



An
Bord
Pleanála

Inspector's Report ABP-319896-24

Development	Retention of a warehouse shed extension, garage, concrete apron, prefabricated office and storage container
Location	Hillview, Clonee Road, Lucan, Co. Dublin, K78 VF54
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	FW24A/0134
Applicant(s)	Tuthills Limited
Type of Application	Permission for Retention
Planning Authority Decision	Refuse Permission for Retention
Type of Appeal	First Party
Appellant(s)	Tuthills Limited
Observer(s)	None
Date of Site Inspection	23 rd August 2024
Inspector	Ciarán Daly

1.0 Site Location and Description

- 1.1. The subject site includes a number of relatively large warehouse buildings, two of which to the south-east consist of block walls and corrugated pitched roofs and the two larger of which are metal corrugated with pitched roof form and the western most building also includes a front canopy. There is also a prefabricated office building, storage container, concrete apron and yard located at the end of a long driveway adjacent to the warehouses. The driveway winds through a narrow section of the site adjacent to a paddock type area at the front close to the public road and then it traverses a wider area mainly in grass in front of the buildings with the buildings located to the rear of the site adjacent to some grass areas to the rear and one side.
- 1.2. The site which formerly was the grounds of a dwelling, Ounavarra House, is separated from the dwelling house grounds located to the east and has its own separate vehicular entrance from the public road. The site is bordered by a long side wall to the front of the warehouse buildings and otherwise by fencing, hedgerow and some trees beside the adjacent agricultural tillage fields located to the south-west and north-west. There is a line of tall mature trees located along the southern side of the paddock directly adjacent to the access driveway and opposite the warehouse buildings. Located inside the vehicular entrance and adjacent to the subject site there is what appears to be the ruins of an old agricultural shed and adjacent to the vehicular entrance to the north there is an abandoned cottage. There is a country house (Mount Pleasant House, a protected structure, RPS no. 719) and grounds located opposite the subject site across the road.
- 1.3. The front site access boundary consists of hedging on one side of the wide vehicular access and a low stone wall on the other side with an agricultural type gate. On the day of my visit I observed the gate to be left open and that the warehouses were mainly functioning as a distribution centre for goods with a number of vehicles parked adjacent to the warehouses. The public road adjacent to the site, the L3005 (Clonee Road), is a local road with a speed limit of 50km per hour. The site is located in a rural area close to the urban edge at Laraghcon.

2.0 Proposed Development

2.1. The applicant has applied Retention Permission for:

- Building no. 4 comprising a shed (49.8 m long x16.4 m wide x 7.3m high to ridge level, as stated) which includes an extension (605.8 sq.m. floor area, as stated) to the existing commercial warehouse and storage facility and a stated domestic garage (206.5sq.m. floor area) with mezzanine over (76.6sq.m. floor area),
- concrete apron (c. 597.5 sq. m.),
- pre-fabricated ancillary office (30.3 sq.m. floor area)
- and storage container (14.1 sq.m.).

To note: there is no residence/dwelling on the subject site.

3.0 Planning Authority Decision

3.1. Decision

Fingal County Council refused permission for retention of the proposed development for the following reasons:

1. The subject site is within the 'HA' zoning objective under the Fingal Development Plan, 2023-2029 the objective of which is to '*protect and enhance high amenity areas.*' The vision for this zoning objective seeks to protect these highly sensitive and scenic locations from inappropriate development and to reinforce their character, distinctiveness and sense of place. Having regard to the information submitted with the application, it cannot be concluded that the site has been under continuous commercial activity to date from 1964. Moreover the development cannot be considered a reasonable intensification of a non-conforming use and the significant intensification of commercial activity would materially contravene the 'HA' zoning objective and vision assigned to subject lands of the Fingal Development Plan 2023-2029 and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise. Permitting the development, in its current form, with the associated transport issues, would not be in the interests of the HA- High Amenity zoning objective assigned on subject lands and would be contrary to the proper planning and sustainable development of the area.
3. There is an objective to preserve views along the rural access road at the site entrance. The subject site is located in an area categorised as highly sensitive landscape, Blanchardstown South. The development introduces incongruous elements that would interfere with the character of highly sensitive areas that the Development Plan seeks to preserve. The development as proposed causes unacceptable visual harm to the character, integrity and distinctiveness of highly sensitive areas, thus materially contravening Objective GINHO59 and GINHO58 of the Fingal County Council Development Plan 2023-29.

3.2. Planning Authority Reports

3.2.1. Planning Report

The report identifies the site as being located within a 'HA – High Amenity' area where there is a vision to protect such high sensitive and scenic locations from inappropriate development and reinforce their character, distinctiveness and sense of place. In terms of the assessment, the report notes that retail warehouse and warehousing uses are not permitted within the HA land use zoning. It notes that there is no longer a domestic house on the site such that a domestic garage for retention cannot be considered. The warehousing is not considered a reasonable intensification of existing commercial uses on the site from the original two sheds given its scale relative to these sheds. Impact on surrounding amenities is also noted to be a significant issue due to visual impact on the area and the type of works.

In relation to traffic and transportation, the proposed commercial development is considered to represent significant intensification and that works have taken place to the entrance without sufficient detail supplied. This section of the road is not

considered suitable for frequent use by HGVs and sightline requirements are not met.

In terms of water services, no significant concerns arise.

3.2.2. Other Technical Reports

- Transportation Planning Section: refusal recommended.
- Water Services: no objection subject to standard conditions.

3.3. Prescribed Bodies

- No report received from Uisce Éireann.

3.4. Third Party Observations

- No third party submissions were received.

4.0 Planning History

Subject Site

FW14A/0043: Permission was granted by the Planning Authority for a replacement wastewater treatment plant.

ENF23/103B: An open enforcement file referred to by the Planner's Report as relating to unauthorised commercial activity and associated buildings. The Inspector recommended an enforcement notice for the removal of the warehouse, removal of the concrete apron, portacabin and shipping container from the site.

Adjacent Site: Ounavarra House

FW24A/0306E Retention Permission refused by the Planning Authority on 11th September 2024 (currently within appeal period) for one agricultural entrance and site development works above and below ground. The first reason for refusal related to impact on the landscape character and protected views at this location being a material contravention of Objective GINHO60 and the 'HA' zoning objective. The second reason for refusal related the incongruous elements within the landscape materially contravening Objectives GINHO59 and GINHO58 of the CDP.

FW24A/0145E Currently under appeal (ABP-319993-24) following the Planning Authority's decision to refuse permission for retention of a concrete yard, site works above and below ground and for proposed surface water drainage infrastructure and soakpit immediately adjacent and south of the subject site.

FW23A/0353 Declared withdrawn following request for Additional information was requested on 18th January 2024 in relation to the application for a new single storey agricultural shed (206.8sqm.) over an existing yard and single storey building.

FW17B/0012: Permission was granted by the Planning Authority for Change an existing window to double doors and erect a railings to form a balcony at first floor level on the roof of a previously permitted single storey stone portico (Reg. Ref. FW16B/0109).

FW16B/0109: Permission was granted by the Planning Authority for Single storey stone portico to the front, stone surrounds on the windows to the front and side (north) elevations and form a new door ope in the side (south) elevation.

5.0 Policy Context

5.1. Local Plans

Fingal County Development Plan 2023-2029 (the CDP)

- 5.1.1. The zoning objective for the subject site is 'HA'-High Amenity which seeks to '*protect and enhance high amenity areas*'. The stated vision for these areas is to '*Protect these highly sensitive and scenic locations from inappropriate development and reinforce their character, distinctiveness and sense of place. In recognition of the amenity potential of these areas opportunities to increase public access will be explored*'. While '*office ancillary to permitted use*' is permitted in principle under this zoning, under the not permitted listing retail warehouse, logistics, office less than or equal to 100sq.m., office between 100sq.m. and 1,000sq.m and warehousing are included.
- 5.1.2. Section 13.1 relates to non-conforming uses and states,
'Throughout the County, there are uses which do not conform to the zoning objective of the area. These are uses which were in existence on 1st October 1964, or which

have valid planning permissions, or which are un-authorised but have exceeded the time limit for enforcement proceedings. Reasonable intensification of extensions to and improvement of premises accommodating these uses will generally be permitted subject to normal planning criteria’.

- 5.1.3. The site location is in a highly sensitive landscape, namely ‘*Highly Sensitive Landscape: Blanchardstown South*’. There is an objective to preserve views marked along the road in the vicinity of the site entrance.
- 5.1.4. Objective ZO3 – Non-Conforming Uses Generally, permit reasonable intensification of extensions to and improvement of premises accommodating non-conforming uses, subject to normal planning criteria. The site is located within Noise Zone D of Dublin Airport, is part of the Liffey Valley SAAO and is located in relative close proximity to Liffey Valley PNHA.
- 5.1.5. Objective GINHO58 relates to resisting specified development in sensitive areas that would interfere with the character of such areas.

Objective GINHO59 relates to development criteria for sensitive areas.

Section 9.6.15 deals with the preservation of views and prospects.

Objective GINHO60 relates to Protection of Views and Prospects Protect from inappropriate development.

Objective GINHO61 requires a Landscape/Visual Assessment to accompany all planning applications for significant proposals that are likely to affect views and prospects.

Objective GINHO67 seeks that development reflects and reinforces the distinctiveness and sense of place of High Amenity areas, including the retention of important features or characteristics.

- 5.1.6. Section 9.6.17 details that these “*consist of landscapes of special character in which inappropriate development would contribute to a significant diminution of landscape value in the County*”. Policy GINHP28 relates to the protection of high amenity areas from inappropriate development to reinforce their character, distinctiveness and sense of place. Objective DMSO162– Landscape / Visual Assessment requires a landscape/Visual assessment to accompany all significant proposals likely to affect views. Section 14.18.3 deals with Principles for Development for Landscapes.

5.1.7. Section 13.3 relates to Non-Conforming Uses.

5.2. Planning Guidelines

5.2.1. There are no Section 28 Ministerial Guidelines directly relevant to the development.

5.2.2. The following planning guidance and strategy documents are considered relevant:

- Road Safety Audits (Transport Infrastructure Ireland, 2017).
- Design Manual for Roads and Bridges (Transport Infrastructure Ireland, 2011).
- Design Manual for Urban Roads and Streets (DMURS) (2019).
- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (2009);
- EIA Guidance for Consent Authorities regarding Sub-threshold Development (2003);

5.3. Natural Heritage Designations

5.3.1. In relation to designated conservation sites, the subject site is located c.207m from Liffey Valley Proposed Natural Heritage Area (PNHA) (site code 000128) to the south, east and west, is c.1.1km from the Royal Canal PNHA (site code 002103) to the north, is c.2.2km and downstream from the Rye Water Valley / Carton Special Area of Conservation (SAC) and PNHA (site code 001398) to the west, is c.3.1km from the Grand Canal PNHA (site code 002104) to the south, is c.10.2km from Lugmore Glen PNHA (site code 001212), is c.10.3km from Slade of Saggart and Crooksling Glen PNHA (site code 000211), is c.11 km from Dodder Valley PNHA (site code 000991).

5.4. EIA Screening

5.4.1. See completed Forms 1 and 2 appended to this report. 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, or an EIA determination therefore is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The main points can be summarised as follows:

Refusal Reason No. 1

- The Planning Authority should have requested further information in relation to the pre-1964 use of the property which it is contended, without evidence, was for commercial warehousing purposes and not manufacturing, and that the use continued to date. The Planning Authority has offered no evidence for its contentions. The commercial warehouse use of buildings 1, 2 and 3 is a non-conforming use being pre-1964 or unauthorised where the time limit for enforcement has expired.
- The quantum increase of additional commercial floorspace is 53% and not 81.4% as contended by the Planning Authority as the “*domestic storage at the rear of the warehouse and the two standalone buildings on the concrete apron*” are included.
- The Planning Authority failed to say if a 53% increase is a reasonable intensification or what level of increase would constitute such. Apart from floor area, no objective metric is put forward in relation to the conclusion that the intensification is not a reasonable intensification.
- There is no material contravention of the ‘HA’ zoning objective given the reasonable intensification but if the Board considers otherwise, per Section 37(2)(b)(ii) of the 2000 Act, it is contended that the ‘HA’ zoning objective conflicts with Objective ZO3, the Board can grant permission.

Refusal Reason No. 2

- A drawing is submitted showing a 70m sightline to the north and a 64m sightline to the south and these existing sightlines are adequate and do not give rise to a traffic hazard or obstruction.

- Clonee Road has low traffic volumes and speeds given the new road network serving Laraghcon to the north-east. Based on the 50kph zone, DMURS Table 4.2 and Figure 4.63 apply whereby 45m sightlines in each direction apply.
- Sightlines required ought to be between DMURS and TII DMRB requirements and this is supported by the FFC's Transportation Planning Section where a speed survey was suggested.
- Without prejudice, an alternative relocated access to the north can be provided on the applicant's lands with 70m sightlines in both directions and a drawing is submitted in this regard.
- There are 14 vehicular turning movements including 2 no. HGV movements in total at the site access in one day in the worst case and this level of activity on a lightly trafficked road does not endanger public safety. The traffic flow direction is to and from the north with superior road access to the north.

Refusal Reason No. 3

- There is no breach of the protected view as the building is not visible from the site entrance as confirmed in the Planner's Report. The views of the warehouse available from the public road to the north in winter/spring is hardly prominent and is not incongruous. The boundary trees to the north provide some screening even when depleted of leaves.
- No visual analysis was carried out to support the Planner's Report conclusion in relation to unacceptable visual harm. The use of the site is not relevant. The warehouse forms a natural extension to the existing buildings at 'Hillview' and 'Ounavarra' with its links, scale, extensive natural screening and distance from the public road minimising its impacts.
- The history of the site in relation to lack of complaint in relation to the building, absence of third party observations and the pre-1964 use are indications of the lack of impact.

6.2. Planning Authority Response

None.

6.3. Observations

None.

7.0 Assessment

Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, including the reports of the planning authority, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Traffic Safety
- Landscape and Visual Impact

7.1. Principle of Development

- 7.1.1. In relation to refusal reason no. 1, the substantial issue raised by the 1st party appellant relates to the retention of the existing commercial warehouse/shed and storage facility (building no. 4) of 605.8 sq.m. as stated and whether it constitutes a reasonable intensification of use, having regard to the 'HA' (High Amenity) zoning objective for the subject site and Objective ZO3 – Non-Conforming Uses (Section 13.3) of the CDP which can allow for reasonable intensification of existing uses on a site.
- 7.1.2. The appellant has taken issue with the Planner's Report assessment that the quantum of increase in floorspace is 81.4% and not 53% as asserted in the appeal. Taking the area of Building no. 4 in its totality of 888.9sq.m., as stated, and dividing this by 1,146 gives an increase of c.77.5%. It is noted that the P.A.'s figure of 81.4% also includes the 14.1sq.m. storage container and that 30.3sq.m. prefabricated office.

- 7.1.3. Having regard to the site history whereby Ounavarra House is no longer part of the subject site and there is no residential use on site, and noting the significant scale at 281.1sq.m. to height ranging from 5.522m to 7.342m, I do not consider that the southern end of Building no. 4 can be described as a domestic garage and that the exclusion of this floorspace from the quantitative calculation is arbitrary and would mean the impact of the increase would not be fully assessed. I therefore concur with the P.A.'s approach to the assessment. Domestic garage use is not permitted in principle under the 'HA' zoning objective and is not acceptable in use terms for the above reasons.
- 7.1.4. In relation to Building no. 4, the warehouse extension and garage, and the floorspace increase of 888.9 sq.m., whether treated as wholly warehouse use or not, I consider that the increase of c77.5% in floor area to be substantial and significant. It is of such a large scale relative to the existing 3 no. non-conforming buildings on the site that it cannot be considered to be a *reasonable intensification* of extensions of the existing non-conforming uses. I take "*reasonable intensification*" to mean extended floorspace of no more than a small percentage of the pre-existing floorspace, i.e. of such small scale as not to reasonably give rise to significant planning impacts. I also consider the total floor area of development, and not just the relative increase, at 888.9sq.m. to be substantial in terms of planning impact in use terms. In use terms, I therefore conclude that Objective ZO3 in relation to non-conforming uses does not allow for the retention of Building no. 4, as described in the application as a shed comprising an extension (605.8 sq.m. floor area, as stated) to the existing commercial warehouse and storage facility and a domestic garage (206.5sq.m. floor area) with mezzanine over (76.6sq.m.).
- 7.1.5. On the basis of Section 13.3 of the CDP in relation to reasonable intensification, I do not consider that in use terms, the prefabricated ancillary office (30.3sq.m.) and storage container (14.1sq.m.) can reasonably be considered to be of such a small scale in absolute and relative terms as to constitute a "*reasonable intensification of extensions to and improvement of premises accommodating non-conforming uses*" because these uses cannot be considered in isolation as permission has never been granted for warehouse building no. 3. As a result, the cumulative scale of development is of a large scale when combined with building no. 3 and, in use terms,

these elements do not meet the requirements for reasonable intensification of an existing use. I do not consider the concrete apron (where concrete is not permitted under the zoning) of 597.5sq.m. as stated to constitute a “*reasonable intensification*” of non-conforming uses given its large scale and its clear link with building no. 4 given its location immediately adjacent to it rather than adjacent to the other buildings and I recommend it be refused permission given the zoning and that it would extend the hard standing areas of building no.s 1 to 3 on the site. In combination, these elements would contribute to the erosion of the landscape character of the area contrary to objective GINHP28 of the CDP.

- 7.1.6. If retention permission were to be granted for building no. 4 and the associated concrete apron, on the basis of the site’s ‘HA’ zoning, I am of the view that this would clearly be a material contravention of the County Development Plan. In this circumstance, the appellant has suggested that the Board use the powers open to it under Section 37(2)(b)(ii) to grant permission on the basis that the ‘HA’ zoning objective conflicts with Objective ZO3. The section of the Act allows a grant of permission where “*there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned*”.
- 7.1.7. In relation to non-conforming uses, Objective ZO3 states “*Generally, permit reasonable intensification of extensions to and improvement of premises accommodating non-conforming uses, subject to normal planning criteria*” and Section 13.3 states that “*Throughout the County, there are uses which do not conform to the zoning objective of the area. These are uses which were in existence on 1st October 1964, or which have valid planning permissions, or which are unauthorised but have exceeded the time limit for enforcement proceedings. Reasonable intensification of extensions to and improvement of premises accommodating these uses will generally be permitted subject to normal planning criteria*”. It is therefore an exception allowed in use terms to the zoning in the particular required circumstances. This allows for uses not permitted in principle under the zoning where applicable. I do not consider these objectives to be in direct conflict as Objective ZO3 acts as a qualification to the zoning objective.

7.1.8. There are no other criteria under Section 37(2)(b) which would justify a material contravention of the zoning objective in this case. I therefore consider that there is no case, on this basis, to grant permission under the material contravention procedure and I would not recommend that option be followed by the Board. If the Board considers Objective ZO3 to be in conflict with the zoning objective for the site, I am of the view that there remains no rational planning grounds on which to grant permission given the primacy of the land use zoning objective for the site.

7.2. Traffic Safety

7.2.1. The public road adjacent to the site, the L3005 (Clonee Road), is a local road with a speed limit of 50km per hour. Access is from this local rural road which starts to turn and slope downhill to the south close to the existing vehicular entrance. To the north of the vehicular entrance, the road slopes somewhat uphill and begins to curve at a further distance from the entrance than the curve to the south. The Fingal Transportation section did not consider the section of road in the vicinity of the site to be suitable for HGVs.

7.2.2. The Roads reports also noted that “*forward visibility of vehicles turning right into the development to oncoming traffic is restricted by the road alignment*” and that no swept path analysis is provided for the entrance. The appeal does assert that the section of Clonee Road to the south of the entrance would not be used given its condition by comparison with the road to the north which links with the new road network around Laraghcon. Given the availability of this link, this assertion cannot be relied upon for this assessment.

7.2.3. It is also asserted that, in a worst case scenario, there are two no. HGV movements at the site access per day and that the level of activity on this lightly trafficked road does not endanger public safety. The applicant’s assertions, other than the sightline drawings prepared by Hanley Taite Design Partnership (Architects and Design Consultants), is not supported by any expert submissions from a roads or traffic engineer. These traffic volumes relate to the current site occupier and not the potential use of the extensions/development. I note that the assertions cannot be relied upon, as the scale of development is such that it could be put to greater use generating significantly greater number of trips.

- 7.2.4. I agree with the Council's roads assessment, in particular in relation to the unsuitability of the local road network for HGV traffic, given the limited width of the road by which the site is accessed as well as the sub-standard vertical and horizontal alignment in close proximity to the vehicular entrance. From my site visit, I note that the site is located on a minor road which is seriously substandard, in terms of width and alignment and is not suitable to cater for commercial traffic movements associated with such commercial development. I also note that significant works appear to have recently taken place to widen the vehicular entrance to the site and that a new entrance to the south for the adjacent site was under construction on the adjacent site (See reg. ref. FW24A/0306E above).
- 7.2.5. The Council's Transportation Section noted the requirement for 70m sightlines and noted the sightline to the south to be c.60m due to the road alignment. This appears to relate to the level of the road which slopes and turns downhill to the south and it was suggested that a speed survey be conducted to determine if sightlines for 85% of the traffic speeds could be used. It is noted that further information was not requested on this point and that the applicant was not in a position to supply such a survey with the appeal.
- 7.2.6. The appellant asserts that DMURS Table 4.2 and Figure 4.63 is applicable in relation to 45m sightlines. However, this applies to urban roads and streets and not to rural roads where the 70m sightline standard is required. In this context, and in relation to the inability to demonstrate adequate sightlines to the south and adequate forward visibility for right turning vehicles, given the road alignment to the south which turns and slopes downhill, and given the Council's expert Transportation Report where HGV traffic is not considered suitable for such a road, I see no reason to overturn the recommendation of the Planning Authority in relation to this issue. I consider the sightlines at the entrance to the site to the south and forward visibility for right turning vehicles entering the site to be seriously deficient. I am satisfied that a traffic hazard arises as a result of the development for retention and permission should be refused on this basis.
- 7.2.7. In relation to the prefabricated ancillary office and the storage container, which have a cumulative impact linked to the existing warehousing on site, given the above

traffic safety issues, it is not safe to grant permission for these elements of the proposal for the reasons outlined above and I recommend permission be refused for these elements as part of the combined development.

- 7.2.8. The appellant, without prejudice, has also offered an alternative relocated access to the north which can be provided on the applicant's lands with 70m sightlines in both directions and it is stated that a drawing is submitted in this regard. I could not locate the referred to drawing but, in any event, this would require works not applied for in the subject application and I do not consider this to be an appropriate mechanism to resolve this issue given that no public notice of such works has been advertised and given that no expert transportation submission has been put forward. It would also appear to require additional access driveway works and would constitute a substantially different application to the subject application. On this basis, having regard to the substantive reasons for refusal above, I do not recommend the Board consider this option.

7.3. Landscape and Visual Impact

- 7.3.1. For the reasons outlined below I consider that, the prefabricated ancillary office, concrete apron and storage container, if permitted on their own, result and, in cumulative terms when combined with the existing buildings on site, give rise to an unacceptable visually obtrusive impact on the local landscape that is out of character in this high amenity area, particularly given the type of structures and their external finishes, such as in metal, which is not sensitive to a what is a highly sensitive rural landscape setting. The view created on the site in the immediate vicinity is of an industrial type setting which is out of character with the rural sensitive landscape.
- 7.3.2. In terms of built form, even if the domestic garage southern element of building 4 is treated as a domestic garage, it constitutes one part of the building and in visual impact terms, there is no case for separating the building into parts as it is sub-divided internally and reads as a whole single unit externally.
- 7.3.3. In relation to the protected view along the public road adjacent to the site access, I note that the buildings on the site are not visible from this area. Policy Objective GINHO59 is applicable to this Development and such sensitive areas as it seeks that

new development “*does not impinge in any significant way on the character, integrity and distinctiveness of highly sensitive areas and does not detract from the scenic value of the area*” among other requirements.

7.3.4. Objective GINHO67 seeks that development reflects and reinforces the distinctiveness and sense of place of High Amenity areas, including the retention of important features or characteristics. Policy GINHP28 seeks to protect high amenity areas from inappropriate development. While the applicant argues that the views of the warehouse available from the public road to the north in winter/spring is hardly prominent or incongruous, I am of the view that, based on the photo submitted (Figure 5 of the appeal) in this regard and on my own observations, the warehouse building is unduly prominent in the sensitive rural setting despite the significant distance from the public road. This primarily relates to its significant scale, of ridge height 7.339m, eaves height 5.199m and length c.48m, and the position on the site. I do not consider this form of development to be a natural extension of the current built form on the site. Rather it significantly exacerbates the impact of this built form further eroding the character of this high amenity area given the large scale of building no. 4 and the other structures for retention when combined together. I do not consider the site history and lack of observations to be indicative of a lack of impact. It may be more indicative of the remote location of the site relative to residences.

7.3.5. While there is some natural screening, including trees and hedgerows around the site boundaries, including along the northern boundary, it is not sufficient to prevent significant views of the warehouse from the north as shown in the photo submitted and I consider that these views are excessively intrusive on the sensitive rural landscape setting of the subject site. While it may be possible to screen such structures in the rural landscape in the absence of any justification for such development in this area, I do not consider it appropriate to rely on such screening which can be easily altered or removed and which cannot realistically be conditioned to remain in place to the significant extent that is required.

7.3.6. In the absence of a landscape/visual impact assessment, I also consider that the applicant has not demonstrated that no significant visual impact arises in relation to

other views within this sensitive rural landscape setting, particularly from the adjacent site to the west and north-west. I do not consider that it could be said that the development reinforces the distinctiveness and sense of place of this part of the high amenity area, rather the impact in the immediate vicinity of the site changes the rural distinctive landscape character to a more industrial type setting albeit one surrounded by a more rural landscape. This is inappropriate and contrary to Policy GINHP28 for such high amenity areas. I consider that the development of the structures for retention, when combined with the visual impact of the three buildings located on the site, to impact negatively on the character for the area, be significantly visually obtrusive and to be contrary to Objective GINHO59 and Objective GINHO67 of the CDP and I recommend that retention permission be refused on this basis.

8.0 AA Screening

Stage 1, Article 6(3) of Habitats Directive

- 8.1. I have considered the development in light of the requirements of S177U of the Planning and Development Act 2000 as amended. In relation to designated European sites, the subject site is located c.2.2km from the Rye Water Valley / Carton SAC and PNHA (site code 001398) to the west.
- 8.2. The development for retention comprises a shed comprising an extension (605.8 sq.m. floor area) to the existing commercial warehouse and storage facility and a domestic garage (206.5sq.m. floor area) with mezzanine over, concrete apron (c. 597.5 sq. m.), pre-fabricated ancillary office (30.3 sq.m. floor area) and storage container (14.1 sq.m.). The subject site also consists of 3 no. warehouse type buildings joined together internally of combined size of 1,146 sq.m. as stated, in a rural landscape setting with grass landscaped grounds, a long tarmac driveway and surrounded by a mix of hedgerow and trees.
- 8.3. 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:
 - The limited scale of development in terms of ground works and operational impacts,

- The location of the development remote from any European sites and lack of connections noting that the River Liffey flows west to east away from the Rye Water Vally / Carton SAC site towards the subject site,
- Taking into account the screening determination by the Planning Authority,

8.4. I consider that the proposed development is not 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.

9.0 Recommendation

I recommend that the planning application be refused permission for the following reasons and considerations.

10.0 Reasons and Considerations

1. The subject site is located within an area zoned 'HA' where the objective of which is to '*protect and enhance high amenity areas.*' The large scale of the shed comprising an extension to the existing commercial warehouse and storage facility and stated domestic garage with mezzanine over concrete apron, pre-fabricated ancillary office and storage container, is such that it cannot be considered to constitute a reasonable intensification relative to the non-conforming uses on the site and is therefore contrary to Objective ZO3 (Non-Conforming Uses) of the Fingal Development Plan 2023-2029 for the site and where the 'HA' (High Amenity) zoning objective does not provide for these uses. Moreover, the nature of development with an industrial type appearance on the site is contrary to Policy GINHP28 of the Development Plan. The applicant has not demonstrated that there is no significant negative impact on the landscape character of the area noting the significant views of the development available from the public road to the north where the development is visually obtrusive in the rural setting. The visual impact of this scale of development when combined with the existing three warehouses on the site is contrary to the 'HA' zoning objective, is out of character in this sensitive rural landscape and

does not enhance the sense of place or distinctiveness. The proposed development is contrary to Objective GINHO59 and GINHO67 of the Development Plan and is, therefore, contrary to the proper planning and sustainable development of the area.

2. The site is located on a minor road which is seriously substandard, in terms of width and alignment and is not suitable to cater for commercial traffic movements associated with such commercial development. Furthermore, the sightlines at the entrance to the site to the south and forward visibility for right turning vehicles entering the site are seriously deficient. The traffic generated by the proposed development therefore endangers public safety by reason of traffic hazard and obstruction of road users. The proposed development is, therefore, 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.

Ciarán Daly
Planning Inspector

2nd October 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference			
Proposed Development Summary	Retention of a shed (605.8sq.m.) which comprises an extension to an existing commercial warehouse, a domestic garage (206.5sq.m.) with mezzanine level over, a concrete apron (c.597.5sq.m.), prefabricated office (30.3sq.m.) and storage container (14.1 sq.m.)		
Development Address	Hillview, Clonee Road, Lucan, Co. Dublin, K78 VF54		
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	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
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	No EIAR or Preliminary Examination required
Yes		Class 10(b)(iv)	Site area 1.29ha. Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-319896-24	
Proposed Development Summary	Retention of a shed (605.8sq.m.) which comprises an extension to an existing commercial warehouse, a domestic garage (206.5sq.m.) with mezzanine level over, a concrete apron (c.597.5sq.m.), prefabricated office (30.3sq.m.) and storage container (14.1 sq.m.)	
Development Address	Hillview, Clonee Road, Lucan, Co. Dublin, K78 VF54	
<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.</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment.</p>	The proposed development is for the retention of a warehouse extension with concrete apron, a prefabricated office building and storage container being an urban type of development in a rural area and which is connected to water services and not connected to public wastewater services.	Yes
<p>Will the development result in the production of any significant waste, emissions or pollutants?</p>		No
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p>	The scale of development is significant in the rural environment.	Yes

<p>Are there significant cumulative considerations having regard to other existing and / or permitted projects?</p>		<p>No</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>No designations apply to the subject site. The subject site is located c.207m from Liffey Valley Proposed Natural Heritage Area (PNHA) (site code 000128) to the south, east and west. No significant impact is anticipated from surface water run-off given the scale of development, the site characteristics and the intervening natural landscape.</p> <p>The proposed development is connected to the public mains water supply and to its own wastewater treatment plant such that no significant external environment impacts are anticipated. The proposed development is also not likely to have a significant effect on any European designated site</p>	<p>No</p> <p>No</p>
<p>Conclusion</p>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA is not required.</p>	<p>X</p>	

Inspector:

Date:

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)