

An  
Bord  
Pleanála

## Board Order ABP-320173-24

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F24A/0390**

**Appeal** by Eamonn Fagan care of CWPA Planning and Architecture of Unit 10, North Street Business Park, Seatown West, Swords, County Dublin against the decision made on the 19<sup>th</sup> day of June, 2024 by Fingal County Council to refuse permission.

**Proposed Development:** Retention of two number existing single-storey, detached cabin structures, providing for tourism accommodation on the subject site and all associated site works at Braxton Lodge, Units 1 and 2, Six Cross Lane, Rush, County Dublin.

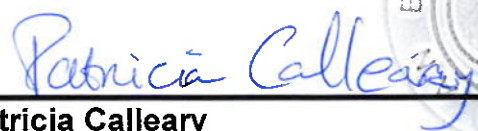
### Decision

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

## Reasons and Considerations

1. The development, for which retention permission is sought, is situated in an area zoned 'HA' - High Amenity, for which the objective is "to protect and enhance high amenity areas", as per the Fingal Development Plan 2023-2029. 'Holiday Home/Apartments' is defined under the development plan as 'The use of a building, or part thereof, for short term holiday-related accommodation'. The use of land for 'Holiday Home/Apartments', in the High Amenity zone is 'Permitted in Principle' only where it involves conversion of a protected structure, otherwise the use is not permitted. By reason of the use/nature, design and location of the cabins and by reason of the nature and height of the boundary wall interfacing with the public road, the development proposed to be retained would materially contravene the High Amenity zoning objective and cause a significant and negative impact on the visual amenity of a highly sensitive area, contrary to Objective GINHO67, Objective GINHO59 and Objective GINHO74 of the development plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the information on file, it is considered that the development proposed to be retained, by reason of substandard sightlines, would present a traffic hazard for road users on Six Cross Lane and would be contrary to Objective DMSO118 (Road Safety Measures) of the development plan, and would, therefore, be contrary to the proper planning and sustainable development of the area.
3. Having regard to the information on file, the Board is not satisfied that the applicant has demonstrated that the arrangements provided for dealing with wastewater disposal from the development are adequate to cater satisfactorily for the development, that the development proposed to be retained would not contribute to groundwater pollution at this location or that it would not be prejudicial to public health.

4. Arising out of the absence of sufficient detail on wastewater disposal, the Board is not satisfied that the development proposed to be retained would not cause pollution that would adversely affect ground water quality to the North Rush Beach and Irish Sea, and the integrity of North-West Irish Sea Special Protection Area (Site Code: 004236) or any other European Site, in view of the sites' conservation objectives.
5. The development proposed to be retained is situated in an area that is identified in the development plan as being at risk of coastal erosion. Based on the information submitted, the applicant has failed to demonstrate the potential impact of the development on erosion or deposition and the predicted impacts of climate change on the coastline and any potential mitigation measures which could be employed to address coastal erosion in this location, contrary to the requirements of Objective DMSO163 (Coastal Erosion) of the development plan, and would, therefore, be contrary to the proper planning and sustainable development of the area.



**Patricia Calleary**

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



**Dated this *16<sup>th</sup>* day of *November* 2024.**