



An  
Coimisiún  
Pleanála

## Inspector's Report ACP-323532-25

<b>Development</b>	Retention of changes to boundary wall, coverings and prefab and all associated site works
<b>Location</b>	St Elmo's, Barrack Lane, Lusk, Co. Dublin, K45 R650
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	F25A/0525E
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant</b>	Alexander Tsedryk
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	26 <sup>th</sup> October 2025
<b>Inspector</b>	Rachel Gleave O'Connor

## Contents

1.0 Site Location and Description .....	3
2.0 Proposed Development .....	3
3.0 Planning Authority Decision .....	4
3.1. Decision .....	4
3.2. Planning Authority Reports .....	5
3.3. Prescribed Bodies .....	7
3.4. Third Party Observations .....	8
4.0 Planning History .....	8
5.0 Policy Context .....	9
5.1. Development Plan .....	9
5.2. Natural Heritage Designations .....	11
5.3. EIA Screening .....	11
6.0 The Appeal .....	11
6.1. Grounds of Appeal .....	11
6.2. Planning Authority Response .....	12
6.3. Observations .....	12
7.0 Assessment .....	13
8.0 Recommendation .....	21
9.0 Reasons and Considerations (1) .....	22
10.0 Reasons and Considerations (2) .....	23
11.0 Form 1 - EIA Pre-Screening .....	25

## **1.0 Site Location and Description**

- 1.1. The site is located on the west side of Barrack Lane, with the Chapel Farm Park public open space adjoining the site to the rear. Occupying the subject site is a flat roof two storey residential dwelling, set back significantly from the road and beyond a wall and secure gate. The subject site also includes 3 ancillary structures.
- 1.2. The area surrounding the site is characterised by residential dwellings, 1 or 2 storey in scale and with pitched roofs, generally fronting directly onto the road or set back behind a front garden. The dwelling on the subject site is set back further from the road than neighbouring properties.

## **2.0 Proposed Development**

- 2.1. The application subject to this appeal seeks retention permission for the following:
  - Insulated front façade of the dwelling;
  - Block and timber front boundary wall with total height of c.1.8m (1.4m block wall topped with 400mm timber);
  - Single-storey sloped roof covered structure to the northern side of the dwelling for storage with a maximum height of c.3.3m;
  - Single-storey metal prefab structure to the front for bike/boat storage with a maximum height of c.2.53m and a length of c.7.5m;
  - Single-storey sloped roof shed to the rear garden of the existing dwelling for use as a home office. The sloped roofed detached building structure has a maximum height of c.3.3m and a length of c.6.8m; and
  - A open-canopied BBQ/amenity area with a plexiglass slope roof to the rear of the property, with a length of c.7m and a maximum height of c.3.2m;
  - All associated site works.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

3.1.1. On 6<sup>th</sup> August 2025 the Planning Authority issued a Notification of Decision to REFUSE PERMISSION FOR RETENTION for the following 3 no. reasons:

- 1) The development, by reason of its design and scale, 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 be seriously injurious to the visual amenity of the area, would adversely affect and detract from the Lusk Architectural Conservation Area (ACA) and would materially contravene 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 is therefore considered to be contrary to the proper planning and sustainable development of the area.
- 2) By reason of the internal layout of the detached home office structure to the rear of the dwelling, it 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 for retention would be contrary to the proper planning and sustainable development of the area and would set an undesirable precedent for other similar developments within restricted rear garden areas.
- 3) Having regard to the lack of adequate information submitted with regards to the proposed surface water drainage arrangements, the proposed development to be retained is considered unacceptable as it cannot be concluded how the surface water drainage arrangement's function. Therefore, the applicant has failed to demonstrate compliance with the provisions of the

Fingal Development Plan 2023-2029 and the proposed development 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.

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

#### **3.2.1. Planning Reports**

#### **3.2.2. The following comments are included in the Planner's Report:**

- With reference to the site zoning, the proposed development associated with an existing dwelling is generally considered to be acceptable where the Planning Authority is satisfied that the development would be compatible with the overall policies and objectives for the zone, would not have undesirable effects, and would otherwise be consistent with the proper planning and sustainable development of the area.
- In relation to the retention of the ancillary office structure:
  - The Fingal Development Plan 2023-2029 describes Garden Rooms as uses to provide useful ancillary accommodations such as a playroom, gym, or study/home office for use by occupant of the dwelling house. Following a site visit, the Planning Officer notes that the garden room includes a toilet, shower and kitchenette area. The layout and design of the 'office' structure is considered inconsistent with Section 14.10.4 – Garden Rooms of the Fingal Development Plan 2023-2029.
  - The detached structure cannot be considered to be a shed/garden room for office purposes. Nor may the structure be considered ancillary to the main dwelling, as it appears to provide separate residential accommodation to the main dwelling. The presence of such accommodation materially contravenes Objective ZO4 – Ancillary Uses – of the Fingal Development Plan.
  - Retention of the structure would set an undesirable precedent for similar development in the absence of a genuine need and permit a substandard level of accommodation.
- In relation to the open-canopied barbecue/amenity area:
  - It is considered the structure does not have any negative impacts.

- In the event of a grant of retention permission, a condition should be attached to ensure the open-canopied structure remains ancillary to the residential dwelling and not used for habitable accommodation or for commercial / agricultural storage.
- In relation to the prefab structure for bicycle and boat storage:
  - The structure is visually incongruous with the surrounding streetscape as well as the existing dwelling on the site. The rear of the site would be a more appropriate location.
  - The structure fails to demonstrate due regard for the site's designation within an Architectural Conservation Area (ACA).
- In relation to the side extension:
  - It is considered that the structure provides for increased residential amenity for the residents of the subject dwelling as it provides for an additional storage area. However, the addition of the structure contributes to the significant unauthorised alteration of the original house and does not have due regard for the ACA.
- In relation to the insulated front façade:
  - Acceptable in principle, however the conservation officer notes that the front façade of the original building was previously demolished and rebuilt with a new door and window arrangement, new render and a new porch. Reference to the previously refused application on the site (F21A/0150). The unauthorised insulation of the front façade would contravene the protections placed on the ACA designation.
- In relation to the front boundary wall:
  - The constructed front boundary wall is not considered to have due regard to the ACA. The scale and design is visually incongruous.
- Conservation considerations: the two-storey dwelling that existing on the site was a unique and distinctive early-20<sup>th</sup> century house that contributed positively to the character of the ACA. It had an unusual balustrade parapet and a rendered façade inlaid with sea shells. Unauthorised works demolished most of the front

elevation. Despite a previously refused retention permission, the applicant has continued to add structures without permission. The changes to St Elmo's have resulted in the loss of historic character to the ACA.

- **Conservation Officer:** St Elmo's was an interesting early 20th century house that contributed positively to the architectural character of the Lusk ACA. The changes made to St. Elmo's have resulted in a loss of historic character of St. Elmo's and the wider ACA. The front façade of the house was demolished and rebuilt with a new window and door arrangement, new render and a new entrance porch in 2021. The original parapet and decorative seashell in render were removed and replaced with a flat parapet and smooth rendered finish. An application for retention was refused in 2021 when works to the building were ongoing. The Conservation Officer at the time asked that the parapet and render be reinstated. This was not done and as a result the character of the building has been negatively impacted. Despite the decision to refuse permission and refuse retention in 2021, the applicant has continued to make changes at St. Elm. The current proposal for retention is unacceptable. The boat and bike metal prefab storage in front of the site should be removed. Both the setting and the appearance of the original house has been drastically altered as a result of unauthorised works. The application for retention should be refused.
- **Services and Drainage:** The applicant has not submitted any drainage information. All runoff should be discharged to commensurate and appropriate SuDS devices in accordance with the Greater Dublin Strategic Drainage Study 2005. Having regard to the lack of information, the application is considered unacceptable and the development would be prejudicial to public health.

### 3.2.3. Other Technical Reports

- Comments from technical departments are noted in the summary of the Planner's Report set out above.

## 3.3. Prescribed Bodies

### 3.3.1. None consulted.

### 3.4. Third Party Observations

3.4.1. There was one third party submission to the Local Planning Authority on the application. A summary of the comments in that submission are set out in the Planner's Report and copied below:

- The gate should be in the centre of the road frontage to maximise visibility.
- Sheds are usually ancillary and subsidiary to the residence. Siting of a shed in a prominent position on the road frontage is not in line with usual conventions.
- The use of a fence as a composite to increase the height of the wall is not typical for a residential setting. This gives the appearance of a commercial compound.
- The enhanced security of an enclosed compound may give rise to adverse impressions of the immediate neighbourhood to potential future residents.

## 4.0 Planning History

4.1. Active Enforcement Case Ref.20/253A

4.2. F21A/0150: Permission and retention REFUSED on 7<sup>th</sup> May 2021 for the following: Retention for 1) demolition of existing front external wall, parapet and flat roof, (2) reinstatement of front external wall, parapet and flat roof all to existing heights. Permission for (1) proposed 2 storey extension (86sqm) to the front of the existing house. (2) proposed ground floor extension (36sqm) to the rear. (3) total refurbishment of the existing dwelling. (4) widening of the existing vehicular entrance off Barrack Lane, and all associated site works.

Permission refused for 2no. reasons as follows:

- 1) The proposal, located within the inner historic core of Lusk and in the ACA for Lusk would be out of character with the existing established character of development in the immediate area. As such the proposal would create a visually dominant and incongruous feature in the streetscape which would materially contravene Objective PM46 of the Fingal Development Plan 2017-2023, would negatively impact on the character of the Lusk ACA, would



seriously injure the visual amenities of the area and would therefore be contrary to the proper planning and sustainable development of the area.

- 2) The proposal, by reason of its scale, bulk, height and design would have a negative impact on adjoining residential properties through overlooking and overbearing impacts. The proposal would therefore seriously injure the residential amenities of adjoining properties depreciate the value of properties in the vicinity.

## **5.0 Policy Context**

### **5.1. Development Plan**

- 5.1.1. The applicable local planning policy is set out in the Fingal Development Plan 2023-2029.
- 5.1.2. The site is designated within Zoning Objective 'TC' Town and District Centre to 'Protect and enhance the special physical and social character of town and district centres and provide and/or improve urban facilities'.
- 5.1.3. The site is within the Zone of Archaeological Notification for Lusk, the Low-Lying Agricultural Landscape Character Area and the Lusk Architectural Conservation Area.
- 5.1.4. Relevant policies and objectives are highlighted below:
- 5.1.5. Objective HCAO24 – Alteration and Development of Protected Structures and ACAs, requires proposals to be sensitive and compatible with the special character, and appropriate in terms of scale, mass, height, materials etc.
- 5.1.6. Policy SPQHP41 – Residential Extensions, concerns supporting extensions of appropriate scale and subject to the protection of amenities.
- 5.1.7. Objective SPQHO45 – Domestic Extensions, concerns sensitively designed extensions which do not have negative impacts.
- 5.1.8. Objective ZO4 – Ancillary Uses, relates to ensuring development ancillary to a parent use are considered on their merits.

- 5.1.9. Chapter 14 sets out the Development Management Standards under the Plan. The following sections are of relevance to the current appeal:
- 5.1.10. Section 14.10.2 Residential Extensions, describes the relevant considerations in the assessment of proposed extensions to residential dwellings.
- 5.1.11. Section 14.10.2.2 Side Extensions, side extensions will be evaluated against various amenity considerations, including visual harmony with existing (especially front elevation).
- 5.1.12. Section 14.10.3 Family Flats, lists the criteria to be fulfilled in the assessment of provision of accommodation connected to an existing dwelling with a level of independence. The criteria include demonstrating the relationship between the occupant of the main dwelling and the occupant of the flat.
- 5.1.13. Section 14.10.4 Garden Rooms, describes that such ancillary accommodation can be useful, but should be modest in scale. Any such structure shall not provide residential accommodation and shall not be fitted out in such a manner including by the insertion of a kitchen or toilet facilities. Such structures shall not be let or sold independently from the main dwelling.
- 5.1.14. Section 10.5.2.3 Energy Retrofitting of Built Heritage.
- 5.1.15. Policy CAP9 – Energy Efficiency in Existing Buildings, supports energy efficiency including appropriate retro-fitting of existing building stock.
- 5.1.16. Policy CAP10 – Climate Mitigation Actions in the Built Environment, promotes development that maximise energy efficiency, sensitive energy efficiency improvement to existing buildings and energy efficiency in existing development.
- 5.1.17. Policy HCAP17 – Maintenance and Energy Retrofitting, supports and promotes the sensitive retro fitting of energy efficiency measures in historic buildings. Ensure that measures do not have a detrimental physical, aesthetic or visual impact on the structure.
- 5.1.18. Objective IUO46 – Energy Efficiency of Buildings, encourages the adaptability of buildings over time and improvement of energy efficiency in new and existing building stock including the retro-fitting of energy efficient measures.

## **5.2. Natural Heritage Designations**

- 5.2.1. The subject site is located over 2km to the north west of Rogerstown Estuary SAC (site code: 000208). There is no connection to any European (Natura 2000) sites and no pathways.

## **5.3. EIA Screening**

- 5.3.1. 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 (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

## **6.0 The Appeal**

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

- 6.1.1. The main points of the grounds of appeal are as follows:
- The Council's decision issued a blanket refusal on all elements. This approach lacks proportionality and nuance. Drainage details and ancillary use clarification can be resolved by condition.
  - The rear shed is used as a home office. The inclusion of a WC and kitchenette is incidental and does not render it a separate dwelling.
  - Section 14.10.4 of the Development Plan recognises garden rooms as legitimate ancillary uses.
  - Numerous permissions have been granted by FCC for garden structures/garages incorporating such facilities. A condition restricting use to ancillary, non-residential would resolve any concern.
  - With reference to the Development Management Guidelines further information requests or conditions are the appropriate tool where technical detail is missing.

- While the property lies within the Lusk ACA, it is not a protected structure. Barrack Lane comprises a variety of architectural forms, finishes and boundary treatments.
- Works to the façade are not unusual and would be exempt development for non-protected houses.
- It is not feasible to 'reinstate' demolished features.
- The rear BBQ canopy and side storey structure are not visible from the public realm and therefore have negligible impact on ACA character. Objective HCAO24 requires sensitivity to ACA character, but does not prohibit adaptation or alteration.
- The rear canopy provides usable amenity space for the occupants, and the side storage structure enhances domestic function. Both are modest, subservient to the dwelling, and align with SPQHP41/SPQHO45.
- The applicant is removing the front metal prefab structure, addressing the primary concern.

## **6.2. Planning Authority Response**

- 6.2.1. By way of letter dated 10<sup>th</sup> September 2025, the Council confirmed they have no further comment to make.

## **6.3. Observations**

- 6.3.1. Having regard to section 131 of the Planning and Development Act 2000 (as amended) the Commission considered it appropriate to request submissions or observations from the following bodies:
- The Heritage Council;
  - An Chomhairle Ealaíon (the Arts Council);
  - Fáilte Ireland;
  - The Department of Local Government, Housing and Heritage; and
  - An Taisce.

6.3.2. Responses:

6.3.3. None received.

## 7.0 **Assessment**

7.1. I propose to assess the appeal under the following headings:

- Principle of development;
- The structures for retention;
- Lusk Architectural Conservation Area and heritage considerations;
- The reasons for refusal and use of conditions.

### 7.2. Principle of development

7.2.1. The site is zoned 'TC' Town and District Centre. The area of the site is characterised by residential uses, with a public amenity area to the rear of the property. The principle of residential extensions and ancillary structures to the property is therefore acceptable, subject to the form of any such development, with consideration of associated impacts, as set out in subsequent sections of this report.

### 7.3. The structures for retention

7.3.1. Taking each element for retention in turn, I provide an assessment of relevant considerations below.

- Ancillary office structure

7.3.2. The structure is situated on the northern boundary to the rear of the main dwelling on the northern boundary. It is 6.8m long and 3.3m high on this boundary with the neighbouring property. The garden to the neighbouring property is situated to the north and there are no associated overshadowing concerns with the structure. No third party objections have been raised to this element of the application. The Planner does not raise any concern with the physical form of the structure and I am satisfied that the building form is acceptable, given the overall property extent.

7.3.3. The Planner concludes that this structure forms independent living accommodation as a result of the layout which incorporates shower, wc and kitchenette. The

appellant asserts that the structure is for home office use only and could be conditioned as such to satisfy the councils concerns.

7.3.4. Section 14.10.4 'Garden Rooms' of the Development Management Standards under the Fingal County Development Plan 2023-2029 highlights the beneficial amenity to be gained from garden rooms which can be utilised in a variety of ways ancillary to the main dwelling, including as a home office / study. However, the standards clearly identify that '...any such structure shall not provide residential accommodation and shall not be fitted out in such a manner including by the insertion of a kitchen or toilet facilities'. The appellant contends that a planning permission for retention can condition the use of this property to require it to be ancillary to the main dwelling which would satisfy provisions under the Development Plan. However, section 14.10.4 clearly stipulates that garden rooms should not be fitted out with a kitchen or toilet facilities such as is the case here.

7.3.5. It is possible to attach a condition requiring the use of the structure to be ancillary to the main dwelling and not let or sold independently from the main dwelling. This however does not satisfy the clear requirement under section 14.10.4 that such structures 'shall not be fitted out in such a manner including by the insertion of a kitchen or toilet facilities.'

7.3.6. Therefore, in my view, should this structure benefit from retention permission, the removal of these internal facilities (i.e. kitchen and toilet/shower) should also be required by condition. Ensuring compliance with such a condition will require access by the Local Planning Authority to determine these facilities have been removed. As such, I am recommending that this structure benefit from retention permission, subject to the removal of the internal kitchen/shower/wc facilities, and that this be determined in writing by the Planning Authority (subsequent to a site visit to confirm the same). Should the Commission agree with this approach, I am also recommending that the appellant has 3 months from the date of the decision to conform with the requirements of the condition.

- Open-canopied barbecue/amenity area

7.3.7. The Planner concludes in their Chief Executive Report that this element of the scheme is acceptable and would not give rise to adverse impact. The structure is not visible from the street and has no associated negative residential amenity impact.

7.3.8. In my view this element of the proposal is acceptable and should benefit from retention permission.

- Prefab structure for bicycle and boat storage

7.3.9. The structure is positioned adjacent to the front boundary wall to the road, with the canopy visible above the wall. The materials and scale are not in keeping with the character of the area, particularly in its position visually prominent from the street, and in the ACA. The Planner contends that the structure appears incongruous and such storage would be better positioned to the rear, away from the street. I concur with this view.

7.3.10. The appeal grounds state that the applicant is removing this front metal prefab structure. From my visit to the site it appeared the structure has been removed, which is welcomed. However, as it forms part of the proposals before the Commission for retention, a decision is required with respect to this structure.

7.3.11. In my view, this element of the scheme is unacceptable and is in contravention of Objective HCAO24 of the Fingal Development Plan 2023-2029. As such, it should not benefit from retention permission. I am recommending a split decision to the Commission, refusing retention permission of this particular element of the scheme.

- Side extension

7.3.12. This structure is 10m in length, stretching from the front of the dwelling (set behind the projecting porch entrance) to the rear of the dwelling, marginally set in from the rear elevation to the dwelling. The structure has a sloped roof, is situated on the northern boundary, and has a height of 3.3m. Adjacent to the structure is the neighbouring garden to the north.

7.3.13. The Planner does not raise any concern with respect to the use of this extension to the property, forming ancillary storage. The Planner's report concludes that this structure adds to the significant unauthorised alteration to the original house and is unsympathetic to the location of the property in the ACA. The appellant asserts that while the property lies within Lusk ACA, it is not a protected structure and Barrack Lane comprises a variety of architectural forms, finishes and boundary treatments.

7.3.14. The structure is single storey, aligned with the front elevation (set back from front porch) and due to the property's set back from the road, this structure is not visually

prominent from the road. The Planner does not raise specific concerns regarding the scale of this structure in itself, with concern related to the cumulative effect of alterations to the property which this is part of. I address impact upon the ACA in more detail below, but in summary, I am satisfied that this element of the scheme is not overly prominent and forms a subservient extension to the main dwelling, as required under policies and related sections in the Development Management Section of the Development Plan as set out in section 5.1 of this report above.

- Insulated front façade

7.3.15. The front façade of the property has been insulated and finished with white render. The Planner's report states that this alteration, while acceptable in principle, is unauthorised and would contravene the protections placed on the ACA. It is also noted that the front façade of the original building was previously demolished and rebuilt with a new door and window arrangement, new render and a new porch.

7.3.16. The appellant contends that works to the façade are not unusual and would be exempt development for non-protected houses and it is not feasible to 'reinstate' demolished features.

7.3.17. There is no exemption under the Planning and Development Regulations 2001 (as amended) for external insulation to the front of the property. There are exemptions for the plastering of concrete blocks (Class 10) or exterior painting (Class 12), however insulation is not yet exempt. That may change in future, but may well be conditional upon heritage designations, such as protected structures or ACA locations. This is because exterior insulation can significantly alter the character and appearance of a property, particularly brick dwellings and historical properties. I also note that it is possible to reinstate historical features demolished without necessary consents using conservation construction methods and materials.

7.3.18. In the Development Plan, there are policies and objectives that support and promote the retro-fitting of existing buildings to improve energy efficiency as highlighted in section 5.1 of this report above, including Policies CAP9, CAP10 and Objective IUO46. Policies also support the appropriate and sensitive retro-fitting of historic buildings to improve energy efficiency, including Policy HCAP17. Therefore the principle of improving the energy efficiency of the property through insulation is supported under the Development Plan, subject to assessment of the effect upon the



buildings character. Policy HCAP17 states that measures should ensure they do not have a detrimental physical, aesthetic or visual impact on the structure.

- 7.3.19. I note the Conservation Officer comments that 'The original parapet and decorative seashell in render were removed and replaced with a flat parapet and smooth rendered finish. An application for retention was refused in 2021 when works to the building were ongoing. The Conservation Officer at the time asked that the parapet and render be reinstated. This was not done and as a result the character of the building has been negatively impacted.'
- 7.3.20. I have viewed past google® street view images of the property online in order to compare the original property to its current condition as described in the Planner's report. It is clear that the original property on the plot was unique in appearance, and distinctive in comparison to its neighbours. However, the property is not a Registered Protected Structure or included on the National Inventory of Architectural Heritage. The finish to the front elevation was also in poor condition.
- 7.3.21. I note that with respect to the insulated façade, the Planner's report refers to the previously refused application on the site ref. F21A/0150 and the Conservation Office statement under that application, that 'any revised proposal should be sympathetic in form, scale and finishes to the original dwelling and adjoining properties.' I have reviewed the plans associated with this previously refused application, and the current application represents a substantial decrease in scale in comparison to that previous scheme in my view. The front façade has been insulated and finished with a white render and I note that a render finish characterises many of the properties on the road.
- 7.3.22. It is also apparent from past street views that other properties in the area have undergone substantial alteration in the intervening period, including the immediate neighbouring dwelling to the south of the subject site (planning ref.F13B/0151). While I am cognisant of the Conservation Officers objections to this aspect of the proposal, there is limited protection offered in the absence of a specific designation as a Registered Protected Structure. I am also aware of the location of the site in the ACA (considered further below) however in my view, a render finish is in keeping with the established character to houses in the ACA. The original house was also

finished in render – albeit with a decorative shell addition, however that finish was in poor repair as outlined above.

7.3.23. In summary, I am satisfied that the insulated façade (with render finish), does not detract from the character of the conservation area. I am also satisfied that this element aligns with policies and objectives under the Development Plan which promote sensitive energy efficiency retro-fitting of existing building stock. As such, I am recommending that this element of the scheme benefit from retention permission.

- Front boundary wall

7.3.24. The Planner's report states that the scale and design of the front boundary wall is visually incongruous and does not have due regard for the ACA. The appeal grounds do not specifically address the refusal with respect to the front wall, however I take the appellant's general comments with respect to the acceptability of the works and that Objective HCAO24 requires sensitivity to ACA character, but does not prohibit adaptation or alteration.

7.3.25. The front boundary wall is constructed in block and timber with total height of c.1.8m and with the block element finished in white render reflecting the finish of the main property on the site. A timber gate of the same height is located to the right end of the front boundary providing vehicular access. This gate is not highlighted in the plans for retention, but does not benefit from necessary planning consent given its height.

7.3.26. I note that a property to the north of the site also has a white render front boundary wall with vehicular gate to the left end of the front boundary. The wall for this neighbouring property is however lower than the wall on the subject site. I also note that with respect to the height of the front boundary treatment, Class 5 of the Planning and Development Regulations 2001 (as amended) lists as exempted development walls (or fences) to the front of a property not exceeding 1.2m in height.

7.3.27. The front boundary treatment at the subject site is of a greater height and scale compared to that of other front walls or fences in the street. While some front boundaries have higher vegetation, such hedges etc. do not compare with the solidity and permanence of a wall or fence structure. The front boundary treatment for the subject site almost matches the eaves height to the adjacent property to the north, situated on the edge of the street. I agree with the Planner that this front

boundary treatment is visually incongruous and the resulting harm is compounded by the location of the site in the ACA. I am however satisfied that the render finish to the wall is reflective of established material finishes in the area.

- 7.3.28. In my view, this element of the scheme is unacceptable and is in contravention of Objective HCAO24 of the Fingal Development Plan 2023-2029. As such, it should not benefit from retention permission. I am recommending a split decision to the Commission, refusing retention permission of this particular element of the scheme.

#### 7.4. Lusk Architectural Conservation Area and heritage considerations

- 7.4.1. The Planner's Report highlights that the development is not considered to be appropriate or sensitive to the location of the site in the Lusk Architectural Conservation Area (ACA). The first reason for refusal refers to objective HCAO24 with respect to alterations in ACAs. The appellant contends that the location in the ACA does not prohibit development.

- 7.4.2. Objective HCAO24 requires proposals to be sensitive and compatible with the special character of the ACA. The Appendix 5 to the Fingal County Development Plan 2023-2029 identifies the elements that inform the special character of the conservation area as extracted below.

"The special character of Lusk ACA is formed by several inter-related elements. These include: the central position of the medieval church and towers of St. MacCullin's church within the village, with incidental and axial views throughout the historic core; the change in topography with higher ground around and to the north of St. MacCullin's church; the medieval street layout around the church and graveyard and the fact that the boundaries of the early Christian monastery can be distinguished; vernacular houses both solitary houses, houses in rows and both single and two storey-types. The considerable diversity of building types and materials contribute to the character of the ACA. Lusk was known for its thatched single-storey houses. While the thatch has mostly disappeared, many of the vernacular houses survive with replacement roofing materials. The intermingling in the streetscapes of vernacular buildings with taller houses and more formal architecture is a defining element of the special architectural character of Lusk." (Appendix 5 ACAs Appendices Fingal Development Plan 2023-2029)

- 7.4.3. Vernacular housing (meaning traditional, constructed from local materials) and the diversity of building types and materials are features of the special character of the ACA. The immediate context of the subject site is informed by a variety of housing types and designs, reflecting this diversity of character. The original property on the subject site was not a thatched single-storey house typical of the Lusk area. The heart of the conservation area is focused on the churches in the village and the historic core, which the subject site is not located within. The finish to the development with white render is in keeping with the finish to neighbouring properties in Barrack Lane. I have outlined above why I consider the specific alterations, namely rear garden room/home office, side extension, front insulation and BBQ area to be acceptable.
- 7.4.4. Overall, I am satisfied that the development has incorporated materials that respond sensitively to the character of the ACA. I am also satisfied that the set back position of the property and associated extension (as well as other additions to the rear garden), ensure that visual amenity in the ACA is protected.
- 7.4.5. With reference to the additions to the front boundary, I have highlighted above why these elements are not acceptable. The scale and design of the front boundary and the pre-fab storage structure do not respond sensitively to the ACA location and would be visually incongruous in their position directly onto the street.
- 7.4.6. As such, I am recommending a split decision to the Commission with respect to these individual elements making up the scheme.

7.5. The reasons for refusal and use of conditions

- 7.5.1. The Chief Executive Notification of Decision includes 3 reasons for refusal (full text section 3.1 above) and I address each of these in turn below.
- 7.5.2. The first reason for refusal concerns the design and scale of the development compared to the established character of Barrack lane, related visual amenity and adverse effect upon the Lusk Architectural Conservation Area (ACA) which it is stated would materially contravene Objective HCAO24 of the Fingal Development Plan 2023-2029.
- 7.5.3. I have outlined in the preceding paragraphs why I consider specific parts of the scheme to be acceptable, and other elements to be unacceptable, with reference to

Objective HCAO24 and my recommendation to the Commission is reflective of this assessment. I am satisfied that with the removal of the front boundary and pre-fab storage structure from the consent, the development would conform with Objective HCAO24. I am also satisfied that a material contravention of the Development Plan does not result, in consideration of the overall assessment set out in this report.

7.5.4. The second reason for refusal relates to the layout of the home office structure (a.k.a the garden room) which it is stated presents as a separate unit of accommodation failing to accord with SPPR 2 of the Sustainable Residential Developments and Compact Settlements – Guidelines for Planning Authorities in Urban Areas, as well as ‘Section 14.10.4 Garden Rooms’ and Objective DMSO32 of the Fingal Development Plan 2023-2029. Setting an undesirable precedent for the area.

7.5.5. I am recommending that the Commission incorporate a condition to restrict occupation of the home office and an associated condition to require the removal of kitchen/shower/wc. With the application of these conditions, I am satisfied that the development conforms with section 14.10.4 of the Development Plan. As the garden room/home office is ancillary to the main dwelling on the site (as secured by the recommended conditions) SPPR 2 of the Sustainable Residential Developments and Compact Settlements – Guidelines for Planning Authorities in Urban Areas and Objective DMSO32 of the Fingal Development Plan 2023-2029 do not apply, as they relate to new residential housing development.

7.5.6. The third and final reason for refusal relates to inadequate information with respect to surface water drainage arrangements, failing to demonstrate compliance with the provisions of the Fingal Development Plan 2023-2029 and being prejudicial to public health.

7.5.7. I note that the appeal grounds request that this element is addressed by way of condition and I agree with this approach. As such, I have included a condition regarding the same in my recommendation below, should the Commission agree with this approach.

## **8.0 Recommendation**

8.1. Having regard to the above, I recommend that a split decision be issued as follows: RETENTION PERMISSION BE GRANTED for insulated front façade of the dwelling;

single-storey sloped roof covered structure to the northern side of the dwelling; single-storey sloped roof shed to the rear garden of the existing dwelling for use as a home office; and open-canopied BBQ/amenity area, subject to conditions and for the reasons and considerations marked (1) below. REFUSE RETENTION for block and timber front boundary wall and single-storey metal prefab structure, based on the reasons and considerations marked (2) below.

## 9.0 Reasons and Considerations (1)

Having regard to the nature and scale of the proposed development for retention (insulated front façade of the dwelling; single-storey sloped roof covered structure to the northern side of the dwelling; single-storey sloped roof shed to the rear garden of the existing dwelling for use as a home office; and open-canopied BBQ/amenity area), 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 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 within three months of the date of this Order and the development shall be carried out and completed in accordance with the agreed particulars.

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

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

**Reason:** To restrict the use of the shed/home office in the interest of residential amenity.

3. Within 3 months of the date of this decision, details to be submitted to the Local Planning Authority for written consent, evidencing the removal of shower/wc/kitchen facilities within the rear shed/home office; with a site visit by the Local Authority to be facilitated to confirm the same as necessary.

**Reason:** In the interests of residential amenity and in accordance with 'Section 14.10.4 Garden Rooms' of the Fingal Development Plan 2023-2029

4. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Within 3 months of the date of this decision, details for the disposal of surface water from the site to be submitted for the written agreement of the planning authority. The development shall be carried out and altered as necessary, in accordance with the agreed particulars.

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

## 10.0 Reasons and Considerations (2)

1. The development for retention (block and timber front boundary wall and single-storey metal prefab structure), by reason of its design and scale, 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 be seriously injurious to 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 is therefore considered

to be contrary to the proper planning and sustainable development of the area.

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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Rachel Gleave O'Connor  
Senior Planning Inspector

29<sup>th</sup> October 2025



## 11.0 Form 1 - EIA Pre-Screening

<b>Case Reference</b>	323532
<b>Proposed Development Summary</b>	Retention of alterations to property
<b>Development Address</b>	St Elmo's Barrack Lane, Lusk, Fingal
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.  <input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	<p><b>State the Class and state the relevant threshold</b></p>
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	<p><b>State the Class and state the relevant threshold</b></p>

<p><b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b></p>	
<p><b>Yes</b> <input type="checkbox"/></p>	<p><b>Screening Determination required (Complete Form 3)</b></p>
<p><b>No</b> <input checked="" type="checkbox"/></p>	<p><b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b></p>

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_