



An
Bord
Pleanála

Inspector's Report

ABP-315955-23

Development	Permission for the provision of 1 no. single storey storage shed, local alterations to existing boundary walls and other associated works.
Location	The Grange, Ballyboughal, Co. Dublin
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F22A/0676
Applicant(s)	Naul Road Development Ltd
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Naul Road Development Ltd
Observer(s)	None
Date of Site Inspection	02 nd of June 2023.
Inspector	Karen Hamilton

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	5
3.3. Prescribed Bodies	7
3.4. Third Party Observations	7
4.0 Planning History.....	7
5.0 Policy Context.....	9
5.1. Fingal County Development Plan 2023-2029.....	9
5.2. Natural Heritage Designations	10
5.3. EIA Screening	10
6.0 The Appeal	10
6.1. Grounds of Appeal	10
6.2. Applicant Response	12
6.3. Planning Authority Response	12
6.4. Observations	12
7.0 Assessment.....	12
7.1. Principle of Development	12
7.2. Design and Layout	14
7.3. New Entrance and Pedestrian Access	14
7.4. Appropriate Assessment	16
8.0 Recommendation.....	16

9.0 Reasons and Considerations..... 16

1.0 Site Location and Description

- 1.1. The site is an infill site, located to the south of Ballyboughal, Fingal, Co. Dublin. The site is accessed from the R108, a regional route which extends north from Swords. There is an existing access from the R108 into the site which serves a dwelling to the east of the site and other lands to the rear, west of the site. The site is surrounded by a large block wall and the access is currently gated. Access into the lands to the rear, stables, is also restricted.
- 1.2. The subject site adjoins a separate application (F22A/0403) to the east of the site, also within the ownership of the applicant, which is currently before the Board ABP 314914-22. The Planning Authority refused this application for a detached two storey dwelling.

2.0 Proposed Development

- 2.1. The proposed development would comprise of the following:
 - Construction of a single storey storage shed (c. 335m²)
 - The shed is to be c. 30m in length, c. 12m in width with a pitched roof design, translucent roofing panels and a height of c. 5.6m
 - External finishes include polyester coated trapezoidal metal profile walls and roof.
 - Local alteration to existing boundary walls and other associated works.

3.0 Planning Authority Decision

3.1. Decision

Decision to refuse permission for three reasons as set out below:

1. In the absence of a robust and comprehensive rationale for the proposed development, the proposed storage shed by reason of its significant scale and industrial appearance would appear incongruous within the surrounding residential area and would seriously injure the residential amenities of adjoining dwellings and depreciate the value of the adjacent properties by way

of overbearing nature. The Planning Authority therefore considers the proposed development would be contrary to the proper planning and sustainable development of the area.

2. The proposed development would result in an intensification of a shared access road between residential and agricultural use where the access has inadequate sightlines, onto the R108, and would endanger public safety by reason of a traffic hazard. As such, the proposed development if permitted would materially contravene DMS126 of the Fingal Development Plan 2017-2023 and would constitute a traffic hazard and would therefore be contrary to the proposed planning and sustainable development of the area.
3. The subject site is located within the RV-Rural Village zoning objective under the Fingal Development Plan 2017-2023 the objective of which is to “Protect and promote the character of the Rual Village”. As such, the proposed development would constitute an undesirable form of development and contravene the “RV-Rural Village” zoning objective pertaining to the subject site and would set an undesirable precedent for similar type development in this rural village setting would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the area planner reflects the decision to refuse permission and is summarised as follows:

Principle of development

- The applicant has stated that there is a need for the applicant to use the storage shed for limited use and will not be for commercial or light industrial use.
- There are serious concerns in relation to the size and scale of the proposed shed at c. 333 m².
- There is not an adequate and satisfactory rationale for the need or size of the structure.

- It is noted that there is a previous grant of permission F0B/0004 within the applicant's landholding for a new outbuilding for domestic storage. This structure also formed part of the application F04A/1513 where there was permission for 4 no stables and a shed.
- It is unclear as to why the applicant needs additional storage space.
- The proposal cannot be considered as ancillary storage as there are no structures of association with the shed.
- "Plant Storage" as defined in the technical guidance of the development plan refers to the "use of building or land for the storage of plant machinery, equipment or appliances".
- Plant storage is not listed in permitted in principle or not permitted in the RV-Rural Village zoning.
- Having regard to the site history it is considered the proposal would result in the third storage unit on the applicant's landholding.

Impact on the Visual & Residential Amenity of the Area

- The design is akin to an industrial style structure.
- The structure is located c.20m from the existing dwelling to the north c. 64m from the dwelling to the south.
- There is a proposed dwelling c. 27m from the proposed structure currently on appeal to the Board.
- The subject site is setback from the road and not visible from the public domain.

Access, Parking & Transport

- The entrance is subject to a revised entrance granted under F22A/0239 and subject to the relocation at the side of the road.
- The site is within the 50km/hr speed limit.
- Sightlines required under DMURS include 45m either side, 2.4m from the edge of the road, however the consultants liaised with the council to state that 70m would be provided.

- The lack of footpath was one of the considerations in requiring 70m sightlines.
- Ambient speeds at this location are higher than the 50km/hr and this is considered a transition zone.
- The proposal represents an intensification of an agricultural and residential entrance.

3.2.2. Other Technical Reports

Water Services: No objection subject to conditions

Transport Planning Section: No support for the proposal although additional information requested should permission be granted.

Parks and Green Infrastructure Division: No objection subject to conditions.

Environment Department: No objection to the proposed development.

3.3. Prescribed Bodies

Uisce Éireann: No objection subject to conditions.

3.4. Third Party Observations

Two third party observations submitted on the application are summarised below:

- The proposal is piecemeal development.
- There is a long planning history on the site.
- The shed is excessive and too large for personal use.
- There are road safety concerns in relation to the entrance.
- The proposal would impact the adjoining stream.
- The proposal is not in keeping with the zoning on the site.
- The owner has previously sold a commercial storage shed.

4.0 Planning History

4.1.1. Subject Site

ABP 314914-22 (F22A/0403)

Permission refused by the Planning Authority for a two-storey detached dwelling for three reasons summarised below. The applicant has appealed the reason for refusal and the appeal is currently before the Board.

1. Principle of a dwelling at this location
2. Inadequate Sightlines
3. Inadequate Flood Risk Assessment.

F22A/0239

Permission granted for alterations to the site entrance and piers to allow for increase sightlines, the relocation of the ESB pole and other associated development, from the shared entrance into the site from the R108.

F22A/0071

Permission refused for an infill development at the site for 3 no detached two-bedroom dwellings having regard to:

1. Inadequate sightlines
2. Impact on the rural village and absence of pedestrian/cycle infrastructure.
3. Inadequate Flood Risk Assessment.

F17A/0156

Permission refused for a dormer bungalow and ancillary works for having regard to:

1. Inadequate sightlines

PL06F.228520 (F08A/0035)

Permission refused for a dormer bungalow and associated works having regard to:

1. The impact on the character of the rural village and the need to serve local needs in accordance with approved action area plans.

5.0 Policy Context

5.1. Fingal County Development Plan 2023-2029

The site is located on lands zoned as RV, Rural Village, where it is an objective to *“Protect and promote in a balanced way, the development of agriculture and rural-related enterprise, biodiversity, the rural landscape, and the built and cultural heritage”*.

Ballyboghil Rural Village

Section 3.5.15.1: Rural Villages. The rural settlement strategy supports the growth of rural villages in line with the growth levels set out under the Housing Strategy

Objective SPQHO56 – Rural Villages

Facilitate appropriate development within Rural Villages subject to compliance with the following:

- i. The scale of new residential development shall be in proportion to the pattern and grain of the existing settlement and shall be located within the defined development boundary.
- ii. Encourage and promote compact growth within Rural Villages including infill, brownfield development together with redevelopment of derelict/underutilised properties.
- iii. All development shall enhance the existing village character and create or strengthen a sense of identity and distinctiveness for the settlement.
- iv. New commercial development should be centrally located within the village and contribute positively to the streetscape and public realm.
- v. Encourage new community and social facilities in conjunction with residential development.

Masterplan

Table 2.1: Schedule of Masterplans to be commenced over the plan period.

- Ballyboghil (MP 3.B)

Policy CSP7 – Masterplans

Prepare Masterplans for areas designated on Development Plan maps in co-operation with relevant stakeholders, and actively secure the implementation of these plans and the achievement of the specific objectives indicated.

5.2. Natural Heritage Designations

The site is located c. 5.2km to the west of the Rogerstown Estuary SAC (site code 000208) and Rogerstown Estuary SPA (site code 004015).

5.3. EIA Screening

The proposed development includes the construction of one shed and other associated works on an infill site within a rural village. The site is surrounded by detached dwellings and stables and there is an access road into the site.

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

The grounds of appeal are submitted by the applicant in relation to the planning authority refusal. The submission provides a background on the planning history of the site and surrounding area, the national and local policies on development in rural villages. The response to the reasons for refusal are summarised below:

6.1.1. Refusal reason No.1

- The proposed shed will accommodate the applicant's business and will store a limited amount of construction equipment.
- The proposed shed is storage for small business. This is a robust rationale for the proposal.

- The design and finish are akin to an agricultural storage shed which is not uncommon in the Ballyboughal area.
- The location of the shed will not have a negative impact on the adjoining residential amenity.
- The development will be located behind a 1.m high wall and include screening.
- There have been no submissions from those properties in the vicinity.

6.1.2. Refusal Reason No.2

- The storage shed will have negligible impact on the traffic.
- There is a limited amount of inventory that can be stored in the shed.
- The access lane is no longer used as an agricultural shed, and it has become overgrown.
- The subject site is within the 50km/hr zone.
- The proposed entrance can comply with Table 4.2 of DMURS.
- The Transport Section previously stated (F22A/0239) that the site was within the 50km/hr zone.
- Point cloud surveying (3D modelling) illustrates the sightlines can be achieved and a 70m sightline is available.

6.1.3. Refusal Reason No. 3

- The development would not set an undesirable precedence.
- Storage sheds are not uncommon in rural village of Ireland.
- Details of the storage shed granted under F10A/0155 are submitted.
- Details of the storage shed granted under F07A/1470 are submitted.
- Details of a packing shed permitted near the site (F97A/0550) are included.
- Different types of development within the Ballyboughal Village are submitted.

6.2. Applicant Response

The applicant is the appellant.

6.3. Planning Authority Response

The planning authority responded to state they had no further comments and should the appeal be successful a financial contribution should be included.

6.4. Observations

None submitted.

7.0 Assessment

I consider the main issues of the appeal can be dealt with under the following headings:

- Principle of Development
- Design and Layout
- New Entrance and Pedestrian Access
- Appropriate Assessment.

7.1. Principle of Development

- 7.1.1. The site forms part of a larger infill/ backland site, located on the edge of a small rural town, Ballyboughal in Fingal. The site is located within the defined settlement of the Ballyboughal and is accessed from an existing entrance which provides access to a separate dwelling and other buildings to the rear, west of the site.
- 7.1.2. Planning permission (F22A/0403) was recently refused for a two-storey dwelling on lands immediately to the east of the site, also within the applicant's ownership. This decision has been appealed by the applicant and is currently before the Board ABP 314914-22.
- 7.1.3. The third reason for refusal related to the principle of locating the proposed shed on lands zoned as "rural village". The planning authority (PA) considered the proposal

would constitute an undesirable form of development, contravene the zoning, and set an undesirable precedent for similar developments.

- 7.1.4. The grounds of appeal argue the storage shed would not set an undesirable precedent as these types of sheds are not uncommon in rural Ireland. Examples of other sheds permitted within Ballyboughal Village have been submitted with the grounds of appeal. In addition, examples of planning precedent (F10A/0155, F07A/1470 and F97A/0550) are included.
- 7.1.5. The grounds of appeal state that the purpose of the shed is for the applicant, who owns a business, to store plant. I note the site is located on the edge of Ballyboughal Village on lands zoned as RV, Rural Village, where it is an objective to “*Protect and promote in a balanced way, the development of agriculture and rural-related enterprise, biodiversity, the rural landscape, and the built and cultural heritage*”. Plant storage is a use not permitted on lands zoned for Rural Village.
- 7.1.6. Upon site inspection it was noted that the pattern of development in the vicinity of the site includes detached dwellings set on substantial plots. Stables located to the west of the site were not accessible due to a locked gate at the entrance although I note the report of the area planner refers to planning history on the applicant’s landholding including 4 no stables and a shed (F04A/1513). The grounds of appeal do not make reference to any planning history on the site or use of surrounding lands, this aside I do not consider the location of the site adjoining residential dwellings and within the village of Ballyboughal an appropriate for a storage shed. The proposal is not in keeping with the land use objective whereas it is not agriculture or rural-related enterprise. Objective SPQHO56 of the development plan requires development in the rural village to enhance the village character where new commercial development would be centrally located in the village. Having regard to the location of the site on the edge of the village, with no connectivity into the village centre, I do not consider the proposal would comply with this Objective SPQHO56.
- 7.1.7. Therefore, having regard to the rural village zoning on the site, where plant storage is not permitted, the location of the site on the outskirts of Ballyboughal and the pattern of development in the vicinity of the site which consists mainly of residential and rural related uses, I do not consider the proposal is acceptable at this location.

To permit the development would contravene the policies and objectives of the development plan.

7.2. Design and Layout

- 7.2.1. The shed is to have a length of c. 29m, width of c. 12m and a maximum height of 5.6m. External materials are listed as polyester coated trapezoidal metal profile walls and roof. The PA considered the proposal was of an industrial nature and first reason for refusal relates to the scale and nature of the structure, which the PA considered would be overbearing on the surrounding residential properties.
- 7.2.2. The grounds of appeal refer to the scale of the shed, which they consider more akin to agricultural rather than industrial, the location behind a wall and the proposed screening and considered the proposal would not have a significant adverse impact on properties in the vicinity.
- 7.2.3. The site is c. 15m to the west of an existing dwelling and there is current a proposal for a new dwelling immediate east of the site. The building runs along the majority of the site and although single storey in height it will be visible from the adjoining site. As stated above, the applicant has submitted an application for a dwelling on the adjoining site and I consider a building of this scale would not respect the character of a rural village setting and has the potential to have a negative impact on the amenities of future occupants of properties in the vicinity.

7.3. New Entrance and Pedestrian Access

- 7.3.1. Access into the site is via a current entrance off the R108 and a private internal access road. This entrance currently provides access to a private residential dwelling at the front of the site, adjoining the R108, and stables to the rear of the site which appear to be vacant at present. The entrance and access road are significant in scale relative to the current use, and bollards have been placed at the entrance from the R108 to prevent any parking on the site.
- 7.3.2. The second reason for refusal refers to the inadequate sightlines onto the R108, the intensification of the site and the contravention of objective DMS126 of the Fingal Development Plan. It is argued by the planning authority that the site, although located within a 50km/hr zone should comply with the sightline standards relating to

an access onto a 70km/hr road, due to the nature of the R108 and the location of the site on the edge of the village.

- 7.3.3. Permission has recently been granted for an upgrade of the junction (Reg Ref F22A/0239). The Transport Section acknowledge this grant of permission although consider it was only to upgrade a substandard entrance and was not linked to any use on the site.
- 7.3.4. The grounds of appeal include a sightline assessment and a point cloud survey (3D modelling survey illustrating constraints and solutions for the access). It is stated that the ESB pole to the south of the site, within the sightlines, will be relocated as per the grant of permission F22A/0239.
- 7.3.5. The grounds of appeal also refer to table 4.2 of the Design manual for Urban Streets and Roads (DMURS) as the relevant standards for Forward Visibility and Stopping Sight Distances (SSDs). The standards for those entrance within 50km/hr are 45m in each direction. The appellant refers to the Transport Section report on the previous grant of permission which confirms these standards. The applicant also contends they can achieve a 70m visibly spay in both directions. This aside, I note the site layout submitted with the applicant and the supporting illustrations with the grounds of appeal (Drwg No A.03.01.8) indicate that, subject to compliance with permission Reg Ref F22A/0239, the required sightlines necessary to comply with DMURS can be achieved. I have had regard to the standards in Table 4.2 of DMURS and the information submitted, and I am satisfied that proposal can meet the required sightlines.
- 7.3.6. In terms of intensification of access, I note report of the PA does not consider parking is required on site, therefore the movement into the site would relate to the storage of machinery. The applicant has provided any information on the frequency of movements into the site, this aside, having regard to the works propsoed at the entrance and the absence of any public use which can be reasonably conditioned, I do not consider the propsoed development would cause significant intensification of the current site and/or entrance.
- 7.3.7. Having regard to the permitted upgrade of the entrance under Reg Ref F22A/0239, the nature and scale of the proposed development and the location within a village, I consider the design of the entrance complies with the required standards.

7.4. Appropriate Assessment

- 7.4.1. The closest European Site is located c. 5.2km to the east of the site (Rogerstown Estuary SPA/SAC). The stream that runs along the south of the site (Belinstown) flows east¹ into the Daws River and eventually into the Rogerstown Estuary.
- 7.4.2. As stated above all surface water can be treated within the site and the Stage 1 FRA concludes no flood risk from the site. The subject site is separated from the stream along the south and having regard to the servicing of the site there will be no impact on the stream.
- 7.4.3. Having regard to the location, scale, and nature of the proposed development it is considered that no appropriate assessment issues arise. The proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend permission is REFUSED for the reasons and considerations stated below.

9.0 Reasons and Considerations

Having regard to:

- a) The location of the site on the outskirts of Ballyboughal Village,
- b) The policies and objectives of the Fingal County Development Plan 2023-2029 in relation to rural villages including Objective SPQHO56 and the land use zoning as RV, Rural Village where it is an objective to *“Protect and promote in a balanced way, the development of agriculture and rural-related enterprise, biodiversity, the rural landscape, and the built and cultural heritage,*
- c) The nature, location and extent of the proposed development and the established character and pattern of development in the vicinity of the site,

¹ <https://gis.epa.ie/EPAMaps/>

it is considered that the proposed use of the site as a storage shed would not be in accordance with the provisions of the Fingal County Development Plan 2023-2029 and with the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Karen Hamilton
Senior Planning Inspector

12th of June 2023