



An  
Coimisiún  
Pleanála

## Inspector's Report PL-500756-DF-26

<b>Development</b>	Construction of entrance and roof lights. Retention of extension and cabin and associated site works.
<b>Location</b>	Briar Cottage, Lainstown, Donabate
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	F25A/1039E
<b>Applicant(s)</b>	Olivia Brady and Stephen Lynam.
<b>Type of Application</b>	Permission and Permission to Retain.
<b>Planning Authority Decision</b>	Split Decision
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Olivia Brady and Stephen Lynam.
<b>Observer(s)</b>	Leo and Eileen Walsh.
<b>Date of Site Inspection</b>	16 <sup>th</sup> of March 2026
<b>Inspector</b>	Stephanie Farrington

## 1.0 Site Location and Description

1.1. The appeal site, which has a stated site area of 0.193ha, is located c.2.6km to the south of Donabate town centre along Hearse Road. The site is roughly triangular in shape and occupied by a part two storey part single storey dwelling known as Briar Cottage. The site is adjoined by detached dwellings to the north and south. Access to the site is provided via the R126.

## 2.0 Proposed Development

2.1. The development seeks permission and permission to retain development at Briar Cottage as described as follows:

- Permission for a new entrance off Hearse Road and roof lights to front roof of the existing lounge.
- Permission new stone finish to Northwest (Front) elevation of the existing extension, a new pergola and timber cladding to Southwest (Side) elevation of the existing extension.
- Retention of a two-storey extension to the rear of an existing dwelling, with associated site works.
- Retention of a single storey detached log cabin for ancillary domestic use containing a gym, stores, and domestic home offices with associated site works.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. Fingal County Council issued a SPLIT decision in respect of the development:

3.1.2. Permission was GRANTED for the following elements of the development:

- New entrance off Hearse Road
- Roof lights to front of dwelling
- Retention of Log Cabin

3.1.3. The permission was subject to 8 no. conditions. The following conditions are of note:

- Condition 2: The dwelling and the entire site delineated in red shall be used as a single residential unit apart from such use as may be exempted development for the purposes of the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended) (or any superseding legislation). The dwelling and the entire site delineated in red shall not be subdivided or used for multiple occupancy living units or for the purposes of short-term letting except where otherwise permitted by way of a separate grant of planning permission.

REASON: In the interest of clarity and to ensure proper planning and sustainable development.

- Condition 3: The retained log cabin shall be used solely for private domestic use only incidental to the enjoyment of the dwelling house and shall not be used for human habitation or sold, rented or otherwise transferred or conveyed independently of the house and shall not be used for the carrying out of any trade or business. No kitchen, shower or bathroom facilities shall be installed in the retained log cabin except where otherwise permitted in future by way of a separate grant of planning permission.

REASON: In the interest of the proper planning and sustainable development of the area and to uphold the Council's Rural Settlement Strategy.

- Condition 4: The windows to the 'storage room' and '21 home office room' of the retained log cabin, to the south elevation as indicated on Drawing No. A101-02 'Existing Cabin Floor Plan, Elevations and Section', dated

11/06/2025 and prepared by Lynam Architectural Agency), shall be omitted.

REASON: To protect the residential amenities of neighbouring properties.

3.1.4. Permission was REFUSED for the following elements of the development:

- Retention of two storey extension to rear of existing dwelling
- Permission for 2 storey pergola and timber cladding of this element of the proposal

3.1.5. Permission was refused for these elements of the proposal in accordance with the following reasons and considerations:

*“By reason of its massing, scale and design, the two-storey rear extension which seeks to be retained is considered to be excessive and appears visually incongruous to the existing streetscape and the surrounding area. It is considered the two-storey rear extension, as constructed, detracts from, and is seriously injurious to, the existing visual amenities of the area. The two-storey extension is therefore contrary to ‘Policy SPQHP41 – Residential Extensions’ and ‘Objective SPQHO45 – Domestic Extensions’ of the Fingal Development Plan 2023-2029. Having regard to the foregoing, the proposed stone finish, pergola and timber cladding associated with this element of the proposal are also considered unacceptable. To grant permission for retention of this aspect of the proposal would set an undesirable precedent for similar developments in the area and would be contrary to the proper planning and sustainable development of the area”.*

## 3.2. Planning Authority Reports

3.2.1. Planning Reports

Planner’s Report (26/08/25):

The planner’s report recommends a split decision in accordance with the planning authority’s decision. The following provides a summary of the key points raised:

- The report presents a summary of the relevant planning policy and planning history of the site. The planner’s report refers to an active enforcement case in

respect of the site relating to non-compliance with conditions of the previous grants of permission (Ref:25/005).

- Principle of development: Residential development is listed as “Permitted in Principle” on lands zoned for Greenbelt purposes. The development complies with the Council’s Rural Settlement Strategy and is deemed acceptable in principle subject to compliance with the provisions of the Development Plan including the GB zoning and residential extensions. The report outlines that such developments should not result in undue negative impacts on the visual, rural or residential amenities of the area. In terms of the log cabin Objective ZO4 of the Plan outlines that developments ancillary to the main use can be considered on their merits.
- Impacts on the visual, rural and residential amenities of the area: The proposed roof lights are not considered to unduly impact on the visual, rural and residential amenities of the area and are considered acceptable.
- Extension: The report raises concern in relation to the impact of the two-storey extension on the visual amenities of the area. The report refers to the planning history of the site wherein permission was refused for the extension under PA Ref: F25A/022IE. The report outlines that the as constructed extension is not considered to be in accordance with the design and appearance of the existing dwelling on site nor does it successfully integrate with the established character of the area.
- The report outlines that proposals for timber cladding and a new timber pergola to the south-west (side) elevation of the extension are at odds with the finishes to the remainder of the dwelling. The proposed stone finish to the north-west front elevation of the extension is noted as a minor improvement to previous proposals.
- The report outlines that the overall bulk, scale and design of the two-story rear extension is incongruous with the existing dwelling as well as neighbouring properties and would significantly detract from and be seriously injurious to

the visual amenities of the area and set an undesirable precedent for other similar development which would, cumulatively, be seriously injurious to the overall amenity of the County's GB zoned lands.

- The as constructed two-storey rear extension is not considered to be of an appropriate scale or sensitively designed and is considered to be contrary to Policy SPQHP41 and Objective SPHO45 of the Development Plan.
- Log Cabin: The report outlines that the proposed log cabin will be used for purposes ancillary to the enjoyment of the dwelling and is not visible from the public realm. The cabin is deemed substantially compliant with the provisions of Section 14.10.4 of the Development Plan. Revised external finishes and restrictions on use are recommended via conditions. The report refers to the concerns raised by the adjoining neighbour in relation to the proximity of the cabin to the shared boundary to the south and the siting of windows on the southern elevation. While it is noted that screening is provided along this boundary, the report outlines that the windows should be omitted to protect privacy and amenity of the adjoining garden. The retention of the log cabin is deemed acceptable subject to conditions.
- New Entrance: The report cross refers to the report on file from the Transportation Planning Section in relation to the proposed new entrance which raises no objection to this element of the proposal subject to conditions.
- Appropriate Assessment Screening: The report outlines that the project, individually or in combination with another plan or project, will not significantly impact on any European site.
- EIA Screening: In terms of Environmental Impact Assessment, the report outlines that the development is not listed in Schedule 5 (Part 1 or Part 2) and does not meet the thresholds for sub-threshold EIA.

### 3.2.2. Other Technical Reports

- Water Services: No objection subject to conditions.
- Transport Planning Section: No objection subject to conditions.
- Parks and Green Infrastructure Division: No objection.

### 3.3. Prescribed Bodies

None.

### 3.4. Third Party Observations

A third-party submission was made on the application by an adjoining resident. The key points raised within the observation are summarised below:

- The application includes minor changes to the elevation of the extension previously refused by FCC under PA Ref: F25A/0221E. The minor changes do not address the visual impact of or overlooking from the development. Adding cladding and a pergola does not respond to the previous reasons for refusal.
- The extension is not in keeping with the appearance of the existing house and fails to integrate with the character of the area without undue impact to the visual amenities of the area.
- The development is contrary to Policy SPQHP41 and Objective SPQHO45 of the Fingal Development Plan.
- The log cabin has windows adjacent to the shared boundary with the observer and is built directly over a surface water sewer serving the immediate area and adjoining lands.

## 4.0 Planning History

- PA Ref: F25A/0221E: Split decision issued in June 2025 for development at Briar Cottage. Permission granted for new entrance off Hearse Road and

rooflights to the front of existing dwelling and permission refused for retention of two storey rear extension and for detached single storey log cabin.

- PA Ref: F19A/0139: Permission granted in June 2019 for single storey rear extension and relocation of existing vehicle entrance gates and associated site works.
- PA Ref: 17A/0713: Permission granted in February 2018 for replacement of septic tank with wastewater treatment system.
- PA Ref: F96B/0247: Permission granted in August 1996 for part two storey extension to side of existing house.
- The planner's report refers to the following Enforcement Case on the property: Ref 25/005 which relates to non-compliance of the conditions of previous grants of permission.

## 5.0 Policy Context

### 5.1. Development Plan

#### Fingal Development Plan 2023-2029

##### *Zoning*

- 5.1.1. The site is zoned for Greenbelt-“GB” purposes with an objective to “Protect and provide for a Greenbelt”. The Development Plan sets out the following vision for lands zoned for greenbelt purposes: *Create a rural/urban Greenbelt zone that permanently demarcates the boundary (i) between the rural and urban areas, or (ii) between urban and urban areas. The role of the Greenbelt is to check unrestricted sprawl of urban areas, to prevent coalescence of settlements, to prevent countryside encroachment and to protect the setting of towns and/or villages. The Greenbelt is attractive and multifunctional, serves the needs of both the urban and rural communities, and strengthens the links between urban and rural areas in a sustainable manner. The Greenbelt will provide opportunities for countryside access and for recreation, retain attractive landscapes, improve derelict land within and*

*around towns, secure lands with a nature conservation interest, and retain land in agricultural use. The zoning objective will have the consequence of achieving the regeneration of undeveloped town areas by ensuring that urban development is directed towards these areas.*

- 5.1.2. Residential is listed as a use which is permitted in principle on lands zoned for greenbelt purposes subject to compliance with the Rural Settlement Strategy.
- 5.1.3. The site is located within a “Highly Sensitive” Low Lying Agricultural” landscape character type area as identified in the Green Infrastructure Map.
- 5.1.4. The following provisions of the Plan are of relevance:
  - Policy SPQHP41 – Residential Extensions seeks to: Support the extension of existing dwellings with extensions of appropriate scale and 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.
  - Policy SPQHP49 – Preservation of Greenbelts: Recognise the importance of and preserve greenbelts in Fingal in order to safeguard valuable countryside to ensure that existing urban areas within Fingal do not coalesce enabling citizens to enjoy the County’s natural amenities and to strengthen and consolidate greenbelts around key settlements.
  - Policy SPQHP58- Preservation of Greenbelts: Preserve Greenbelts in Fingal in order to safeguard valuable countryside; to ensure that existing urban areas within Fingal do not coalesce to ensure that citizens can enjoy the County’s natural amenities and to strengthen and consolidate greenbelts around key settlements.
  - *Objective GINHO56- Visual Impact Assessments:* Require any necessary assessments, including visual impact assessments, to be prepared prior to approving development in highly sensitive areas.
  - Objective GINHO59: Development and Sensitive Areas: Ensure that new development does not impinge in any significant way on the character, integrity and distinctiveness of highly sensitive areas and does not detract

from the scenic value of the area. New development in highly sensitive areas shall not be permitted if it: " Causes unacceptable visual harm. " Introduces incongruous landscape elements. " Causes the disturbance or loss of (i) landscape elements that contribute to local distinctiveness, (ii) historic elements that contribute significantly to landscape character and quality such as field or road patterns, (iii) vegetation which is a characteristic of that landscape type and (iv) the visual condition of landscape elements.

- 5.1.5. Development Management Standards are set out within Chapter 14 of the Development Plan. Section 14.10.2 of the Development Plan relates to residential extensions and outlines that:

*"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".*

- 5.1.6. The following provisions of the Plan are of relevance:

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

*14.10.2.3 Ground Floor Extensions (rear) Ground floor rear extensions 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.*

*14.10.2.4 First Floor Extensions 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 14.10.2.5: Roof Alterations including Attic Conversions and Dormer Extensions*

*"14.10.4 Garden Rooms Garden Rooms can provide useful ancillary accommodation such as a playroom, gym, or study/home office for use by occupants of the dwelling house. Such structures should be modest in floor area and scale, relative to the main house and remaining rear garden area. Applicants will be required to demonstrate that neither the design nor the use of the structure would detract from the residential amenities of either the main residence or of adjoining property. External finishes shall be complementary to the main house and 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.*

*Section 14.12.2 Design Criteria for Housing in the Countryside*

*Table 14.9: Design Guidelines for Rural Dwellings*

*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.

## 5.2. Natural Heritage Designations

- 5.2.1. The site is not located in or adjacent to a European site. The nearest designated sites to the appeal site include the Malahide Estuary Special Protection Area SPA (Site Code 004025) Malahide Estuary proposed Natural Heritage Area (p NHA) (Site Code 000205) and the Malahide Estuary Special Area of Conservation (SAC) (000205) which are located c.1.5km south of the appeal site. The Rogerstown Estuary Special Area of Conservation (SAC) and proposed Natural Heritage Area (p NHA) (Site Code 000208) and the Rogerstown Estuary Special Protection Area (SPA) (004015) which are located c.2.2 km north of the appeal site.

## 6.0 EIA Screening

- 6.1. 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. 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.

## 7.0 The Appeal

### 7.1. Grounds of Appeal

- 7.1.1. A first party appeal was submitted in respect of FCC's decision to grant and refuse permission for the development. The following provides a summary of the grounds of appeal:

#### Refusal of Extension

- The appeal outlines that the elements relating to the two-storey extension must be considered in combination. Permission for revised elevational treatment cannot reasonably be granted unless the extension is regularised.

The proposed stone finish, timber cladding and pergola were intended to soften the visual appearance of the extension.

- The appeal refers to alternative revisions including the formation of a pitched roof element to replace the flat roof section visible on the north-west elevation could be considered by the Commission.
- The appeal outlines that the principle of a rear extension at this location was established under PA Ref: F19A/0139.

### Visual Impact

- The appeal outlines that the PA's decision relies heavily on assertions regarding visual impact. The appeal outlines that a Visual Impact Assessment was not requested in accordance with Table 14.20 and Objective GINHO56 of the Development Plan. This should have been requested by means of Further Information.
- The extension is only visible from certain sections along the public road and remains below the ridge and eaves level of the existing dwelling. The limited vision cannot be considered as visually incongruous. The visual impact of the extension has been overstated.
- The road is heavily trafficked and has no footpaths, affording limited views of the dwelling.
- There is no objective to preserve views along this section of the roadway. The extension cannot be considered to injure protected views or visual amenities. The appeal includes photographs from various intervals along the road.
- The highest point of the extension is visible only for a short section of the streetscape and is still well below the ridge height of the existing dwelling house. This is not considered visually incongruous to the streetscape.
- The appeal outlines that there are no objectives to preserve views on the public road illustrated on the Development Plan zoning map. The closest objective to preserve views is a distance of 800m due east opposite Newbridge House.

### Impact on Residential Amenity

- The appeal cites distances from nearest dwellings. 7.6m from north eastern boundary, 22m from front boundary (nw), 15m from south eastern and

southwestern boundary, The extension is 6.1 in height and there is no risk of overlooking of adjoining properties.

- The elevation of the extension that faces north west has no windows from habitable rooms.
- The 6.1 m high extension will not result in overshadowing.
- Having assessed the visual impact from the public road and adjoining properties it is requested that the 2 storey extension is permitted.
- The appeal suggests Options for the consideration of the Commission:
  - Option A: Carry out elevational revisions as proposed within application.
  - Option B: Alterations to the flat roof element visible from the public road to match the pitched roof design on the northeastern elevation.
  - Option C: Other amendments to the roof profile as deemed appropriate.

#### Undesirable Precedent

- The appeal refers to the reference to undesirable precedent as cited within the reasons for refusal. The house including extension is deemed a unique and one-off design and there are no similar houses in the immediate area. Each rural house has a unique design, and extensions should be assessed on a case-by-case basis without fear of undesirable precedent.

#### Comparative Decisions

- The appeal refers to decisions by ABP under PL61.321102 and PL29S.307882 wherein permission was granted subject to conditions addressing design and visual concerns.

#### Conclusion

- The refusal of retention permission for the two-storey extension and associated elevational treatments and imposition of Condition 4 area not supported by proportionate or site-specific assessment of visual impact, or by policy framework of the Fingal Development Plan.

## **7.2. Planning Authority Response**

- 7.2.1. Fingal County Council provided a response to the grounds of appeal. The appeal response requests the Commission to uphold the decision of the planning authority.

In the instance that the appeal is successful the Commission is requested to attach a financial contribution in accordance with FCC's Section 48 Development Contribution Scheme.

### 7.3. Observations

7.3.1. An observation on the appeal was lodged on behalf of Leo and Eileen Walsh. The following provides a summary of the key points raised:

- The observers reside in the adjoining property to the south.
- The observers support the decision of FCC to refuse permission to retain the 2-storey extension and request the Commission to uphold the decision of the Planning Authority.
- The observation outlines that the two-storey extension results in significant injury to the existing residential amenities of nearby residential lands for reasons relating to Overlooking and Loss of Privacy and Overbearing and Loss of Visual Amenity.
- Overlooking and Loss of Privacy: The observation raises concern in relation to the 2 no. windows at first floor level in the southeast elevation of the extension facing the observer's property to the south. Windows on the northwestern elevation of the extension are 7.6m to 9m from the site's northern boundary and less than 16m from the dwelling at Naomh Mel. The observation refers to the provisions of SPPR 1 of the Compact Settlement Guidelines and outlines that the applicants have failed to demonstrate that the extension protects the privacy of existing residents. The observation outlines that having regard to the proximity of the extension to site boundaries and the position of first floor windows, the development results in actual and perceived overlooking of houses and gardens at Strangford House to the south and Naomh Mel to the north.
- Overbearing and Loss of Visual Amenity: The appeal site is located in a cluster of rural dwellings typified by fine urban grain and traditional character. The observation outlines that the design and character of the 2 storey flat roof extension is not subordinate to and does not respect the character, scale and proportions of the existing dwelling. The development is deemed to be

contrary to the provisions of Section 14.12.13 of the Development Plan in this regard.

- The proposed extension also fails to integrate with the built form in the vicinity. The observation refers to different structures, different roof profiles with varying materials and finishes on the site.
- The height of the extension and lengths of façade reads as monolithic and overbearing from surrounding residential lands including the observer's property to the south and the R126.
- The development is deemed to be contrary to Policy SPQHP41, Objective SPHQHO45 and Section 14.12.13 of the Development Plan in this regard. The development is deemed to create a congested form of development that is inconsistent with the rural character and visual amenities of the area. The Commission is requested to refuse permission for the development in this regard.
- The observation provides a response to the grounds of appeal as summarised below:
  - Lack of site-specific Visual Impact Assessment: The observation refers to the requirements of Objective GINHO56 which requires submission of necessary assessments including visual impact assessments for development in highly sensitive areas. Objectives SPQHO85 and DMSO42 requires a visual impact assessment to be submitted in conjunction with application for residential development in Greenbelt areas.
  - The appeal does not include a visual impact assessment prepared by a suitably qualified professional. The appeal doesn't include any assessment of the landscape sensitivity of the surrounding area or its susceptibility to change, or any assessment of visual and prominence of the development within its immediate surroundings from short and long distance viewpoints and any changes in the character of existing views or local landscape. The observation outlines that in the absence of a LVIA the applicant has not demonstrated that the development does not seriously injure the character of the surrounding landscape. It is stated that permission must be refused on this basis.

- The observation outlines that the appeal misinterprets the landscape sensitivity of the site. There is no reference within the Planning Authority's decision to protected views. The site is located within a sensitive visual environment on Greenbelt zoned lands. The observation refers to the provisions of Policies SPQHP49 and SPQHP58 which seeks to protect these areas. The appeal site is also located in a "highly sensitive" landscape type, the Coastal Character Type, which is identified as having an "Exceptional" landscape value and "High" landscape sensitivity. The observation refers to the provisions of Policy GINHP25 and Objective GINHO59 of the Development Plan.
- The observation outlines that the appeal does not refer to the Development Plan Design Guidelines for Rural Dwellings (Table 14.9) which outlines that the design of rural houses "should be sensitive to its surroundings" and reflect existing environment. The design of the development is not considered to be consistent with the Sustainable Rural Housing Guidelines for Planning Authority's or Table 14.9 of the Development Plan.

#### Condition 4 – Log Cabin

- The observation outlines that the requirements of Condition no. 4 of the Planning Authority's decision which relates to the omission of the south facing windows on the log cabin is appropriate and in accordance with the guidance set out within Section 14.10.4 of the FDP which relates to Garden Rooms. The south facing windows would result in overlooking and loss of residential amenity to the observer's property. Having regard to the proximity of the cabin to the site boundary, screen planting at the site boundary could not be properly maintained and may not be viable in long term.

#### Conclusion

- The extension due to its excessive scale and urban character results in significant negative impacts on the amenity of neighbouring residential lands due to overlooking, loss of privacy, loss of visual amenity and overbearance is in contravention of Policy SPQHP41, Objective SPQHO45 and Section 14.12.13 of the Development Plan. The extension is considered a congested form of development that is inconsistent with the visual amenities of the area.

- The Commission is requested to refuse permission for the extension.

## 8.0 Assessment

8.1. This is a first party appeal lodged in respect of a SPLIT decision of Fingal County Council. I am satisfied that the main issues for consideration include Condition 4 attached to FCC's notification of decision to grant permission and the reason for refusal, as cited by the Planning Authority.

### 8.2. Condition no. 4:

8.2.1. This is a first-party appeal 'specifically' against Condition no. 4 of Fingal County Council's notification of decision to grant permission. Having regard to the nature and scale of the proposed development and the content of Condition no. 4 it is considered that the determination by the Commission of the application, as if it had been made to it in the first instance would not be warranted. Therefore, the Commission should determine the matters raised in the appeal only, in accordance with Section 139 of the Planning and Development Act 2000, as amended.

8.2.2. I have reviewed the proposed development and the correspondence on the file. I am satisfied that the retention of the existing log cabin is acceptable in principle, in accordance with the zoning objective of the site. The main issue for consideration is Condition no. 4.

8.2.3. The first party appeal requests the omission of Fingal County Council's notification of decision to grant permission for retention of the log cabin as detailed below:

- Condition 4: The windows to the 'storage room' and '21 home office room' of the retained log cabin, to the south elevation as indicated on Drawing No. A101-02 'Existing Cabin Floor Plan, Elevations and Section', dated 11/06/2025 and prepared by Lynam Architectural Agency), shall be omitted.  
REASON: To protect the residential amenities of neighbouring properties.

8.2.4. The existing log cabin is located along the south eastern boundary of the site. The cabin includes 2 no. window openings on the southern elevation which serve the existing store room and home office. On site inspection, I note that both window openings are finished with opaque glass. The observation on the appeal requests

the inclusion of Condition 4 to negate against overlooking and loss of privacy to the adjoining dwelling to the south. In terms of the concerns raised in relation to overlooking and loss of privacy, I note that the structure is single storey and the windows are fitted with opaque glass. I do not perceive loss of privacy and overlooking on this basis. I am satisfied that a condition to the effect that the windows on this elevation are permanently fitted with opaque glass would address the concerns raised by the observer and planning authority.

8.2.5. I recommend that Condition no. 4 is AMENDED as follows:

Condition 4: The windows to the 'storage room' and '21 home office room' of the retained log cabin, to the south elevation as indicated on Drawing No. A101-02 'Existing Cabin Floor Plan, Elevations and Section', dated 11/06/2025 and prepared by Lynam Architectural Agency), shall be permanently fitted with opaque glass.

REASON: To protect the residential amenities of neighbouring properties.

### 8.3. Two Storey Extension and Elevational Amendments

8.3.1. Fingal County Council refused permission for the following elements of the development:

- Permission new stone finish to Northwest (Front) elevation of the existing extension, a new pergola and timber cladding to Southwest (Side) elevation of the existing extension.
- Retention of a two-storey extension to the rear of an existing dwelling, with associated site works.

8.3.2. Permission was refused for these elements of the proposal in accordance with the following reasons and considerations:

*“By reason of its massing, scale and design, the two-storey rear extension which seeks to be retained is considered to be excessive and appears visually incongruous to the existing streetscape and the surrounding area. It is considered the two-storey rear extension, as constructed, detracts from, and is seriously injurious to, the existing visual amenities of the area. The two-storey extension is therefore contrary to ‘Policy SPQHP41 – Residential Extensions’ and ‘Objective SPQHO45 – Domestic Extensions’ of the Fingal Development Plan 2023-2029. Having regard to the*

*foregoing, the proposed stone finish, pergola and timber cladding associated with this element of the proposal are also considered unacceptable. To grant permission for retention of this aspect of the proposal would set an undesirable precedent for similar developments in the area and would be contrary to the proper planning and sustainable development of the area”.*

- 8.3.3. The development seeks permission to retain an existing two storey extension to the rear of the existing dwelling on site. The extension is located to the rear and side of the existing dwelling, has a gross floor area of c.126.08 sq.m., a height of 6.1m and is c.10.5 in length from the host dwelling. Permission is also sought for revisions to the finish of the extension. These include a new stone finish to northwest (front) elevation of the existing extension, a new pergola and timber cladding to southwest (side) elevation of the existing extension.
- 8.3.4. The appeal site is located within a rural area and zoned for Greenbelt purposes within the Fingal Development Plan with an objective to *“Protect and provide for a Greenbelt”*. The site is also located within a highly sensitive landscape character area. The policies and objectives of the Fingal Development Plan seek to protect the landscape character of such areas. Objective GINHO59 relates to Development and Sensitive Areas and seeks to *“Ensure that new development does not impinge in any significant way on the character, integrity and distinctiveness of highly sensitive areas and does not detract from the scenic value of the area. New development in highly sensitive areas shall not be permitted if it: “ Causes unacceptable visual harm. “ Introduces incongruous landscape elements”*.
- 8.3.5. The following provisions of the Fingal Development Plan are also of relevance.
- 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”.
  - *‘Policy SPQHP41 – Residential Extensions’* Residential Extensions seeks to: Support the extension of existing dwellings with extensions of appropriate scale and 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.

8.3.6. I do not consider that the existing extension is modest in size or respects the character, scale or proportions of the existing dwelling in accordance with the provisions of 14.12.13 of the Fingal Development Plan. I furthermore do not consider that the extension is not subordinate to or respects the character, scale and proportions of the existing dwelling. The development results in different roof profiles with varying materials and finishes on the site which in my view detract from the character of the existing dwelling. I consider that the extension is contrary to the provision of Section 14.12.13, Policy SPQHP41 and Objective SPQHO45 of the Fingal Development Plan.

8.3.7. In terms of visual impact, I consider that the as constructed two-storey extension by reason of its overall scale, bulk, height and design fails to successfully integrate with the existing house on site and the established character of development within the area. On site inspection, I consider that the extension is a dominant feature when viewed from the surrounding area. I concur with the point raised within the observation on the appeal that the height of the extension and lengths of façade reads as monolithic and overbearing from surrounding residential lands and the R126.

8.3.8. The appeal questions the designation of the site as a visually sensitive location within FCC's reason for refusal. The appeal outlines that limited views of the site are provided from the adjoining road network and no protected views are designated along the R126 in the vicinity of the site. The appeal also refers to the failure of the FCC to request a visual impact assessment for the development in accordance with the provisions of Table 14.20 and Objective GINHO56 of the Development Plan. In considering the points raised I consider that the structure is a dominant feature in a designated greenbelt and highly sensitive landscape character area. I would furthermore note that the applicant has not submitted a LVIA in conjunction with the appeal. Notwithstanding this, I note that application in this instance relates to retention of an existing structure which is visible from the surrounding site context.

- 8.3.9. I note the concerns raised within the observation in relation to overlooking from the extension on the property to the south. However, having regard to the separation distance between extension and observers' property to the south (over 22m) and existing boundary treatment, I do not consider that overlooking occurs from the extension. The observation furthermore refers to potential overlooking of the existing dwelling to the north west of the extension. In this regard I note that window openings on this elevation are for the landing area and ensuite. I consider that concerns relating to overlooking from this elevation could be addressed via conditions requesting the use of opaque glass.
- 8.3.10. The application seeks permission for revisions to the finish of the extension. These include a new stone finish to Northwest (Front) elevation of the existing extension, a new pergola and timber cladding to Southwest (Side) elevation of the existing extension. The first party appeal outlines that the proposed stone finish, timber cladding and pergola were intended to soften the visual appearance of the extension. While I consider that the proposed elevational materials would be acceptable in principle, they do not overcome my overall concerns in relation to the overall scale, bulk and design of the extension.
- 8.3.11. The appeal refers to the planning history pertaining to the site and outlines that a single storey extension was permitted under PA Ref: F19A/0139. I have reviewed the details of the permitted development on Fingal County Council's website. An outline of the permitted extension is detailed on the application drawings. I consider that the rear extension as constructed is significantly different to the development permitted under PA Ref: F19A/0139. The permitted extension had a maximum depth of 7.5m from the main rear wall of the dwelling and a height of 3.3m with a flat roof finish. The existing extension has a floor area of 126.08 sq.m., depth of 10.5m from the main rear wall of the existing dwelling and a maximum height of 6.12m with a part flat roof and part lean to slate roof finish.
- 8.3.12. The appeal also refers to suggested revisions to the existing extension which could be considered by the Commission including amendments to the roof profile to provide for a pitched roof element to replace the flat roof section visible on the northwest elevation. No revised drawings are submitted in conjunction with the appeal for the consideration of the Commission. I furthermore do not consider that

the revisions as proposed would address my overall concerns in relation to the scale, bulk and design of the extension.

- 8.3.13. In conclusion, I recommend that permission is refused for the retention of the extension and for the pergola and revised elevational treatments broadly in line with FCC's decision.

## 9.0 **Appropriate Assessment**

9.1. I have considered the proposed domestic extensions in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located in a rural area along the R126 c. 1.5km from the closest European sites at Malahide Estuary SAC and SPA. The development relates to minor works and retention of two storey extension at an existing dwelling. No nature conservation concerns were raised within the planning authority's decision.

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

- The scale and nature of works and lack of impact mechanisms that could significantly affect a European site
- Distance from and lack of connections to nearest European sites

9.3. I conclude, 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 (under Section 177V of the Planning and Development Act 2000) is not required.

## 10.0 **Water Framework Directive**

10.1. No surface water features are evident within the vicinity of the site on EPA mapping. The application drawings illustrate an existing surface water sewer along the southeastern boundary of the appeal site. The Water Service Report from FCC raised no objection to the siting of the log cabin in the vicinity of this sewer. No water deterioration concerns were raised in the planning application or appeal. I have

assessed the proposed development, on an established residential site and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. 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 surface and/or groundwater water bodies either qualitatively or quantitatively.

10.2. 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

### Recommendation (1) – Condition no. 4

Having regard to the nature of the condition the subject of the appeal, the Commission is satisfied that the determination by the Commission of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to AMEND condition number 4 as follows:

### Condition 4:

Condition 4: The windows to the 'storage room' and '21 home office room' of the retained log cabin, to the south elevation as indicated on Drawing No. A101-02

'Existing Cabin Floor Plan, Elevations and Section', dated 11/06/2025 and prepared by Lynam Architectural Agency), shall be permanently fitted with opaque glass.

Reason: To protect the residential amenities of neighbouring properties.

### Recommendation (2)

I recommend that permission is refused for the following elements of the proposal:

- Permission new stone finish to Northwest (Front) elevation of the existing extension, a new pergola and timber cladding to Southwest (Side) elevation of the existing extension.
- Retention of a two-storey extension to the rear of an existing dwelling, with associated site works.

## 12.0 **Reasons and Considerations**

### Reasons and Considerations (1)

Having regard to the established residential use of the site and to the pattern of development in the area, it is considered that the window openings on the southern elevation of the log cabin, by reason of their siting, scale, nature and design (including opaque glass finish) would not seriously injure the residential or visual amenities of the area or of property in the vicinity or be contrary to the provisions of Section 14.10.5.2 of the Fingal Development Plan 2023-2029 . The planning authority's Condition 4 requiring the omission of these windows is, therefore, not warranted.

### Reasons and Considerations (2)

The extension, as constructed, by reason of its massing, excessive scale and design does not respect the character, scale, and proportions of the existing dwelling on the site and detracts from, and is seriously injurious to, the existing visual amenities of the area. The two-storey extension is therefore considered to be contrary to 'Policy SPQHP41 – Residential Extensions' and 'Objective SPQHO45 – Domestic Extensions', and the provisions of Section 14.12.13 of the Fingal Development Plan 2023-2029. It is considered that the proposed works to the extension including the

proposed stone finish, pergola and timber cladding would not address concerns relating to the overall visual impact, scale and massing of the extension. To grant permission for retention of the extension would 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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.*

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Stephanie Farrington  
Senior Planning Inspector

18<sup>th</sup> of March 2026

## Appendix 1:

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	ACP-500756-DF
<b>Proposed Development Summary</b>	Construction of entrance and roof lights. Retention of extension and cabin and associated site works.
<b>Development Address</b>	Briar Cottage, Lainstown, Donabate
<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>	
<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	

<p>type of proposed road 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><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>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>Yes <input type="checkbox"/></p>	
<p>No <input checked="" type="checkbox"/></p>	<p><b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b></p>

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_