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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F18A/0093**

**APPEAL** by John Ennis of “Iona”, Hands Lane, Rush, County Dublin and by Roddy Moynihan care of Anne Marie Sheridan of 38 Ormond Road, Rathmines, Dublin against the decision made on the 23<sup>rd</sup> day of April, 2018 by Fingal County Council to grant subject to conditions a permission to D. O’Loughlin and Company Limited SSAP care of Bell Associates of Executive House, Whitestown Road, Rush, County Dublin.

**Proposed Development:** 1. Demolition of existing outhouses and 2. Construction of two number new semi-detached storey and a half/two-storey dwellinghouses and associated site works at Hands Lane, Rush, County Dublin.

**Decision**

**REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

Having regard to the bulk and height of the proposed houses, and their close proximity to the side boundaries of the site, it is considered that the proposed development would seriously injure the residential amenities of adjoining properties, especially that of the existing single storey bungalow to the east, by reason of overshadowing and overbearing impacts. Furthermore, it is considered that the proposed development would represent overdevelopment of this restricted site, leading to inadequate provision for parking and turning areas for vehicles and inadequate rear garden space for the occupants of the proposed houses. The proposed development would, therefore, seriously injure the residential amenities of adjoining property, and of future occupants of the proposed houses, and would be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board did not concur with his view that the development would not result in an undue level of overshadowing to the neighbouring property to the east, and in this regard noted the limited separation distance between the proposed development and that dwelling, and also the significant height difference between the two structures in question. Furthermore, the Board did not agree with the Inspector that the proposed development was at an appropriate density, having regard to the limited developable area of the site, and did not agree with the condition recommended by the Inspector, requiring the provision of four number parking spaces and a turning area, as it considered that such provision could not be achieved without having impacts on the proposed houses, such as may require the setting back the front building line of the proposed houses, thereby reducing further the limited rear garden areas proposed, or modifying the floor area of the houses. In the Board's view, these problems were a reflection of the excessive footprint of the proposed development on this restricted site, as well as the excessive height and bulk of the proposed dwellings in the context of neighbouring dwellings.

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**Philip Jones**

**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2018.**