

An  
Bord  
Pleanála

Board Order  
ABP-311628-21

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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F21A/0396**

**APPEAL** by Ciara Mooney care of Hughes Planning and Development Consultants of 85 Merrion Square, Dublin against the decision made on the 14<sup>th</sup> day of September, 2021 by Fingal County Council to refuse permission.

**Proposed Development:** Permission for (i) partial demolition of and construction of an extension to the existing standalone garage to facilitate its conversion into a two-storey, three bedroom dwelling. The proposed dwelling will be accessed by the existing eastern vehicular entrance off Blackwood Lane and will include private amenity space to the rear and side and two number car parking spaces, (ii) construction of a 1.8 metre high fence to the west of the proposed dwelling, (iii) installation of a percolation area, treatment plant and soakaway system to serve the new dwelling, and (iv) all site, landscaping and ancillary works necessary to facilitate the development at Millennium, 4 Blackwoods, Blackwood Lane, Malahide, County Dublin.

## Decision

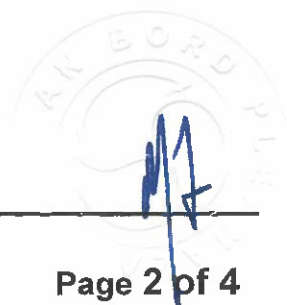
**REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.**

## 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 -
  - (a) the location of the site within a rural area under urban influence in accordance with Sustainable Rural Housing Guidelines for Planning Authorities published by the Department of the Environment, Heritage and Local Government in 2005,
  - (b) 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, and




- (c) the objectives of the Fingal County Development Plan 2017-2023, where the site is zoned under Objective GB-Greenbelt, which seeks to protect and provide for a greenbelt, and to check unrestricted sprawl of urban areas, to prevent coalescence of settlements, and to protect countryside encroachment,

it is considered that the applicant does not come within the scope of either the economic or social housing need criteria set out in the overarching National Guidelines or the relevant Local Housing Need Qualifying Criteria of the development plan.

The proposed development, in the absence of any identified locally based need for the house at this location, would result in a haphazard and unsustainable form of development in an unserved area, would contribute to the encroachment of random rural development in the area, would mitigate against the preservation of the rural environment and the efficient provision of public services and infrastructure, and would undermine the settlement strategy set out in the development plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Notwithstanding the proposal to use a proprietary wastewater treatment system on site, the Board had regard to the proliferation of domestic wastewater treatment systems in this rural area, to the fact that groundwater in the area is classified as highly vulnerable, and to the Sustainable Rural Housing Guidelines for Planning Authorities published by the Department of Environment, Heritage and Local Government in 2005 which recommend, in un-sewered rural areas, avoiding sites where it is inherently difficult to provide and maintain wastewater treatment and disposal facilities. The Board could not be satisfied, on the basis of the information on the file, that the impact of the proposed development in conjunction with existing wastewater treatment systems in the area

would not give rise to a risk of groundwater pollution. The proposed development 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 <sup>8<sup>th</sup></sup> day of *April* 2022.