



An
Coimisiún
Pleanála

Inspector's Report

PL-500609-DF-26

Development	Renovation and extension to dwelling
Location	Nutstown, Oldtown, Co. Dublin, A45 FK30
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F25A/1018E
Applicant(s)	Michael and Sarah Lynders
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Michael and Sarah Lynders
Observer(s)	None
Date of Site Inspection	27 th March 2026
Inspector	Barry Diamond

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Appendix 1 –EIA Screening

1.0 Site Location and Description

- 1.1. The application site is located in the countryside to the northwest of Oldtown village. The site is circa 0.109ha and comprises an existing roadside vernacular styled single storey cottage which is positioned gable end to the public road.
- 1.2. The dwelling is finished in a mixture of render and natural stone to the walls and a slate finish to the roof. There is a single storey flat roof annex to the southern gable and a detached outbuilding just beyond the rear of the dwelling.
- 1.3. Close boarded fencing and low boundary hedges define the boundaries of the site with the exception of the southern boundary which has mature trees in excess of 15 metres in height.
- 1.4. The surrounding area is defined by rural agricultural land with intermittent single and one and a half storey dwellings set on roadside plots.

2.0 Proposed Development

- 2.1. The proposed development seeks permission for a two-storey extension to the southwestern elevation of the existing dwelling which includes a number of elements;
 - new 2 storey flat roofed extension;
 - dormer extension to rear/side;
 - Installation of new waste water treatment system, & percolation area; and
 - associated site works at existing dwelling house.

3.0 Planning Authority Decision

3.1. Decision

On the 16th December 2025 the Planning Authority issued a decision to refuse planning permission for the following reason:

1. The proposed development by reason of its inappropriate design, height, scale and massing would result in an overbearing and visually intrusive form of development that fails to appropriately integrate with the existing dwelling, and would be out of character with the pattern of development in the surrounding area. As such the proposed development would contravene Objective SPQHP41 'Residential

Extensions' and Objective SPQHO45 'Domestic Extensions' of the Fingal Development Plan 2023-2029, and would seriously detract from the visual amenities of the surrounding area. The development if granted would set an undesirable precedent for further poorly designed development in the area. For the above reasons, the proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The decision of the planner reflects the decision to refuse planning permission. It includes the following points:

- The principle of a residential extension and alterations is acceptable;
- The pitched roof component of the extension will exceed the height of the existing cottage;
- The design of the proposed extension does not complement the existing residential dwelling;
- The site is open to views from the public road from both the southeast and northwest;
- The proposed design would appear overbearing, overly dominant and would be out of character with the surrounding area; and
- There are no EIA or Appropriate Assessment concerns with the development.

3.2.2. Other Technical Reports

- Water Services Section: no objection subject to conditions.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

None

4.0 Planning History

History referred to as precedent

F19A/0614 - In September 2020 the Planning Authority granted permission and retention permission for the construction of a new two storey extension (180m² new floor area in total) to the side and rear of existing dwelling, with internal alterations and new porch to existing dwelling along with the retention of an existing site entrance with new piers, wing walls & gates at Adamstown Road, Garristown, Co Dublin, A42 X762.

F22A/0532 - In January 2023 the Planning Authority granted permission for a new two storey extension and renovation of the existing cottage along with the change of use of existing outbuilding to form full serviced granny flat ancillary and renovation and extension of an existing derelict outbuilding to form games room and social space at Baldwinstown, Garristown Co. Dublin.

F22B/0235 - In March 2023 the Planning Authority granted permission for the construction of a one and a half storey domestic extension at Thorndale, Nutstown, Garristown, Co. Dublin, A42 WP02.

F20A/0318 - In November 2020 the Planning Authority granted permission for the extension and deep retrofit of existing bungalow at Nutstown, Garristown, North Co. Dublin, A42 CP58.

F20B/0092 - In January 2021 the Planning Authority granted permission to extend an existing dwelling house at the sides and rear to include a dining room, living room, two bedrooms, one with en-suite and wardrobe with all ancillary site works at Laurel Cottage, Jordanstown, Oldtown, Co Dublin.

5.0 Policy Context

Development Plan

5.1. The Fingal Development Plan 2023-2029 is the operational plan for the area. The site is zoned 'RU', 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.

5.2. The following sections /policies / objectives are pertinent:

SPQHP41 seeks to support the extension of existing dwellings with extensions of appropriate scale and subject to the protection of residential and visual amenities.

SPQHO45 seeks to support dwelling extensions of appropriate scale and subject to the protection of residential and visual amenities.

Objective DMSO23 – Separation Distance: A separation distance of a minimum of 22 metres between directly opposing rear first floor windows shall generally be observed unless alternative provision has been designed to ensure privacy.

Objective DMSO27 – Minimum Private Open Space Provision: 3 bedroom houses or less to have a minimum of 60 sq. m. of private open space located behind the front building line of the house.

Section 14.10.2 Residential Extensions: supports 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.

Section 14.10.2.3 Ground Floor Extensions (rear) will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining to serve the dwelling house. The proposed extension should match or complement the existing dwelling house.

Section 14.10.2.4 First floor rear extensions will be considered on their merits, noting that they can have potential for negative impacts on the amenities of adjacent properties, and will only be permitted where the Planning Authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities. In determining applications for first floor extensions the following factors will be considered:

- Overshadowing, overbearing, and overlooking – along with proximity, height, and length along mutual boundaries.
- Remaining rear private open space, its orientation and usability.
- Degree of set-back from mutual side boundaries.
- External finishes and design, which shall generally be in harmony with existing.

Section 14.12.13 Extensions to Rural Dwellings - Extensions of a reasonable or modest size may be acceptable, subject to the proposed extension respecting the character, scale, and proportions of the existing dwelling, and subject to the availability of necessary services and protection of the visual amenities of the area.

5.3. **Natural Heritage Designations**

The appeal site is not located on or within proximity to any designated Natura 2000 sites, with the nearest designated site being the Rogerstown Estuary SAC (000208), located c. 11.4km to the southeast of the site.

6.0 **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. Refer to Form 1 in Appendix 1 of my report.

7.0 **The Appeal**

7.1. **Grounds of Appeal**

7.2. The appellants grounds of appeal were submitted by Bell Associates on behalf of the appellant and these can be summarised as follows:

- The decision of the Planning Authority is inequitable and an overly subjective interpretation of policy;
- The houses in the area have a mixed typology;
- The Planning Authority routinely accepts extensions which exceed the scale of the original dwelling;
- There is a clear precedent for similar development and details of the following decisions to grant permission were provided: F19A/0614; F22A/0532; F22B/0235; F20A/0318 & F20B/0092;
- The proposed extension is read as a subordinate yet legible addition with the flat roof element acting as a visual transition between the cottage and the pitched roof extension;

- Rural character is not static;
- Subservience also considers visual sequencing, hierarchy of forms, setback relationships and legibility of original versus extended elements;
- The visual impact of the proposal must be assessed in the context of the existing pattern of development, which included larger extended dwellings;
- A letter was appended from the applicant which outlined their personal circumstances which included a growing family, health conditions and issues with dampness with the flat roof annex.

7.3. **Planning Authority Response**

The Planning Authority request that the decision to refuse planning permission be upheld, however, should permission be granted a condition requiring a Section 48 development contribution or Special Development Contribution is requested.

7.4. **Observations**

None

8.0 **Assessment**

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

- Principle of Development
- Design
- Residential Amenity
- Drainage

8.2 **Principle of Development**

8.2.1 The proposed development comprises a rear two storey extension to an existing dwelling, which is located within zoning 'RU', which seeks 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.

8.2.2 I note that the Fingal Development Plan 2023-2029 (FDP) is supportive of residential extensions. In this regard Objectives SPQHP41, SPQHP45, Sections 14.10.2 and 14.12.13 supports applications, including those in rural areas, to amend existing dwelling units to reconfigure and extend existing dwellings subject to specific safeguards. I consider that the principle of a residential extension is acceptable subject to issues of design, neighbour amenity and other relevant factors.

8.3 Design

8.3.1 The existing dwelling is a single storey cottage of vernacular style positioned gable end to the public road with a limited set back. The main body of the existing dwelling has a pitched roof with a ridge height of 6.3 metres and has a stone finish on two of the external walls and a render finish to the remainder. A single storey flat roof extension is located at the southern end of the dwelling which appears to be a later addition to the original vernacular cottage.

8.3.2 The proposal is to demolish the existing flat roof extension on the southern gable and erect a new one and a half storey extension circa 6.83 metres in height. The extension will increase the footprint of the dwelling from 101sqm to 205sqm with the extension also having a marginally higher ridge height (6.83m) than the existing dwelling (6.25m). The proposed extension includes a ground floor kitchen and living area with four bedrooms and bathroom facilities located at first floor level. The extension has a mixture of flat roof and pitched roof elements.

8.3.3 The proposed extension has a number of design cues which conflict with the design of the existing vernacular cottage. A two storey flat roof extension extends from the pitched roof of the single storey cottage which then transitions into a pitched roof that runs at a right angle to the original roof of the cottage. This complicates the roofline of the host dwelling which has a simple shape and form. The proposed extension is deeper than the existing dwelling with the most notable change being a significant increase in massing and bulk at first floor level which does not exist on the cottage. In addition, the window fenestration of the new extension has large windows with horizontal emphasis while the host dwelling has narrower windows with vertical emphasis.

8.3.4 These design elements in my view contrast poorly with the existing vernacular cottage and would detract from its character. While I accept that components of the design are currently available to some extent on the existing annex they are

subordinate to the host dwelling, whereas in the proposed case they would be dominant features when viewed from public vantage points.

- 8.3.5 The site has limited views from the southeast due to an intervening dwelling which restricts views while longer term views are available when approaching the site from the west. When viewed from the western approach there is a limited backdrop. From this vantage point the combination of the contrasting fenestration, the overall depth of the extension along with the massing at first floor level would be readily apparent. In addition, when viewed from across the site frontage the width of the extension would not appear in any way subordinate to the narrow gable depth of the host dwelling. In my view, when the extension is viewed from the surrounding vantage points it would fail to respect the character and scale of the host dwelling and would have a detrimental impact on the visual amenity of the area.
- 8.3.6 The applicant raises several planning histories in the area which they consider set a precedent for the appeal proposal. I accept that the Planning Authority has approved some fairly sizeable extensions to residential houses on roadside plots with F19A/0614 and F22A/0532 including both enlarged footprints and marginal increases in ridge height, however, I do not consider that the FDP places an embargo on such design cues, rather the overall tests embodied within Objectives SPQHP41, SPQHP45 and Section 14.12.13 is whether the extension respects the character and is of an appropriate scale to the existing dwelling. I note the precedent examples referred to by the applicant's consultant, however, the cases referred to, in my opinion do not mirror the design of the host dwelling or the proposed extension and I do not find them persuasive.
- 8.3.7 The application site comprises a plot of 0.109 hectares and I consider that following development that there would be sufficient amenity space remaining within the curtilage of the dwelling. In addition, the proposal does not include any changes to the access arrangements, there is sufficient space within the curtilage for the parking of one car and there is visitor layby parking available at the roadside.
- 8.3.8 Overall I consider that the proposed extension would be contrary to Objectives SPQHP41, SPQHP45, and Section 14.12.13 of the FDP as the proposed extension does not respect the character, scale, and proportions of the existing dwelling.

8.4 Residential Amenity

8.4.1 The impact upon the residential amenity of neighbouring properties is a key component to assessing applications for new extensions. Objective DMSO23 of the FDP indicates that a minimum separation distance of 22 metres between directly opposing rear first floor windows shall generally be observed. In this case, although there are three dwellings nearby the nearest residential dwelling is 35 metres away and I do not consider that there would be any adverse impacts from overshadowing, overlooking or dominance.

8.5 Drainage

8.5.1 A new wastewater treatment system is proposed to serve the increased occupancy of the dwelling following the completion of the proposed extension. The site overlies a locally important aquifer with a ground water protection response of 'R1' with on-site tests identifying the presence of a relatively high water table.

8.5.2 A Site Characterisation Report was submitted as part of the planning application and was prepared by Hydrocare Environmental Ltd which recommends a proprietary wastewater treatment system and a sand polishing filter with a minimum area of 18 sqm underlain by a 120 sqm gravel distribution bed. The accompanying cover letter states that "as per EPA Code of Practice 2021 the polishing filter should be sized to 150m². However there is insufficient space to fit a polishing filter of that size. As this is a legacy site and will result in a significant improvement to the current wastewater configuration Hydrocare consider that 120m² underlying the tertiary filter is satisfactory".

8.5.3 Section 1.3 of the EPA CoP (2021) provides for some variation from the standards set out in the Code where existing systems may not meet current performance requirements. In this regard development might be considered acceptable, however, it does appear that the constraints on the site area arise, at least in part, from the relatively extensive footprint of the proposed extension. It remains unclear to me that a revised form of extension could not be accommodated on the site and still achieve compliance with the EPA CoP.

9.0 AA Screening

- 9.1 I have considered the development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located at Nutstown, Oldtown, Co. Dublin, A45 FK30 and no relevant designated sites are close by.
- 9.2 The proposed development comprises the renovation and extension to a dwelling. No nature conservation concerns were raised in the planning appeal. 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.
- 9.3 The reason for this conclusion is as follows:
- Small scale and nature of the development;
 - Distance from nearest European site and lack of connections; and
 - The screening decision of the Planning Authority.
- 9.4 I conclude that on the basis of objective information, that the proposed development would not have a likely 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.

10.0 Water Framework Directive

- 10.1 The subject site is located at Nutstown, Oldtown, Co. Dublin, A45 FK30 which is 216 metres southwest of the nearest water body.
- 10.2 The proposed development comprises the renovation and extension to an existing dwelling. No water deterioration concerns were raised in the planning appeal.
- 10.3 I have I would note the recommendations of the Site Characterisation report and the noted constraints in terms of site area in terms of sizing of the polishing filter.

Notwithstanding, the site does appear to be suitable for the on-site treatment and disposal of effluent and subject to compliance with the provisions of the EPA CoP, it can be determined that the application can be eliminated from further assessment because of the absence of risk to any surface and/or groundwater water bodies either qualitatively or quantitatively. The reason for this conclusion is as follows:

- Nature of works e.g. small scale and nature of the development;
- The upgrade and improvement to the existing on-site wastewater disposal arrangements, and
- Distance from nearest water bodies and/or lack of hydrological connections

10.4 I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

That planning permission be refused for the reasons and considerations set out below and subject to the conditions set out below.

12.0 Reasons and Considerations

1. The proposed development by reason of its inappropriate design, height, scale and massing would result in an overbearing and visually intrusive form of development that fails to appropriately integrate with the existing dwelling, and would be out of character with the pattern of development in the surrounding area. As such the proposed development would contravene Objective SPQHP41 'Residential Extensions' and Objective SPQHO45 'Domestic Extensions' and Section 14.12.13 'Extensions to Rural Dwellings' of the Fingal Development Plan 2023-2029, and, would seriously detract from the visual amenities of the surrounding area. The development if granted would set an undesirable precedent for further poorly designed development in the area. For the above reasons, the proposed

development would therefore 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.

Barry Diamond
Planning Inspector

14th April 2026

Appendix 1 - Form 1 EIA Pre-Screening

Case Reference	PL-500609-DF-26
Proposed Development Summary	Renovation and extension to dwelling
Development Address	Nutstown, Oldtown, Co. Dublin, A45 FK30
	In all cases check box /or leave blank
<p>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</p> <p>(For the purposes of the Directive, "Project" means:</p> <ul style="list-style-type: none"> - 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) 	<p><input type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.</p> <p><input checked="" type="checkbox"/> No, No further action required.</p>
<p>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</p>	
<p><input type="checkbox"/> Yes, it is a Class specified in Part 1.</p> <p>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</p>	
<p><input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3</p>	
<p>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?</p>	
<p><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 development under</p>	

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

<p>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)?</p>	
<p>Yes <input type="checkbox"/></p>	<p>Screening Determination required (Complete Form 3)</p>
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____

Date: _____

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