



An
Bord
Pleanála

Inspector's Report ABP317159-23

Development	Rebuild and extend vernacular dwelling and retain portacabin as temporary accommodation
Location	Cooks Road, Forrest Great, Swords, Co. Dublin
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F23A 0071
Applicant(s)	Denis Walsh
Type of Application	Permission and Temporary Permission to retain
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party v Decision
Appellant(s)	Denis Walsh
Observer(s)	Dublin Airport Authority
Date of Site Inspection	30 th August 2023
Inspector	Brendan McGrath

1.0 Site Location and Description

1.1. The site is on Cooks Road on the north side of Dublin Airport, close to the northern runway (runway 16/34) of the airport. Despite being centrally located in the metropolitan area the eastern end of Cooks Road has the air of an out-of-the-way and inhospitable place. The road is straight, and narrow, without footpaths and carrying a considerable volume of traffic. The irregularly shaped site, measuring 0.36ha, comprises two parcels. The larger parcel, which generally appears to be not in productive use, includes the ruin of a dwelling right beside the road. The smaller parcel contains an occupied portacabin with an outdoor seating area and wastewater treatment plant (for the portacabin). This smaller parcel adjoins a large yard used for parking and storing vehicles and is beside a vehicle repair/maintenance facility.

2.0 Proposed Development

2.1. The proposal has two elements:-

- A 4-bedroom detached dwelling incorporating a restored vernacular structure and including a new waste-water treatment system and a new vehicular access via the driveway with weighbridge which serves the vehicle engineering works beside the site, and
- An application for temporary retention for 3 years of a portacabin dwelling and its wastewater treatment plant

The appeal letter (page 9 and 10) states that the applicant had lived in the ruined house, and was now living in the portacabin beside the business which he runs.

3.0 Planning Authority Decision

3.1. Decision

Refuse permission and refuse retention permission for 3 reasons:-

1. Reason 1 is multi-faceted as follows:

- There is insufficient remaining of the vernacular dwelling for the proposal to qualify under council policy relating to restoration and re-use of vernacular dwellings,
 - the site lies in a 'Rural Area under Strong Urban Influence' and the applicant has not demonstrated an economic or social need to live in the area, and
 - the proposal for temporary or permanent accommodation would contravene the plan objectives and policies to 'protect and provide for a Greenbelt.'
2. Proposal would endanger public safety by reason of traffic hazard
3. Reason 3 is also multi-faceted:
- given proximity to airport, the proposal has potential to adversely impact airport operations,
 - given proximity to airport unacceptable levels of noise and nuisance would affect the residential amenity of future occupiers.
 - adverse impacts on residential amenity as a result of adjacent 'recycling facility/automotive parts business

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report is the basis of the council decision. In respect of the proposed dwelling the planner concludes that

- There was an old dwelling on the site but very little of it remains and there is inadequate information about what does remain – the case has not been made for the viable reuse of a vernacular dwelling, which is required by the development plan,
- No socio-economic case has been made for building a house in a designated greenbelt,

- Adverse residential amenity due to proximity to airport and an engineering/recycling business,
- Adverse recommendations from council's transportation planning section and Dublin Airport Authority.

In respect of temporary use of portacabin

- Applicant has not demonstrated compliance with the council's Rural Settlement Strategy

In respect of environmental assessment

- In respect of AA the planner has concluded the proposal individually or in combination will not have a significant effect on any European site, and
- The planner has concluded that an EIAR is not required

Other Technical Reports

3.2.2. Transportation Planning Section

- Poor pedestrian and public transport linkage to service centres,
- Opposed to dwelling sharing access with an existing business generating significant HGV traffic, and
- Inadequate sight lines available at access onto Cooks Road

3.2.3. Conservation Office of Fingal CC

The proposal should be considered as a new build not as restoration and reuse of a vernacular structure. 'There-used remains of the historic dwelling are too limited for it to be accurately described as a reuse and rehabilitation of a vernacular building as they only form one-room of a proposed four-bedroom house.'

3.2.4. Dublin Airport Authority

- Site lies within Noise Zone B around airport within which residential development is to be strictly controlled,

- Concern about proximity to airport in particular the alignment of the approach/take off thresholds of runway 16/34 – potential to impact airport operations,
- Site located within the Obstacle Limitation Surface for Dublin Airport. In the event of a grant condition required restricting height of any structure on site to 75.6m OD.
- The proposal would require assessment by an approved Instrument Flight Procedure Designer.

4.0 Planning History

F06A/1906 Denis Walsh was refused permission to change of use of a grain store to recycling centre.

5.0 Policy and Context

5.1. Development Plan

The relevant plan is the Fingal Development Plan 2023-2029. The site is zoned GB, Greenbelt, with the objective to ‘protect and provide for a Greenbelt’. There is a policy SPQHP59 ‘to promote the sensitive restoration and re-use of historic vernacular dwellings and outbuildings, and a policy SPQHP46 which includes the provision to ‘permit housing development within the countryside only for those people who have a genuine rural generated housing need....’ There is a development management objective (DMSO191) in the Plan that states ‘where development is proposed for a site that contains a vernacular or historic building, 20th century building of merit, and/or structure that contributes to the distinctive character of the rural or urban area of Fingal, then the scheme should have regard to the direction in Table 14.26. (Table 14.24 sets out guidelines for assessment and restoration)

5.2. Natural Heritage Designations

There are no designated sites in the vicinity

5.3. EIA Screening

The proposed development is not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and therefore, the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

6.0 The Appeal

6.1. Grounds of Appeal

The appeal letter signed by the applicant comprises a rebuttal of the reasons for refusal which is supported by a number of detailed technical reports.

Refusal Reason 1

- There is a substantial existing dwelling (supported by a Structural Report and Assessment),
- The rural settlement strategy of the development plan does not apply to the proposal because it is an existing dwelling,
- A demonstrable economic or social need to live at the locality has not been made because this is an existing dwelling,
- A need for retention of temporary accommodation has not been demonstrated

Refusal Reason 2

- The proposal will not cause a traffic hazard, adequate sight lines are available (supported by Traffic Access Assessment report)

Refusal Reason 3

Potential to impact on airport operations given proximity to runway 16/34, noise impact (supported by Aeronautical Assessment Report)

- The relevant Obstacle Limitation Surface which restricts building height does not affect the site
- The site lies wholly within Airport Noise Zone B which does not prohibit residential development but noise insulation required
- There is full compliance with aviation and aeronautical requirements

6.2. Planning Authority Response

The planning authority has reiterated more succinctly its reasons for refusing permission but requesting the attachment of a financial contribution condition should the Board grant permission.

6.3. Observations

The Dublin Airport Authority (DAA)

- 'Severe concerns' about suitability of site for residential development, given proximity of site to airport but recommends appropriate conditions in the event of a grant
- Proposed development requires assessment by an approved Instrument Flight Procedure Designer
- Condition required regarding operation of cranes

7.0 Assessment

7.1. Having visited the site, examined all the application and appeal documentation, and having regard to relevant local and national policy and guidance I consider that the issues arising are those raised in the planning authority's reasons for refusal, together with reasons raised by the Transportation Planning Section of the council, i.e. poor footpath connectivity and public transport links and reliance on the private car. The issues therefore are:-

in respect of rebuilding and extending a vernacular dwelling

- zoning policy
- status of the dwelling structure
- quality of the general environment as a place to live
- vehicular access
- impact on the operation of the airport

in respect of retaining a temporary use of portacabin

- council policy
- quality of the general environment as a place to live

Rebuilding and extending the existing dwelling structure

7.2. The site is zoned GB 'greenbelt'. Development is supported in greenbelts 'which has a demonstrated need for such a location and which protects and promotes its permanency'. Under Objective SPQHO50, new rural dwellings are permitted where applicants meet a restrictive set of qualifying criteria which are set out in Table 3.5 of the development plan. The application and the appeal have not sought to make a case for special consideration.

7.3. The case made in the application and appeal appears to rely on policy SPQHP59 'to promote the sensitive restoration and re-use of historic vernacular dwellings and outbuildings' and compliance with development management objective DMSO190 in relation to the conservation of old buildings. The vernacular element is only a small part of the proposed house and is not of any special significance or quality.

7.4. The site is near an airport runway. The proposed house is beside a narrow, and at times quite heavily trafficked road without footpaths or public transport. The council's Transportation Section report reports that the site, about 3km from Swords Town Centre and about 1.8km to the closest commercial/village centre 'has poor footpath connectivity and public transport links and is reliant on the private car' In summary therefore this is not an hospitable environment.

7.5. I do not consider that a means of access to the proposed house via the existing access to the commercial business, which is beside the site, would create a traffic hazard. As the applicant owns much of the relevant road frontage on Cooks Road, a grant of permission could be attached improving site lines at the entrance.

7.6. While the Dublin Airport Authority is critical of the proposal it does not recommend refusal of permission and it does appear that, subject to appropriate conditions, the proposal would not disrupt the operation of the airport.

Retaining a temporary use of portacabin for accommodation

7.7. Development Plan policy enables a case to be made in a green belt zone on the basis of a housing need tied to the locality. The application and appeal documents do not make this case but it is apparent from the documentation that the applicant is a long-term resident and that the portacabin is beside his place of employment. The portacabin is in good condition and well appointed. And unlike the old cottage it is some distance away from Cooks Road.

7.8. Appropriate Assessment Screening

Having regard to the nature and scale of the proposed development, the nature of the foreseeable emissions therefrom/to the absence of emissions therefrom, the nature of receiving environment as a built up urban area and the distance from any European site/the absence of a pathway between the application site and any European site it is possible to screen out the requirement for the submission of an NIS and carrying out of an EIA at an initial stage.

8.0 Recommendation

I recommend that permission is refused to rebuild and extend a vernacular dwelling and that temporary permission is granted to retain a portacabin as temporary accommodation for a period of three years.

9.0 Reasons and Considerations

9.1. Refusal of permission to rebuild and extend a vernacular dwelling

- 1) The site of the proposed development is located in an area zoned as Greenbelt in the Fingal Development Plan 2023-2029. Only development which has a demonstrated need for such a location and which protects and promotes the permanency of the greenbelt is supported. Residential development is only permitted in principle when applicants can demonstrate their eligibility according to the criteria set out in Table 3.5 of the development plan. This has not been done.
- 2) The proposal does not meet the requisite parameters to qualify for consideration under the council policy SPQHP59 in the development plan, supporting the restoration and re-use of vernacular dwellings and outbuildings

9.2. Retain portacabin as temporary accommodation

Having regard to the good condition of the structure, the temporary nature of the use for which retention is sought and the likelihood that the applicant would satisfy the eligibility criteria for new rural housing as set out in Table 3.5 of the Fingal Development Plan 2023-2029, it is considered that, subject to compliance with the conditions listed, the proposed development would be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	The development shall be retained in accordance with the plans and particulars lodged with the application Reason: In the interest of clarity.
2.	The portacabin structure shall be removed within three years of the date of this decision unless, before that date, permission for the structure's further retention is granted by the planning authority. Reason: In the interest of clarity

Brendan McGrath
Planning Inspector

28th September 2023