



An
Coimisiún
Pleanála

Inspector's Report

PL-501518-DF-26

Development	Construction of an extension and retention of 4 piers and electric gate
Location	St.Elmo's, Barrack Lane, Lusk, Co. Dublin, K45 R650.
Planning Authority	Fingal County Council.
Planning Authority Reg. Ref.	F26A/0253E.
Applicant(s)	Alexander Fsedryk.
Type of Application	Permission and retention permission.
Planning Authority Decision	Refuse permission and retention.
Type of Appeal	First Party
Appellant(s)	Alexander Fsedryk.
Observer(s)	None on file.
Date of Site Inspection	22 nd July 2026.
Inspector	Des Johnson

1.0 Site Location and Description

- 1.1. The site is located on the west side of Barrack Lane, with the Chapel Farm Park public open space adjoining the site to the rear. Occupying the subject site is a flat roof two-storey residential dwelling, set back significantly from the road and beyond a wall (c.1.5m), piers (c.2m) and secure gate.
- 1.2. To the rear there is a single-storey detached structure separated by a narrow space from the main dwelling. I was unable to gain access to this structure at the time of inspection. Adjacent to this is a utility/shed with sloped roof adjoining the northern site boundary.
- 1.3. The area surrounding the site is characterised by residential dwellings, 1 or 2 storey in scale and with pitched roofs, generally fronting directly onto the road or set back behind a front garden. The dwelling on the subject site is set back further from the road than neighbouring properties. The set back area to the front of the site is in a hard asphalt surface.
- 1.4. Vehicular access is provided on to Barrack Lane at the north eastern corner of the site. Visibility at the entrance is significantly restricted to the north by the adjoining dwelling, and to the south by the boundary wall and piers. The speed limit on Barrack Lane is 50km/h. There is a narrow footpath along the site frontages either side of the appeal site, but not along the appeal site. There is public lighting on the eastern side of Barrack Lane along this stretch.

2.0 Proposed Development

- 2.1. The proposal is for permission for a single-story flat roof extension to the rear linking the existing garden room to the main dwelling, and the retention of four piers and an electric gate to the front boundary.
- 2.2. The gross floor area of existing development is stated to be 151sqm, gross floor area proposed is stated to be 4sqm and the site area is 0.063ha. It is proposed to connect to public services.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority refused permission for two reasons. The reasons are summarised as follows:

1. The proposed development would represent consolidation of an unauthorised development in the garden shed for which no permission exists, and unduly impacts on the amenities of the area, public health and amenities of adjoining property, undermines planning regulations and is contrary to the proper planning and development of the area.
2. Endangerment of public safety by reason of serious traffic hazard as there is insufficient information to show that the driveway has been designed to allow for safe traffic movement. The development is contrary to Objective DMSO118 of the Development Plan and contrary to the proper and sustainable development of the area.

3.2. Planning Authority Reports

In summary this report is as follows:

The proposed development would be located wholly to the rear of the property and would not be visible from the surrounding area or the ACA. From the planning history for the site, it is noted that the proposed extension will be used to link an existing garden room structure which was refused retention permission under Ref: ACP-323532-25 to the main dwelling on site. To allow construction of the flat-roof extension would result in consolidation of unauthorised development and set an undesirable precedent for other similar development. The Transport Planning Section has raised concerns. The development in its current format is considered a traffic hazard. For any other development on site to be considered acceptable, the eastern roadside boundary wall and entrance gate shall be recessed a minimum of 2m from the existing road and the footpath edges located at the northeast and southeast corners of the site. No sightline drawing has been submitted, and sightlines are not in accordance with DMURS. An large hardstanding area has been constructed to the front of the house measuring approx. 25m x 13m (325sqm approx.) and this is excessive. There does not appear to be any drainage provided and there are concerns that the parking area would lead to

excessive rainwater run off on to the public road. The hardstanding area must be significantly reduced. The development is contrary to Objective DMSO118 of the Development Plan.

3.2.1. Other Technical Reports

- Parks and Green Infrastructure Division – no objection
- Water Services Department – no objection subject to condition
- Transport Planning report states that in its current format the development is considered a traffic hazard due to substandard access, sightlines and drainage negatively impacting on the public road. If permission is being considered, Further Information should be required.
- Conservation Officer – no objection.

3.3. Prescribed Bodies

None on file.

3.4. Third Party Observations

None on file.

4.0 Planning History

- 4.1. ACP Reference 323532-25: Permission granted for the retention of insulated front façade and single-storey sloped roof covered structure to the northern side of the dwelling. Permission refused for retention of block and timber front boundary wall, single-storey metal prefab structure to the front for bike and boat storage, single-storey sloped roof shed in use as home office, and flat-roof open canopied barbeque/amenity area to the rear. The reason for refusal referred to serious injury to visual amenities and adverse effect on Lusk ACA. The home office by reason of the internal layout represents as a separate accommodation unit and fails to accord with SPPR 2 and would set an undesirable precedent, and absence of detailed drawings showing compliance with Planning Authority requirements for disposal of surface water.
- 4.2. Reference F21A/0150: permission refused for retention of (1) demolition of existing front external wall, parapet and flat roof, (2) reinstatement of front external wall, parapet and

flat roof all to existing heights, and permission for (1) proposed two-storey extension to front, (2) ground floor extension to rear, (3) total refurbishment of dwelling, and (4) widening of existing vehicular entrance and all associated site works.

5.0 Policy Context

5.1. Development Plan

The applicable local planning policy is set out in the Fingal Development Plan 2023-2029.

The site is designated within Zoning Objective 'TC' Town and District Centre with the objective to *'Protect and enhance the special physical and social character of town and district centres and provide and/or improve urban facilities'*.

The site is within the Zone of Archaeological Notification for Lusk, the Low-Lying Agricultural Landscape Character Area and the Lusk Architectural Conservation Area.

Objective SPQHO41 refers to the Refurbishment and Refitting of Existing Buildings. It is an objective to promote measures to reduce vacancy and underuse of existing building stock and to support the refurbishment and retrofitting of existing buildings

Objective SPQHO45 refers to Domestic Extensions. It is an objective to encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area.

Objective DMSO118 refers to Road Safety Measures. It is an objective to promote road safety measures in conjunction with the relevant stakeholders and avoid the creation of traffic hazards.

5.2. Natural Heritage Designations

Rogerstown Estuary SAC, SPA and pNHA – c.2km to south.

6.0 EIA Screening

- 6.1. The proposal is for a small-scale single-story extension to rear and for the retention of four piers and electric gate. 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 Planning Authority has adopted an unduly rigid and disproportionate approach to the assessment of this proposal. This proposal is for a single-storey link extension with a floor area of approximately 4sqm.
- The refusal is based primarily on the planning history of the site and not the merits of the proposal. The Planning Authority concern relates to the planning status of the structure to which it connects, but this should not be the sole determining factor.
- The principle of extending and adapting existing dwellings is supported by Policy SPQHP41, Objective SPQHO45 and section 14.10.2 of the Development Plan.
- The proposal would not be visible from the surrounding area or the ACA.
- The proposal would physically integrate the structure with the main dwelling
- Substantial weight should be given to the absence of any conservation objection.
- The vehicular entrance is long established. It is not proposed to intensify the use of the entrance or the manner in which the dwelling is accessed. The Planning Authority has not demonstrated that the existing entrance is incapable of operating safely or that required visibility cannot be achieved. There should have been a request for Further Information.
- The Planning Authority previously granted permission for boundary treatment incorporating 1.8m high walls with 2m high piers at Cluainín Innis, Skerries Road (Ref: F17A/0461). This is visually more prominent.

7.2. Planning Authority Response

The Commission is requested to uphold the decision to refuse. In the event of the appeal being successful, provision should be made for a financial contribution or any Special Development Contribution required.

7.3. Observations

None on file.

8.0 Assessment

- 8.1. The proposal is for a single-storey flat roof extension stated to be 4sqm linking an existing structure shown as an office structure to the main dwelling (existing sloped covered structure used as utility/shed), and for the retention of four piers and an electric gate to the front boundary.
- 8.2. The Planning Authority decided to refuse permission for 2 reasons relating to the consolidation of an unauthorised development, impacts on the amenity of the area, public health and amenities of adjoining property, and endangerment of public safety by reason of traffic hazard and contrary to Objective DMSO118 of the Development Plan.
- 8.3. In response, the grounds of appeal contend that the Planning Authority took an unduly rigid approach with refusal primarily based on the history of the site and the status of the structure to be connected to, the proposal would physically integrate the proposed structure with the main dwelling, the vehicular entrance is long established and no intensification of use is proposed, and the Planning Authority has not shown that entrance is not capable of operating safely.
- 8.4. I consider that the appeal should be assessed under the following headings:
- Policy
 - Planning History
 - Reason 1 for refusal
 - Reason 2 for refusal
 - Appropriate Assessment

Policy

- 8.5. The site is designated within Zoning Objective 'TC' Town and District Centre with the objective *to protect and enhance the special physical and social character of town and district centres and provide and/or improve urban facilities*. The proposed development is acceptable in principle subject to compatibility with other plans and objectives of the Fingal Development Plan 2023-2029.
- 8.6. The site lies within the Lusk Architectural Conservation Area. Having regard to the nature, scale and location of the proposed extension, which is to the rear of the existing dwelling and would not be visible from public view, I submit that there would be no negative visual impact on the Lusk Architectural Conservation Area. I note that the Conservation Officer has no objection to the proposal.

Planning History

- 8.7. There is a recent planning history relating to this site. Under ACP Reference: 323532-25 permission was refused for development including the single-storey sloped roof shed in use as home office. The refusal noted that the home office, by reason of the internal layout, represents as a separate accommodation unit and fails to accord with SPPR 2 and would set an undesirable precedent. This formed part of a split decision for other elements of development on the site.
- 8.8. There is no evidence on file to indicate that the existing garden shed is an authorised development.

Reason 1 for refusal

- 8.9. This proposal for the extension is described in the grounds of appeal as a single-storey link extension with a floor area of approximately 4sqm. Reason 1 for refusal states that the proposed development would give rise to the consolidation of an unauthorised development. The drawings submitted illustrate a small office structure with sloped roof reaching a maximum height of 3294mm. The site layout drawing shows the existing adjoining structure as 'offices' but does not show the layout of the proposed office structure and any connection to the adjoining structure. However, the floor plan relating to Reference 323532-25 clearly shows the door into the 'existing office' structure being on its eastern elevation. This would indicate that the proposed office extension would directly link with the existing 'office' structure for which there is no evidence of

authorisation. In these circumstances, I conclude that the proposed extension would give rise to the consolidation of unauthorised development.

- 8.10. Reason 1 states that the provision of such a form development would unduly impact on the amenities of the area, public health and the amenities of adjoining property. The Commission concluded under Reference: 323532-25 that the structure, which is now shown as 'offices, is a separate accommodation unit and did not accord with the requirements of SPPR 2. The Commission concluded under Reference 323532-25 that the applicant had failed to demonstrate compliance with the provisions of the Development Plan and concluded that the development to be retained would be prejudicial to public health. As the proposed development would lead to the consolidation of unauthorised development and, in the absence of planning assessment (and assessment under Building Regulations) of the potential for impacts arising from the consolidated unauthorised development which would be made under any application for (retention) permission, I consider that it is reasonable to conclude that such a form of unauthorised development would unduly impact on public health and the amenities of adjoining property.

Reason 2 for refusal

- 8.11. In Reason 2, the Planning Authority contends that the retention of the four piers and electric gate would endanger public safety by reason of traffic hazard. I submit that the sightlines in both directions are restricted. The access is on the site frontage with no setback. The restriction to the south is exacerbated by the piers. The Planning Authority contend that the development is not compliant with DMURS where a setback of 45m in a 50km/h zone would generally be required. The grounds of appeal contend that the vehicular access is long established and there is no intensification of use of the access. I conclude that, in its current form, the restricted access does endanger public safety by reason of a traffic hazard. In such circumstances, the development is contrary to Objective DMSO118 of the Fingal Development Plan.

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 Lusk,

Co. Dublin. The proposed development comprises a small-scale single-storey residential extension, and the retention of four piers and an electric gate.

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 Lusk, Co. Dublin. The proposal is for a small-scale single-storey, residential extension, and the retention of four piers and an electric gate. 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 an extension, and the retention of four piers and an electric gate be refused.

12.0 Reasons

1. The proposed development linking with an existing single-storey garden structure for which there is no evidence of authorisation, would give rise to the consolidation of unauthorised development. In the absence of authorisation this form of unauthorised development would unduly impact on public health and the amenities of adjoining property and is contrary to the proper planning and sustainable development of the area.
2. The retention of the four piers and electric gate at the vehicular entrance, which is directly on to the public carriageway and where sightlines are seriously restricted, would endanger public safety by reason of traffic hazard, contrary to Objective DMSO118 of the Fingal Development Plan 2023-2029 and 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

Case Reference	PL-501518-DF-26
Proposed Development Summary	Small-scale, single storey residential extension, and retention of four piers and an electric gate.
Development Address	St. Elmo's, Barrack Lane, Lusk, Co. Dublin, K45R650.
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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