



An
Bord
Pleanála

Inspector's Report

ABP-306433-20

Development	3 bedroom bungalow with wastewater treatment system
Location	Aquarius, Hearse Road, Donabate, Co Dublin
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F19A/0506
Applicant	Timothy Hanlon.
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant	Timothy Hanlon.
Date of Site Inspection	25 th March 2020
Inspector	Dolores McCague

1.0 Site Location and Description

- 1.1.1. This site is located in the townland of Ballymadrough, at Hearse Road, Donabate, Co Dublin.
- 1.1.2. This site is located to the side (north east) of an existing detached dormer dwelling on the north western side of the R126 (known as Hearse Road), which is a busy regional road.
- 1.1.3. It is proposed to use the existing access to the dormer dwelling as a shared access.
- 1.1.4. There is no other development along this side of the R126 at this location.
- 1.1.5. Junction 4 on the M1 at Lissenhall, is c500m to the west.
- 1.1.6. This site is given as 0.2273ha. The existing house site, inclusive of the proposed site, is 0.437 ha.

2.0 Proposed Development

- 2.1.1. The proposed development is a single storey detached dwelling serviced by a wastewater treatment system: a three bedroom bungalow with wastewater treatment system, percolation area, rain water harvesting system and soakaway, together with a driveway accessed by existing vehicular entrance gates.
- 2.1.2. The proposed dwelling is laid out in a T shape with a south facing gable containing a feature chimney and two tall windows with angled top sections parallel to the roof slope.
- 2.1.3. The floor area is given as 167.6m².

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to refuse permission for the reason:

The subject site is within the 'GB' zoning objective under the Fingal Development Plan, 2017-2023 the objective of which is to 'protect and provide for a greenbelt and in a Rural Area Under Strong Urban Influence in the Sustainable Rural Housing

Guidelines for Planning Authorities (DoEHLG, 2005). Furthermore, it is national policy in such areas under urban influence, as set out in National Policy Objective 19 of the National Planning Framework to facilitate the provision of single housing in the countryside, based on the core consideration of demonstrable economic or social need to live in such rural areas under urban influence. Residential development is permitted only on suitable sites where the applicant has established a genuine need to live in the rural area, subject to specific criteria as expressed in Chapter 5 of the Development Plan and particularly Table RF03. The applicant is seeking permission for a new dwelling in a rural location under both the 'close family ties' and 'exceptional health circumstances' criteria in accordance with Table RF03 (i) and (iii) respectively of the Rural Settlement Strategy in the Fingal Development Plan 2017-2023. Under these categories, there is a requirement that the applicant has a need to reside close to/adjacent to their/ the family home. The property indicated as the 'family home' is not the applicant's family home; it is in the ownership of the applicant's son. As the applicant's family home is not on the land holding or within the vicinity, the proposed development would contravene materially the rural settlement strategy of the Fingal Development Plan 2017-2023 specifically Objective RF39, would be contrary to the Ministerial Guidelines and to the over-arching national policy in the National Planning Framework. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. The planning report refers to:

The National Planning Framework;

Sustainable Rural Housing Guidelines for Planning Authorities;

Development Plan: RF26, RF27, RF33, RF39, RF37, RF58, RF59, RF62, Section 12.6, 12.4, zoning

The applicant has submitted the Supplementary Application Form for Planning Permission for a Rural Dwelling which indicates that he is seeking a rural house

under two categories paragraphs (i) and (iii) of Table RF03: close family ties and exceptional health circumstances.

The dwelling to the south is the home of the applicant's son, purchased by him in late 2018. The applicant has not demonstrated the existence of his family home in the area and is therefore considered ineligible. It is required that paragraphs (i) and (iii) of Table RF03 be demonstrated: the need to reside adjacent to their / the family home. The applicant has not lived in a rural area and per objective RF39 has no connection to rural Fingal.

No visual impacts are foreseen.

In its current format sightlines of 145m cannot be achieved to the north-east without alterations to the boundary. Transportation Planning Section recommend a request for additional information.

Water and Drainage – the applicant proposes installation of an on-site wastewater treatment system and percolation area and has submitted a characterisation report. Water Services has no objection.

Natura sites, EIA screening – AA stage II or EIA not required.

3.2.3. Other Technical Reports

3.2.4. Transportation Planning Section - 80km/hr speed limit. It is an objective of the Development Plan to restrict any unnecessary new accesses directly accessed off Regional Roads. The use of an existing access is acceptable. The design speed of the road is 80km/hr requiring sightlines of 145m x 2.0m from the nearside edge of the road per DN-GEO-03060 published by TII. No sightline drawing has been supplied. In its current format sightlines of 145m cannot be achieved to the north-east of the entrance. Sightlines of 145m can be achieved to the south west because the verge of 2.0m width. To the north-east sightlines of 145m are achievable with suitable boundary treatment. Transportation Planning Section recommend a request for additional information.

3.2.5. Water Services – conditions - no foul drainage to discharge into the surface water system. The foul drainage must be in compliance with the Regional Code of Practice for Drainage Works Version 6.0 FCC April 2006 or the EPA Code of Practice for

Wastewater Treatment and Disposal Systems Serving Single Dwellings October 2009, whichever is applicable.

No surface water /rainwater is to discharge into the foul water system.

The surface water drainage must be in compliance with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0 FCC April 2006.

3.3. Prescribed Bodies

3.3.1. IW – conditions.

4.0 Planning History

F18A/0575 – permission granted to demolish front porch and build new porch, two storey extension to front living room and front bedroom, internal alterations to provide 2 bedrooms at ground floor, new biocycle treatment plant and decommissioning of existing septic tank.

F18B/0258 similar to F18A/0575 withdrawn.

5.0 Policy Context

5.1. Development Plan

5.1.1. Fingal Development Plan 2017-2023 is the operative plan, relevant provisions include:

RF26 RF27, RF33, RF39, RF37, RF58, RF59, RF62, Section 12.6, 12.4. the site is zoned greenbelt.

The Settlement Strategy sets out Rural Generated Housing Need - The Settlement Strategy for housing in the open countryside serves to meet settlement needs which are the result of a genuine rural-generated housing need. Rural-generated housing needs are considered to be the housing needs of people who have long standing existing and immediate family ties, or occupations which are functionally related to the rural areas of the County.

5.2. Heritage Designations

- 5.2.1. The nearest Natura site is Malahide Estuary SAC and SPA (site code) located c 1.5km to the south and Rogerstown Estuary SAC and SPA located c 2.1km to the north-east.

5.3. EIA Screening

- 5.4. Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A first-party appeal submitted by the applicant includes:
- His reasons for wanting to live beside his son is he had to retire on health grounds from his job with DCC (35 years) and his health has not been the best. He has fallen a couple of times and his wife finds it very hard to lift him; the last time the ambulance men had to do it. His mother who is 87 has had 2 cancer operations and is getting help from his wife. She lives in a council bungalow for old people in Swords. He would like to have her living with him so that they could all look after her. He is 20 years living in Swords. He would like to live beside his son in case of emergencies. Where he wants to build is Swords not Donabate. He would not be interfering with the green belt.

6.2. Planning Authority Response

- 6.2.1. The planning authority have responded to the grounds of appeal stating that having considered the appeal and application it remains their opinion that permission should be refused for the reasons set out in the Planner's Report.
- 6.2.2. In the event of a grant, a Section 48 contribution condition to be attached.

7.0 Assessment

- 7.1.1. The issues which arise in relation to this appeal are: appropriate assessment and rural housing need, and the following assessment is dealt with under these headings.

7.2. Appropriate Assessment

- 7.2.1. Having regard to the nature and scale of the proposed development and nature of the receiving environment no Appropriate Assessment issues arise and it is not considered 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.

7.3. Rural Housing Need

- 7.3.1. The first-party appeal refers to the applicant's need to live close to his son, who resides in the existing dwelling. The planning report states that his son purchased the property in 2018. The proximity arrangements which are desired by the applicant, could be accommodated in an urban setting. Notwithstanding that proximity to his son might be an arrangement suitable to his circumstances, it does not appear to me to be a sufficient reason to overcome the strong restrictions on housing in this unserviced, greenbelt area, where access to a busy regional road is required. In my opinion the applicant does not have long standing family ties to this rural area.

8.0 Recommendation

- 8.1.1. In light of the foregoing assessment I recommend that planning permission should be refused for the proposed development for the following reasons and considerations.

9.0 Reasons and Considerations

The subject site is within the 'GB' zoning objective under the Fingal Development Plan, 2017-2023 the objective of which is to 'protect and provide for a greenbelt and in a rural Area under Strong urban Influence in the Sustainable Rural Housing Guidelines for Planning Authorities (DoEHLG, 2005), and requires access from a busy regional road. Furthermore, it is national policy in such areas under urban influence, as set out in National Policy Objective 19 of the National Planning Framework to facilitate the provision of single housing in the countryside, based on the core consideration of demonstrable economic or social need to live in such rural areas under urban influence. Residential development is permitted only on suitable sites where the applicant has established a genuine need to live in the rural area, such as long standing existing and immediate family ties to the area. The applicant has not demonstrated long standing family ties to the area and the proposed development would contravene materially the rural settlement strategy of the Fingal Development Plan 2017-2023, would be contrary to the Ministerial Guidelines and to the over-arching national policy in the National Planning Framework. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Planning Inspector

2nd April 2020

Appendices

- 1 Photographs
- 2 Extracts from the Fingal Development Plan 2017-2023