



An  
Bord  
Pleanála

## Inspector's Report ABP-321729-25

<b>Development</b>	Permission for temporary period of 5-years for construction of portacabin, removal of boundary wall and gate and construction of a new boundary wall and all associated site works.
<b>Location</b>	Charlie's Childcare, Rahillion Walk, Donabate, Co. Dublin
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	F24A/0936E
<b>Applicant(s)</b>	Charlie Childcare Ltd
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party v Refuse
<b>Appellant(s)</b>	Charlie Childcare Ltd
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	23 <sup>rd</sup> April 2025
<b>Inspector</b>	Gerard Kellett

## **1.0 Site Location and Description**

- 1.1. The site is located to the north of Donabate Village within the residential estate of Rahillion Walk, Donabate, Co. Dublin. The immediate area surrounding the site is primarily defined by recent and expanding residential developments, including Kingsland, Carrs Mills, Cois Inbhir, and Priory Wood. The site currently houses an existing two-story childcare facility known as Charlie's Childcare. A two-metre-high block wall surrounds the perimeter of the site. There is existing on site parking and a set down and turning area to the immediate east. The site area is stated to be 0.07 hectares.

## **2.0 Proposed Development**

- 2.1. Permission is sought for:
- a) Construction of a single-story portacabin (57.2 sqm) (15.9 metres x 4 metres) to be used as part of the existing creche. The structure would be sited to the rear of the existing childcare facility to accommodate one classroom for 19 children, ancillary office, and toilet facilities, along with an access ramp. The period sought is for a 5 year.
  - b) Removal of Existing Boundary Wall and Gate to the side and the reconstruction of new boundary wall and railing to facilitate the increased site size.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The Planning Authority refused permission on the 13<sup>th</sup> of December 2024 for the following reason:

- 1) The proposed development, by virtue of its inappropriate design, scale, and orientation for a temporary structure, would be injurious to the visual and residential amenities of the area. The proposed development would also result in inadequate provision of usable open space and would therefore be contrary to Objective DMSO79. The proposed development is therefore contrary to the

Fingal Development Plan, and the proper planning and sustainable development of the area.

- 2) The proposed development has failed to provide sufficient car parking, long-term bicycle parking, and a revised set down area proposal in order to address concerns raised by the Planning Officer in Reg. Ref. F24A/0495. If permitted the development would endanger public safety by reason of traffic hazard as the criterion set out in Objective DMSO118 which aims to avoid the creation of traffic hazards would be contrary to the proper planning and sustainable development of the area.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

- The Planner's Report forms the basis for the decision to refuse permission. stating:

##### Design, Scale:

- The proposed portacabin's design, scale, and orientation are deemed inappropriate for a temporary structure.
- The structure's height exceeds the existing boundary wall by 1.3 metres, raising concerns about its overbearing and dominant appearance.
- Lack of details regarding the material finish of the portacabin, which could impact the visual amenity and residential character of the area.
- While the structure is stated to be temporary (5 years), the planner notes that temporary permissions should be avoided if possible, as per the Childcare Facilities Guidelines for Planning Authorities (2001).

##### Traffic and Parking:

- No additional car parking facilities were proposed, raising concerns about increased traffic and congestion in the residential area due to the creche's increased capacity.
- No proposal for long-term or short-term bicycle parking was submitted, which is required under the Fingal Development Plan 2023-2029

Impact on Residential Amenity:

- The proposed development is considered to adversely impact the residential amenity of the area due to its scale, design, and inadequate provision of usable open space

Outdoor Play Space:

- The proposed narrow strip of land for outdoor play space (approximately 2.5m wide) is considered insufficient and non-compliant with Objective DMSO79, which requires adequate indoor and outdoor play space for childcare facilities.
- The planner is not satisfied that the space would be beneficial or usable for children attending the facility.

**3.2.2. Other Technical Reports**

- Water Services – No objection
- Transport Planning – Requested further information with to bicycle parking.

**3.3. Prescribed Bodies**

- Uisce Eireann – No objection

**3.4. Third Party Observations**

Two number third-party submissions were made on the application making the following points:

- Zoning: Upholding the zoning objective of the 'RS Residential' zoned land to *"Provide for residential development and protect and improve residential amenity."*
- Visual Appearance: Lack of clarity regarding the external finish of the structure, raising concerns about its visual impact over the proposed 5-year period.

- **Scale:** Concerns about the height of the portacabin exceeding the existing boundary wall by 1.2 metres, leading to overshadowing and a dominating appearance.
- **Traffic Concerns:** Removal of side access along the northern site boundary could decrease pedestrian footfall of residents accessing the creche and school, potentially leading to further congestion issues within Donabate village and Carr's Mill.

## 4.0 Planning History

### Site

- 4.1. **PA REF: F24A/0495E:** Refers to a decision to refuse permission on the 23rd July 2024 for the construction of a new single-storey portacabin to the rear of the existing building to accommodate 1 classroom with ancillary office and toilet facilities, along with an access ramp, removal of the existing boundary wall and gate, and construction of a new boundary wall and railing to facilitate the increased site size. Note this permission was refused for similar reasons as referred to in 3.1 and mirrors the current appeal before the board.
- 4.2. **PA REF: F19A/0397:** Refers to a decision to refuse permission was made by Fingal County Council on 21st October 2019 for a proposed change of use from 1 creche to provide for 2 residential units (two-storey dormer, 4-bedroom semi-detached dwellings). The proposed development would have increased the number of dwellings from 117 to 119, along with associated car parking, boundary treatments, landscaping, and engineering works.
- 4.3. **PA REF: F18A/0217:** Refers to grant of permission January 2019 for revisions to the residential scheme granted under Reg. Ref. F11A/0173 to provide 1 creche and 2 residential dwellings. Condition no. 5 requires a revised set down area and parking and to be agreed comprising a maximum of 3 staff parking spaces. Perpendicular parking shall only be used for staff parking, all set-own shall be provided by way of parallel parking. b) The footpath and kerb shall be dished at the developer's expense to the satisfaction of the Planning Authority. c) All underground or overhead services

and poles shall be relocated, as may be necessary, to a suitable location adjacent to the new boundary at the developer's expense. d) All footpaths, internal roads and cycle ways shall be constructed to the Council's standard for taking in charge. Reason: In the interest of traffic and pedestrian safety.

## **5.0 Policy Context**

### **5.1. National Planning Framework**

National Strategic Outcomes No.10 – Access to quality Childcare, Education and Health Services.

National Policy Objective 31 – seeks for the provision of childcare facilities and new and refurbished schools on well-located sites within or close to existing built-up areas, that meet the diverse needs of local populations.

### **5.2. National Guidelines**

Childcare Facilities Guidelines for Planning Authorities (2001)

Circular letter PL 3/2016 – Refers to planning authorities are requested to exclude matters relating to childcare facility standards outlined in Appendix 1 of the Childcare Facilities Planning Guidelines 2001 including the minimum floor area requirements per child from their consideration of planning applications relating to childcare facilities and to solely focus on planning related considerations that fall within the remit of the Planning and Development Act 2000, as amended, in the determination of such planning applications.

### **5.3. Development Plan**

#### **Fingal County Development Plan 2023 – 2029**

The Fingal County Development Plan 2023 – 2029 is the relevant Development Plan for the subject site.

The subject site is zoned “RS – Residential” which has zoning objective, *“to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity”*.

#### 14.14.2 Childcare Facilities

Applications for childcare facilities in existing residential areas will be treated on their own merits, having regard to the likely effect on the amenities of adjoining properties and compliance DMSO79.

Objective DMSO79: Applications for childcare facilities shall have regard to the following:

- Suitability of the site for the type and size of facility proposed.
- Adequate sleeping/rest facilities.
- Adequate availability of indoor and outdoor play space.
- Convenience to public transport nodes.
- Safe access and convenient off-street car parking and/or suitable drop-off and collection points for customers and staff.
- Local traffic conditions.
- Intended hours of operation.

Objective DMSO118: Promote road safety measures in conjunction with the relevant stakeholders and avoid the creation of traffic hazards.

Table 14.17: Bicycle Parking Standards.

Table 14.19: Car Parking Standards.

## 5.4. Natural Heritage Designations

The subject site is located within any Natura 2000 sites. The nearest are:

- Rogerstown Estuary SAC (000208) c510 metres to the north.

There are no Natural Heritage Area's (NHA) or Proposed Natural Heritage Area's (pNHA) Area in proximity.

## **6.0 Environmental Impact Assessment Screening**

- 6.1. Having regard to the nature and scale of the development, it is not considered that it falls within the classes listed in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended), and as such preliminary examination or an Environmental Impact Assessment is not required. See Appendix 1.

## **7.0 The Appeal**

### **7.1. Grounds of Appeal (GOA)**

A first party appeal has been lodged against the Planning Authority's decision to refuse permission. The grounds of appeal (GOA thereafter) can be broadly summarised as follows:

#### Design Scale:

- The proposed development is a temporary structure with a height of 3 meters, similar to domestic garages or sheds in the area, and features a flat roof to minimize visual impact.
- The applicant is willing to agree to higher-quality material finishes and reduce the height by approximately 300mm, which could be addressed through conditions attached to the permission.

#### Impact on Residential Amenity:

- The grounds of the appeal argue that the proposed development would not negatively impact residential amenity. It notes that the structure is only 3 metres in height, similar to a domestic garage or shed, and features a flat roof to minimize bulk. The windows are oriented to avoid overlooking neighbouring properties, ensuring privacy.
- The appeal highlights a discrepancy in Fingal County Council's assessment, noting that in a previous application (Reg. Ref. F24A/0495E), the Planning Authority



stated that the proposed structure would not unduly impact residential amenity. This inconsistency is used to challenge the current refusal.

- The orientation ensures windows face the rear of the existing childcare facility, avoiding overlooking neighbouring properties.

#### Outdoor Play Space:

- Objective DMS079 of the Fingal Development Plan does not specify a minimum open space requirement for childcare facilities, and the applicant has provided 89 sq. m. of outdoor play area.
- The Childcare Facilities Guidelines do not specify any quantitative standard.
- The site is within a 1–2-minute walking distance of a residential estate playground and public walkway, ensuring compliance with the Childcare Facilities Guidelines 2001 and Childcare Regulations 2016.
- The staggered outdoor play times for classrooms ensure the provided space is adequate.

#### Parking:

- The creche parking and set-down area were deemed compliant with planning permission Reg. Ref. F18A/0217, as the Local Authority did not respond within the statutory 8-week timeline for compliance submissions under Section 34(5)(B) of the Planning and Development Act.
- The proposed development provides 4 parking spaces, including one accessible space, meeting the maximum parking standards outlined in the Fingal Development Plan.
- The existing set-down area with 5 spaces is adequate and operates without traffic issues.
- Bicycle parking requirements for the single classroom (1 long-term and 5 short-term spaces) are addressed, with revised site plans showing bicycle parking locations.

## **7.2. Planning Authority Response**

Response received dated 22<sup>nd</sup> January 2025 requesting the Board to uphold the decision of the Planning Authority. If the appeal is successful, provisions for financial

contributions, bond/cash security of 2 or more units, tree bond, and contributions for play provision facilities should be included in conditions for approval.

### 7.3. **Prescribed Bodies**

None

### 7.4. **Observations**

None received

## 8.0 **Assessment**

Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, 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
- Design, Visual Amenity & Outdoor play area
- Residential Amenity
- Parking

### 8.1. **Principle of Development**

- 8.1.1. The site is zoned 'RS Residential' with an objective to *"Provide for residential development and protect and improve residential amenity"*. Extensions to permitted creches are permitted within this zoning objective, and as such the proposed development is acceptable in principle subject normal planning considerations.

### 8.2. **Design, Visual Amenity & Outdoor Play Space**

*Design and Visual Amenity*

- 8.2.1. The Planning Authority as the first reason for refusal determined the development by virtue of its inappropriate design, scale, and orientation for a temporary structure, would be injurious to the visual amenities of the area.
- 8.2.2. The grounds of appeal state the structure is temporary in nature with a height of 3 metres, similar to domestic garages or sheds in the area, and features a flat roof to minimise visual impact. The appellant has stated they are willing to agree to higher-quality material finishes such as cladding and reduce the height by approximately 300mm, which could be addressed through conditions attached to the permission if the board is minded to grant permission.
- 8.2.3. I have had regard to the relevant provisions of the Fingal Development Plan 2023–2029, in particular objective DMSO79 which requires applications for childcare facilities to have regard to the suitability of the site for the type and size of facility proposed. Furthermore, I have had regard to the Childcare Facilities Guidelines for Planning Authorities (2001) in particular section 3.2 also set out criteria for childcare facilities such as the suitability of the site for the type and size of facility proposed.
- 8.2.4. The site is in an area characterised by similarly designed two storey residential buildings. The main crèche two storey building resembles the design and appearance of other residential buildings within the housing scheme. It is my opinion the proposed porta cabin to be used as a creche, being of a temporary nature and constructed of materials would not complement or respect the character, appearance, or quality of the existing built environment. I note the GOA have proposed an alternative material to be used for the porta cabin to mitigate any visual concerns but have not specified precise details. I am of the view that if an alternative material could be agreed would improve the design and appearance of the structure and as such would not appear unsympathetic in this setting in accordance with DMSO79 which requires development of childcare facilities to be of suitably high-quality design.
- 8.2.5. I note the proposed development would be sited to the rear area of the existing creche where there are no sustained direct inward views of the structure from the public road. Given this, its siting to the rear and of height of 3 metres which is similar to domestic garages or sheds in the area, I am of the view that proposed structure would not appear visually incongruous to the area. Therefore, would be in accordance with

objective DMSO79 which requires development of childcare facilities to be of suitably high-quality design and not result in a material contravention of the plan.

### *Outdoor Play Space*

- 8.2.6. As part of the first reason for refusal the PA stated the proposed development would also result inadequate provision of usable outdoor play space and would therefore be contrary to objective DMSO79 of the plan. The grounds of the appeal argue there is no specific quantitative minimum open space requirement for childcare facilities in objective DMSO79 of the plan or within the Childcare Guidelines 2001. The GOA outlines the proposed development would provide 89 sqm. of outdoor play space to the side of the existing creche and that outdoor play times would be staggered. Furthermore, the GOA refers to the site is located approximately 100 metres (1-2 minutes walking distance) from a playground within the residential estate and near the Rahillion Parkland which I note.
- 8.2.7. In assessing whether the proposal has adequate availability of indoor and outdoor play space, regard must be had to objective DMSO79 of the plan and the Childcare Facilities Guidelines for Planning Authorities (2001). Objective DMSO79 (Applications for Childcare Facilities) of the plan refers to application for childcare facilities shall have adequate availability of indoor and outdoor play space and be of suitably high quality. Moreover, I note the Childcare Facilities Guidelines for Planning Authorities (2001) also refer to adequate availability of indoor and outdoor play space for children to be provided. I note both the objective, and the guidelines do not define or specify any quantitative standard only that the emphasis is on adequate quality and usability. Additionally, I note section 3.4.2 of the guidelines refer to the use of temporary permissions should be avoided if at all possible. They state circumstances in which a temporary permission is granted should be exceptional and will normally be such that, in the absence of the “probation” period afforded by a temporary permission, the planning authority would have issued a refusal.
- 8.2.8. In that context, the structure is proposed to be located within the rear curtilage of the existing two-storey crèche, which currently functions as dedicated outdoor play space for the facility. Whilst I note the GOA outlines the proposed development includes 89

sqm. of outdoor play space to the side and that outdoor play times would be staggered and that there is a playground within the residential estate that could be used as a play area. However, in my opinion, the siting of the proposed porta cabin in this location is unacceptable as it would result in the loss of a large portion of the existing outdoor play space (circa 147 sqm), leaving no meaningful play area to serve the existing childcare facility. The applicant has proposed to compensate for this loss by using a narrow strip of land along the northern site boundary (89sqm) approximately 2.5 metres in width by 34 metres in length located between a boundary wall and a metal fence. However, due to its constrained and linear nature, I consider this space would be unsuitable for use as a functional or beneficial outdoor play area for children. The introduction of an additional structure within this already limited rear space would in my opinion would result in a cramped site layout and is considered to constitute overdevelopment of the site. I am therefore of the view the proposal fails to meet the requirements of objective DMSO79 which requires that all childcare proposals demonstrate the provision of adequate, high-quality indoor and outdoor play space and the Childcare Facilities Guidelines for Planning Authorities (2001) also refer to adequate availability of indoor and outdoor play space for children to be provided. The loss of the existing dedicated external space (circa 147sqm), coupled with the substandard nature of the replacement area being only 2.5 metres wide, would undermine the overall quality and functionality of the childcare facility, to the detriment of the children's welfare and development and is considered to constitute overdevelopment of the site.

- 8.2.9. Having regard to the foregoing, I am not satisfied that the proposed porta cabin use a proposed creche and with proposed outdoor space comply with objective DMSO79 of the plan which requires applications for childcare facilities to have adequate availability of indoor and outdoor play space and to be of suitably high quality and would be contrary to the Childcare Facilities Guidelines for Planning Authorities (2001) which also requires adequate availability of indoor and outdoor play space for children to be provided and to be of suitably high quality. Therefore, it is recommended that permission should be refused for the development on this basis.

### **8.3. Residential Amenity**

- 8.3.1. The Planning Authority's reason for refusal stated that the proposed development, by virtue of its inappropriate design, scale, and orientation, would be injurious to the residential amenities of the area. The PA raised concerns regarding the structure's height, which exceeds the boundary wall by 1.3 metres, potentially resulting in overshadowing and a visually dominant appearance. The grounds of appeal argue that the proposed single-storey structure, with a flat roof and a height of 3 metres, is comparable to a domestic garage or shed. It has been designed to minimise impact on neighbouring properties, including a setback from adjoining boundaries and orientation of windows to prevent overlooking.
- 8.3.2. Section 14.14.2 (Childcare Facilities) of the Fingal Development Plan, which requires proposals in existing residential areas to be assessed on their merits with particular regard to the amenities of adjoining properties and compliance with objective DMSO79 which I will address below. I note the PA raised no concerns with regard to impact on residential amenity under the previous refused application under PA REF: F24A/0495E) which included a porta cabin to be used as a creche which is essentially the same proposal before me.

#### *Overbearing*

- 8.3.3. The porta cabin set to the rear area of the existing creche facility would be set back between 1.2 metres and 1.7 metres from the western boundary and 1.2 metres from the southern boundary. Given its single storey character and flat roof with a total height of 3 metres, I consider that it would not result in any significant overbearing or dominant impact on adjacent dwellings. As such, I consider the proposed development is broadly in compliance with section 14.14.2 (Childcare Facilities) of the plan which requires applications for childcare facilities in existing residential areas to have regard to the effect on the amenities of adjoining properties and compliance objective DMSO79 of the plan.

#### *Overshadowing*

- 8.3.4. The porta cabin would be sited to the western portion of the site. Having regard to the sites north to south orientation, the proposed setbacks from the boundaries to the west and south and the overall height as refer to above, It is my view there would not result in any undue overshadowing to the neighbouring properties to the west and south. Therefore, I consider the porta cabin would be in compliance with section 14.14.2 (Childcare Facilities) of the plan which requires applications for childcare facilities in existing residential areas to have regard to the effect on the amenities of adjoining properties and compliance objective DMSO79.

#### Overlooking

- 8.3.5. The proposed porta cabin is single storey in nature with proposed windows on the western elevation would facing onto a blank wall, which in my view is acceptable and would not cause any overlooking to neighbouring properties. I consider the porta cabin would be in compliance with section 14.14.2 (Childcare Facilities) of the plan which requires applications for childcare facilities in existing residential areas to have regard to the effect on the amenities of adjoining properties and compliance objective DMSO79 of the plan.
- 8.3.6. Having regard to foregoing, I am satisfied that the proposed porta cabin use as a creche would not cause any undue impact to residential amenities in terms of overbearing, overshadowing and overlooking and would be in accordance with section 14.14.2 (Childcare Facilities) of the plan which requires applications for childcare facilities in existing residential areas to have regard to the effect on the amenities of adjoining properties and compliance objective DMSO79 of the plan. However, having regard to section 8.2 where I have considered there is a fundamental issue with the limited rear space which in my opinion result in a cramped site layout and is considered to constitute overdevelopment of the site. Therefore, it is my view that the application must be refused in this instance.

#### 8.4. Parking

- 8.4.1. The Planning Authorities second reason for refusal on the grounds that the development failed to provide sufficient car parking, set down area and long-term

bicycle parking contrary to objective DMSO118 (Road Safety Measures) of the plan which relates to promoting road safety measures in conjunction with the relevant stakeholders and avoid the creation of traffic hazards. Furthermore, the set down area had not been agreed as required by condition No.5 of PA REF: F18A/0217 and as raised by the Planning Officer in PA REF: F24A/0495. The PA concluded if permitted the development would endanger public safety by reason of traffic hazard as set out in objective DMSO118 of the plan.

- 8.4.2. The GOA set outs that the site provides 4.no car parking spaces, including one accessible parking space, which adheres to the maximum parking standards set out in the Fingal County Development Plan. Table 14.19 car parking standards of the plan specifies a maximum of 0.5 spaces per classroom for childcare facilities. With the proposed development adding one classroom (bringing the total to 7 classrooms), the site requires a maximum of 3.5 parking spaces which is acceptable in line with the parking requirements. The GOA in terms of the existing set-down area indicate that 5 car parking spaces have been provided, which the applicant claims are suitable and have been operating without traffic issues. Furthermore, in terms of bicycle parking requirements the GOA maintain this has been addressed with a revised site layout plan submitted showing the bicycle parking location (1 long-term and 5 short-term spaces for the single classroom) are required by table 14.17 of the plan. Moreover, the GOA set out the creche parking and set-down area were deemed compliant with planning permission Reg. Ref. F18A/0217, as the Local Authority did not respond within the statutory 8-week timeline for compliance submissions under Section 34(5)(B) of the Planning and Development Act. In the context of the above these will be addressed below.

#### *Bicycle Parking*

- 8.4.3. In terms of bicycle parking, table 14.17 bicycle parking standards of the plan requires for a single classroom to provide 1 long-term and 5 short-term spaces. I note the Transport Planning Section of FCC's main concern related to the provision of bicycle parking only. The GOA have stated that an amended site plan submitted with the appeal shows the location of bicycle parking to the rear. Note the site layout plan submitted does not clearly show location of the bicycle parking, however, on inspection of the site it is my opinion that sufficient space for bicycle parking in line with table



14.17 can be provided on site. As such it is my view bicycle parking would be compliant with the parking standards set out in Table 14.17 of the plan which requires for a single classroom to provide 1 long-term and 5 short-term spaces and that a material contravention of the plan does not arise in this instance. If the board is of a mind to grant permission, the requirement for bicycle parking can be addressed by way of condition.

#### *Car parking*

- 8.4.4. In terms of car parking, table 14.19 car parking standards of the plan specifies a maximum of 0.5 spaces per classroom for childcare facilities. With the proposed development adding one classroom (bringing the total to 7 classrooms), the site requires a maximum of 3.5 parking spaces. I note the site layout plan provides 4 parking spaces, including one accessible parking space. Furthermore, no concerns were expressed by the Transport Planning Section of FCC with regard to car parking. I note the appeal site is located within the Rahillion Walk estate which is predominantly a residential area. It is my view that a significant proportion of users would access the facility on foot or by bicycle, as such I am satisfied that the existing on-site car parking would be sufficient to accommodate the operational needs of the proposed development and that a material contravention of the plan does not arise in this instance.

#### *Set down area*

- 8.4.5. In terms of the car set down I note condition No. 5 of PA Ref: F18A/0217 requires that a set down area be provided by way of parallel parking. While the plan does not set out specific standards for set down areas, Section 15.15.1 (Loading Bays) notes that loading areas should be designed to accommodate vehicular manoeuvring on site. In this context, I note that the existing set down area is operating via delineated parallel parking comprising five car parking spaces, in compliance with the condition. I consider this arrangement to be acceptable and generally consistent with the standards set out in the Development Plan. Furthermore, I note that the Transportation Planning Section of FCC, in their report, along with the GOA, confirm that the set down area has been taken in charge by the Council and is now within its control. In my

opinion, this is acceptable, and the matter rests appropriately with Fingal County Council. Moreover, I note compliance submissions under Section 34(5)(B) of the Planning and Development Act with regard to set down and parking are too a matter for Fingal County Council.

- 8.4.6. Having regard to the location of the site within the residential estate of Rahillion Walk estate, where it is envisaged that a significant proportion of users would access the facility on foot or by bicycle, I am satisfied that the existing on-site car parking, bicycle parking and the existing car set-down area are sufficient to accommodate the operational needs of the proposed development in accordance with standards of the plan and that a material contravention of the plan does not arise. The surrounding residential environment supports sustainable modes of transport, reducing reliance on car usage. Furthermore, I am satisfied that the existing set-down area, in conjunction with the site's layout and established operation, would not give rise to any traffic hazard or obstruction of the public road network. Accordingly, I am satisfied that the proposed development would not endanger public safety by reason of traffic hazard or obstruction and complies with objective DMSO118 of the Fingal County Development Plan 2023–2029. However, as set out in section 8.2 of this report I have considered there is a fundamental issue with the limited rear space which in my opinion results in a cramped site layout and is considered to constitute overdevelopment of the site and I recommended that permission be refused on this basis.

## **9.0 Appropriate Assessment Screening**

- 9.1. I have considered the proposed development in light of the requirements of S177U the Planning and Development Act 2000 as amended.
- 9.2. The proposed development is located within a residential area and comprises an extension to an existing dwelling and all associated site works. The site is not located within or adjacent to any designated Natura 2000 site. The closest European Sites are as follows:
- Rogerstown Estuary SAC (000208) c510 metres to the north.

9.3. Having considered the nature, scale and location of the proposed development 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 development
- 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.

9.4. 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.

## **10.0 Recommendation**

10.1. I recommend that PERMISSION should be REFUSED for the reasons and considerations as set out below.

## **11.0 Reasons and Considerations**

11.1. The proposed development, by reason of the loss of the existing dedicated outdoor play space and the reliance on a narrow, constrained strip of land (approx. 2.5 metres wide) as replacement outdoor play space, would fail to provide adequate and high-quality outdoor play space for children. This would seriously impact the functionality and quality of the childcare facility, contrary to objective DMSO79 of the Fingal Development Plan 2023 – 2029 and the Childcare Facilities Guidelines for Planning Authorities (2001) which requires applications for childcare facilities to have regard to the suitability of the site for the type and size of facility proposed and have adequate and usable outdoor play space and be of suitably high quality. Furthermore, the introduction of an additional structure within the limited rear curtilage would result in a cramped and overdeveloped layout. Therefore, the proposed development would set an undesirable precedent and 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.

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Gerard Kellett  
Planning Inspector  
6<sup>th</sup> May 2025

## Appendix 1 - Form 1

### EIA Pre-Screening

<b>An Bord Pleanála Case Reference</b>	ABP-321729-25		
<b>Proposed Development Summary</b>	Permission for temporary period of 5-years for construction of portacabin, removal of boundary wall and gate and construction of a new boundary wall and all associated site works.		
<b>Development Address</b>	Charlie's Childcare, Rahillion Walk, Donabate, Co. Dublin		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	√
		<b>No</b>	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>			
<b>No</b>	√	Alteration/extension to the existing creche is not specified as a Class of Development as per the regulations	No further action required.
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			
<b>No</b>	√		Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>			Preliminary examination required (Form 2)
<b>5. Has Schedule 7A information been submitted?</b>			
<b>No</b>	√	Screening determination remains as above (Q1 to Q4)	
<b>Yes</b>			

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_