



An
Coimisiún
Pleanála

Inspector's Report

PL-501267-DF-26

Development

Retention of single-storey extension to existing garage building for uses ancillary to the main dwelling, including home office/gym and storage space with ancillary landscaping and site works.

Location

Green Oaks, Baldungan, Lusk, Co.
Dublin, K45 W304.

Planning Authority

Fingal County Council.

Planning Authority Reg. Ref.

F26A/0107E.

Applicant(s)

Richard Fagan.

Type of Application

Retention Permission.

Planning Authority Decision

Refuse retention permission.

Type of Appeal

First Party

Appellant(s)

Richard Fagan.

Observer(s)

None on file.

Date of Site Inspection

22nd July 2026

Inspector

Des Johnson.

1.0 Site Location and Description

- 1.1. The site is located in the townland of Baldungan, Co. Dublin and is accessed on its south side via the L-1285 which connects to the R-127 Skerries Road to the west and with the R-128 to the east.
- 1.2. There is a large two-storey detached dwelling fronting towards, but set back from the public road. To the rear of the dwelling is a single-storey building with alignment perpendicular to the public road. The original section of this is a garage with two vehicular doors. This building has been extended incorporating the development the subject of this appeal. Internally, the subject structure provides a bedroom (including dismantled bed at the time of inspection), wc, empty room (shown as storage on the submitted plans), and large roughly square shaped room (shown as home office) which includes kitchen area and couch.
- 1.3. The wider area is predominantly rural and agricultural in character and is relatively flat and low lying. There is a sparse pattern of one-off housing in the area. There is a two-storey detached house to the southeast which appeared vacant and surrounding this, various items of equipment are stored. There is a single-storey dwelling adjoining this site to the southeast.
- 1.4. The adjoining public road has a carriageway of approximately 6.5m. To the northeast side of the road, a hedgerow extends to the site. There is a footpath along the site frontage but otherwise not along this stretch of the road.

2.0 Proposed Development

- 2.1. The proposal is for the retention of a single-storey extension to existing garage building for uses ancillary to the main dwelling, including home office/gym and storage space, with ancillary landscaping and site works.
- 2.2. The existing garage has a stated floor area of 44.10sqm. The subject extension to the garage has a stated floor area of 74.31sqm. The gross floor area of existing buildings on the site is stated to be 418.10sqm. The site area is 0.515sqm. It is proposed to connect to public water, the on-site treatment system and soakpit.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse permission for retention for two reasons. The reasons for refusal are summarised as follows:

1. The excessive number of rooms, the inclusion of a bathroom, and the lack of sufficient deviation from floor plans of previously proposed family flat would fail to accord with Objective SPQHO46 and Section 14.10.3 of the Development Plan. The development remains a separate unit of accommodation. It would seriously injure the amenities of the area and property in the vicinity.
2. Serious injury to the rural character and visual amenity of the area, materially contravening the High Amenity zoning. Contravention Sections 3.5.13.1 and 14.10.2 of the Development Plan. Undesirable precedent for similar development in the area and contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

This may be summarised as follows:

- This was previously a family flat, as indicated in drawings relating to Ref 25A/0218E. There is no change to the layout or size of the structure since that application. It was built as a family flat and was still in use for that purpose. Previous reasons for refusal have not been addressed. The site is within a high amenity zone and highly sensitive landscape, and the structure can be clearly seen from the public road. The design resembles a small rural bungalow with a terrace and its own parking area. The size of the structure is excessive and has a negative impact on the visual and rural amenities of this high amenity area. The development contravenes Section 14.10.4 and Sections 3.5.13.1 and 14.10.2 of the Development Plan and would set a harmful precedent.

3.2.2. Other Technical Reports

- None on file.

3.3. Prescribed Bodies

None on file.

3.4. Third Party Observations

None on file.

4.0 Planning History

4.1. ABP Reference 322664-25: Permission refused for retention of family flat to the rear of existing dwelling together with retention and alterations of existing garage and permission for new glazed corridor linking the main dwelling with the family flat, ancillary landscaping and site works on this site. There were two reasons for refusal, summarised as follows:

- 1 Proposal does not satisfy policy requirements which relate to family flats on account of design, layout and access/integration arrangements.
- 2 The applicant does not come within the scope of the housing need criteria set out in the Development Plan. Contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. Development Plan

The Fingal County Development Plan 2023-2029 is the statutory plan for the area.

The site is zoned 'HA' with the objective *to protect and enhance high amenity areas*.

The Vision for High Amenity areas is to protect these highly sensitive and scenic locations from inappropriate development and reinforce their character, distinctiveness and sense of place.

The site is located within a 'Highly Sensitive (Coastal) Landscape'.

Section 3.5.13.1 refers to Residential Extensions The need for people to extend and renovate their dwellings is recognised and acknowledged. Extensions will be considered

favourably where they do not have a negative impact on adjoining properties or on the nature of the surrounding area.

Section 14.10 3 refers to Family Flats. A family flat refers to the provision of accommodation connected to an existing dwelling with a level of independence for an undefined temporary period. This may involve the subdivision of a single dwelling, provision of an extension or conversion of a garage attached to the main dwelling, where the use is for a member of the immediate family (e.g. elderly parent).

Section 14.10.4 refers to 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.

Policy SPQHP46 – Rural Settlement Strategy. It is strategy to respond to the rural-generated housing need by means of a rural settlement strategy which will direct the demand where possible to rural villages, rural clusters and permit housing development within the countryside only for those people who have a genuine rural generated housing need in accordance with the Council's Rural Housing Policy and where sustainable drainage solutions are feasible.

Section 3.5.15.3 refers to Rural Settlement Strategy Rural Generated Housing Need. The Fingal Rural Settlement Strategy serves to meet settlement needs which are the result of a genuine rural generated housing requirement. Residential development in areas zoned RU, HA, GB and RC which is urban generated will be restricted to preserve the character of Rural Fingal and to conserve this important, limited resource. The countryside for the purposes of this section of the Plan are those areas with the rural zoning objectives identified as Rural (RU), Greenbelt (GB) and High Amenity (HA). Rural-generated housing needs are considered to be the housing needs of people who

have long standing existing and immediate family ties, or occupations which are functionally related to the rural areas of the County

Objective SPHQO46 refers to family flats. It is an objective to ensure that family flats:

- Are for a member of the family with a demonstrated need.
- When no longer required for the identified family member, are incorporated as part of the main unit on site.
- Do not exceed 75sqm in floor area.
- Comply with the design criteria for extensions.

5.2. Natural Heritage Designations

- North-West Irish Sea SPA – c.2.5km to the east
- Skerries Islands SPA & NHA – c.3km to the northeast
- Rogerstown Estuary SPA & pNHA – c.4km to the south
- Rogerstown Estuary SAC – c.4km to the south
- Rockabill to Dalkey Island SAC – c.4km
- Rockabill SPA – c.4.5km to the east
- Loughshinny Coast pNHA – c.3km to the south

6.0 EIA Screening

- 6.1. The proposal is for the retention of a single-story extension to existing garage and for uses ancillary to the residential use of main dwelling house. It is not of a Class for the purposes of Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. As such, the development is excluded at pre-screening stage.

7.0 The Appeal

7.1. Grounds of Appeal

These may be summarised as follows:

- The proposal is strictly for non-habitable ancillary family use
- Ancillary residential spaces and home offices are permitted use under the zoning objective for this area

- This small, single-storey, vernacular structure would not cause visual harm or interfere with protected views in the landscape. It is in keeping with the character of development already in the area and complies with objectives and policies set out in the statutory Development Plan.
- The 1st party is willing to accept any conditions necessary relating to landscaping requirements of the structures finished colour
- The previous temporary habitable use of the space by the 1st Party's son and partner has terminated. At no stage was there any intention of creating a separate dwelling on the lands. The previous application was submitted solely on the grounds of seeking a granny flat for the 1st Party's son. The building is now being repurposed for ancillary family use.
- The proposal complies with general policies for garden rooms as outlined in the Development Plan (Section 14.19.4). The inclusion of a wc and shower is necessary for the proposed use.
- The house is in a ribbon of development that includes two houses, a high barn and a garage beside one of the houses. It is not correct that the proposed development would be material contravention of the zoning objective. It would not significantly impact on the visual or residential amenities of the area. There would be no significant impact on protected views or on the purported highly sensitive landscape.
- A set of photographs and two drawings are submitted in support of this appeal.

7.2. Planning Authority Response

The Planning Authority requests the Commission to uphold the decision to refuse. In the event of the appeal being successful, provision should be made for applying a financial contribution and/or any special development contributions required, and a tree bond.

7.3. Observations

None on file.

8.0 Assessment

- 8.1. There are three elements to this proposal, namely:

- Retention of a single-storey extension of 74.31sqm to an existing garage structure
- Use of the extension for purposes ancillary to the main dwelling house, including a home office/gym and storage space
- Ancillary landscaping and site works.

8.2. The Planning Authority decided to refuse permission for retention for reasons that the proposal, previously used as a family flat, remains a separate unit of accommodation failing to accord with provisions of the Development Plan, and serious injury to the rural character and visual amenity of this high amenity area, materially contravening the High Amenity zoning and setting an undesirable precedent.

8.3. The grounds of appeal contend that the extension to be retained is strictly for non-habitable use and that ancillary residential spaces and home offices are permitted uses under the zoning objective, there would be no interference with any Protected views, the proposal complies with general policies for garden rooms as set out in the Development Plan with the inclusion of a wc and shower as necessary for the proposed use, and there would be no significant impact on visual or residential amenities.

8.4. I consider that this case should be considered under the following headings:

- Nature of development for retention
- Planning history
- Impacts on the visual and residential amenities and rural character
- Precedent
- Appropriate Assessment

Nature of development.

8.5. The structure was previously used as family flat, the retention of which was refused permission by An Coimisiún Pleanála in September 2025. The Planning report notes that there has been no change to the layout or size of the structure, and previous reasons for refusal have not been addressed. At the time of inspection, I noted that the structure is significantly separated from the main dwelling, and the layout included a bedroom (with dismantled bed), wc and large roughly square shaped room with sink

and couch, and patio area. The subject extension is at the northeastern end of the garage structure with garage intervening between it and the main dwelling. While the layout remains unaltered from the previous family flat proposal, the current proposal redesignates rooms for 'Storage' (two rooms) and former living room with kitchen facilities as 'home office/gym'. The patio area was clear of any tables or chairs on inspection, and the extension was unoccupied.

- 8.6. The Planning report contends that the extension resembles a small rural bungalow with a terrace and its own parking area. I consider that, while the extension was vacant at the time of inspection, the layout and elevation indicate that it is suited to residential occupancy. It does not meet the criteria to be considered a Garden Room as set out in the Development Plan as the layout of the structure includes kitchen and toilet facilities.
- 8.7. Having regard to the nature and unaltered layout of the extension which includes wc and kitchen facilities, I consider that it should be considered as a separate residential unit. The Commission (Under Ref: PL-322664-26) previously concluded that the development with similar design, layout and access/integration arrangements did not satisfy the policy requirements relating to family flats. I submit that the location is in an area zoned High Amenity, and that a separate residential unit for which there is no convincing proven local housing need would be in material contravention the zoning objective for the area.

Planning History

- 8.8. Under Reference PL 322664-26, the Commission refused permission to retain a one-bedroom flat (c.73sqm) at this location. The flat was to connect to the main dwelling by way of a glazed corridor. The design and physical layout were similar to that now proposed (without glazed corridor), but the current proposal is for uses ancillary to the main dwelling including storage and home office/gym.
- 8.9. The Commission's reasons for refusal were that the proposal did not satisfy the policy requirements relating to family flats, and that it did not come within the scope of housing need criteria set out in the Development Plan.

Visual and residential amenities, and Rural Character

- 8.10. The external design of the extension under appeal is the same as that previously proposed as a family flat. The reasons for refusal by the Commission did not specifically include serious injury to the visual or residential amenities of the area.
- 8.11. The surrounding area is relatively flat. The subject structure (including garages) is not prominent in public views from the adjoining road. Travelling in a north westerly direction, the extension is hidden from public view by the main dwelling and the garages. Travelling in a south easterly direction a tall hedgerow blocks views of the subject structure until the site of the dwelling is reached. The extension is single-storey, attached to the existing garage structure and, while prominent in this particular view, is not seriously injurious to the visual amenities of the wider area.
- 8.12. There is a two-storey dwelling (possibly vacant) and single-storey dwelling adjoining to the southeast of the subject site. Having regard to the nature of the development proposed and the separation to these properties, I conclude that there would be no serious injury to the amenities of residential properties in the vicinity.
- 8.13. This is predominantly a rural agricultural area. It has a sparse settlement pattern. The subject development is an extension to an existing garage structure and is not visually prominent. I submit that the proposed development should not be refused solely because of serious injury to the rural character of the area, but note that rural character is a consideration in the designation of high amenity areas.

Precedent

- 8.14. The Planning Authority is concerned that the proposal, if permitted, could give rise to a harmful precedent. Having regard to conclusions reached regarding the precise nature of the proposal, I consider that to permit the subject development could give rise to an undesirable precedent in this high amenity area and highly sensitive landscape.

9.0 AA Screening

I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located in a rural, agricultural area at Baldungan, Co. Dublin. The proposed development comprises the

retention of a single-story extension to existing garage and for uses ancillary to the residential use of main dwelling house.

Having considered the nature and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European site. The reason for this conclusion is as follows:

- The nature and small scale of the development
- The location in a rural, agricultural area
- The separation distance and absence of any connectivity to any European sites

I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Directive

10.1. The subject site is located in a rural area. The proposal is for the retention of a single-story extension to existing garage and for uses ancillary to the residential use of main dwelling house. No water deterioration concerns are raised in the appeal. I have assessed the development in the context of the objectives of the Water Framework Directive. Having regards to the nature, scale, and location of the development, I am satisfied that it can be eliminated from further assessment as there is no conceivable risk to any surface and/or groundwater bodies either quantitatively or qualitatively.

11.0 Recommendation

11.1. I recommend that planning permission for retention be refused.

12.0 Reasons

It is considered that the design, layout and access/integration arrangements of the extension proposed for retention represents a separate residential unit on the overall site. Having regard to the location of the site on High Amenity zoned lands where housing is restricted to persons demonstrating local need in accordance with Fingal Rural Settlement Strategy Rural Generated Housing Need. It is considered that the applicant does not come within the scope of the housing need criteria as set out in the Development Plan for a dwelling at this location. As such, the proposed development for retention would be in contravention of the High Amenity zoning for the area, would set an undesirable precedent and 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.

Des Johnson
Planning Inspector

29th #July 2026

Appendix 1: Form 1 EIA Pre-Screening landscaping and site works.

Case Reference	PL-501267-DF-26
Proposed Development Summary	Retention of single-storey extension to existing garage for uses ancillary to the main dwelling house, including home office/gym and storage space with ancillary.
Development Address	Green Oaks, Baldungan, Lusk, Co. Dublin, K45W304.
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?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ 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)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ 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?	
☒ 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.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	State the Class and state the relevant threshold
☐ 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)	State the Class and state the relevant threshold
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 ☐	
No ☒	

Inspector: _____

Date: _____

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