



An
Bord
Pleanála

Board Order ABP-317720-23

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: F23A/0270

Appeal by Niall Jones of Burbank, Kilbush Lane, Rush, County Dublin against the decision made on the 11th day of July, 2023 by Fingal County Council to refuse permission.

Proposed Development: Construction of a three-bedroom detached house, one-and-a-half storeys high, an outbuilding containing stables and a store room, the forming of a new entrance gateway from the public road, the provision of a proprietary wastewater treatment system and all associated site works, all on lands at Ballustree, Rush, County Dublin.

Decision

REFUSE permission for the above proposed development for the reasons and considerations set out below.

Reasons and Considerations

1. Having regard to the location of the site within an 'Area Under Strong Urban Influence' as set out in the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April 2005, and in an area where housing is restricted to persons demonstrating local need in accordance with the Fingal County Development Plan 2023-2029, it is considered that, based on the lack of details on file, the applicant does not come within the scope of the housing need criteria as set out in the Guidelines or the development plan for a house at this location. The proposed development, in the absence of any identified locally based need for the house, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The site is located within a landscape classified as Coastal, which is categorised as being of exceptional value and high sensitivity in the Fingal County Development Plan 2023-2029. The proposed development of a dwellinghouse at this location would be visually obtrusive and would erode the character of the area to an unacceptable level. The proposed development would materially contravene Objectives GINHO59 and DMSO41 of the Fingal County Development Plan 2023-2029, and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The proposed development is located along a local road/laneway which is inadequate in width, alignment and structural conditions, and along which a new access is proposed to serve the site. Vehicular traffic would exit/enter the Skerries Road/R128 Regional Road at an inadequate junction in terms of layout/surface treatment with inadequate sightlines for such a junction. The proposed development would, therefore, endanger public safety by reason of traffic hazard.



Mary Cregg

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this 19th day of April 2024.