



An
Coimisiún
Pleanála

Inspector's Report

PL-501329-DF-26

Development

Amendments to previously approved house extension under Reg. Ref. F23A/0152 to include retention of 31 sq.m. making up a total area of 187 sq.m. to be retained, 4 no. rooflights to front roof, revision to set back from eastern boundary and realignment of extension permitted in F23A/0152, alteration to approved roof profile to single storey extension consisting of a stepped flat roof with parapet replacing the approved pitched roof, minor adjustment to the position of the window to the east and west elevations and adjustments to internal layout, open space, services and parking.

Location

Mountgorry House, Malahide Road
Swords, K67 W1R7.

Planning Authority

Fingal County Council

Planning Authority Reg. Ref.	F26A/0144E
Applicant(s)	Robbie Collins
Type of Application	Retention Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Robbie Collins
Observer(s)	One- Peter White and family.
Date of Site Inspection	30/06/2026.
Inspector	Deirdre Scully.

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Appendix 1 –EIA Screening

1.0 Site Location and Description

- 1.1. The appeal site is an individual plot located on the north side of the R106 Swords-Malahide Road on the edge of Swords, with the site having a stated area of 0.107 hectares. The site accommodates a detached dwelling with the gable end facing the road to the south and the front elevation and entrance facing west. The site is the southern half of a plot that is narrow and long on a north-south orientation; with a separate single storey modern dwelling in the north half of the plot of land. The rear site is accessed via a driveway through the application site, which is gated adjacent to the front elevation of the house subject to the application. The entire plot, including both houses, is within the ownership of the applicant, with the access arrangements onto the public road shared between both houses. The site has a noticeable drop in height in a northerly direction; with the Malahide Road at a higher ground level than the modern bungalow to the north of the plot.

To the east and west of the site are other detached bungalows (single to the east and dormer to the west) on long plots; which the plot on the west also has a second dwelling to the rear of the house facing the road, with a shared vehicular entrance (F00A/0264). To the south on the opposite side of the road is the Montgorry Wood apartment scheme at a mix of two and three storey heights (also with floor levels lower than the road). To the north of the applicant's land are playing fields, with a private access laneway to an ESB substation in between.

2.0 Proposed Development

- 2.1. The proposed development for retention, as described within the public notices, comprises of - (i) retention for increased floor area of 31 sq. m. for the ground floor extension at the north side of the house and it's repositioning and widening to the west side of the plot and expansion north with new room uses; and (ii) retention of the stepped, flat roof with 4 rooflights (iii) retention of changes to windows on east elevation; (iv) retention of changes to open space provision, parking and utilities.

3.0 Planning Authority Decision

3.1. Decision

Fingal County Council issued a notification of decision to refuse permission for the proposed development on the 23rd of April 2026. One reasons for refusal was given which stated:

- 1. Having regard to the site layout, the excessive scale of the extension to be retained, the proximity of the extension to the eastern site boundary and the poor quality of the private open space to serve the dwelling on the site by reason of its location to the front of the dwelling, it is considered that the proposed development represents overdevelopment of the site and would adversely impact on the visual and residential amenities of the host dwelling on the site and on neighbouring properties. The proposed development would, therefore, conflict with policies SPQHP41 and SPQHO45 of the Fingal County Development Plan 2023-2029 and be contrary to the land use zoning objective. 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

One planning report is filed for this application, dated 23rd of April 2026 and contained within the Chief Executives Order of the same date. The following provides a summary of key points made in the Planners Report:

- The report outlined the extensive planning history on this site and reasons for refusal. (See Section 4 of this report for details.)
- It notes the 3rd party submission received and the points made regarding non-compliance and extensive works without permission, misleading information, and impact due to overdevelopment, impact on neighbouring properties, and inappropriate precedent.

- The report examines the relevant policies and objectives of the Fingal Development Plan 2023-2026, noting that the proposed development is located within an area zoned “RS- Provide for residential development and protect and improve residential amenity” and other relevant objectives and sections in Chapter 3- Sustainable Placemaking and Quality Homes regarding residential extensions (3.5.13.1, Policy SPQHP41 and Objective SPQHO45; Dublin Airport Noise Zone (Chapter 8), and Chapter 14- Development
- The report considered the extension under four points (i) background; (ii) compliance with zoning objective; (iii) design/layout; (iv) transport; (v) water services, (v) screening for Appropriate Assessment and (vi) screening for Environmental Impact Assessment.
- The report notes that the application seeks to regularise the works on site, and does not include the guest suites which formed part of the previous application (F25A/017E, ACP-322953-25).
- It notes that the type of use, single storey extension, is a permitted use under the ‘RS’ zoning objective; subject to the other relevant plan policies and objectives including the Development Management Standards, referencing Section 14.10.3- Ground Floor Extensions (see Section 5.1 of this Report for full wording). The scale of this extension is, in the opinion of the planner; not in compliance with the relevant objectives SPQHP41 and SPQHO45 due to the negative impact, inappropriate scale and lack of sensitive design.
- The report notes that the extension is a substantial addition to the house, akin to a separate dwelling; whilst noting that the internal layout is revised; concerns remain regarding the scale and ancillary nature of the extension. Concern is expressed in the report regarding the private open space in that is its substantially different to the original permission (F23A/0152) and has failed to address the refusal reason of F25A/0137 as appealed.
- The report notes no changes are proposed as regards parking or water services.
- The planners report outlined in respect of Appropriate Assessment that the proposed project, individually or in combination with another plan or project, will not have a significant effect on any European sites, and with regard to

Environmental Impact Assessment Screening, that no Environmental Impact Assessment is required.

3.2.2. Other Technical Reports

None.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

1 third party observation was received by Fingal County Council from the White family who are resident in the adjoining property to the west (house name Casamia). The submission makes a number of points made regarding the planning history of retention applications, non-compliance with the objectives of the Development Plan, the construction of extensive works without permission, misleading information, and impact due to overdevelopment, impact on neighbouring properties, reduced separation distances and inappropriate precedent.

4.0 Planning History

Subject Site:

F25A/0317E (ACP-322953-DF-25). Planning permission and retention permission REFUSED at Local Authority and at appeal for retention of flat roof single storey extension and permission for internal revisions to provide 6 no. guesthouse suites, installing of 4 no. window openings and revisions to parking and open space layout. ACP reason for refusal states:

Having regard to the site layout, the excessive scale of the extension to be retained, the proximity of the extension to the eastern site boundary, the poor quality of the private open space to serve the dwelling on the site by reason of its relocation (from that permitted under planning authority register reference number F23A/0152) to the front of the dwelling, and also having regard to the

proposed use of the extension to accommodate six number guesthouse suites which are not integrated in design or function terms (internally or externally) with the existing dwelling on the site, it is considered that the proposed development represents overdevelopment of the site and would adversely impact on the visual and residential amenities of the host dwelling on the site and on neighbouring properties. The proposed development would, therefore, conflict with policies SPQHP41 and SPQYO45 of the Fingal County Development Plan 2023-2029 and be contrary to the land use zoning objective which is 'RS' – to provide for residential development and protect and improve residential amenity', as indicated in the said statutory plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

F24A/0422E: (ACP-320196-24) Planning permission and retention permission REFUSED at local authority and on appeal for (i) permission for hipped roof over amended single storey development; (ii) retention for alteration to previously approved development including revisions to set back from eastern boundary and alignment with the main house; increased floor area of 38 sq. m. and adjustments to windows on east and west elevations.

Reason for refusal was –

The proposed development and development proposed for retention are considered to be contrary to the residential zoning of the subject site, as set out in the Fingal County Development Plan 2023-2029, which seeks to provide for residential development and to protect and improve residential amenity, as the built form is considered to be excessive scale with insufficient useable private open [space] for the occupants of the dwelling. This lack of useable private open space is indicative of overdevelopment of the site and would create an undesirable precedent for similar development in the area. The site layout and lack of quality private open space to serve the dwelling proposed is thus contrary to the policies of the Fingal County Development Plan 2023-2029 including Section 14.10.2 (Residential Extensions) and Section 14.10.2.3 (Ground Floor Extensions (rear)). The proposed development and development proposed for retention are, therefore, contrary to the proper planning and development of the area.

F23A/0791: Retention permission REFUSED for alterations and amendments of previously granted permission (F23A/0152) as follows: 1. Revisions to approved single storey extension to rear including increased setback along eastern boundary and alignment with the main house; 2. Extended projection along western elevation of approved extension with increase in floor area of 38 sq. m.; 3. Alteration to the approved roof profile to single storey extension consisting of a stepped flat roof with parapet replacing the approved pitched roof; 4. A minor adjustment to window positions on east and west elevations; 5. Provision of 3 additional roof lights to western elevation of existing main pitch roof.

F23A/0152: Permission GRANTED on the 1st of June 2023; subject to conditions (including use as a single family dwelling), for removal of shed structure to rear of dormer bungalow, (ii) new replacement structure consisting of single storey extension to rear house with internal and external alterations; (iii) extend front entrance porch and necessary ancillary works to existing dwelling.

It is noted that the site also has an active Enforcement File Ref: 23/171A.

Site Within Blue Line to North of Application Site:

F23A/0394 (ABP-318555-23)– Permission granted on the 24th of June 2024, by planning authority and on appeal with revised conditions, to Lauren Collins for the conversion of commercial vehicular store to single storey residential dwelling. This permission indicated the retained adequate provision of private open space for the original house and granted extension (F23A/0152) at the north-east part of the site, to the west of the extension.

Applications proximate to the Site:

F00A/0264 – Permission granted for a single storey bungalow to rear of existing house (Casamia) on Malahide Road (to immediate west of the site).

F04A/0549 – Permission granted by the Planning Authority and on appeal for two storey house in side garden of 1 Seamount View, Malahide Road (east of site)

F12A/0384 – Permission granted for revised plan for previously approved single storey extension to rear of existing Montessori for use as buggy store and wc.

F12A/0175 -Permission refused by Planning Authority, Granted on Appeal for permission for change of use of existing end of terrace bungalow into sessional after school facility during day times with retention of residential aspect to property at Montgorry, Malahide Road (west of site).

Similar Permissions in the Wider Area:

F20A/0191- Permission GRANTED for demolition of utility shed and one and two storey extension, dormer window increasing house from 3 bed to 5 bedroom dwelling, Swords Road, Malahide.

F96A/0673- Permission GRANTED on appeal (following PA refusal) for retention of existing house including alterations to previously approved house design, Swords Road, Malahide.

5.0 Policy Context

5.1. Development Plan

Fingal Development Plan 2023-2029

Zoning

5.1.1 The site is zoned for Objective RS – Residential purposes within the Fingal Development Plan with the objective to “provide for residential development and protect and improve residential amenity”. The vision for this zoning objective seeks to “ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity”. Residential development is listed as a use that is “permitted in principle” under this zoning objective.

5.1.2 Section 3.5.13.1 of the Plan relates to Residential Extensions and outlines that: *“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”.

Policies and Objectives

5.1.3 The following provisions of the Fingal Development Plan 2023-2029 are of relevance:

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.*

Development Management Standards

5.1.4 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 following text is of relevance to the application:

“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.

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.

5.2. Relevant Ministerial Guidelines

Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024.

The section relevant to this application is Chapter 5 'Development Standards for Housing' which sets out policy and guidance in relation to the design of housing and standards (including private open space) to be applied in support of greater innovation within the housing sector and to facilitate more compact forms of residential development.

Key elements of Chapter 5 are:

SPPR 2 - Minimum Private Open Space Standards for Houses

It is a specific planning policy requirement of these Guidelines that proposals for new houses meet the following minimum private open space standards:

- *1 bed house 20 sq.m*
- *2 bed house 30 sq.m*
- *3 bed house 40 sq.m*
- *4 bed + house 50 sq.m*

Private open space must form part of the curtilage of the house and be designed to provide a high standard of external amenity space in one or more usable areas.

Open spaces may take the form of traditional gardens or patio areas at ground level, and / or well designed and integrated terraces and/or balconies at upper level. The

open space must be directly accessible from the unit it serves and a principal area of open space should be directly accessible from a living space.

5.3. Natural Heritage Designations

The site is not located in or adjacent to any site designated for Natural Heritage. The nearest designated site to the appeal site is approximately 1km to the south- the Malahide Estuary Special Protection Area (004025) and the Malahide Estuary Special Area of Conservation (000205) and the proposed NHA Malahide Estuary (000205).

6.0 EIA Screening

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

7.0 The Appeal

7.1. Grounds of Appeal

A first party appeal has been submitted against the Planning Authority's refusal of permission. The following provides a summary of the grounds of appeal.

The Commission is requested to grant permission in recognition of the adjustments made to the extension in use and layout, to address the reason for refusal by the Coimisiún under ACP-322953-25.

The appellant sets out the following points with regard to the reason for refusal given by ACP on the most recent application- ACP-322953-25 (F25A/0317E):

- The principle of a substantial extension to the house has already been accepted and permitted with a grant of permission for a 156 sq. m. extension;

which was positioned on an established built footprint of a group of previous extensive workshop sheds; and this permission sought is a modified version of this already permitted development, integrated into the existing dwelling.

- The separation distance built between the extension and property to the east was widened during construction to improve the separation to the boundary. Whilst this was not in compliance with the grant of permission it is put that this change in building line is an improvement to what was granted permission in F23A/0512.
- The roof profile has been changed to enhance visual amenity and energy efficiency by the installation of a flat roof which is more suitable for solar panel installation and has a lower height and impact to the hipped pitch roof granted.
- The additional 31 sq. m. of floor area realigns the building, , increasing the floor area from 156 sq. m. to 187 sq. m; and increase of 8.5% on the total floor area of the house and existing extension permitted.
- There is adequate open space provision provided behind the building line of the property, noting that the front elevation of the house faces east; not towards the road.
- The area is zoned 'RS' in the Fingal Development Plan and the use of the plot for residential purposes is compliant with the zoning and removed existing commercial structures from the plot.

With regard to the physical and functional integration of the extension the appeal statement points to:

- The revised application shows the extension clearly connected to the main dwelling internally; the layout and uses function as a single family unit; there are no independent access arrangements set out and no capacity for subdivision or separate occupation.
- The application does not contain guesthouse accommodation as was previously sought in the last application (which was for 6 guesthouse suites).
- The house is utilising the exempted use of three bedrooms for guest accommodation.

- Works have taken place recently within the extension to remove internal subdivision of the extension and to integrate to single family use.
- Revised drawings have been submitted with the appeal documentation with regard to the use of rooms in the extension and the original house. It is proposed to relocate the existing smaller kitchen and dining area from the older 1940s original house into the extension and convert the old kitchen into a utility space and the also move the living room to the new extension and convert the old living room into a home office space; providing clarity that the house layout is for single occupancy.
- The single storey form on a site with a falling ground level to the north has a low profile and does not result in overlooking, loss of light or overbearance.
- The positioning of the house and extension ensures that the visual impact is contained within the site itself due to the low height, the narrow form of the plot, the rear location and high boundary screening.

7.2. Planning Authority Response-

The Planning Authority response was received outside of the period of 4 weeks and was returned.

7.3. Observations

One received. The submission by Peter White and family, residing at Casamia, to the west of the site. The submission details the extent of unauthorised development and makes the point that the increase to the granted extension of 31 sq. m. is a material deviation, not a minor alteration; and raised concern that retention to regularise significant departures from what was permitted undermines the planning system. It is pointed out that the reason for refusal by ACP- excessive, overdevelopment, adverse effect on amenity and lack of integration- are relevant to this proposal. It raises concerns about the scale of the extension and the ability to function as a separate unit; in relation to residential amenity for the site and adjoining properties.

8.0 Assessment

8.1. Having examined the application details and all other documentation on file in relation to the appeal, the report of the local authority, and having inspected the site, and having regard to the policies and objectives of the Fingal County Development Plan 2023-2029, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Design and Scale of the Development
- Private Open Space
- Compliance and Residential Amenity

8.2 Principle of Development

The zoning objective RS “provide for residential development and protect and improve residential amenity”. Extensions to existing dwellings within this zoning is acceptable in principle; and extensions to meet the needs and improve the residential amenity of families are supported by the Fingal Development Plan.

This is recognised in Development Management Section 14.10.2 relating to residential extensions which 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.”*

The planners report states that they consider that a residential extension in this location would be a permitted use in this zoning objective subject to compliance with all relevant development plan policies and objectives.

8.3 Design and Scale of the Development

This application and subsequent appeal seeks to address a number of changes made to the construction of a permitted extension under F23A/0152. The original permission was granted on the footprint of a grouping of workshop sheds, which were directly attached to the original house. Each alteration within the application will be examined individually.

Roof Profile:

The original permission sought and was granted a hipped roof, designed to match the existing steep roof profile of the house. The height of the roof granted in F23A/0152 was at its highest at 6.3m. The current flat roof is at 3.38m (including parapet). In terms of visual impact, taking into account the stepping down of the extension to follow the fall of the land, it is my opinion that the change of roof type has no negative impact from a visual or residential amenity perspective. The location of the extension to the north of the dormer bungalow means it is not visible from the public road or from adjoining properties. Whilst the design approach is modern by using a flat roof; there is no reason evident to support the case that a change to roof profile would be considered an unacceptable form of development. Modern approaches to design within residential settings is supported by the County Development Plan- particularly SPQHO43 in promoting contemporary design. The original house form has no architectural merit and there is no benefit in requiring the roof to replicate the hipped roof of the original house. For these reasons I am of the opinion that there is no ground for refusing permission for the change in roof profile on the extension.

Repositioning of Extension within the site:

The repositioning of the footprint and angle of the extension is another element of the retention works seeking permission. The relocation of the extension slightly more within the centre of the site, and away from the eastern boundary edge increases the maximum separation from the boundary to 2.2m at its widest point, reducing to 1.4m at the location where the extension joins the house. Whilst no measures have been given for the distance on the supplied floor plans, the granted permission had a separation distance of an average of approximately just under 1m along the eastern elevation (with variations in the extent of impact due to the angled

footprint of the previously granted extension). The planners report associated with the grant of permission of F23A/0152 did not address the issue of separation, presumably due to the fact that the granted extension was positioned to directly replace the existing footprint of the longstanding workshop sheds which previously occupied this space; and reflecting that there was already a well established built presence in this location. The change in building line along the eastern boundary and the slight shifting of the orientation of the extension into a more central position within the site plot for the as-built extension has not resulted in any material detrimental impact on residential or visual amenity. The repositioning approx. 1-0.5m away from the adjoining boundary is to the benefit of the adjoining property and an improvement to the original consent of permission. I do not consider therefore that there is any reason not to grant permission for this change in positioning.

Expansion of the Extension by 31 sq. m.

The application for retention sets out that the granted extension of 156 sq. m. is now increased by 31 sq. m. to 187 sq. m. The existing dormer bungalow has a stated floor area of 211.5 sq. m. The footprint of the extension and house combined is 326 sq. m (consisting of 211.5 sq.m. over two levels in the original dormer bungalow plus the 187 sq.m. as built extension). In principle, the expansion of a house to meet the requirements and needs of those residing is acceptable and is supported by Development Plan policy and objectives (Section 3.5.13.1, SPQHP41 – Residential Extensions, Objective SPQHO45 – Domestic Extensions). The site size at 0.1 hectares is generous, reflective of its rural plot origins. Whilst the extension is substantial in scale, within the context of the large plot it is situated within it is not out of keeping with the existing pattern of detached house development and expansion in the Swords/Malahide area (see for example F20A/0191).

In considering the increase of the extension by an additional 31 sq. m., the impact of this expansion is now examined. The increased area does not, in my opinion, result in a significant change to the impact of the extension as a whole. The increased floor area is mostly in a reverse L shape onto the granted form on the northwestern end; and has not created any significant change to the bulk and form of this large extension. The additional floor area is at the lowest ground level within the site.

There is no visual impact as it is not visible from the road. It is single storey and not visible from the adjoining properties and has no impact on the adjoining property to the west as it is separated by the two access drives for the two detached houses to the immediate north of both properties. The main impact is the loss of some of the private open space that was to occupy this area; as shown in the layout plans for F23A/0394 (ABP-318555-23) (the granted permission for conversion of other commercial sheds to a single storey bungalow to the north). The open space issue is addressed separately below. It is noted that in the planners report the assessment of the expansion of the extension focussed on the scale of the extension itself; not the impact of the additional 31 sq. m. “*..the extension remains a substantial addition, akin to a separate dwelling on the site*”. This commentary failed to take into account that a substantial extension was already permitted. In considering the appropriateness of the increased floor area, I am of the opinion that the 31 sq. m. additional floor space added to the extension is easily absorbed within this large detached property site and does not generate new negative impacts from a residential and visual amenity perspective; nor has it had any significant or relevant impact on the overall design of the extension.

Use of the Extension/Integration with Dwelling:

A key aspect for the most recent refusal decision was the use proposed for the extension as 6 guesthouse suites as contributing cumulatively to overdevelopment of the site and loss of residential amenity. A concern expressed in the planners report for this application and within previous reports was the viability of the layout to become a separate dwelling(s), independent of the house. Such uses would have a significant impact on the residential amenity of the house, the open space and also the car parking demand.

However, the application as now revised, and following extensive works internally within the extension as seen during the site visit; is no longer set out for independent resident/guest uses at scale. This report solely addresses the appeal and application as presented; including the revised room layout included with the appeal documentation. In assessing the revised room layout as they are now presented; the changes are not so significantly different from the original grant of permission as

to raise new concerns regarding residential amenity. The proposed new layout is in keeping with the original permission by providing clear integration of the extension with the main dwelling. Connectivity between rooms and between the main house and the extension are shown and generally acceptable as proposed. As is standard practice, the use of the house as a single residence will be conditioned.

8.4 Private Open Space:

The plans submitted show the provision of a private open space for the use of the house, located to the south of the house against the gable end of the house, with access to the space from the house through the utility room (former old kitchen) and also from the front of the house through the hall. The dimensions of the space are approximately 10m across (east west) and varying from 8.5m to 12m (north south) over the gable end of the house. This space is stated to be 108 sq. m. in the appeal documentation. In considering the quantitative extent of the space provided, the Fingal Development Plan standard for houses of 4 bedrooms and higher is 75 sq. m. (Table 14.8- Private Open Space for Houses.) The space provided clearly exceeds this minimum. The other spaces shown in the mapping of open space by the appellant include circulation spaces around the property. (Appendix 1 of the appeal statement). It is not appropriate to include their dimensions as this is not usable space. (Objective DMSO27 states that "Narrow strips of open space to the side of houses shall not be included in the private open space calculations").

SPPR2 of the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024 requires a minimum provision for private open space of 50 sq. m. The space provided clearly meets and exceeds all required quantitative standards.

The second aspect of assessing the space and critical to the consideration of compliance is the location of the space. The previous refusal reasons cited the relocation of the proposed private open space from the rear to the front of the property as an indicator of overdevelopment on the site and diminution of the residential and visual amenities on the site and area. The appellant makes the point the space, whilst being towards the roadside of the plot, is to the side of the house itself; which is positioned facing westwards on the plot. It is noted that the area to

the south of the site in F23A/0694 showed the parking adjacent to the existing dwelling and a front garden between the parking and the road; a situation that is now reversed on site and in this application; with parking adjacent to the road and the open space is adjacent to the house.

The issue of site layout and open space provision also needs to be considered in the context of the Sustainable Residential Development & Compact Settlement Guidelines. Section 5.3.2 states with regard to open space housing standards that *“a more graduated and flexible approach that supports the development of compact housing and takes account of the value of well-designed private and semi-private open space should be applied”*. It defines private open space as *“Private open space must form part of the curtilage of the house and be designed to provide a high standard of external amenity space in one or more usable areas. Open spaces may take the form of traditional gardens or patio areas at ground level, and / or well designed and integrated terraces and/or balconies at upper level. The open space must be directly accessible from the unit it serves and a principal area of open space should be directly accessible from a living space.”* The Guidelines require that Planning Authorities move away from traditional low density standards and recognise that the provisions of private open space can take a number of forms and not only be delivered in one form only at the rear of the dwelling. Alongside this issue is the point made in the appeal as to how you define the rear of a dwelling when it faces gable side on to the road. If one accepts the points made in the appeal, the provision of open space is located as a “side-garden” to the main dwelling and is behind the front building line. A way of considering this point is to consider the value placed on rear and side gardens in other settings where the gable and side boundary wall face a road for the last house in a row within a standard traditional housing estate layout. For such properties, the fact that their garden shares a boundary with the public road is considered acceptable; and is usually screened for privacy by the residents with a high boundary wall or planting.

In looking at what has been provided in this application for private open space; the planners report raised concerns about the space being *“substantially different in terms of scale and location”* and having not addressed the reason for refusal by ACP (ACP-322953-25). However, the report did not directly assess this altered provision in this application under the standards of the Development Plan and the Guidelines.

As there is no doubt that the provision meets the required quantitative standards; and the Guidelines require that a more flexible approach is taken to the location within the curtilage of a house to open space provision; the question that remains is whether the space provides the quality and privacy necessary to achieve a usable, pleasant space for residents of the house to enjoy.

The space provided is of good square dimensions; is directly accessible from living spaces in the house; is screened by new landscaping; is sheltered and well set back from the road by the parking bay area which has a depth of 9-10 metres.

Taking all of the above points into consideration, I am of the opinion that the private open space, as relocated to the side elevation of the house, and well set back from the public road, is both quantitatively and qualitatively adequate to meet the needs of the house and is therefore compliant with Development Plan and the Guidelines.

8.5 Compliance and Residential Amenity

Policy SPQHP41 which states to “*support the extension of existing dwellings with extensions of appropriate scale and subject to the protection of residential and visual amenities*” are relevant to the context of establishing the extent of development beyond what is already granted and what would be appropriate in the assessment of the application.

The amendments sought to the original permission are in general supported by and in compliance with the Fingal Development Plan and the principle of allowing a house to extend and adapt to the needs of the residents is acceptable in principle. It is also clear that such works are subject to the appropriate specific safeguards. In assessing this application; these safeguards are considered and the extent of impact of the amended works in their totality. The safeguards referenced above from Section 14.10.2 require that house adaptations “*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.*”

It is my opinion that the taking into account the large size of the plot in question, the low height, flat roof and setback of the development from adjoining boundaries, the lack of overbearance on adjoining properties and the adequate provision of private open space (whilst not located to the traditional rear), the use of modern design in an extension not visible from the public road; does not, in combination, raise concerns that the works are not compliant with the Fingal County Development Plan or form the conclusion that the amendments to the granted extension does meet the required safeguards.

9.0 AA Screening

I have considered the proposed retention application for an expansion of the granted single storey extension to the dwelling in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located within a well serviced town of Swords and circa 1km from the nearest European Sites at the Malahide Estuary Special Protection Area (004025) and the Malahide Estuary Special Area of Conservation (000205).

The proposed development comprises of retention permission for alterations to previously approved FW23A/0152 consisting of increased floor area of the single storey extension to rear. No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site.

The reason for this conclusion is as follows

- The limited scale and nature of the works
- The location of the site within an established, serviced residential area
- Lack of connection to nearest 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

The subject site is located on the Malahide Road on the eastern side of Swords town, and is approx. 575m to the north of the Gaybrook Stream and approximately 380m to the south of an un-named stream in North Dublin Corporate Park (waterbody code: IE_EA_08G080700). The proposed development comprises of retention permission for alterations to previously approved FW23A/0152 consisting of increased floor area of single storey extension to rear; (see Section 2 above for description.) No water deterioration concerns were raised in the planning appeal or the planners report.

I have assessed the works proposed to the dwelling 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 are (i) the nature of the works proposed, which are modest in scale and also (ii) the lack of hydrological connection and distance from the nearest Water bodies.

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.

11.0 Recommendation

I recommend that permission be GRANTED for the proposed development subject to conditions.

12.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development on residentially zoned land, the planning history relating to the site, to the provisions of the Fingal Development Plan 2023-2029 and, the planning policies, objectives and development standards contained therein (particularly Sections 3.5.13.1, 14.10.2, Policy SPQHP41 and Objective SPQHO45); and the Ministerial Guidelines 'Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities', 2024; it is considered that, taking into account the design of the extension and the relatively small scale of the increased floor area to the extension and the adequate private open space provision; that subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the provisions of the Fingal Development Plan 2023-2029 and 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 28th day of February 2026, and as amended by drawing named Revised Floor Plans & Section A-A contained within Appendix 6 of the appeal submission received on the 13 th of May 2026 from the 1 st party, 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
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	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 entire premises, including the extension to be retained, shall be used as a single dwelling unit apart from such use as may be exempted development for the purposes of the Planning and Development Regulations. Reason: In the interest of clarity.
3	No access shall be permitted to the flat roof of the extension to be retained, save for maintenance. Reason: In the interest of protection of residential amenity.
4	Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Reason: In the interest of orderly development.
5	Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority. Reason: In order to safeguard the residential amenities of property in the vicinity.
6	The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of

	debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense. Reason: To protect the amenities of the area.
7	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 Coimisiún Pleanála to determine the proper application of the terms of the Scheme. 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.

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.

Deirdre Scully
Planning Inspector

16th of July 2026

Appendix 1 - Form 1 EIA Pre-Screening

Case Reference	
Proposed Development Summary	Amendments to previously approved house extension under Reg. Ref. F23A/0152 to include retention of 31 sq.m. making up a total area of 187 sq.m. to be retained, 4 no. rooflights to front roof, revision to set back from eastern boundary and realignment of extension permitted in F23A/0152, alteration to approved roof profile to single storey extension consisting of a stepped flat roof with parapet replacing the approved pitched roof, minor adjustment to the position of the window to the east and west elevations and adjustments to internal layout, open space, services and parking.
Development Address	Mountgorry House, Malahide Road Swords, K67 W1R7
	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? (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)	☒ Yes, it is a 'Project'. ☐ No
2. Is the proposed development of a CLASS specified in <u>Part 1</u>, 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, not a class for Part 1
☒ No, it is not a Class specified in Part 1.	

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.

No, not a class for Part 2



Yes, the proposed development is of a Class and meets/exceeds the threshold.

EIA is Mandatory. No Screening Required



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 ☐

No ☒

No, Schedule 7A information not provided.

Inspector: _____

Date: _____