below, the development to be retained would comply with the zoning objective for the site, as set out in the Fingal Development Plan 2023 – 2029, in particular policy SPQHP41 (Residential Extensions, objective SPQHO45 (Domestic Extensions), section 14.10.2 (Residential Extensions) and section 14.10.4 (Ground Floor Extensions (Rear)) of the plan and would not seriously injure the visual or residential amenity of the area, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 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. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority and the development shall be retained in accordance with the agreed particulars.

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

2. 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.

Gerard Kellett
Planning Inspector
17th April 2025

Appendix 1 - Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-321716-25		
Proposed Development Summary	Retention permission sought for single storey rear extension		
Development Address	1 Laurelton, Swords, Co. Dublin, K67 VF82		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	√
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			
No	√	Alteration/extension to the existing dwelling is not specified as a Class of Development as per the regulations.	No further action required.
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	√		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes			Preliminary examination required (Form 2)
5. Has Schedule 7A information been submitted?			
No	√	Pre-Screening determination conclusion remains as above (Q1 to Q4)	
Yes			

Inspector: _____

Date: _____

Appendix 2

Appropriate Assessment Screening

I have considered the proposed development in light of the requirements of S177U the Planning and Development Act 2000 as amended.

The proposed development is located within a residential area and comprises a single storey extension to an existing dwelling. The site is not located within or adjacent to any designated Natura 2000 site. The closest European Sites are as follows:

- Malahide Estuary SAC (000205) c 1.6 km to the east.
- North-west Irish Sea SPA (004236) c 7.2 km to the east

Having considered the nature and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site. The reason for this conclusion is as follows:

- The small scale and domestic nature of the development
- The location of the development in a serviced urban area, distance from European Sites and urban nature of intervening habitats, absence of ecological pathways to any European Site.

I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.