



An
Bord
Pleanála

Inspector's Report PL06F.247328

Development	House, car parking and associated site works
Location	Site to rear of 9 Rush Road, Skerries, Co. Dublin
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F16A/0312
Applicant(s)	Seamus Russell
Type of Application	Permission
Planning Authority Decision	REFUSE
Type of Appeal	First Party
Appellant(s)	Seamus Russell
Observer(s)	None
Date of Site Inspection	19 th December 2016
Inspector	Niall Haverty

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.0547 ha, is located on the eastern side of Rush Road (R128), c. 2km south of Skerries Town Centre. The site is located to the rear of an existing semi-detached single storey house at 9 Rush Road, and currently forms part of the private open space associated with that house.
- 1.2. The appeal site and the existing house to the front form part of Holmpatrick rural cluster, a rural settlement that extends along both sides of the R128. The cluster comprises a mix of semi-detached cottage type houses and more recent two storey detached houses. The rural cluster features footpaths on both sides of the R128 and a bus stop is located opposite the appeal site.
- 1.3. Levels on the site rise significantly from west to east, with ground level at the appeal site being c. 3.5m higher than ground level at the existing house to the front of the site.

2.0 Proposed Development

- 2.1. The proposed development consists of the construction of a single storey detached house to the rear of 9 Rush Road. The proposed house has two bedrooms and extends to c. 78 sq m, with a height of 5m and a render finish and slate roof. It is proposed to provide an access route to the new house to the south of the existing house and both houses will utilise the existing access point onto the public road.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Fingal County Council decided to refuse planning permission for two reasons which can be summarised as follows:

1. Proposed development would materially contravene Objective RC02 of the CDP which requires a minimum site size of 0.125 ha.
2. Applicant has not submitted sufficient information to demonstrate compliance with the Fingal Rural Settlement Strategy, as required under the 'RC' zoning objective.

3.2. **Planning Authority Reports**

3.2.1. The report of the area planner can be summarised as follows:

- Applicant has not demonstrated continuous residency for a minimum period of 10 years, as required by CDP.
- Site area is significantly below the minimum site area required by Objective RC02.
- Design of proposal is generally acceptable.
- Principle of infill dwelling is acceptable.
- No undue impacts on residential amenity anticipated.

3.3. **Other Technical Reports**

- **Irish Water:** No objection subject to conditions.
- **Water Services:** No objection subject to conditions.
- **Transportation:** No objection subject to conditions.

3.4. **Third Party Observations**

3.4.1. No submissions/observations are on file from any other party.

4.0 Planning History

4.1. Subject Site

- **Reg. Ref. F09B/0029:** Permission granted for alterations and extension to existing house and detached garage to rear.
- **Reg. Ref. F08A/0422:** Permission refused for new detached bungalow due to rural housing need, insufficient information on drainage and water arrangements, and access issues.
- **Reg. Ref. F07B/0229:** Permission granted for alterations to existing house and detached garage to rear.

4.2. Adjacent Sites

- **Reg. Ref. F10A/0477:** Permission granted for house to rear of existing house at Ballyhavil Lane, Rush Road.
- **Reg. Ref. F06A/1694:** Outline permission refused for house to rear of 13 Rush Road.
- **Reg. Ref. F03A/0155:** Permission refused for house to rear of 6 Rush Road.

5.0 Policy Context

5.1. Fingal Development Plan 2011-2017

- 5.1.1. The site is located within the Holmpatrick Rural Cluster and is zoned 'RC', to provide for small scale infill development serving local needs while maintaining the rural nature of the cluster. The site is also within an area designated as a highly sensitive landscape.

- 5.1.2. Objective RC02 relates to housing within a Rural Cluster and states that the Planning Authority will permit only persons with a rural-generated housing need planning permission for a house within a Rural Cluster where the site size is a minimum of 0.2 hectares for on-site treatment systems and 0.125 hectares where connecting to a public sewer.
- 5.1.3. A rural-generated housing need is defined in the Development Plan as persons currently living and who have lived continuously for the past ten years or have previously lived for a minimum of ten continuous years, or persons working continuously for the past ten years, within areas of the County that are currently zoned rural.
- 5.1.4. Lands to the east of the appeal site are designated as a Masterplan area, with residential and open space zonings, and local objectives supporting the development of a hotel and limited residential development.
- 5.1.5. Other relevant Objectives can be summarised as follows:
- **RC04:** Permit only development within the Rural Clusters which has regard to the existing character and role of the cluster.
 - **RC05:** Ensure that proposed development within a Rural Cluster does not compromise access or drainage infrastructure for any potential future development sites within the Cluster.
 - **RC07:** Minimise the number of new entrances to sites within a Rural Cluster by shared access with an existing dwelling. Any removal of hedgerows, trees, walls etc. must be limited in extent and replaced by the same type of boundary treatment.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A first party appeal was lodged by Fingal Planning Consultants on behalf of Seamus Russell. The grounds of appeal can be summarised as follows:

- Applicant lives in 9 Rush Road with his wife, his son and his son's family. Due to unsuitability of existing house for two families, the applicant wishes to construct house to allow him and his wife to live near son and grandchildren.
- Refusal on grounds of site size is at odds with pattern of planning permissions granted on similar sites in the locality (examples given). Applicant is asking for consistency with these precedents.
- Applicant has demonstrated life-long link to 9 Rush Road with documentary evidence.
- No objection from roads department, water services, Irish Water or third parties.

6.2. Planning Authority Response

6.2.1. The Planning Authority responded to the appeal as follows:

- Applicant has not submitted any new documentation regarding compliance with settlement strategy. Documentation submitted only covers nine years.
- References to previous decisions in the vicinity are irrelevant as they pre-date the current CDP and Objective RC02 in particular.
- Proposal would materially contravene Objective RC02.
- Board is asked to uphold the decision of the Planning Authority.

6.3. Observations

6.3.1. No submissions/observations are on file from any other party.

7.0 Assessment

7.1. I consider the key issues in determining this appeal are as follows:

- Compliance with Development Plan Objectives.
- Rural housing need.
- Design and layout.
- Appropriate Assessment.

7.2. Compliance with Development Plan Objectives

7.2.1. The first reason for refusal was that the proposed development would materially contravene Objective RC02 of the CDP which requires a minimum site size of 0.125 ha for houses proposed on RC zoned lands which will connect to a public sewer. The stated site area is 0.0547 ha, which is c. 44% of the minimum requirement.

7.2.2. The appellant has identified a number of grants of permission in the vicinity and has asked that a consistent approach be taken in this instance. The Planning Authority has responded that the planning permissions referred to by the applicant are irrelevant as they predate the current CDP and Objective RC02.

7.2.3. Having inspected the previous Fingal Development Plan 2005-2011, it appears that the appeal site and surrounding area were previously zoned as Greenbelt and were only rezoned as a Rural Cluster under the current Development Plan. I therefore concur with the Planning Authority that any previous grants of permission in the area have no bearing on the case under appeal in terms of the site size requirement.

7.2.4. Objective RC02 is clear and unambiguous and sets out different minimum site area requirements for both serviced and unserviced sites. While the required area of 0.125 ha for a serviced site is relatively large, I consider it to be appropriate when considered in the context of the RC zoning objective, which seeks to maintain the rural nature of designated rural clusters.

7.2.5. I consider that the proposed development, by reason of its inadequate site size, would not be compliant with Objective RC02 and that it would serve to undermine the rural character of the cluster and I recommend that permission be refused on these grounds.

7.3. Rural Housing Need

7.3.1. The second reason for refusal was that the applicant had not demonstrated compliance with the Fingal Rural Settlement Strategy as required under the RC zoning objective. The appellant contends that he has demonstrated a life-long link to the appeal site dating back to his birth in 1950 and that this link is supported by documentation. The Planning Authority responded by stating that the documentation submitted only covers a period of nine years.

7.3.2. I note the definition of rural-generated housing need set out in the Development Plan. There are essentially three routes under which an applicant currently living in a rural area can qualify: firstly, they can have lived in a rural area for a continuous period of 10 years prior to making the application; secondly, they can have lived in a rural area for any continuous period of 10 years; or finally they can have worked in a rural area for a continuous period of 10 years prior to making the application.

7.3.3. The documentation submitted in support of the application, which included reference to the applicant residing at 9 Rush Road, was as follows:

- Applicant's birth certificate: 1950.

- Correspondence from applicant's school: 1956 – 1965.
- Correspondence Re: motor tax: 1971 and 1972.
- Applicant's son's birth certificate: 1973.
- Correspondence Re: insurance: 1999 and 2002.
- ESB bill: 2002.
- The applicant also made three planning applications on the site in 2007 – 2009.

7.3.4. The Planning Authority considered that the documentation above demonstrated a continuous residence of 9 years, between 1956 and 1965.

7.3.5. Having regard to the fact that the applicant's registered address on his birth certificate in 1950 was 9 Rush Road and that this was the same address when he started school in 1956, I am satisfied that the period 1950 – 1965 can be considered to represent a continuous residence in excess of 10 years. I therefore consider that the applicant has demonstrated compliance with the rural-generated housing need criteria in accordance with the RC zoning objective.

7.4. **Design and Layout**

7.4.1. The appeal site is within a designated highly sensitive landscape with objectives to preserve the views along the R128. The proposed development is located to the rear of the existing house, but due to the sloping nature of the site, will have a ground level c. 3.5 higher than the existing house. However, due to its single storey design and position set back c. 40m behind the existing row of semi-detached cottages, it will not be visually prominent when seen from the R128 and I do not consider that it would negatively impact on views along the R128 or on the sensitive landscape.

7.4.2. While I consider the design of the proposed house to be broadly acceptable, I note that it features relatively large bedroom and kitchen/dining room windows on the side elevations, c. 1.7m from the boundaries with adjoining properties. While I do not consider that overshadowing or overlooking will be a significant issue due to the single storey design, I recommend that if the Board is minded to grant permission that the boundary treatments be agreed with the Planning Authority in the interests of protecting residential amenity.

7.5. **Appropriate Assessment**

7.5.1. Having regard to the nature and scale of the proposed development, which comprises an infill development within a serviced rural cluster, outside of any Natura 2000 sites, I do not consider that any Appropriate Assessment issues arise and I do not consider that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

7.6. **Recommendation**

7.6.1. I recommend that planning permission should be refused for the reason set out below.

8.0 **REASONS**

1. The proposed development, which has a stated site area of 0.0547 ha, would not comply with Objective RC02 of the Fingal Development Plan 2011-2017, which requires that applications for planning permission for a house within a Rural Cluster have a minimum site area of 0.125 ha where an applicant is connecting to a public sewer. The proposed development, by reason of its inadequate site area, would serve to undermine the rural nature of the Rural Cluster and would therefore be contrary to the proper planning and sustainable development of the area.

Niall Haverty

Planning Inspector

21st December 2016