



Planning and Development Acts 2000 to 2020

Planning Authority: Fingal County Council

Planning Register Reference Number: F20A/0186

APPEAL by Niall Mooney care of Jim Brogan Planning and Development Consultant of Unit B1 Laurel Lodge Business Centre, Laurel Lodge, Castleknock, Dublin against the decision made on the 15th day of July, 2020 by Fingal County Council to refuse permission.

Proposed Development: New split-level, dormer-style dwellinghouse to rear of existing dwellinghouse accessed via existing entrance, new wastewater treatment system and percolation area to serve new dwellinghouse along with associated site works to include new site boundaries at Tobersool, Balscadden, 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. Having regard to the location of the site within a rural area under urban influence, and to National Policy Objective 19 of the National Planning Framework (February, 2018) which, for rural areas under urban influence, seeks to facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area, having regard to the viability of smaller towns and rural settlements, it is considered that the applicant has not demonstrated an economic or social need to live in a rural area having regard to the viability of smaller towns and rural settlements and, therefore, the proposed development does not comply with National Policy Objective 19. The proposed development would contribute to the encroachment of random rural development in the area, would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure and would contravene the provisions of the National Planning Framework. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The eligibility criteria set out under Objective RF39 (Table RF03) stipulates that an applicant may be considered under close family ties criteria for a new rural dwelling where permission has not already been granted to a family member by reason of close family ties since the 19th day of October, 1999. As the applicant's parents were permitted a dwelling within the rural area of Fingal under planning register reference number F99A/0512 on the 24th day of November, 1999 under close family ties criteria, the applicant is not eligible to be considered for a dwelling in the rural area of Fingal in accordance with Objective RF39 of the Fingal Development Plan 2017-2023. The applicant has, therefore, not demonstrated his eligibility to be considered for a dwelling in a rural area of Fingal on the basis of 'close family ties'. The proposed development would be contrary to the rural settlement strategy of the Fingal Development Plan 2017-2023 including Objective RF39, would be contrary to the Ministerial Guidelines and to the over-arching national policy in the National Planning Framework. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The proposed backland house would be the 6th house along a 250 metre stretch of roadway, in a location which demonstrates ribbon development. The proposed house would, therefore, contravene Objective RF55 which presumes against development which would contribute to or intensify existing ribbon development.

Michelle Fagan

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

Dated this day of 2020.