



An
Bord
Pleanála

Inspector's Report

ABP-318694-23

Development

The construction of 4 no. new detached 1 1/2 storey dormer dwellings, within curtilage parking provision for 2 no. vehicles for each dwelling, new vehicular access and new internal access roadway via St. Catherine's View, with pedestrian walkways, hard and soft landscaping, services (incl. SUDS) and all other ancillary and associated site development works necessary to facilitate the development.

Location

Lands to the South of Seaview, The View, Saint Catherine's Estate, Rush, Co. Dublin

Planning Authority

Fingal County Council

Planning Authority Reg. Ref.

F23A/0576

Applicant(s)

Mr. John C. Bollard

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal	First Party
Appellant(s)	Mr. John C. Bollard
Observer(s)	None
Date of Site Inspection	23 rd August 2024
Inspector	Emma Nevin

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.44 ha, is located to the north of Rush town centre. The overall site forms part of an overall land holding, with the existing dwelling to the north of the appeal site. The site is in use as agricultural use and contains a poly tunnel structure, with the remainder of the site undeveloped containing glasshouse structures and materials including farm machinery.
- 1.2. The site is bound by the existing dwelling to the north, St. Catherines National School to the east, beyond which is a residential housing estate (St. Catherines) and a glass house structure to the south. To the west is agricultural land.
- 1.3. The sites main access is via St. Catherines View estate to the east, with a secondary access from the west.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of 4 3bed/5 person detached dwellings, each with a stated floor area of 146 sq. m. The proposed dwellings will be positioned either side of an access road, which runs through the centre of the site. The proposed dwellings 1 & 2 will face south, and the proposed dwellings 3 & 4 will face north. Each dwelling will be served by off street parking and a rear and side garden.
- 2.2. The proposed dwellings are dormer style with dormer windows to the front elevation, velux rooflights to the rear, with an overall ridge height of 7.1 metres. To the west elevation of each dwelling, a full height feature window is proposed with access doors to an external ground floor patio area at ground floor level and serves a void at first floor level over the proposed kitchen/dining room at ground floor level.
- 2.3. In terms of access the existing entrance is to be removed with an access road proposed, from the adjoining residential estate, which will serve the existing dwelling, via a new entrance, with the access road serving the proposed 4 no. dwellings, and ancillary site works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority refused permission on the 16th November 2023 for the following reasons:

“1. Having regard to the location of the proposed development on the lands zoned ‘RU – Rural’ as set out in the Fingal Development Plan 2023-2029 together with the requirements of the Fingal Rural Settlement Strategy, it is considered that the applicant has not demonstrated eligibility to be considered for a multi-unit suburban residential scheme within this rural area of Rush. The development as proposed, in the absence of such demonstration of compatibility with the Rural Settlement Strategy, would contravene materially a development objective indicated in the Development Plan for the zoning of land as Rural ‘RU’ and would result in the inappropriate use of this rural site where sufficient residentially zoned lands are available in proximity to meet the residential needs of the town. The development as proposed would therefore be contrary to the proper planning and sustainable development of Rush.

2. The development is proposed, in the absence of demonstration of compliance with the Fingal Rural Settlement Strategy would represent the inappropriate use of rural zoned lands in Rush and would contravene materially Objective SPQHO81 and Table 3.5 of the Fingal Development Plan 2023 – 2029 relating to eligibility for new rural housing within the county. The development as proposed would therefore be contrary to Fingal’s Rural Settlement Strategy and contrary to national guidance set out under the National Planning Framework.

3. Insufficient information has been submitted to enable the planning authority to fully assess the transportation aspects of the proposed development. In the absence of such information, the proposal would be substandard in nature a country to the proper planning and sustainable development of the area”.

3.2. Planning Authority Reports

- 3.2.1. A planning Report dated 15th November 2023 has been provided.

3.2.2. The original planning report concluded that *“the site is substantially zoned ‘RU’ – Rural and as such applicants are required to demonstrate compliance with the Rural Settlement Strategy. The applicant has not provided this information and therefore, the planning authority is unable to assess the application in full. The application is submitted, would materially contravene the policies and objectives set out in the Fingal Development Plan 2023 – 2029 and would be contrary to the proper planning and sustainable development of the area. Furthermore, insufficient information is provided in relation to transportation and access arrangements to serve the scheme”*, and as such permission was refused for three reasons as noted in Section 3.1.1 above.

3.2.3. Other Technical Reports:

- Water Services: Report received stating no objection subject to conditions.
- Transportation: Report received requesting further information.
- Parks and Green Infrastructure: Report received stating no objection subject to conditions.
- Housing: Report received stating no objection.

3.3. **Prescribed Bodies**

3.3.1. The Planning Authority indicated that the following prescribed bodies were consulted.

- Uisce Eireann: Report received stating no objection subject to conditions.
- Inland Fisheries Ireland: No report received.

3.4. **Third Party Observations**

None received.

4.0 **Planning History**

F00A/0934: Permission refused by Fingal County Council on 19th October 2000 for a 4-bedroom bungalow and biocycle unit.

The reasons refusal stated:

“1. The applicant has not demonstrated compliance with the relevant policy relating to dwellings in a rural area. Accordingly, the proposed development will contribute materially a development objective for the area and therefore would be contrary to the proper planning and development of the area.

2. The applicant has not demonstrated adequate vision in the northerly direction from a 2.5m set back from the edge of the carriageway at the proposed entrance nor adequate off street parking and turning area within the side curtilage. In the absence of such information, the proposed development is unacceptable and considered to be contrary to the proper planning and development of the area.

3. The proposed development constitutes undesirable ribbon development on a substandard road network, which would lead to the uneconomic provision of services and would set an undesirable priced out for some of developments in the area. The proposed development would therefore be contrary to the proper planning and development of the area”.

5.0 Policy Context

5.1. Fingal Development Plan 2023 – 2029

The subject site is zoned ‘RU’ Rural, with a sated objective *“to protect and promote in a balances way, the development of agriculture and rural related enterprize, biodiversity, the rural landscape, and the built and cultural heritage”.*

With a vision to *“Protect and promote the value of the rural area of the County. This rural value is based on:*

- Agricultural and rural economic resources*
- Visual remoteness from significant and distinctive urban influences,*
- A high level of natural features.*

Agriculture and rural related resources will be employed for the benefit of the local and wider population. Building upon the rural value will require a balanced approach involving the protection and promotion of rural biodiversity, promotion of the integrity of the landscape, and enhancement of the built and cultural heritage”.

- 5.1.1. A small portion of the land to the southern boundary is zoned 'RS' residential, which has a stated objective to *"Provide for residential development and protect and improve residential amenity"*.
- 5.1.2. The site has a Coastal Landscape Category and is within a 'Highly Sensitive Landscape'.
- 5.1.3. The following are of particular relevance:
- Policy CSP45 – Rural Housing, which states *"In line with RPO 4.80, manage urban generated growth in Rural Areas Under Strong Urban Influence by ensuring that in these areas the provision of single houses in the open countryside is based on the core consideration of demonstrable economic or social need to live in a rural area, and compliance with statutory Guidelines and plans, having regard to the viability of smaller towns and rural settlements"*.
 - Policy CPS46 – Rural Settlement Strategy, which states *"Respond to rural-generated housing need by means of a rural settlement strategy which directs the demand where possible to Rural Villages and Rural Clusters and permit housing development in the countryside only for those people who have a genuine housing need in accordance with the Council's Rural Housing Policy and where sustainable drainage solutions are feasible"*.
 - Policy CSP47 – Rural Clusters, which states, *"Promote appropriate sustainable growth of the Rural Clusters balanced with carefully controlled residential development in the countryside"*.
 - Objective CSO81 – Rural Settlement Strategy, which states *"Implement the Rural Settlement Strategy contained in Chapter 3 Sustainable Placemaking and Quality Homes and associated Development Management Standards set out in Chapter 14"*.
 - Policy SPQHP46 – Rural Settlement Strategy, which states *"Respond to the rural-generated housing need by means of a rural settlement strategy which will direct the demand where possible to rural villages, rural clusters and permit housing development within the countryside only for those people who have a genuine rural generated housing need in accordance with the"*

Council's Rural Housing Policy and where sustainable drainage solutions are feasible".

- Section 3.5.15.3 Fingal Rural Settlement Strategy Rural Generated Housing Need.
- Section 3.5.15.7 Layout and Design for Housing in Rural Fingal.
- Policy SPQHP55 – Layout and Design of Rural Housing, which states *"Require that all new dwellings in the rural area are sensitively sited, demonstrate consistency with the immediate Landscape Character Type, and make best use of the natural landscape for a sustainable, carbon efficient and sensitive design"*.
- Objective SPQHO81 – RU and GB lands Permit new rural dwellings in areas which have zoning objectives RU or GB on suitable sites where the applicant meets the criteria set out in Table 3.5.
- Objective SPQHO84 – Compliance with Development Management Standards in Rural Areas, which states, *"Applications for dwellings in rural areas of Fingal will be required to demonstrate compliance with layout and design criteria set out in Chapter 14 Development Management Standards including the carrying out of an analysis/feasibility study of the proposed site and of the impact of the proposed house on the surrounding landscape in support of applications for planning permission"*.
- Table 3.3: Maximum Number of Houses which will be permitted per existing house.
- Table 3.4: Who is Eligible for Planning Permission.
- Table 3.5: Criteria for Eligible Applicants from the Rural Community for Planning Permission for New Rural Housing, which states,
"i. One member of a rural family who is considered to have a need to reside close to their family home by reason of close family ties, and where a new rural dwelling has not already been granted planning permission to a family member by reason of close family ties since 19th October 1999. The applicant for planning permission for a house on the basis of close family ties shall be required to provide documentary evidence that:

S/he is a close member of the family of the owners of the family home.

S/he has lived in the family home identified on the application or within the locality of the family home for at least fifteen years.

ii. A person who has been in employment in a full-time occupation which is considered to satisfy local needs by predominantly serving the rural community/economy for fifteen years prior to the application for planning permission, and has not already been granted planning permission for a new rural dwelling since the 19th October 1999. Documentary evidence of such employment is required.

iii. A person who is an immediate member of a rural family who has not been granted permission for a rural dwelling, since the 19th October 1999, and is considered to have a need to reside adjacent to the family home by reason of that person's exceptional health circumstances. The application for a rural dwelling must be supported by two sworn affidavits from relevant and qualified professionals, with at least one from a registered medical practitioner. A qualified representative of an organisation which represents or supports persons with a medical condition or disability may supply the other.

It is to be noted that criterion no. (iii) applies in areas which have zoning objective, HA, as well as in areas with zoning objective GB and RU.

iv. A 'bona fide' applicant who may not already live in the area, nor have family connections there or be engaged in particular employment or business classified with the local needs criteria, subject to the following considerations:

Such applicants will be required to satisfy the Council of their long-term commitment to operate a full-time business from their proposed home in a rural area, as part of their planning application. The applicant will outline within a submitted Business Plan how their business will contribute to and enhance the rural community and will demonstrate to the satisfaction of the Council that the nature of their employment or business is compatible with, and addresses and satisfies local needs, and will protect and promote the rural community.

The applicant will satisfy the Council that the nature of their employment or business is dependent on its location within the rural area so as to discourage applicants whose business is not location dependent.

The applicant will demonstrate their commitment to the proposed business through the submission of a comprehensive and professionally prepared Business Plan, and through submission of legal documentation that they have sufficient funding committed to start and operate the business.

Applicants whose business is not location-dependent will not be considered”.

- Section 14.12 Rural Fingal.
- Section 14.12.1 Design Criteria for Rural Villages and Rural Clusters.
- Section 14.12.2 Design Criteria for Housing in the Countryside.
- Section 14.20.2 Rural Housing – Wastewater Treatment.
- Objective DMSO200 – EPA’s Code of Practice for Domestic Wastewater Treatment Systems, which states “*Domestic effluent treatment plants and percolation areas serving rural houses or extensions shall comply with the requirements of the EPA’s Code of Practice for Domestic Wastewater Treatment Systems (Population Equivalent)*”.
- Section 14.20.3 Sustainable Urban Drainage Systems (SuDS).
- Section 1.10.2 Appropriate Assessment (AA).

5.1.4. The following are also considered to be of particular relevance:

- Climate Action Plan 2023
- Strategic Flood Risk Maps
- Green Infrastructure Maps – site categorisation within a ‘Highly Sensitive Landscape’.

5.2. Sustainable Rural Housing – Guidelines for Planning Authorities

5.2.1. These guidelines state that development plans should facilitate the housing need of the rural community while directing urban generated housing to settlements. The guidelines go on to state that the housing requirements of persons with a link to the

rural area should be facilitated in the area it arises subject to normal siting and design requirements.

5.3. National Planning Framework

- 5.3.1. National Policy Objective 19 of the National Planning Framework (NPF) states the following in relation to one-off rural housing in the countryside:

Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e., within the commuter catchment of cities and large towns and centres of employment, and elsewhere:

- In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.
- In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

5.4. Regional Spatial and Economic Strategy (RSES) - Eastern and Midland Regional Assembly (EMRA)

- 5.4.1. The NPF and RSES make a distinction between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and rural areas outside these catchments. In such areas a more flexible approach based primarily on siting and design will apply.
- 5.4.2. For some rural areas, urban and commuter generated development has undesirably affected the character and cohesion of these locations. Simultaneously, in less accessible rural locations, population levels have declined, and it has been difficult to sustain basic services and community facilities at these locations.
- 5.4.3. Regional Policy Objective (RPO) 4.80 states that 'local authorities shall manage urban generated growth in Rural Areas Under Strong Urban Influence (i.e. the commuter catchment of Dublin, large towns and centres of employment) and

Stronger Rural Areas by ensuring that in these areas the provision of single houses in the open countryside is based on the core consideration of demonstrable economic or social need to live in a rural area, and compliance with statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

5.5. Natural Heritage Designations

5.5.1. The subject site is not located within a designated European Site.

5.6. EIA Screening

5.6.1. I refer the Board to the completed Form 1 and Form 2 in Appendix 1. Having regard to the nature, size, and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A first party appeal has been received; the grounds of appeal are summarised below.
- In response to reason for refusal 1 the appellant states:
 - The zoning of the site is acknowledged.
 - The site is in an urbanised area and is within a residential area of housing estates and a pattern that would be considered dense by rural standards.
 - The land adjacent is zoned residential (RS), however these sites are not serviced. The subject site has drainage and pottable water services.
 - The proposed development will provide for the regeneration of brownfield lands and will be in accordance with the existing character of the surrounding area.

- The site is close to existing services in the town and is serviced by established pathways and roads.
- In response to reason for refusal 2 the appellant states:
 - The absence of compliance with the Fingal Rural Settlement Strategy, however the site had full potential to facilitate the proposed development.
 - The proposal is utilizing the site and its services to the most optimal use, and it is believed that the subject site although zoned rural, is not a rural setting.
 - Two members of the applicant's family are entitled to build a house under each Objective SPQHO81. The 4 dwellings proposed are for the 4 members of the applicant's family.
- In response to reason for refusal 3 the appellant submitted a response from Watermain Moylan Engineering Consultants which states:
 - The Transportation Planning Section report issued in respect of the applicant recommended that further information be sought and not refusal.
 - Drawing No. 23-013-P0100 Rev. A has been submitted with the appeal which includes additional detail in respect of the footpath and verge tie-ins as required by the local authority.
 - The continuity of both the footpath and planted verge are now fully considered and aligned.
 - Drawing No. 23-013-P0100 Rev. A has been submitted with the appeal which includes additional detail in respect of the road centreline radii as required by the local authority.
 - Whilst the road width has been reduced to 4.8 metres, it widens to 5.8 metres at the bend to facilitate access. This is also presented in the auto tracking on Drawing No. 23-013-P0400.
 - Drawing No. 23-013-P0100 Rev. A has been submitted with the appeal which includes an increased road 4 metres in width to Seaview.
 - Drawing No. 23-013-P0100 Rev. A has been submitted with the appeal which indicates, the recommended road widths, road layouts, and the pedestrian and cycle linkages.

- It is considered that Drawing No. 23-013-P0100 Rev. A addresses the items raised as further information.

6.2. Planning Authority Response

- 6.2.1. Report received stating that the Planning Authority has had regard to the documents lodged in the appeal. An Bord Pleanála is referred to the report of the Planning Officer prepared as part of the assessment and is respectfully requested to uphold the decision of the Planning Authority.
- 6.2.2. In the event that the appeal is successful, the Planning Authority requests that conditions requiring financial contributions and/or Bonds in accordance with the Section 48 Development are included.

6.3. Observations

None received.

6.4. Further Responses

None received.

7.0 Assessment

- 7.1. Having examined the application details and all other documentation on file, including the first party appellant's submission (the subject matter of this appeal), site inspection and having regard to the relevant policies, objectives, and guidance, I am satisfied that the main issues to be considered are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. The main issues in determining this appeal relate to the three reasons for refusal as follows:

- I. Principle of Development
- II. Compliance with Rural Settlement Strategy
- III. Transportation Aspects
- IV. Appropriate Assessment, and
- V. Other Matters.

7.2. Principle of Development

- 7.2.1. The applicant seeks permission for four detached dwellings on the overall landholding. The site is located in a rural location on lands zoned 'RU' – Rural, with a portion of the southern part of the lands zoned 'RS' – Residential. I note that residential development is permitted in principle under the rural zoning objective, however this is subject to compliance with the Rural Settlement Strategy of the Development Plan. This is discussed further in Section 7.3 below.

7.3. Compliance with Rural Settlement Strategy

- 7.3.1. Reason for refusal no. 1 and reason for refusal no. 2 are similar in nature and relate to the applicant's compliance with the with the policies on rural housing, in particular the Rural Settlement Strategy. Reason for refusal no. 2 specifically references Objective SPQHO81 and Table 3.5 of the Development Plan in relation to eligibility for new rural housing within the county. The planning authority are not satisfied that the applicant has not demonstrated compatibility with the Rural Settlement Strategy and would therefore result in the inappropriate use of the rural site.
- 7.3.2. Based on the information submitted, both as part of the planning application and the appeal, I note that the applicant has stated that the Rural Settlement Strategy should not apply to the proposed development, having regard to the pattern of development in the vicinity and that the proposal represents the optimal use of the site. The applicant also states that the site is a brownfield site, which has previously been in use as commercial.
- 7.3.3. While I acknowledge that the site is a brownfield site and adjoins a residential estate to the east, St. Catherine's estate, the site is zoned 'RU' – rural in the Development Plan, with an extensive rural landholding located to the west and north of the site and is located in the north of Rush. Whilst both the Fingal Development Plan and National Guidance, i.e. National Planning Framework encourages the re-use of brownfield and infill sites, this is subject to compliance with the land use zoning objective pertaining to that site. As such, I concur with the planning authority that the application should demonstrate compliance with the underlying zoning objective and associated policy objectives.
- 7.3.4. Policy Objective SPQHP46 – Rural Settlement Strategy of the Development Plan details the compliance in relation to rural housing requirements, which is outlined in

Section 3.5.15.3 of the Development Plan. Specifically, Table 3.5 includes criteria for eligible applicant from the rural community for planning permission for new rural housing stating that housing will be facilitated based on the applicant's genuine local and housing need, compliance will be demonstrated by means of economic or social need in the context of the rural housing policy and this is a key consideration for any planning application for a single one-off house in a rural area.

- 7.3.5. The appeal documents state that the dwellings will accommodate the applicants' children, however no additional information has been submitted by the appellant to comply with the requirements of Policy Objective SPQHP46 – Rural Settlement Strategy and Section 3.5.15.3 of the Development Plan.
- 7.3.6. I also reference Table 3.3 of the Development Plan which states the maximum number of incremental houses which will be granted in rural areas is limited to two dwellings. In this regard, the provision of the additional dwelling house specifically states that this is for a person with exceptional health circumstances/plus one where exceptional farming circumstances prevail. The current proposal relates to the provision of 4 no. dwellings, which are stated to serve the applicant's children. However, I consider that the provision of 4 no. dwellings to serve the applicants children would be excessive and would not comply with the requirements of Table 3.3. In addition, as noted above, no information has been submitted as part of the appeal to justify the provision of the proposed dwellings on this rural site.

Conclusion:

- 7.3.7. As such, I conclude that the subject site is located in an area zoned 'RU' – rural and as such should be assessed in line with the relevant Development Plan policies and objectives. In this regard, the applicant has not demonstrated a social or economic need to live in this location and does not comply with the criteria of Table 3.5 Criteria for Eligible Applicants from the Rural Community for Planning Permission for New Rural Housing and as such contravenes the requirements of the Fingal Rural Settlement Strategy – Rural Generated Housing. For this reason, the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area and a refusal is recommended.

7.4. Transportation Aspects

- 7.4.1. Reason for refusal no. 3 relates to insufficient information submitted as part of the planning application, to allow for the Planning Authority to fully assess the proposal. Of particular relevance is the Transportation Planning report of the local authority, which required further information in relation to the proposal including items such as a revised site layout plan, detailing items such as road and footpath connections, road dimensions, road lengths, and entrance widths and a swept-path analysis demonstrating safe access and egress of the proposed development.
- 7.4.2. As part of the appeal the applicant submitted Drawing No. 23-013-P0100 Rev. A, and Drawing No. 23-013-P0400 and a response from Watermain Moylan Engineering Consultants.
- 7.4.3. In relation to the proposed access to the appeal site and the existing dwelling, access is proposed via the existing residential estate to the east of the site. A new access road is proposed which will serve both the existing dwelling and the proposed 4 no. new dwellings. The proposed access road width has been amended to 4.8 metres which terminates at the southwest with a turning point provided as required by the local authority.
- 7.4.4. Each proposed dwelling will be accessed off the central access road and will be served by two off street parking spaces. The proposed plans also indicate pedestrian and cycle linkages, which will allow for permeability and access throughout the subject and adjoining lands.
- 7.4.5. In relation to the existing access to the existing dwelling, as noted above access will be via the proposed new roadway, with a proposed entrance to the existing dwelling of 4metres in width.

Conclusion

- 7.4.6. In this regard, I consider that the proposed access and parking arrangement to serve both the existing and proposed development to be acceptable. As such I consider that the applicant has addressed the concerns raised as part of the reason for refusal no. 3.

7.5. Appropriate Assessment

7.5.1. Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive):

I have considered the construction of 4 no. new detached dormer dwellings, with curtilage parking and associated site works in light of the requirements S177U of the Planning and Development Act 2000, as amended.

The subject site is not located within or adjacent to any European Site.

The proposed development comprises the construction of 4 no. new detached dormer dwellings, within curtilage parking provision for 2 no. vehicles for each dwelling, new vehicular access, and new internal access roadway via St. Catherine's View, with pedestrian walkways, hard and soft landscaping, services, and all other ancillary and associated site development works necessary to facilitate the development.

7.5.2. Having considered the nature, scale, and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site. The reason for this conclusion is as follows:

- Small scale and nature of the works.
- The location of the development in a serviced urban area, distance from European Sites and urban nature of intervening habitats, absence of ecological pathways to any European Site.

7.5.3. I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

7.6. Other Matters

7.6.1. Similar granted development

The appellant references similar granted developments and specifically references Reg. Ref. F19A/0385- ABP 305876-19, for a development for Construction of 4

dwellings, located at Channel Road/Sundrive Road, Rush, which was granted permission by An Bord Pleanála.

The site referenced by the appellant was located in the South Shore area or Rush, whereby specific objectives relate to the rural lands in that locale, and as such were applied according by the planning inspector in their assessment of that appeal. The site in the instant appeal is located in Rush North, and as such these objectives do not apply.

Notwithstanding, all appeal cases should be assessed and determined on their own merits having regard to the sensitivity of the receiving environment and the specifics of the proposed development which have been noted in the aforementioned assessment.

7.6.2. Design, Form and Layout

While not specifically raised in the planning authority reason for refusal or appeal submission. I note that the scale, form, and design of the proposed dwellings is acceptable. The existing dwelling is a single storey detached dwelling, with the dwellings further to the east two-storey semi-detached dwellings, therefore, the layout and form of the proposed detached dwellings to this parcel of land is considered acceptable and will not impact on the visual or residential amenity of the adjoining sites.

The planning authority raised concerns in relation to the proposed window to the west side elevation of the proposed dwellings, in particular the size of the windows at upper floor level, however, given the layout, and orientation of the proposed dwellings, I consider that the proposed fenestration is acceptable.

Additionally, the internal floor space, and proposed garden area to serve the dwellings is acceptable and will provide a good standard of accommodation for the intended occupiers.

8.0 **Recommendation**

- 8.1. I recommend that planning permission should be refused for the reason and considerations set out below.

9.0 Reasons and Considerations

- 9.1. Having regard to the location of the site of the proposed development within an area designated 'RU – Rural' in the Fingal County Development Plan 2023-2029 and in the absence of sufficient evidence to demonstrate compliance with the Fingal Rural Settlement Strategy – Rural Generated Housing Need, it is considered that, based on the information submitted with the planning application and the appeal, that the applicant has not sufficiently demonstrated compliance with the new rural housing criteria as outlined in Section 3.5.15.3 and Table 3.5 of the Fingal County Development Plan 2023 - 2029. The proposed development would therefore contravene Policy SPQHP46 and Policy SPQHO81 of the Fingal County Development Plan 2023 – 2029 and would, thereby, be contrary to 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.



Emma Nevin
Planning Inspector

30th September 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	318694-23			
Proposed Development Summary	The construction of 4 no. new detached 1 1/2 storey dormer dwellings, within curtilage parking provision for 2 no. vehicles for each dwelling, new vehicular access and new internal access roadway via St. Catherine's View, with pedestrian walkways, hard and soft landscaping, services (incl. SUDS) and all other ancillary and associated site development works necessary to facilitate the development.			
Development Address	Lands to the South of Seaview, The View, Saint Catherine's Estate, Rush, Co. Dublin			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X	
		No		
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class?				
Yes		N/A		
No	X		Proceed to Q.3	
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?				
		Threshold	Comment (if relevant)	Conclusion
No		N/A		
Yes	X	Class 10 Infrastructure Projects (b) (i)		Proceed to Q.4


4. Has Schedule 7A information been submitted?		
No	X	Preliminary Examination required
Yes		Screening Determination required

Appendix 2 - Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-318694-23	
Proposed Development Summary	The construction of 4 no. new detached 1 1/2 storey dormer dwellings, within curtilage parking provision for 2 no. vehicles for each dwelling, new vehicular access, and new internal access roadway via St. Catherine's View, with pedestrian walkways, hard and soft landscaping, services (incl. SUDS) and all other ancillary and associated site development works necessary to facilitate the development.	
Development Address	Lands to the South of Seaview, The View, Saint Catherine's Estate, Rush, Co. Dublin	
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development. Is the nature of the proposed development exceptional in the context of the existing environment.</p> <p>Will the development result in the production of any significant waste, emissions, or pollutants?</p>	<p>Proposal for the construction of 4 no. detached dwelling houses, new road access and associated site works on rural zoned land. However, the proposal is not considered exceptional in the context of the existing rural environment.</p> <p>The proposal will be connected to the existing system.</p>	No
Size of the Development	Site measuring 0.446 ha. The combined proposed floor area will	No

<p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and / or permitted projects?</p>	<p>be 584 sq. m. The proposal is not considered exceptional in the context of the existing rural environment.</p> <p>There are no other developments under construction in the proximity of the site.</p>	
<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining, or does it have the potential to significantly impact on an ecologically sensitive site or location, or protected species?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area, including any protected structure?</p>	<p>The appeal site is note located within any Natura site. As such, it is not considered that the development would have a significant impact on any ecological sites.</p> <p>No other nearest European site is located above 1km from the site and therefore can be excluded in terms of the potential for effects on other European sites during construction and operational phases of the proposed development.</p>	No
<p style="text-align: center;">Conclusion</p>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA is not required.</p>		

Inspector:  _____

Date: 30th September 2024

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)