

Planning and Development Acts 2000 to 2020

Planning Authority: Fingal County Council

Planning Register Reference Number: F21A/0126

APPEAL by John and Robert Leyden of 82 Downside Park, Skerries, County Dublin against the decision made on the 30th day of April, 2021 by Fingal County Council to refuse permission.

Proposed Development: Construction of a dormer bungalow with a granny flat to the side at the rear and vehicular access at Killalane, Skerries, 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

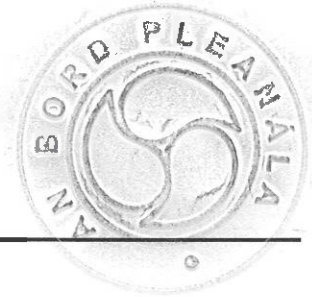
1. Having regard to the location of the site within an area under strong urban influence as identified in the "Sustainable Rural Housing Guidelines for Planning Authorities" issued by the Department of the Environment, Heritage and Local Government in April, 2005, wherein it is policy to distinguish between urban-generated and rural generated housing need, and having regard 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 houses in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area, and having regard to the location of the site in an area where housing is restricted to persons demonstrating need in accordance with Objective RF39 and Table FR03 of the Fingal Development Plan 2017-2023, it is considered that the applicants have not demonstrated that they come within the scope of the housing need criteria. Furthermore, the Board is not satisfied that the applicant's housing needs could not be satisfactorily met in an established smaller town or village/settlement centre. It is not considered that the proposal comes within the scope of the housing need criteria as set out in the National Planning Policy, the Guidelines or the Development Plan for a house at this location. Having regard to the lack of demonstrated local need, the proposed development would be contrary to Objective RF39 of the development plan, would contribute to the encroachment of excessive rural development in the area, and would militate against the preservation of the rural environment and the efficient provisions of public services and infrastructure. The proposed development, would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development would add to a proliferation of vehicular entrances onto this county road which is substandard in terms of width and alignment and would endanger public safety by reason of traffic hazard. Furthermore, it is considered that the proposal will involve the removal of a significant part of the roadside boundary hedgerow to gain access to the site and to achieve the sightlines, which would have a detrimental effect on the rural character of the area and would be contrary to Objectives DMS126, DMS129 and RF59 and RF63 of the Fingal County Development Plan 2017-2023 in this regard. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. It is provided that there is no foul network in the vicinity of the proposed development. It is considered that inadequate information has been submitted to the Board relative to proposals for a proprietary waste-water treatment system and to indicate that the site is suitable for the disposal of effluent. The proposed development would, therefore, be prejudicial to public health and would be contrary to Objective RF66 of the Fingal Development Plan 2017-2023 in this regard. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

4. The proposed development would constitute undesirable ribbon development in a rural area outside lands zoned for residential development and would, therefore, be contrary to the proper planning and sustainable development of the area.


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



Dated this 20th day of September 2021.