



An  
Coimisiún  
Pleanála

## Inspector's Report PL17-500793-DF-26

<b>Development</b>	Permission for construction of a single-storey garage to the rear of existing dwellinghouse and associated site works.
<b>Location</b>	Sexton Cottage, Dublin Road, Lusk, Co. Dublin, K45T389.
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	PL-500793-DF-26
<b>Applicant(s)</b>	Alan Power
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Alan Power
<b>Observer(s)</b>	Liam Stewart & Helen Murray
<b>Date of Site Inspection</b>	14 <sup>th</sup> March 2026
<b>Inspector</b>	Colin McBride

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## Appendix 1 – Form 1: EIA Pre-Screening

## **1.0 Site Location and Description**

- 1.1. The appeal site, which has a stated area of 0.133ha, is located a short distance from Lusk town centre on the southeastern side of the Dublin Road. The site is occupied by a single-storey dwelling that is located close to the road and features a long rear garden that runs on a northwestern to southeastern axis. The rear garden area, which is laid out in grass is elevated in relation to the finished floor level of the existing dwelling located on site and the Dublin Road. The site boundaries are defined by block walls around the rear garden. Adjoining uses are residential in nature with two-storey detached dwellings (the Grove housing development) backing onto the northeastern boundary of the site, a detached two-storey dwelling (within The Avenue housing development) backing onto the southeastern boundary and three-storey properties (duplex units within Glean Ribh housing development) backing onto southwestern boundary. The ground level/finished floor levels of adjoining residential properties appear to be similar to that of the rear garden area.

## **2.0 Proposed Development**

- 2.1 Permission is sought for the construction of a single-storey garage to the rear of an existing dwelling. The proposed garage has a floor area of 90sqm and a ridge height of 4.269m. The shed is a metal shed with a shallow pitched roof and is to be located in the southwestern corner of the site to the rear of the existing dwelling with a new driveway within the curtilage to link the shed to the existing driveway adjacent the dwelling on site.
- 2.2 In response to further information the shed was reduced in floor area to 60sqm, reduced in ridge height to 3.441m and relocated further away from the site boundaries.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Permission refused based on two reasons, which are as follows:

1. The proposed garage represents an incongruous form of development which fails to provide for a sensitive design approach within the established character of the Lusk Architectural Conservation Area (ACA), would be visually intrusive. The proposed development would result in an undue negative impact on the amenities of existing properties to the south-east and on the visual amenities of the area/Lusk ACA given the proposed separation distances, material finishes and the elevated nature of the site. The proposed development is therefore considered contrary to Policy HCAP14 and Table 14.24 of the Fingal Development Plan 2023-2029 and contrary to the proper planning and sustainable development of the area.

2. The proposed development is located within the Zone of Archaeological Notification for Lusk. The applicant has failed to submit an Archaeological Impact Assessment and failed to demonstrate the proposed development would not have implication for archaeological heritage. The proposed development is considered contrary to Objectives DMS0168 & DMS0169 of the Fingal Development Plan 2023-2029 and contrary to the proper planning and sustainable development of the area.

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

#### **3.2.1. Planning Report (25/02/25)**

- Further information required including the fact that the applicant was to address concerns regarding the design and scale of the development in the context of the ACA, justification for the scale, details of the design of the proposed driveway and outline if significant ground levelling is proposed and archaeological assessment is required.

Planning Report (22/01/26):

- The design and scale of the development was considered inappropriate in terms of visual impact in an ACA and there was a failure to submit an Archaeological Impact Assessment considering the development is within a Zone of Archaeological Potential. Refusal was recommended based on the reasons outlined above.

### 3.2.2. Other Technical Reports

Water Services Department (03/07/25):

- No objection subject to conditions.

Conservation Officer (13/01/26)

- No objection from an architectural perspective, however it is requested that screen planting is implemented to the south/southwest to screen from the Dublin Road.

Heritage Officer (14/01/26)

- No objection subject to a condition requiring archaeological monitoring.

### 3.3. Prescribed Bodies

None

### 3.4. Third Party Observations

2 submissions. The issues raised can be summarised as follows.

- Failure to outline the previous planning history on the application form. Failure to sign the application form, excessive scale of the proposal with concerns regarding future use, elevated location of shed would exacerbate adverse impact in terms of overbearing/impact on daylight and sunlight, concern regarding impact on existing hedgerow and archaeological impact. Further submission in response to FI highlight concerns regarding future intentions for development on site, reiterating concerns regarding scale despite proposed reduction, lack of detail of foundation construction in terms of archaeological impact and reiterating concerns regarding validation issues.

## 4.0 Planning History

F20A/0044: Permission refused for two new dormer dwelling and associated site works. Refused based on adverse impact on adjoining properties. Refused 28/10/20.

F19A/0495: Permission refused for two new dormer dwelling and associated site works. Refused based on adverse impact on adjoining properties and insufficient spaces for in-curtilage turning movements. Refused 06/12/19.

F19A/0037: Permission granted for change of use from childcare facility to dwelling. Granted 03/07/19.

F01B/0522: Permission granted for demolition of part of existing dwelling and construction of extension to the rear. Granted 12/12/01.

F00A/0116: Permission refused to renovate and change the use of an existing cottage to crèche, alteration to existing entrance and construct extension. Refused due to traffic safety issues. Refused 07/04/00.

## 5.0 Policy Context

### 5.1 Development Plan

The relevant Development Plan is Fingal County Development Plan 2023-2029. The appeal site is zoned, 'Town and District Centre' with a stated objective to 'protect and enhance the special physical and social character of town and district centres and provide and/ or improve urban facilities'.

Policy HCAP14 – Architectural Conservation Areas Protect the special interest and character of all areas which have been designated as an Architectural Conservation Area (ACA). Development within or affecting an ACA must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting wherever possible.

Development shall not harm buildings, spaces, original street patterns, archaeological sites, historic boundaries or features, which contribute positively to the ACA.

Table 14.24 provides Direction for Proposed Development with Architectural Conservation Areas.

Objective DMSO168 – Requirement for the Employment of an Archaeologist where a development site is in proximity to recorded monuments (RMPs)/sites and monuments record (SMR) and/or areas with a density of known archaeological monuments and history of discovery; within a Zone of Archaeological Notification, is over 0.5 hectares in size, or for linear developments more than 1 km in length, the applicant shall employ a suitably qualified archaeologist to carry out an Archaeological Impact Assessment (AIA) at pre-planning stage and report on any necessary site investigation works prior to an application being lodged.

Objective DMSO169 – Archaeological Impact Assessment

- All development proposals which may have implications for archaeological heritage shall be accompanied by an Archaeological Impact Assessment. This assessment will consist of the following:
  - Site inspection/walk-over survey,
  - Archaeological heritage of the receiving area,
  - Examination of upstanding or visible features or structures,
  - Topographical assessment including historic townland boundaries,
  - Physical description and photographic record of the archaeological feature, site or object,
  - Examination of existing or new aerial photographs or satellite or other remote sensing imagery,
  - Geophysical survey, archaeological test excavation, where appropriate, which should be carried out by suitable qualified professionals (geophysicists and archaeologists),
  - Identification of potential direct and in-direct impacts of the proposed development on archaeological remains,
  - Identification of climate change vulnerability,
  - Mitigation measures to ameliorate any such impacts of the proposed development on the definition of the buffer area surrounding the monument which will preserve the setting and visual amenity of the site,
  - Provision of details on protection measures to be used on 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 (or Part V of the 1994 Road 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 this report.

## 7.0 The Appeal

### 7.1. Grounds of Appeal

A first party appeal has been lodged by Alan Power. The grounds of appeal are as follows:

- The Planning Authority accepted that the proposed garage is for use ancillary to the dwelling and is intended for domestic storage purposes. The proposal fully complies with the zoning objectives of the site.
- The revised proposal is for a 60sqm shed and is single-storey with reduced ridge and eaves height and in context of the overall site size is modest in scale and subordinate to the existing dwelling.
- The garage has been sited to retain the majority of rear lands free from development and safeguard future development potential (future family related housing) and the garage is located remote from the existing dwelling to have no physical or visual impact on such.
- The garage is single-storey with no windows and is not habitable accommodation with no overlooking or loss of privacy. The planning history of refusals is not comparable as such were for two-storey dwellings. Perceived visual impact associated with elevated ground is mitigated by the reduced height of the structure, it is subordinate in scale and existing and proposed boundary screening is sufficient.
- The proposal will have no adverse impact on the Lusk ACA due to its modest scale, and it satisfies the criteria under Table 14.24 of the Development Plan.

- In terms of archaeological impact, the development proposes shallow foundations with no basement construction and no significant ground regrading. The applicant welcomes a requirement for Archaeological Monitoring with the refusal on archaeological grounds disproportionate.

## 7.2. Planning Authority Response

Response by Fingal County Council

- The Commission is requested to refer to the planning report for the application and uphold the decision of the Planning Authority.

## 7.3. Observations

Observation by Liam Stewart & Helen Marry.

- The observer is critical of the applicant's responses to the PA's concerns in terms of further information.
- The observer raises concern regarding lack of details concerning method of construction foundations and whether the site is to be levelled.
- Minimal detail is provided regarding the driveway and archaeological implications.
- The proposal including the revised reduced proposal is still inappropriate in scale for a domestic garage,
- The proposal will impact on existing dwelling in the Grove and the Avenue due to location and scale.
- The applicant did not address errors on the elevation drawings submitted with the application.

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

Principle of the proposed development

Visual/Physical Impact, Design and Scale, Architectural Conservation Area

Archaeological Impact

Other Issues

8.2 Principle of the proposed development:

8.2.1 Permission is sought for the construction of a single-storey shed within the curtilage of an existing dwelling. The shed is located to the south of the site in an area that is an existing lawn area. The lawn area to the rear of the existing dwelling is located at a higher level than the finished floor level of the existing dwelling, but at a similar ground level as the finished floor levels and ground levels of existing properties (residential properties) to the east, west and south.

8.2.2 The site is zoned for Town and District Centre under the County Development Plan and the area is characterised by mainly residential development on adjoining sites. The original proposal was for a 90sqm shed with a ridge height of 4.269m. The Planning Authority raised concerns regarding the scale of the shed in the context of its location within an Architectural Conservation Area in terms of visual amenity and questioned the justification for the scale of development by way of further information.

8.2.3 The applicant/appellant responded to further information by submitting a revised proposal with the shed reduced in scale to 60sqm and a ridge height 3.441m as well as it located further from the site boundaries. The applicant/appellant also highlighted that the shed is for use ancillary to the enjoyment of the existing dwelling and is to be used for storage and a boat.

8.2.4 I consider that the principle of the proposed development would be acceptable in the context of the fact it is a proposal for a shed within the curtilage of an existing dwelling and is to be used for purposes ancillary to the enjoyment of the dwelling. The physical and visual impact of the proposal is to be assessed in the following sections of this report and will be assessed based on its merits.

### 8.3 Visual/Physical Impact, Design and Scale, Architectural Conservation Area

8.3.1 Permission was refused on the basis that the scale and design of the shed was considered inappropriate within an area designated as an Architectural Conservation Area. Having inspected the site, the existing rear garden is a large garden. I would acknowledge that the garden area to the rear is at a higher level than the finished floor level of the existing dwelling, however it is at a similar ground/finished floor level as the properties to the east, west and south. Having regard to the location of shed well away from the public road and to rear of the dwelling, which itself has internal gates/fence approximately 2m high, the shed proposed would not be a highly visible element in the surrounding area and particularly from public areas in the vicinity. The shed will be visible from the above ground floor windows of surrounding properties, however, I would not consider that the extent of the visual impact would be such that it would be significantly detrimental to visual amenity.

8.3.2 The shed is a generic steel shed with a shallow pitched roof. I would note that the applicant/appellant did make revisions to the shed to reduce the scale including a reduction in floor area to 60sqm and a reduction in ridge height to 3.441m. I would consider that these changes were a reasonable response to the further information request and the revised design is both appropriate in design and scale. I am satisfied that the proposed shed (revised proposal in response to further information) would be satisfactory in terms of overall scale relative to the adjoining properties and would have no adverse impact on the visual amenities of adjoining properties or result in any loss of light or privacy.

### 8.4 Archaeological Impact

8.4.1 The site is located within a zone of archaeological potential and permission was refused on the basis that an Archaeological Impact Assessment is required. It is notable that a previous application on site included a desktop survey with no recorded monuments or known archaeological features identified on site. It was

notable that Councils' Heritage Officer indicated no objection to the proposed development subject to a condition requiring Archaeological Monitoring of groundworks associated with the proposed development.

8.4.2 I would consider that refusal on the basis of lack of Archaeological Impact Assessment is unwarranted and that a standard Archaeological Monitoring condition would have been sufficient in this case. The observers raised concern about lack of detail regarding foundations and engineering details. In this regard. The proposed development is for a steel shed and is not a construction that would be likely to have specialist foundation requirements that would give rise to concerns regarding deep excavations on site. I would consider that an Archaeological Monitoring condition would suffice in this case. In regards to the proposed driveway. I would also be of the conclusion that facilitating such is unlikely to require deep levels of excavation and that an Archaeological monitoring condition would suffice in this case also.

8.5 Other Issues:

8.5.1 The observers raise concerns regarding impact of the proposed drive and existing hedgerow along the northeastern boundary of the site. The appeal site is surrounded by 1.8m block walls on its northeastern, southeastern and southwestern boundaries where it adjoins existing residential development. There are existing trees and hedgerows located along northeastern boundary along the block wall. I would note that the proposed driveway is located away from the boundary wall and see no reason why such could not be facilitated without removal of such.

8.5.2 The observer raises concerns regarding drawings inaccuracies, in particular the contiguous elevations that show a cross section running southwest to northeast. I would confirm that these cross sections do not match the site layout position of the shed, however I am satisfied based on the site layout that the position of the shed on site is clear as well as the overall scale of such and I would still consider that the proposal would be satisfactory.

8.5.3 The observers raised validation issues including lack of details of planning history on the application form and lack of signature on the application form. The application was accepted as valid by the Planning Authority, and no parties have been denied the ability to make submission/observations. I have detailed the planning history earlier in this report.

## 9.0 **Appropriate Assessment**

9.1 I have considered the proposal for the construction of a shed within the curtilage of an existing dwelling in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located in an urban area and 2.1km from the Rogerstown Estuary SAC (000208) and the Rogerstown Estuary SPA (004015), which are the nearest European Site(s).

The proposed development comprises construction of a shed to the rear of an existing dwelling with access being over a new internal driveway connecting to the existing driveway. 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 it could not have any effect on a European Site.

The reason for this conclusion is as follows:

- Nature of works are small scale in nature.
- Location-distance from nearest European site and lack of connections.

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 Refer to Water Framework Directive Table in Appendix 2 of this report

## 11.0 Recommendation

11.1. I recommend a Grant of permission subject to the following conditions.

## 12.0 Reason and Considerations

Having regard to the nature and scale of the proposed development, its location within the curtilage of an existing dwelling and subject to appropriate conditions including a requirement for Archaeological Monitoring, the proposed development would be acceptable in the context of the visual amenities of the area, in the context of its location within an Architectural Conservation Area and Zone of Archaeological Potential. The proposal would also be satisfactory in the context of the amenities of adjoining properties and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 17<sup>th</sup> day of December 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The position of the shed shall be as per the site layout plan submitted on the 17<sup>th</sup> day of December 2025.

Reason: In the interests of clarity.

3. The developer shall engage a suitably qualified archaeologist to monitor all site clearance works, topsoil stripping, groundworks, dredging and/or the implementation of agreed preservation in-situ measures associated with the development. [specify, as appropriate, following consultation with the Local Authority Archaeologist or the National Monument Service (NMS)]. Prior to the commencement of such works the archaeologist shall consult with and forward to the Local Authority archaeologist or the NMS as appropriate a method statement for written agreement. The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation [preservation in-situ/excavation].

The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the

National Monuments Service, shall be complied with by the developer.

Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final

archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation [either in situ or by record] of places, caves, sites, features or other objects of archaeological interest.

4. The external colour of the shed shall be agreed in writing with the Planning Authority prior to the commencement of development.

Reason: In the interests of orderly development.

5. Surface water runoff shall be discharged on site and shall not be allowed to discharge onto the public road or any adjoining properties.

Reason: In the interest of public health and surface water management.

6. The proposed shed shall be ancillary to the enjoyment of the existing dwelling and shall not be used for any commercial purposes or as an independent dwelling unit.

Reason: In the interests of orderly development.

7. Site development works shall be carried out only between the hours of 07:00 to 19:00 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where proper written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

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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Colin McBride  
Senior Planning Inspector

29<sup>th</sup> April 2026

## **Appendix 1 - Form 1**

**EIA Pre-Screening**  
**[EIAR not submitted]**

<b>Case Reference</b>	
<b>Proposed Development Summary</b>	<b>Construction of a shed within the curtilage of an existing dwelling.</b>
<b>Development Address</b>	<b>Sexton Cottage, Dublin Road, Lusk, Co. Dublin, K45T389.</b>
	<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>  <b>(For the purposes of the Directive, “Project” means:</b> <ul style="list-style-type: none"> <li><b>- The execution of construction works or of other installations or schemes,</b></li> <li><b>- Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)</b></li> </ul>	<input type="checkbox"/> <b>Yes, it is a ‘Project’. Proceed to Q2.</b>
	<input checked="" type="checkbox"/> <b>No, No further action required.</b>
<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"/> <b>Yes, it is a Class specified in Part 1.</b>  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	<p align="center"><b>State the Class here</b></p>
<p align="center"><input checked="" type="checkbox"/> <b>No, it is not a Class specified in Part 1. Proceed to Q3</b></p>	
<p align="center"><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></p>	
<input checked="" type="checkbox"/> <b>No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.</b>  <b>No Screening required.</b>	

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

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

**Appendix 2**

**Water Framework Directive**

Template 1: Screening the need for Water Framework Directive Assessment Determination.

The subject site is located within an urban area a short distance from the centre of Lusk with the nearest waterbody being a river water body, PALMERSTOWN\_010 located stream approximately 118m to the west of the site, which drains into Lough Rogerstown Estuary approximately 3km from the site.

The proposed development comprises construction of a storage shed within the curtilage of an existing dwelling.

No water deterioration concerns were raised in the planning appeal.

I have assessed the proposal 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 & 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.

The reason for this conclusion is as follows:

- The nature of works are small in scale and nature of the development, which includes no adjoining wastewater loading and disposal of surface water within the site boundaries.
- There is a lack of hydrological connection with the nearest waterbody.

#### Conclusion

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.