



Development	Retention of extension
Location	Winzerhaus, Channel Road, Rush, K56 WK85
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F25A/1143E
Applicant(s)	Gerry & Carmel Wintzer
Type of Application	Retention
Planning Authority Decision	Refuse Retention
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	Gerry & Carmel Wintzer
Observer(s)	None
Date of Site Inspection	8 th May 2026
Inspector	Aisling MacNamara

1.0 Site Location and Description

1.1. The site is located in an existing mixed residential and rural area (zoned RU Rural) located on Channel Road, Rush in County Dublin. The site contains an existing two storey detached dwelling. The eastern side boundary is adjoined by an existing dormer bungalow. The western side boundary is adjoined by a two storey dwelling. The rear boundary is adjoined by open space/ pitch.

2.0 Proposed Development

2.1. Permission is sought for the retention of a two storey side extension to the existing dwelling which consists of enclosed carport /garage at ground floor and residential use at first floor.

The area of the site is 0.062ha.

The floor area of the existing building is 344sqm.

The floor area to be retained is 64sqm.

3.0 Planning Authority Decision

3.1. Decision

By order signed 10th February 2026, the planning authority refused permission for two reasons:

1. *The proposed development would contravene Objective DMSO26 of the Fingal Development Plan 2023-2029 with regard to the 2.3m separation distance required between the side walls of detached units; and would contravene Condition No. 10 of grant of permission Reg.Ref. F96A/0109 which requires a minimum 1.5m separation distance between the side elevations of the dwelling on the site and the side boundaries of the site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*
2. *The site is situated within a 'Peripheral' location as defined by Table 3.8 of the 'Sustainable Residential Development and Compact Settlements Guidelines for*

Planning Authorities' (2024). The maximum rate of car parking provision in such locations is 2 no. spaces per dwelling in accordance with SPPR 3 of these Guidelines. The provision of an enclosed carport/garage in addition to the existing front driveway would allow for a parking provision in excess of the maximum provision allowable under these Guidelines. 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 report of the case planners recommends refusal of permission as per the decision.

3.2.2. Other Technical Reports

None

3.3. Prescribed Bodies

None

3.4. Third Party Observations

None

4.0 Planning History

F96A/0109 – G. Wintzer - permission granted for development of a two storey house with dormer area and shed at rear.

Condition 10 *The applicant is to revise the location of the dwelling on site to provide for a minimum 1.5 metres boundary separation between the side elevations of the dwelling and the side boundaries of the site and also to provide for a building line of 18 metres from the front site boundary. Reason: To comply with para. 3.5.11(i) of the Development Plan and to provide for a building line similar to the building line of the adjoining site to the west granted permission under F96A/0004.*

5.0 Policy Context

5.1. Fingal County Development Plan 2023-2029

The site is located outside of the Rush development boundary.

The site is located on lands zoned RU Rural where the objective is *‘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’*.

The lands are within the boundary of land designated with local objective no. 14 *“Ensure that any new residential development in the South Shore, indicated on the map by a boundary line, is in compliance with the specific housing policy relevant to the South Shore area.”*

Local objective no. 13 is to *“Exclude multiple unit housing estates in the South Shore area of Rush.”*

The South Shore area of Rush consists mainly of small landholdings with a mixture of market gardening and single and cluster housing. The pattern of development is increasingly residential with a road infrastructure which is limited in terms of modern road requirements, but which forms part of the overall rural residential character of the area. Recognising the established mix of horticulture and residential land uses within this area, and the availability of water services infrastructure, the settlement strategy for housing in the open countryside will be more flexible within the area demarcated on the Plan maps.

The site is located in a highly sensitive landscape (coastal character type).

Channel Road is part of the GDA Cycle Network Plan.

Chapter 3 Sustainable Placemaking and Quality Homes

Policy SPQHP41 – Residential Extensions 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.

Chapter 6 Connectivity and Movement

Objective CMO1 – Transition to Sustainable Modes Work with the NTA, TII and other transport agencies in facilitating the integrated set of transport objectives for the County as set out in this Plan, in line with National and Regional policy including the NTA’s GDA Transport Strategy and any subsequent plan to encourage modal shift towards more sustainable modes of transport and patterns of commuting to reduce reliance on the private car.

Objective CMO32 – Car Parking Standards Implement appropriate car parking standards for a range of land-use types, where provision is based on factors such as site location, level of public transport accessibility and impact of parking provision on local amenity.

Chapter 14 Development Management Standards

14.6 Design Criteria for Residential Development in Fingal

14.6.6.3 Separation Distances

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. In residential developments over three-storeys in height, minimum separation distances shall be increased in instances where overlooking or overshadowing occurs.

14.6.6.4 Overlooking and Overbearance

14.8 Housing Development/Standards

14.8.2 Separation Distances

Objective DMSO26 – Separation Distance between Side Walls of Units

Ensure a separation distance of at least 2.3 metres is provided between the side walls of detached, semi-detached and end of terrace units.

(Note: This separation distance may be reduced on a case-by-case basis in relation to infill and brownfield development which provides for the regeneration of under-utilised lands and subject to the overall quality of the design and the schemes contribution to the streetscape. A statement demonstrating design mitigation and maintenance arrangements shall be submitted in such cases)

14.9 Residential Development – General Requirements

14.10 Additional Accommodation in Existing Built-up Areas

14.10.2 Residential Extensions

14.10.2.1 Front Extensions

14.10.2.2 Side Extensions

14.10.2.3 Ground Floor Extensions (rear)

14.10.2.4 First Floor Extensions

14.10.2.5 Roof Alterations including Attic Conversions and Dormer Extensions

14.12 Rural Fingal

14.12.2 Design Criteria for Housing in the Countryside

14.12.3 Design Guidelines for Rural Dwellings

Table 14.9 Design Guidelines for Rural Dwellings

14.12.11 South Shore Rush – sets out criteria for consideration of proposals for new houses.

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.

14.17 Connectivity and Movement

14.17.7 Car Parking

Table 14.18: Car Parking Zones

Table 14.19: Car Parking Standards

5.2. Relevant National or Regional Policy / Ministerial Guidelines

Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024

5.3. Natural Heritage Designations

There are no sites designated for natural heritage at the site or in the immediate proximity 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 (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Appendix 1 of report.

7.0 The Appeal

7.1. Grounds of Appeal

A first party appeal has been received from the applicant. The key issues raised are summarised as follows:

Unaware the extension was unauthorised – had requested agent to prepare application for extension 20 years ago, were under misapprehension that extension was approved.

Proposed development described. Scale and design of extension is sympathetic to existing house.

Site located in South Shore Rush development area. Proposal is for extension to a rural dwelling and the policy of section 14.12.13, i.e. Extensions to Rural Dwellings is relevant policy. The extension to house, whilst not infill development per se, can be assessed having regard to the guidance for infill development. The proposal aligns with all relevant CDP provisions in terms of impacts on neighbouring properties which includes alleviation of overlooking, overbearing, overshadowing. Proposal aligns with provisions relating to residential extensions in terms of design, scale, massing, finishes.

Permission was granted for house in 1996 and built in accordance with the granted permission. The extension does not extend beyond front or rear building lines and is in keeping with overall height, roof profile and finishes of the remainder of the house. No windows are located above ground level on west elevation of the extension. There is sizeable area of private amenity space. The extension compliments the existing house and other residential development in the area. The proposal is sustainable and appropriate extension. The use of the space is ancillary residential and garage space was not planned for parking of vehicles. Does not give rise to overlooking or overbearing or result in loss

of sunlight/daylight. Will not obscure or obstruct any protected view or prospect. Will not impact on public amenity.

Grounds of appeal

Reason no.1:

When building the dwelling, all conditions were unconditionally complied with. The subject application cannot rely on exempted development regulations. The earlier permission does not preclude planning applications being made to vary the original approved development. The application has to be judged in terms of proper planning and sustainable development and not on the basis that it is different and therefore contravention of parent permission. Aside from the distance to the boundary of the site, the proposal is in total compliance with all other policies, objectives and development control standards of the CDP. Whilst the gap to the boundary is only 0.2m it is well screened from next door. The purpose for the policy requiring gap relates to new residential estates to prevent terracing and to allow side access around house. In the present instance, there is no issue with terracing and garage is designed as walk through, also allowing garden machinery and equipment to be kept dry and secure.

Reason no. 2:

Lacks understanding of purpose of Development Management Standards, national guidelines and execution of same. The ground floor garage space is storage area, utility area, workshop with inadequate internal space or garage door width and height to allow one or two cars in the space inside.

Conclusion:

Refusal reasons are not supportable or sustainable. Requests Commission to grant permission subject to any appropriate conditions.

Having regard to zoning objective, development control standards of the planning authority, common sense, it is clear the proposed development represents reasonable extension to an existing approved residence which would not affect the visual amenities of the area or residential amenities of property in the vicinity and would not be prejudicial to CDP. Refusal is ill considered and misplaced.

A revised drawing is attached of existing front elevation (RevA25161.P.05).

7.2. **Planning Authority Response**

The planning authority has responded to the grounds of appeal as follows:

The Commission is respectfully requested to refer to the planning officer's report for the application and uphold the decision.

In the event that the appeal is successful, provision should be made in the determination for the following – A financial contributions and / or any special development contributions required in accordance with Fingal County Council's section 48 development contribution scheme.

7.3. **Observations**

None

8.0 **Assessment**

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

- principle of development
- refusal reason no.1 – separation distance between units
- refusal reason no.2 – car parking

8.2. **Principle of development**

8.2.1. The proposed development is for the retention of an existing extension located to the side of an existing house. The main house was constructed in late 1990's under F96A/0109. The extension was later constructed and it is stated that it is in place c 25 years.

8.2.2. The house is located on lands zoned under the Fingal County Development Plan (CDP) as RU: Rural where the objective is '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'. The house is located within a designated South Shore area, where there are particular rural housing objectives that reflect the distinct character of the area being for small holding market gardening and single and cluster housing.

8.2.3. I am satisfied that the proposal to extend a permitted dwelling is acceptable in principle having regard to the provisions of the CDP under section '14.10.2 Residential Extensions' and section '14.12.13 Extensions to Rural Dwellings'.

8.3. Refusal reason no. 1 – separation distance between units

8.3.1. The planning authority refused permission for reason no. 1 which states that the proposal contravenes objective DMSO26 of the CDP with regard to the separation between the side walls of units and would contravene condition no.10 of F96A/0109.

8.3.2. Permission was granted under F96A/0109 subject to condition 10 which states that the dwelling is to be located to provide a minimum 1.5m separation between the side elevation of the dwelling and the side boundary of the site.

8.3.3. Objective DMSO26 is to ensure a separation distance of at least 2.3 metres between the side walls of detached, semi detached and end of terrace units (which can be reduced on a case by case basis for infill and brownfield development which provide for regeneration of under utilised lands, subject to design and the submission of a design statement with mitigation and maintenance arrangement details).

8.3.4. The constructed extension is located to the western side of the dwelling, flanking the entire length of the original side elevation and is abutting the side boundary. The extension is two storey in height matching the ridge level of the main dwelling. There is a separation distance of approximately 1.2m between the side elevation of the extension and the neighbouring dwelling adjoining the western boundary.

8.3.5. In relation to the contravention of condition of F96A/0109, I am satisfied that the condition does not preclude the consideration of the current proposal and amendment to the original permission.

8.3.6. The dwelling is located within a rural area where the rural house design guidelines apply including section 14.12.13 which apply to extensions to rural dwellings. However, the South Shore is a more built up area and I consider that in this context that it is reasonable to also have regard to the more general housing standards that apply to all residential development. As such, I consider it reasonable that regard is paid to objective DMSO26. I agree there is a material deviation from objective DMSO26 which requires at least 2.3m between the side walls of units. The objective does allow for a reduction on case by case basis in relation to infill and brownfield development. However, I am mindful that this site is

within a rural area and that the original permission is for a rural house not an urban infill house. I consider that the proposal represents a material contravention of objective DMSO26 of the development plan. Section 37(2)(a) of the Planning and Development Act 2000 (as amended) states the following: *Subject to paragraph (b), the Board may in determining an appeal under this section decide to grant a permission even if the proposed development contravenes materially the development plan relating to the area of the planning authority to whose decision the appeal relates.* The refusal reason does not cite that there is a 'material contravention' of objective DMSO26 and therefore the provisions of 37(2)(b) do not apply.

8.3.7. I take note that the extension to the permitted house is long in place dating back a considerable number of years. Having regard to the height, finish, form, size and location of the extension, I am satisfied that it integrates in appearance with the existing dwelling. The extension is used for ground floor garage and first floor residential use with internal connection to the main house from the first floor landing. The extension is used ancillary to the main dwelling. There are no windows or openings on the side elevation of the extension. I am satisfied that the extension does not result in any significant adverse impacts such as overlooking, overshadowing or overbearing impacts on the amenity of the adjoining property to the west or that of any other property. The surrounding area contains a mix of dwelling types. In this mixed pattern of development, I am satisfied that there is no uniform pattern of development that would be disrupted by reason of permitting the extension with close separation to the adjoining unit and as such I consider that there would be no adverse impacts on the amenity of the streetscape or character of the area. The resulting private amenity space is acceptable in terms of size and functionality. Surface water from the roof of the extension is collected in gutters and downpipes within the site. In terms of the provision of an external access from the front to the rear of the house, the ground floor garage is a single room with openings from the front and rear elevation and this allows for easy passage between the front and rear outdoor spaces. I also note that the gable elevation is finished in rendered stone dash.

8.3.8. Having regard to the above, I consider that the proposal represents a sustainable form of development that does not adversely impact on visual and residential amenities and in this instance material contravention of DMSO26 is justified.

8.4. Refusal reason no. 2 – car parking

- 8.4.1. The planning authority refused permission for reason no.2 which states that the provision of an enclosed car port / garage in addition to existing front driveway would allow for parking provision in excess of the maximum provision allowable under SPPR3 of the Compact Settlement Guidelines for Planning Authorities noting the location of the site in a peripheral location.
- 8.4.2. SPPR3 of the Guidelines states that it is a specific planning policy requirement of the Guidelines that in peripheral locations, the maximum rates of car parking provision for residential development where such provision is justified to the satisfaction of the planning authority shall be 2 no. spaces per dwelling.
- 8.4.3. Under Table 14.19 Car Parking Standards of the CDP, a 3+ bedroom house at this location requires a maximum of 2 spaces.
- 8.4.4. The existing house is a detached house served by its own entrance, driveway and on site parking area located within the front outdoor area. The drawings show capacity for two existing on site car spaces.
- 8.4.5. The elevation drawings submitted with the application show 'carport' openings on the front and rear elevations. An updated front elevation drawing is submitted with the appeal showing that the front double doors span 2.3m width and 2.3m height. The appellant argues that the space is used for storage and there is inadequate space for car parking.
- 8.4.6. As per site visit, I observed that the space is not used for car parking and is used for general garage storage, utilities and workshop space. I am satisfied that there is no change in the parking arrangements on the site and that the current arrangements are long established.
- 8.4.7. I do not consider that there is any contravention of SPPR3 which relates to the number of car parking spaces serving dwellings.

9.0 AA Screening

I have considered the proposed development in light of the requirements of section 177U of the Planning and Development Act 2000 as amended.

The subject site is located c 432m from Rogerstown Estuary SPA and Rogerstown Estuary SAC and 1.8km from North-West Irish Sea SPA.

The proposed development comprises the retention of an extension to a permitted house.

Having regard to the nature, scale and location of the subject development, 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 small scale long established domestic nature of the works,
- the lack of hydrological or ecological pathways between the development and the European site network,
- the distance to the European site network

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

An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive.

Having considered the nature, scale, and location of the proposed development, it is concluded that the proposal will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects.

In addition, the proposed development will not adversely affect the achievement of established environmental objectives, including the protection, maintenance, and improvement of water body status, as required under the Directive.

Accordingly, the proposed development is considered to be compliant with the requirements of Article 4.

11.0 Recommendation

I recommend that permission be granted.

12.0 Reasons and Considerations

Having regard to the provisions of the Fingal County Development Plan 2023-2029, the planning history of the site and the nature and scale of the development to be retained, it is considered that, subject to compliance with the conditions set out below, the development would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of traffic, pedestrian safety and convenience.

The extension to be retained is located approximately 1.2 metre from the neighbouring dwelling to the west which is significantly below the 2.3 metre minimum separation between units required under objective DMSO26 (separation distance between side wall of units) of the county development plan and as such the proposal materially contravenes objective DMSO26 of the county development plan. However having regard to the provisions of section 37(2)(a) of the Planning and Development Act 2000 (as amended), the proposed development would be in accordance with the proper planning and sustainable development of the area and a grant of permission is warranted in this instance.

13.0 Conditions

1	<p>The development shall be in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions.</p> <p>Reason: In the interest of clarity.</p>
2	<p>The existing dwelling and the extension shall be jointly occupied as a single residential unit and the extension shall not be used, sold, let or otherwise transferred or conveyed, save as part of the dwelling.</p>

	<p>Reason: To restrict the use of the extension in the interest of residential amenity.</p>
3	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

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.

Aisling Mac Namara
 Planning Inspector

8th June 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	500897
Proposed Development Summary	Retention of extension
Development Address	Winzerhaus, Channel Road, Rush, K56 WK85
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> No, No further action required.
(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)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here

<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
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?	
<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 Article 8 of the Roads Regulations, 1994.	No Screening required.
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.	EIA is Mandatory. No Screening Required
<input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.	Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)
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)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____