



An
Coimisiún
Pleanála

Inspector's Report

PL-501440-DF-26

Development	Retention permission for the continued provision of a Pilates and physiotherapy business operating from within a dwelling together with all associated and ancillary works.
Location	No.1, The Old Wells, Loughshinny, Co. Dublin, K34YA07.
Planning Authority	Fingal County Council.
Planning Authority Reg. Ref.	F26A/0224E.
Applicant(s)	Geraldine Quain.
Type of Application	Retention Permission.
Planning Authority Decision	Grant Retention Permission.
Type of Appeal	Third Party
Appellant(s)	Neil and Susan Cramer and Others.
Observer(s)	None on file relating to appeal.
Date of Site Inspection	22 nd July 2026.

Inspector

Des Johnson

1.0 Site Location and Description

- 1.1. The Old Wells is a residential cul-de-sac to the north side of Loughshinny Park (L1320) and approximately 1.5km west of Loughshinny Harbour. The cul-de-sac comprises eight large dormer style detached dwellings.
- 1.2. No.1 is on a large corner site at the junction of The Old Wells and Loughshinny Park. The room for the proposed activity is to the front of the dwelling. There are 5 car parking spaces marked out on the site to the side/rear of the dwelling and adjacent to a large garage structure.
- 1.3. The site is bounded by a stone wall and railings and has an electric vehicular gate at the entrance on to The Old Wells.

2.0 Proposed Development

- 2.1. The proposal is for retention permission for the continued provision of a Pilates and physiotherapy business operating from within a dwelling, together with all associated and ancillary works.
- 2.2. The letter accompanying the application states that there are multiple attendee classes for 7 hours per week held over 3 days. These are as follows for 2025:

Monday	6.15	15 average attendees
Monday	7.15	15 average attendees
Wednesday	12.00	6 average attendees
Wednesday	6.30	6 average attendees
Wednesday	7.30	6 average attendees
Thursday	10.40	5 average attendees
Thursday	12.00	9 average attendees

It is stated that there are no classes held over the summer and holiday periods or Bank Holidays.

- 2.3. The applicant is stated to be primary carer for her daughter and has no employees.

- 2.4. The stated gross floor area for the existing dwelling is 285sqm. The floor area of the room used for the subject business is 48sqm. The site area is c. 0.135ha. It is stated that no physical alterations have been carried out to the dwelling to facilitate the business.
- 2.5. The applicant states compliance with all conditions of Ref Ref: F23A/0370 relating to this site.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission for retention subject to 4 conditions:

3.1.1. Conditions

These relate to the following:

1. Standard compliance
2. Clarification of the extent of permission granted
3. Hours of operation – Mondays 18.00-20.00hrs, Wednesdays 12.00-20.30hrs, Thursday 09.00-13.00hrs. No classes at the weekend or on Public Holidays.
4. No music or other amplified sound.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Five third party submissions were received with some raising concerns regarding parking at the site on days where more than one session is scheduled, and others highlighting the benefits of the business and its positive impacts. The business is subordinate to the main residential use of the property and accords with Objective DMSO33 of the Development Plan. A letter of confirmation from the Enforcement Section confirming compliance with the conditions of F23A/0370 is submitted. Proposed operating hours are to remain as permitted under Reg Ref: F23A/0370 and this is considered to be acceptable.

3.2.2. Other Technical Reports

None on file.

3.3. **Prescribed Bodies**

None on file

3.4. **Third Party Observations**

None on file relating to appeal. Five submitted to Planning Authority at time of application.

4.0 **Planning History**

- 4.1. Reg Ref: F26A/0019E – Permission refused in March 2026 for extension of operating hours of an existing permitted Pilates and physiotherapy business operating within a dwelling in perpetuity, which was previously granted temporary permission under Reg Ref: F23A/0370, together with all associated and ancillary works. The reason for refusal states that, while the proposal is acceptable in principle, the development cannot be supported as the parent permission has expired and permission cannot be given to extend the hours of a development that is unauthorised.
- 4.2. Reg Ref: F23A/0370 – Permission granted for retention in February 2024 for the change of use of a home gym/entertainment room into a Pilates studio and physiotherapy business operating from a private dwelling. The permission granted was conditioned for a 2-year period for reason to reassess the development in circumstances then pertaining.

5.0 **Policy Context**

5.1. **Development Plan**

The site is in an area zoned 'RS' with the objective *to provide for residential development and protect and improve residential amenity*.

Section 14.10.5 refers to Home Based Economic Activity. Development proposals for small scale home-based economic activity, carried out by residents of the dwelling house and being subordinate to the use of the house as dwelling unit, will be considered where the applicant is the resident of the house and can demonstrate that the proposed activity would not adversely impact the existing residential amenity of the area. This

includes impacts such as increased traffic, noise, fumes, vibration, smoke, dust or odour. The Planning Authority will assess the suitability of the residential site to accommodate the proposed home-based economic activity having regard to the: "

- nature and scale of the activity proposed including hours of operation.
- requirement for the activity.
- location and size of the site.
- Impacts on the amenity of the residential unit and on neighbouring properties in terms of noise and disturbance.
- the prevailing density of the area.
- the availability of adequate safe car-parking and expected levels of traffic generation (including deliveries where relevant).
- the general compatibility of the nature of the use with the site context.
- waste generation.

Home-based economic activity will generally be permitted on a short-term or temporary basis to enable an ongoing assessment of any impact of the activity on residential amenity.

Objective DMSO33 refers to Home Based Economic Activity. It is an objective to permit home-based economic activities where the proposed activity is subordinate to the main residential use of the dwelling and does not adversely impact the existing residential amenities of the area by way of noise or disturbance.

5.2. Natural Heritage Designations

North-West Irish Sea cSPA – c.875m to the east.

Rockabill to Dalkey Island SAC – c.1.8km to the east.

6.0 EIA Screening

- 6.1. The development for retention 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 are stated to represent 5 couples with addresses at The Old Well. They may be summarised as follows:

- There are multiple factual errors in the Planner's report.
- The business being operated is clearly a Health Service. Fingal County Council failed to demonstrate why the 'Principles of Development Document' relating to health practitioners in an area zoned 'RS' was not applied
- The Council failed to ensure that any grant of permission was not in compliance with Home Based Economic Activity effecting residential amenity. The development does not comply with the Vision statement to have a 'minimal impact on residential amenity'. The impact of parking adversely affects the neighbours
- Adequate safe parking is not provided. The applicant has not shown how requirements for parking and a 'turning circle' can be met
- Parking requirements were misinterpreted. Parking is the singular problem residents have with the business
- Letters of support relate to previous applications and were made entirely by people not from the local Loughshinny area
- There is a substantial increase in class sizes compared with F23A/0370 (from 12 to 16).
- Health Practitioner is not a permitted use in areas zoned 'RS' – Established Residential. The development is contrary to the planning objectives of the Council

7.2. Applicant Response

This may be summarised as follows:

- The applicant wishes to put an existing building to best use by providing quiet Pilates classes a few times a week and to offer physiotherapy to those who need it as she has

been doing for the past 5 years in accordance with planning permission F23A/0370. There are no employees

- The appeal lacks substance and the correct appeal fee may not have been paid
- The appeal seems to rely wholly on an 'undefined' impact of cars being lawfully briefly parked on a wide public road. A requirement for a 'turning circle' would have implications for developments across Fingal.
- On average there are 10 attendees and the premises will close for much of July and August
- If physiotherapist is a health practitioner, then only 1 space is required per consulting room, but 5 spaces are provided
- There is no adverse impact from noise, and there are limited hours, class size and many people walk to class. The premises is located on the corner of the cul-de-sac and clients do not need to pass any other residential property on the cul-de-sac to attend
- Register F26A/0019E was rejected on technical grounds as a result of delay. The Commission is requested to consider a minor variation to the permission to reflect the operating hours favourably stated in that related application ie. Monday 5pm to 8.30pm, Tuesday none, Wednesday 9am to 2pm and 6pm to 8.30pm, Thursday 9am to 2pm, and Friday none
- The applicant's response attaches a letter of support signed by 5 local mothers (another 6 are listed but no signatures are attached), which appear to have been originally submitted to Fingal County Council. This states that there is very low impact. Class sizes are limited to 12 (and are often less), there is ample parking, but many also walk or park away from the premises, there is no music or loud noise. There is no other physiotherapist-led postnatal Pilates option available in Loughshinny. There are also 7 individual letters of support (one signed) which appear to have been submitted to Fingal County Council in support of the application.

7.3. Planning Authority Response

No further comments. The Commission is requested to uphold the decision. In the event of permission for retention being granted, provision should be made for a financial contribution and/or any Special Development Contributions.

7.4. **Observations**

None on file relating to appeal.

8.0 **Assessment**

8.1. I consider that this appeal should be considered under the following headings:

- Policy
- Planning History
- Parking
- Other Residential Amenities
- Other Issues
- Appropriate Assessment

Policy

- 8.2. The site is in an area zoned 'RS' in the Development Plan with the objective *to provide for residential development and protect and improve residential amenity*. The Vision for this zoning is to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity. The proposed use for continuation is neither 'Permitted' or 'Not Permitted' under this zoning and will be assessed in terms of their contribution towards the achievement of the Zoning Objective and Vision and their compliance and consistency with the policies and objectives of the Development Plan.
- 8.3. The Plan does provide (Section 14.10.5) for Home Based Economic Activity. These are considered where the applicant is the resident of the house and it can be demonstrated that the activity would not adversely impact the existing residential amenity of the area, including through noise, fumes, traffic, vibration, smoke, dust or odour. The suitability of the site to accommodate the home-based economic activity includes assessment of the nature and scale of the activity and operating hours, requirement for the activity, location and size of site, and impacts on the residential unit and neighbouring properties

- 8.4. It is an objective to permit home-based economic activities where the proposed activity is subordinate to the main residential use of the dwelling and does not adversely impact the existing residential amenities of the area by way of noise or disturbance.
- 8.5. I submit that the activity for retention is clearly subordinate to the main use of the dwelling. The applicant is stated to be the sole operator. The issue of impacts on existing residential amenities is further assessed later in this report.

Planning History

- 8.6. Under Reg Ref: F23A/0370 in 2024, the Planning Authority granted permission for the change of use of a home gym/entertainment room into a Pilates studio and physiotherapy business operating from a private dwelling.
- 8.7. The permission granted was conditioned for a 2-year period for reason to reassess the development in circumstance then pertaining. It was another condition of permission (Condition 2) that all works required to enable the provision of in-curtilage car and bicycle parking be carried out for reason to provide for on-site parking requirements. Five car parking spaces were to be provided on site. Operating hours were limited (Condition 5) to Mondays 18.00 to 20.00, Wednesdays 12.00 to 20.30, and Thursdays 09.00-13.00hrs.
- 8.8. All of the conditions of F23A/0370 have been complied with.
- 8.9. Permission under Reg Ref: F23A/0370 was granted following the submission of Further Information. A letter submitted by way of FI states that classes “are 45 to 50 minutes long”. The applicant states that “I always leave at least 20 minutes between the time a class is scheduled to finish and the commencement of another class”, and “the room has a capacity of 12 people, and this is the limit I put on my booking system”.

Parking

- 8.10. The grounds of appeal state that parking is the singular problem residents have with the business, and that the parking requirement has been misinterpreted. Under Reg Ref: 23A/0370 Further Information, 5 on-site parking spaces were proposed and the provision of these was a condition of the permission granted. These 5 on-site parking spaces have been provided. The Planning Authority’s parking requirement was based on the information submitted under Reg Ref: 23A/0370 and this stated that the subject room has a capacity for 12 people, whereas information submitted with the current

appeal indicates that for 2025 the two Monday evening classes had an average attendance of 15. If the average attendance is 15, it is likely that attendances at those classes exceed 15 some times.

- 8.11. I consider that, given the location of the subject premises, there would be significant demand for on-street parking, particularly during the Monday night classes.
- 8.12. The Old Well is a short residential cul-de-sac with on-street parking available. The adjoining L1230 Loughshinny Park has a carriageway of c.6m and a footpath on the north side adjoining the subject site. There is a row of housing on the south side of Loughshinny Park along this stretch, but these are fronted by a grass verge. In these circumstances, I consider that, in the event of permission being granted, it would be reasonable to limit the capacity of any one class to 12 and to condition the permission to 5 years to allow for a review in circumstances then prevailing for reason of protecting residential amenity. This would be consistent with the Development Plan which states that Home Based Economic Activity will generally be permitted on a short-term or temporary basis to enable an ongoing assessment of any impact of the activity on residential amenity.
- 8.13. I am satisfied that the proposal is for a Home Based Economic Activity and that, subject to compliance with conditions recommended, adequate safe parking can be provided which would not be seriously injurious to the residential amenities of the area.

Other Residential Amenities

- 8.14. Having regard to the nature of the business activities, there would be no significant loss of residential amenity arising from noise, fumes, traffic movements other than parking, vibration, smoke, dust or odour. It would be reasonable to insert a condition prohibiting the external broadcasting of music or other amplified sound from the premises.

Other Issues

- 8.15. The First Party, in response to the grounds of appeal, request the Commission to consider a minor variation to the permission to reflect the operating hours favourably stated in that related application (refused on a technicality) ie. Monday 5pm to 8.30pm, Tuesday none, Wednesday 9am to 2pm and 6pm to 8.30pm, Thursday 9am to 2pm, and Friday none. I submit that the Commission is required to make its decision based on the information submitted with the subject proposal.

- 8.16. The grounds of appeal contend that it is not shown how the requirement for a turning circle can be met. I consider that there is no need for a turning circle on site, and the cul-de-sac head provides opportunity for turning vehicles if necessary.

9.0 AA Screening

I have considered the proposed development for retention in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located in an established residential area in Loughshinny, Co.Dublin.

The proposed development comprises the retention of the continued provision of a Pilates and physiotherapy business operating from within a dwelling, together with all associated and ancillary works.

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 an established residential 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 an established residential estate. The proposed development relates to the retention of the continued provision of a Pilates and physiotherapy business operating from within a dwelling, together with all associated and ancillary works. 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 regard 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 qualitatively or quantitatively.

11.0 Recommendation

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

12.0 Reasons and Considerations

Having regard to the nature and scale of the business activity to be retained, the zoning objective for the area and provisions relating to Home Based Economic Activity set out in the Fingal Development Plan 2023-2029, and to the planning history relating to the site, it is considered that, subject to compliance with the following conditions, the proposed development for retention would not be seriously injurious to the residential amenities of property in the vicinity, would provide for safe and adequate parking, and would be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be retained and carried out in its entirety in accordance with plans and particulars submitted to the Planning Authority, save as may be required by any of the following conditions,

Reason: In the interest of clarity.

2. This grant of permission shall expire five (5) years from the date of this decision, unless by that time, permission for its continued retention has been granted by the Planning Authority or Coimisiún Pleanála on appeal.

Reason: To permit a re-assessment of the impact of the development in circumstances pertaining at that time.

3. The maximum capacity of any class held on the premises shall be 12 attendees.

Reason: In the interest of residential amenity.

4. The facility shall not operate outside the following days/times:

- Mondays: 18:00hrs to 20:00hrs
- Wednesdays 12:00hrs to 20:30hrs
- Thursdays 09:00hrs to 13:00hrs

No classes shall operate within the property at weekends or on public holidays.

Reason: In the interest of clarity and the residential amenities of the area.

5. No Music or other amplified sound shall be broadcast externally from the premises.

Reason: To protect the amenities 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

Case Reference	PL-501440-DF-26
Proposed Development Summary	Retention of the continued provision of a Pilates and physiotherapy business operating from within a dwelling, together with all associated and ancillary works.
Development Address	No.1, The Old Wells, Loughshinny, Co. Dublin, K34YA07.
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.	State the Class here
☐ 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 ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____

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