



Planning and Development Acts 2000 to 2018

Planning Authority: Fingal County Council

Planning Register Reference Number: F18A/0137

APPEAL by John Smith and Cormac Smith care of Hughes Planning and Development Consultants of 70 Pearse Street, Dublin against the decision made on the 14th day of May, 2018 by Fingal County Council to refuse permission to the said John Smith and Cormac Smith.

Proposed Development Development comprising: (i) construction of 73 number dwellings [30 number two-storey, three-bedroom, semi-detached dwellings; nine number two-storey, four-bedroom detached dwellings; four number two-storey, four-bedroom, semi-detached dwellings; 29 number two-storey plus attic, four-bedroom, semi-detached dwellings and one number two-storey plus attic, five-bedroom, detached dwellings]. Each dwelling will feature private amenity space, two number on-curtilage parking spaces and optional roof mounted solar panels; (ii) creation of new vehicular entrance from Flemington Lane; (iii) landscaped public open space including playground; tree planting, boundary treatments; street lighting; internal roadways, footpaths and shared surfaces; (iv) foul and SuDS drainage; and (v) all ancillary works necessary to facilitate the development, all at Flemington Lane, Balbriggan, 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

1. The subject site forms part of the Flemington Lane lands, a strategically important area of development land to the north of Balbriggan. Policy PM14, as set out in the current Development Plan for the area requires the preparation of a masterplan for these lands (MP 4.A). This objective is considered reasonable. The proposed development of 73 houses on a part of the overall lands, without adequate reference to the sustainable and coordinated development of the remaining lands, would represent an ad hoc and piecemeal approach to the development of the lands, prejudice the development of adjoining lands and the plan led approach to the provision of integrated and equitable community facilities and public infrastructure. The proposed development would, therefore, contravene materially Policy Objective PM14, as set out in the current Development Plan for the area and would be contrary to the proper planning and sustainable development of the area.

2. The site of the proposed development is on serviced lands within the development boundary of Balbriggan, which is designated as a Large Growth Town in the Regional Planning Guidelines for the area and in the Core Strategy of the Fingal County Development Plan 2017 – 2023. It is a requirement of the Development Plan, that the number of dwellings to be provided on a site should be determined by reference to the guidance contained in the “Sustainable Residential Development in Urban Areas (Cities, Towns and Villages) Guidelines for Planning Authorities”, issued by the Department of Environment, Heritage and Local Government in May 2009. The Guidelines state under Section 5.11 that the greatest efficiency in land usage on outer suburban/greenfield sites will be achieved by providing net residential densities in the general range of 35 to 50 dwellings per hectare, that such densities should be encouraged generally, and that development at net densities of less than 30 dwellings per hectare should generally be discouraged in the interest of land efficiency. It is considered that the development of the site at a density of 27 units per hectare would not be at a sufficiently high density to provide for an acceptable density of development on zoned and serviced land. It is considered, therefore, that the proposed development would be contrary to national policy, as set out in Government Guidelines, particularly the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and would conflict with the provisions of the Development Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Objective DSM74 of the Fingal County Development Plan 2017 – 2023 precludes the provision of underground storage tanks and storage systems under public open space, as part of a SuDS solution. This objective is considered reasonable. The proposed development provides an underground attenuation storage system and would contravene materially this objective of the Development Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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

Dated this day of 2018.