Inspector's Report

PL-501807-DF-26

Development	Retention planning permission for change of use of an existing attached single storey garage to the side of the existing dwelling for domestic use, single storey ground floor utility room to rear, ground floor ground extension and first floor bedroom extension over, to rear of the existing dwelling along with associated elevational modifications.
Location	Kilsallaghan, Swords, Co Dublin, K67 A2X2
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F26A/0241E
Applicant(s)	Laurence Hickey
Type of Application	Retention Permission
Planning Authority Decision	Grant retention permission
Type of Appeal	First party

Appellant(s)	Laurence Hickey
Observer(s)	None

Date of Site Inspection	N/A
Inspector	Killian Harrington

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1.0 Site Location and Description

1.1 The subject site is located at Kilsallaghan, Swords, Co. Dublin (K67 A2X2). It lies to the west of Swords town centre and Swords Castle, south of the junction of Glebe Road and the R122, with the R122 running along the western side of the area. Corrstown Golf Club is situated to the south of the site. The property comprises a large detached dormer bungalow/dwelling with a hipped roof, black roof tiles and rendered external finishes. The site extends to approximately 0.289 hectares. Access is provided via a shared internal roadway serving the subject dwelling and a neighbouring property to the south. A detached domestic garage is located in the north-eastern corner of the site. The property is situated within a rural residential setting characterised by individual detached houses. Similar residential development surrounds the site. To the south, the site adjoins the rear and side garden areas of a neighbouring residential property. To the east, the site borders a large agricultural field, reinforcing the rural character of the area.

2.0 Proposed Development

2.1 The proposed development relates to retention permission for works that have already been carried out at the dwelling in Kilsallaghan, Swords, Co. Dublin. The development consists of the following elements:

1. Retention of the change of use of an existing attached single-storey garage on the side of the house to domestic living accommodation (used as a playroom).
2. Retention of a single-storey utility room to the rear/northern side of the dwelling, measuring approximately 8.5 sq.m. with a flat roof and finishes matching the existing house.
3. Retention of a two-storey rear extension measuring approximately 38.8 sq.m., comprising a TV room at ground-floor level (approximately 23.4 sq.m.), and a bedroom at first-floor level (approximately 15.4 sq.m.).

4. Retention of associated elevational alterations, including new windows, patio doors and other changes to the external appearance of the dwelling.

3.0 Planning Authority Decision

3.1 Decision

Fingal County Council granted retention permission with conditions, including Condition no. 5 below:

'*The developer shall pay to the planning authority a financial contribution of €18,045.78 in respect of public infrastructure and facilities benefiting the development in the area of the planning 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 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. REASON: It is considered reasonable that the payment of a contribution be required in respect of the public infrastructure and facilities benefiting development in the area of the Planning Authority and which is provided, or which is intended to be provided by, or on behalf of the Local Authority.'*

3.1.1. Planning Authority Reports

The planner's report considered the principle of the development acceptable as the works involved extensions and alterations to an existing dwelling within the RU (Rural) zoning area. The report noted that the Fingal Development Plan 2023-2029 supports appropriately designed residential extensions, provided they protect residential amenity and are in keeping with the character of the area.

In assessing the impact on visual and residential amenity, the planner found that the converted garage, utility room and two-storey rear extension were appropriately designed and integrated with the existing dwelling in terms of scale,

appearance and materials. The planning authority considered the extensions to be consistent with the Development Plan guidelines for side and rear extensions (Section 14.10.2) and noted that the property retained a substantial private garden area. The report further concluded that the development would not result in overlooking, overshadowing or overbearing impacts on neighbouring properties and would not adversely affect the character of the surrounding rural-residential area.

The planning authority noted that the submitted plans stating there was no increase in the number of bedrooms, but the floor plans did not clearly demonstrate this and there were concerns that the existing wastewater treatment system was not adequate. Following a request for additional information on the 19th May 2026 seeking clarity on the bedrooms and the wastewater treatment, the applicant submitted revised floor plans showing the original layout and this confirmed that the original dwelling permitted under Ref. F97A/0560 contained 4 bedrooms. The dwelling currently also contains 4 bedrooms. There had been no net increase in bedroom numbers arising from the works. The planning authority considered the response acceptable and confirmed that the issue had been satisfactorily addressed.

It was therefore consistent with Policy Objectives SPQHP41 and SPQH45 and Section 14 of the Fingal Development Plan 2023-2029 and accorded with the proper planning and sustainable development of the area. Retention permission was granted.

3.1.2 Other Technical Reports

- Water Services Division – no objection subject to standard condition

3.3. Prescribed Bodies

No submissions received

3.4. Third Party Observations

None

4.0 Planning History

4.1 Subject site

Reg. Ref F97A/0560 – Planning permission granted for a dormer bungalow and septic tank

5.0 Policy Context

5.1 Development Plan

Under the Fingal Development Plan 2023-2029 the site is zoned as zoned “RU – Rural” under the Fingal Development Plan 2023-2029. The zoning objective is: “Protect and promote in a balanced way, the development of agriculture and rural-related enterprise, biodiversity, the rural landscape, and the built and cultural heritage”.

Policies and objectives

Policy SPQHP41 and Objective SPQH045 contain general support for residential extensions subject to the protection of residential and visual amenities. A common theme in all the aforementioned provisions is that such projects will be considered subject to appropriate scale, and the protection of residential amenities and the environment. The wording of these provisions are set out below:

- 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.
- Objective DMSO23 requires that a separation distance of a minimum of 22 metres between directly opposing rear first floor windows shall generally be observed unless alternative provision has been designed to ensure privacy.
- Objective DMSO26 (Separation Distance between Side Walls of Units) states that applications must 'ensure a separation distance of at least 2.3 metres is provided between the side walls of detached, semi-detached and end of terrace units'.

Chapter 14: 'Development Management Standards':

Section 14.1: Introduction' states that: 'proposals must comply with the standards and criteria that apply to particular development types, be consistent with the objectives set out in the preceding chapters and be compliant with relevant legislative guidance.'

Section 14.10.2: 'Residential Extensions' contains general guidance and principles against which such applications shall be assessed. This includes a recognition and acknowledgement of: 'the need for housing to be adaptable to changing family circumstances', and that the Council will: 'support such applications ... subject to specific safeguards'. Of particular relevance to this appeal and the concerns of the Local Authority over the visual amenity of the proposed design, Section 14.10.2 provides that the design must have regard to, inter alia, 'the character and form of the existing building, its architectural expression ...external finishes and pattern of fenestration.'

There are additional provisions contained in Section 14.10.2 regarding potential impacts on adjacent properties, which states 'in particular, the design and layout must have regard to and protect the amenities of adjoining properties, particularly in relation to sunlight, daylight, and privacy.'

Section 14.10.2.4 (First Floor extensions) states that first floor rear extensions will be considered on their merits, noting that they can have potential for negative impacts on the amenities of adjacent properties, and will only be permitted where the planning authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities. In determining applications for first floor extensions the following factors will be considered:

- Overshadowing, overbearing, and overlooking - along with proximity, height, and length along mutual boundaries.
- Remaining rear private open space, its orientation and usability.
- Degree of set-back from mutual side boundaries.
- External finishes and design, which shall generally be in harmony with existing

Section 14.6.6.4 deals with overlooking and overbearance and states: 'development proposals must assess levels of overbearance and potential to cause significant levels of overlooking to neighbouring properties....'

Fingal County Council Development Contribution Scheme 2026-2030

This sets out the Development Contribution Scheme under Section 48(3) of the Planning and Development Act 2020. Fingal County Council operates a Development Contribution Scheme to part fund the provision of public infrastructure and facilities in the county. All planning permissions are subject to this scheme, including permissions granted on appeal by An Coimisiún Pleanála, unless exempt in accordance with the provisions of the scheme. It should be noted that from 1st January 2026, the Development Contribution Rates that relate to planning applications for retention - received on or after 01/01/2026 are €269.34 per sqm (residential use) and €210.32 per sqm (industrial/commercial use).

Section 23 of the Scheme states that the following category of development will be exempted from the requirement to pay development contributions under this Scheme:

(a) Development comprising the first 40 square metre of an extension to a residential dwelling. This exemption is cumulative and limited to 40 square metre in total per dwelling. Subsequent extensions over the first 40 square metre shall be charged at the residential rate. This exemption will not apply to development for which retention permission is sought.

5.2 Relevant National or Regional Policy / Ministerial Guidelines

Development Contributions: Guidelines for Planning Authorities DECLG (2013)
These Guidelines provide non-statutory guidance on the drawing up of development contribution schemes. One of the outputs of the guidance should be a greater level of consistency in development contribution schemes on a national basis 6.3.2. Sustainable Rural Housing Guidelines (2005) Chapter 3 (Housing) sets out the rural housing policies and objectives for County Mayo. These policies and objectives incorporate the recommendations of the guidelines

Sustainable Rural Housing Guidelines (2005)

The guidelines distinguish between different rural areas, seeking to manage development pressure in areas close to cities and large towns. The guidelines also require planning authorities to align their development plans with these policies, ensuring that rural housing needs were balanced with environmental protection, landscape quality, and sustainable settlement patterns.

5.2. Natural Heritage Designations

The subject site in Kilsallaghan, Swords, is located c. 7km west of Malahide Estuary SAC, Malahide Estuary SPA, and Malahide Estuary proposed NHA. It is c.8km west of Rogerstown Estuary SAC, Rogerstown Estuary SPA and Rogerstown Estuary proposed NHA

6.0 EIA Screening

This case relates to a first party appeal against a financial contribution condition attaching to the planning authority decision to grant permission. Having regard to

the nature of the appeal and the provisions of s.48(10)(c), I conclude that the appeal does not come within the definition of a 'project' for the purposes of EIA, that is, it does not comprise construction works, demolition or intervention in the natural surroundings. Refer to Form 1 in Appendix 1 of this report.

7.0 The Appeal

7.1 Grounds of Appeal

The first party appeal raises the following grounds:

- The extension was built c. 20 years ago with the understanding that 40 sqm of area was exempted development. Following a check in 2025, it was realised that this was miscalculated with the garage on the original plans not being included (the current playroom). The retention is for the excess floorspace (roughly 27sqm). The Development contribution owed in Condition 5 should be 27 sqm x €269.34 and not 67 sqm x €269.34.

7.2. Planning Authority Response

In their response document, the planning authority outlines a summary of the planning assessment, stating that the issues around additional bedrooms and adequate wastewater treatment were satisfactorily resolved following the submission of Additional Information on 23 June 2026, which confirmed that there was no increase in bedroom numbers as a result of the development.

In response to the appeal grounds, the planning authority refers to the Fingal County Council Development Contribution Scheme 2026-2030, noting that while the first 40 sq.m. of a residential extension is generally exempt from development contributions, that exemption does not apply to development for which retention permission is sought.

The planning authority sets out its calculations, comprising 14 sqm for the garage conversion, 9 sqm for the utility extension and 44 sqm for the rear extension, giving a total chargeable area of 67 sqm. Applying the retention development contribution rate resulted in a levy of €18,045.78. Fingal county Council therefore

request that the development contribution condition remain unchanged in the determination of An Coimisiún Pleanála.

For reference, the planning authority has enclosed the Fingal County Council Development Contribution Scheme 2026-2030 as made on 8th December 2025.

7.3. Observations

None

8.0 Assessment

8.1. This is a first party appeal under S.48(10) against a development contribution condition (no. 5) attaching to the planning authority decision to grant permission. There has been no other third-party appeal against the decision. In this regard and in accordance with s.48(10)(c), this report confines its consideration to whether the terms of the development contribution scheme were properly applied by the planning authority and will not consider the merits or otherwise of the proposed development or of the adopted development contribution scheme itself.

8.2 Under Section 48(1) of the Act, a planning authority may, when granting a permission under section 34, include conditions for requiring the payment of a contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority and that is provided, or that it is intended will be provided, by or on behalf of a local authority (regardless of other sources of funding for the infrastructure and facilities.

8.3 According to Section 48(2), the basis for the determination of a contribution under subsection (1) shall be set out in a development contribution scheme made under this section, and a planning authority may make one or more schemes in respect of different parts of its functional area. The relevant scheme is set out in Section 5.0 of this report.

8.4 The appeal refers the fact that the extension was built c. 20 years ago with the understanding that 40 sqm was exempted development. A miscalculation was then

evident years later when it was realised that the garage on the original plans (the current playroom) was not included. The appellant asserts that the retention is for the excess floorspace (roughly 27sqm).

8.5 The original permission for the dwelling that currently exists on the site (Reg. Ref. F97A/0560). The additional information submitted during the retention application confirms that this permission authorised a 4-bedroom dwelling, comprising 3 bedrooms at first-floor level and 1 bedroom at ground-floor level. The planning authority used this permission as the baseline against which the current retention works were assessed.

8.6 According to the Fingal County Council Development Contribution Scheme 2026-2030 (made on 8th December 2025), from 1st January 2026, the Development Contribution Rates that relate to planning applications for retention - received on or after 01/01/2026 are €269.34 per sqm (residential use) and €210.32 per sqm (industrial/commercial use). Section 23 of the Scheme states that there is an exemption for the first 40 square metre of an extension to a residential dwelling. This exemption is cumulative and limited to 40 square metre in total per dwelling. Subsequent extensions over the first 40 square metre shall be charged at the residential rate. However, this exemption will not apply to development for which retention permission is sought.

8.7 I have reviewed the file, the local authority's development contribution scheme, and the appellant's submission. As the exemption from development contributions does not apply in cases where retention is applied for, the first 40 sqm of the original extension must be subject to a development contribution.

8.8 I consider the total floorspace to comprise 14 sqm for the garage conversion, 9 sqm for the utility extension and 44 sqm for the rear extension. This gives a total chargeable area of 67 sqm. Applying the retention development contribution rate €269.34 results in a levy of €18,045.78. I therefore consider that the planning authority’s development contribution condition (Condition no. 5) is in accordance with its Development Contribution Scheme 2026-2030 made under Section 48 of the Planning and Development Act and the condition should remain unchanged.

8.9 While the arguments of the appeal are noted, the terms of the Scheme have been applied as written and there is no discretion for the Commission to alter those terms. It is recommended therefore that the planning authority be directed to attach condition no. 5, with no amendment to the contribution payable thereunder.

9.0 AA Screening

9.1. **T**his first party appeal has been made under the provisions of section 48(10)(b) of the Planning and Development Act, 2000, as amended. In this regard, the Commission shall therefore determine only the matters relating solely to a condition dealing with a development contribution. As such, the requirements S177U of the Planning and Development Act 2000, as amended, do not apply

10.0 Water Framework Directive

10.1. The appeal has been made under the provisions of section 48(10)(b) of the Planning and Development Act, 2000, as amended. The Commission shall therefore determine only the matters relating solely to a condition dealing with a development contribution. As such, the requirements under the Water Framework Directive do not apply in this instance

11.0 Recommendation

11.1. Having regard to the provisions of S.48(1) I recommend that the planning authority be directed to attach condition no. 5 as per the Notification of Decision

12.0 Reasons and Considerations

12.1 Having regard to the retained nature of the application, the floor area of the development and the terms of the Fingal County Council Development Contribution Scheme 2026-2030, the Commission have determined that the terms

of the Scheme were properly applied and therefore that the planning authority are directed to attach the condition as per the notification of decision

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.

Killian Harrington
Planning Inspector

30 September 2026

Appendix A: Form 1 EIA Pre-Screening

Case Reference	PL-501807-DF-26
Proposed Development Summary	The proposed development comprises the retention of a change of use of an existing attached single storey garage to the side of the existing dwelling for domestic use, single storey ground floor utility room to rear, ground floor ground extension and first floor bedroom extension over, to rear of the existing dwelling along with associated elevational modifications. This is a first party appeal against a financial contribution condition attaching to the planning authority decision to grant permission.
Development Address	Kilsallaghan, Swords, Co Dublin, K67 A2X2
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'. Proceed to Q2. ■ No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified **in Part 1.**	

EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	

☒ No, it is not a Class specified in Part 1. Proceed to Q3

1. Is the proposed development of a CLASS specified in <u>Part 2</u>, 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**	
☐ 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)**	

2. 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: 30 September 2026