



Planning and Development Acts 2000 to 2018

Planning Authority: Fingal County Council

Planning Register Reference Number: F18A/0725

APPEAL by Colm Ryan care of KT Designs of Unit 12, Beat Centre, Stephenstown, Balbriggan, County Dublin against the decision made on the 14th day of February, 2019 by Fingal County Council to refuse permission.

Proposed Development: Extensions to existing garage and change of use to residential to form a single storey one-bedroom dwellinghouse along with subdivision of rear garden and associated siteworks. New dwelling to utilise existing vehicular access, all at Seapoint, 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. It is considered that the proposed development which consists of, but is not limited to, the extension of an existing garage and its change of use to a one-bedroom residential dwelling unit would contravene condition numbers 2, 3 and 4 attached to a previous planning permission granted under planning register reference number F99B/0793 which required that, when this garage structure was no longer required for use as a granny flat by the applicant, its use revert to use as part of the existing dwelling unit; the use of this garage structure be restricted to a residential use directly associated with the use of the existing dwelling unit and in this regard, it should not be subdivided from the existing dwelling unit by sale, letting or otherwise; and, the entire premises be used as a single storey dwelling unit apart from such use as may exempted development and for the use as granny flat permitted by condition numbers 2 and 3. Given that permitting the proposed development would result in an undesirable precedent in terms of non-compliance with key planning conditions, the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the site's location on transitional zoned land where the environmentally sensitive land use is the 'High Amenity' zoning objective, a land use that, under the Fingal Development Plan 2017 - 2023, restricts the provision of such developments to applicants with a defined rural housing need, namely those who have a defined essential housing need based on their involvement in farming or on exceptional health circumstances. The applicant has not submitted any substantive evidence to demonstrate compliance with these requirements and, given the existence of a dwelling on the site, has not demonstrated a need for an additional dwelling within this parcel of land to which this application relates and therefore cannot be considered to have a rural

generated housing need. The proposed development would, therefore, be contrary to provisions of Fingal Development Plan 2017 - 2023, in particular to Objective RF32 which relates to housing need, and would be contrary to the proper planning and sustainable development of the area.

3. The site of the proposed development is partially located in an area designated as High Amenity Area in the Fingal Development Plan, 2017 - 2023. The zoning objective for the area is to protect and improve high amenity areas. The proposed development, which is not related to the amenity potential of the area or the use of the area for agriculture, would contravene that development objective for the use primarily of the area for the purpose of protecting and improving high amenity areas. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Dave Walsh

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2019.