



An
Bord
Pleanála

Inspector's Report

ABP-321839-25

Development	Retention of finishes and alterations with all associated site works
Location	Cois Tra, South Shore Road, Rush, Co. Dublin
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F24A/1019
Applicant	Chris Daly
Type of Application	Permission for Retention
Planning Authority Decision	Grant Permission for Retention
Type of Appeal	Third Party v Grant of Permission for Retention
Appellant	Graeme Price
Observer(s)	None
Date of Site Inspection	1 st April 2025
Inspector	Anthony Kelly

1.0 Site Location and Description

- 1.1. The subject site is occupied by a detached single-storey house located in the south west area of Rush in north Co. Dublin, approximately 350 metres north east of Rogerstown Pier.
- 1.2. The site has a gravel surface to the front and a garden to the rear. It has vehicular access directly onto the local road and it is part of a line of houses along the eastern/southern side of South Shore Road. There is a two-storey house adjacent to the east and a part-single/part-two-storey house to the west. Between the subject site and the house to the west there is a vehicular access to a two-storey house which is in a backland location to the rear of the subject site.
- 1.3. The site has an area of 0.0932 hectares.

2.0 Proposed Development

- 2.1. Permission for retention is sought for:
 - wall finishes to part front gable and rear walls and standing seam roof finish to rear annex, and,
 - alteration to front boundary wall and vehicular entrance,to previously granted development under P.A. Ref. F18A/0654.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On 16th January 2025 Fingal County Council (FCC) granted permission for retention subject to four conditions. Inter alia, condition 2 restricted the grant to the elements cited on the public notices and condition 3 required the removal of a kerb located within the entrance splay within two months of the date of final grant of permission for retention.

3.2. Planning Authority Reports

Planning Report

- 3.2.1. The kerb located within the entrance splay was considered to be a significant traffic hazard and it should be removed. Otherwise the FCC Planning Report concluded that the proposed development does not unduly impact on the amenity of the surrounding area or neighbouring properties.

Other Technical Reports

Water Services Department – No objection.

Transportation Planning Section – No objection.

3.3. Prescribed Bodies

- 3.3.1. None received.

3.4. Third Party Observations

- 3.4.1. Five observations were received by FCC.
- 3.4.2. Three observations, from Senator Lorraine Clifford-Lee, Robert O'Donoghue TD, and the occupants of the house to the west, supported the application.
- 3.4.3. Two observations were also received from Graeme Price, who owns/occupies the house to the rear of the site accessed via the adjacent laneway, and his father Eamonn Price with an address elsewhere in Rush. The main issues raised are largely covered by the grounds of appeal, as summarised in subsection 6.1. Issues raised in the observations that were not referenced in the grounds of appeal are:
- Installation of the kerb is a traffic/trip hazard.
 - Unrendered side boundary wall.
 - Garden shed shown on submitted drawings.
 - It is believed that the house finishes have been included to detract from the entrance/boundary treatment issue.

4.0 Planning History

On Site

- 4.1. P.A. Ref. F18A/0654 – In 2019 permission was granted for a single-storey house with vehicular entrance and associated site works. This has been constructed on site.
- 4.2. In the FCC Planning Report reference is made to enforcement case P.A. Ref. 24/037A which relates to a front boundary treatment causing a traffic hazard.

5.0 Policy Context

5.1. Fingal Development Plan (FDP) 2023-2029

- 5.1.1. The site is in an area zoned 'RU – Rural' to 'Protect and promote in a balanced way, the development of agriculture and rural-related enterprise, biodiversity, the rural landscape, and the built and cultural heritage'.

5.2. Natural Heritage Designations

- 5.2.1. The nearest designated areas of natural heritage are Rogerstown Estuary Special Area of Conservation (SAC) (site code 000208), Rogerstown Estuary Special Protection Area (SPA) (site code 004015), and Rogerstown Estuary proposed Natural Heritage Area (pNHA) (site code 000208), all approx. 250 metres to the west and south of the site.

5.3. Environmental Impact Assessment (EIA) Screening

- 5.3.1. The development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning & Development Regulations, 2001 (as amended). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 to this report.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The grounds of appeal are submitted by Graeme Price who is the owner/occupier of the existing house to the rear of the subject site, accessed from the vehicular driveway located along the side/south west boundary of the site. The main issues raised can be summarised as follows:

- Condition 3 of the FCC decision is welcomed [removal of the kerb].
- Measurements on submitted drawings are inaccurate i.e. front wall and pier heights and the distance to the road.
- There is negative impact on sightlines from the appellant's driveway as the front boundary wall and vehicular entrance were not constructed as permitted.
- The position of the front wall is not in keeping with that established along the road and it has set a precedent which the adjacent house to the north has followed. Narrowing the verge will not allow for future widening of the road/footpaths. It could also affect the suitability of the road as part of the Fingal Coastal Way cycling greenway.
- The grounds of appeal include a copy of the submission previously made to FCC and a copy of the site layout permitted under F18A/0654.

6.2. Applicant's Response

6.2.1. The applicant's response can be summarised as follows:

- The distance from the front boundary to the edge of the road is 2.2 metres, not 1.8 metres as stated in the grounds of appeal. The distance to the centre of the road is 5 metres.
- Photographs are attached showing there are ample sightlines.

6.3. Planning Authority Response

6.3.1. FCC has no further comment to make. The Board is requested to uphold the planning authority's decision.

6.4. Observations

6.4.1. None.

7.0 Assessment

I consider the main issues in determining this appeal are as follows:

- Retention of External Finishes
- Sightlines/Traffic Hazard
- Extent of the Permission for Retention

7.1. Retention of External Finishes

- 7.1.1. The application proposes to retain external finishes to part of the exterior of the existing house on site, primarily an area to the rear/side of the house. The appellant, in the original observation to FCC, stated that he had no observation in relation to the finishes, and this issue was not referenced in the grounds of appeal. The planning authority's Planning Report stated that no undue impact would arise as a result.
- 7.1.2. I concur with the planning authority that the revised stone and render external finish mix from that permitted, and the grey standing seam roof in lieu of a slate roof, are acceptable at this location. There is a mix of house types along the road and the revisions outlined to the house do not result in any visual incongruity or any impact on third party properties. I consider the external material revisions are acceptable.

7.2. Sightlines/Traffic Hazard

- 7.2.1. This is the main issue set out in the grounds of appeal. Notwithstanding, neither the planning authority's Planning Report nor the report of the Transportation Planning Section outlined any concern in this regard, except for the approximately 150mm high kerb extending from the vehicular entrance pier, the removal of which was required by condition 3 of the planning authority decision. I note that this kerb had already been removed on my site inspection of 1st April 2025.

- 7.2.2. There are several issues set out in the grounds of appeal relating to sightlines and traffic hazard: measurements, sightlines, objective DMS125, precedent, and future widening. I address these individually as follows.

Measurements

- 7.2.3. The grounds of appeal state that the heights of the front wall and piers are higher than indicated on the submitted contiguous street elevation (drawing no. GAL-003). I measured the heights of the two vehicular gate piers on site and they were approximately 1.52 metres (east pier) and 1.58 metres (west pier) respectively. They are therefore significantly higher than indicated on the drawing. I also measured the distance from the vehicular gate to the roadside edge as approximately 3.4 metres.

Sightlines

- 7.2.4. The grounds of appeal state that the current position of the front boundary, the relocated vehicular entrance position, and increased wall heights have greatly reduced sightlines exiting from the adjacent vehicular access and creates a dangerous situation.
- 7.2.5. On foot of my site inspection, and notwithstanding the increased heights of the gate piers, having regard in particular to the setback distances to the edge of the tarred carriageway from both the applicant's and appellant's driveways, but also to the straight nature of the road and the relatively low speed traffic environment, I concur with the Transportation Section Report that 'The amendments to the site access and front boundary do not negatively impact the required sightlines'. In addition, adjacent vehicular driveways are a common feature of built-up areas. In my opinion there is no undue traffic hazard as a result of the alterations made to the subject site.

Objective DMS125

- 7.2.6. The grounds of appeal reference Objective DMS 125. It is unclear what document is being referred to, however the excerpt identified is contained in Objective DMSO115 (Restriction of New Access Arrangements) of the FDP 2023-2029. Notwithstanding, as per the previous paragraph, I do not consider that the alterations to be retained result in a traffic hazard.

Precedent

- 7.2.7. Notwithstanding the built-up nature of the area, the site is zoned 'rural' under the Plan. The grounds of appeal reference an excerpt of Table 14.9 (Design Guidelines for Rural Dwellings) of the FDP 2023-2029 which relates to boundary treatments in the context of rural houses. The grounds of appeal state that the forward position of the front boundary is not in keeping with that already on the road and the house adjacent to the north followed with a wall in the same position, initiating a new precedent for wall positioning.
- 7.2.8. Having regard to the nature of development along the road I do not agree with the assertion that the boundary wall is not in keeping with that already on South Shore Road. I consider that the front boundary is not in any way visually obtrusive or incongruous.

Future widening

- 7.2.9. The grounds of appeal state that narrowing of the verge will not allow for future widening of the carriageway or footpaths and it could also impair the suitability of South Shore Road as part of the route of a greenway. I note the Transportation Planning Section of the planning authority has not expressed any concern in this regard.

Conclusion

- 7.2.10. Having regard to the foregoing, in my opinion and notwithstanding that some measurements shown are inaccurate, I do not agree with the grounds of appeal that the revisions to the front boundary result in any significant impact on sightlines leading to an undue traffic hazard. There is also no adverse visual impact arising from the revisions to the front boundary.

7.3. Extent of the Permission for Retention

- 7.3.1. Although I consider that the application as applied for i.e. revisions to external finishes and the roadside boundary, is acceptable, there are two other issues raised in the appellant's observation made to the planning authority that I consider should be briefly referenced as follows:

- It is stated that the party boundary wall is to be rendered on both sides under the applicant's parent permission which the appellant states has not been fully carried

out. This is a matter for the appellant to raise with the planning authority as the Board has no role in enforcement.

- The appellant also refers to the inclusion of a shed in the submitted site layout plan which, it is stated, is not to scale. I note that a shed is not included in the public notices.

7.3.2. Given the foregoing, I consider that a similar condition to condition 2 of the FCC decision should be attached should permission be granted i.e. clearly indicate that the permission for retention is restricted to those elements detailed on the public notices.

8.0 Appropriate Assessment (AA) Screening

8.1. I have considered this application for retention permission in light of the requirements of section 177U of the Planning & Development Act, 2000 (as amended).

8.2. The subject site is located in the built-up area of Rush. Rogerstown Estuary SAC (site code 000208) and Rogerstown Estuary SPA (site code 004015) are approximately 250 metres to the west and south of the site.

8.3. The development comprises retention permission for external materials to the house on site and alterations to the roadside boundary. No nature conservation concerns were raised in the grounds of appeal.

8.4. 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 effect on any European Site. The reasons for this conclusion are as follows:

- the small scale and nature of the development,
- the distance from European sites and the lack of connections, and,
- the determination of the planning authority.

8.5. I conclude, on the basis of objective information, that the development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under section 177V of the Planning & Development Act, 2000 (as amended)), is not required.

9.0 Recommendation

- 9.1. I recommend that planning permission for retention should be granted, subject to conditions, for the reasons and considerations as set out below.

10.0 Reasons and Considerations

Having regard to the zoning of the site and the other provisions of the Fingal Development Plan 2023-2029, and the nature and scale of the development, it is considered that, subject to compliance with the conditions as set out below, the development does not have any adverse visual impact in terms of the external finishing materials of the house on site and the alterations made to the roadside boundary do not result in a traffic hazard at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be retained in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. This grant of permission for retention of development relates solely to that detailed in the statutory public notices and does not refer to any other aspects of the development that may be shown on the lodged plans and particulars.

Reason: In the interest of clarity.

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.

Anthony Kelly

Planning Inspector

14th April 2025

Form 1

EIA Preliminary Screening

An Bord Pleanála Case Reference	ABP-321839-24		
Proposed Development Summary	Retention of external finishes and boundary wall/vehicular access		
Development Address	Cois Tra, South Shore Road, 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	✓
		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)?			
Yes		State the Class here	
No	✓		Tick if relevant. No further action required.
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes		N/A	EIA Mandatory EIAR required
No		N/A	Proceed to Q.4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes		N/A	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	✓	Pre-screening determination conclusion remains as above (Q1 to Q4)

Yes		Screening Determination required
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Inspector: _____ Date: _____