



An
Bord
Pleanála

Inspector's Report ABP322128-25

Development	Permission to modify a vehicle entrance, driveway, boundary walls, and associated site works permitted under F21A/0612.
Location	Sandy Lane, Rush, Co. Dublin, K56 HW976.
Planning Authority	Fingal County Council.
Planning Authority Reg. Ref.	F24A/1045E
Applicant	Ciarán Daly.
Type of Application	Retention of permission.
Planning Authority Decision	Permission with conditions.
Type of Appeal	Third Party
Appellant	Bernadette Noonan.
Observer	None

Date of Site Inspection

7th May 2025.

Inspector

Derek Daly

1.0 Site Location and Description

- 1.1. The development is located in the town of Rush in County Dublin in an area between the town centre to the north and the coast to the south and within reasonable distance of the town centre and other amenities. The road network in the vicinity of the site with no footpaths and is within a 50kph speed limit area.
- 1.2. The site has frontage onto the western side of Sandy Lane in the eastern area of the town of Rush in north County Dublin. On the site is two storied dwelling of recent construction. To the south of the appeal site at the date of inspection is a site where construction works was occurring. To the north of the appeal site is a dormer dwelling.
- 1.3. The area is characterised by a mix of residential development dwellings of varying designs fronting onto the local road network and also by horticultural use and commercial greenhouses.

2.0 Proposed Development

- 2.1. The proposed development as received by the planning authority on the 31st October 2024 is to modify a vehicle entrance, driveway, boundary walls, and associated site works permitted under F21A/0612. The modification as initially submitted provided for a vehicular access with a width of 3.8 metres and altering a previous access arrangement which had a recessed shared splayed access for the proposed dwelling and the adjoining dwelling to the south in effect removing the splayed area and incorporating a vehicular access and road boundary which is parallel to the public road.
- 2.2. The entrance provides for a 1.1m in height sliding gate system with metal infill panel to match house cladding; a 1.2m high rendered block pier with granite stone capping and 1.1m high rendered block wall with granite stone capping along the roadside boundary.
- 2.2.1. Following a request of further information revised details in relation to the proposed entrance on the 6th February 2025 in which the proposed site entrances provides for a width of 4 metres as requested. The application redline boundary was extended to

include the new entrance of the site to the south with a consistent design proposed for both entrances with the splayed area removed for both access points providing for an individual entrance arrangement for the appeal site and also for the adjoining site to the south. A consent letter has been provided for the proposed works for the site to the south.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The decision of the Planning Authority was to grant planning permission subject to six conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report dated the 22nd January-2025 refers to the provisions of the current County Development Plan (CDP); the planning history of the site, submissions received and an assessment of the proposal and that the proposed development is acceptable in principle. Further information was requested based on the submission from the Transportation Planning Section.

The planning report dated the 3rd March 2025 assessed the further information submitted and permission was recommended.

3.3. Other Planning Authority reports

- 3.3.1. The Transportation Planning Section report dated 13th January 2025 indicated no objection in principle and requested further information be submitted for a revised entrance with a width of 4 metres, that the proposed entrance design alteration has an impact on the entrance to the contiguous dwelling granted under planning permission reg. ref. F21A/0612 and a consistent approach should be provided for both sites. The redline boundary should be extended to include both entrances and the proposal amended to provide a consistent design approach for both site entrances. Where works are required on the property of a third party to meet the requirements for visibility/access the applicant shall submit written evidence that it

has the necessary legal consent/ rights of way etc. to undertake all such works. Any submitted site layout drawing should outline in red all areas where works are proposed and not just the applicant's site. In this scenario the applicant's site should be outlined in blue on submitted site layouts.

- 3.3.2. The Transportation Planning Section report dated 24th February 2025 in response to the details submitted in the further information indicate no objections subject to conditions.

4.0 Planning History

- 4.1. P.A Ref. No F21A/0612.
- 4.1.1. Planning permission was granted on the 20th April 2022 for the construction of 2 no. detached two storey, four bedroom flat roof dwellings fronting onto Sandy Lane which provided for the provision of a combined access served by separate set back vehicular entrances.

5.0 Policy and Context

5.1. Development Plan

- 5.1.1. The statutory development plan is the Fingal County Development Plan 2023-2029. The appeal site is zoned TC Town and District Centre with the objective to protect and enhance the special physical and social character of town and district centres and provide and or improve urban facilities.
- 5.1.2. The site is within the Rush development boundary.
- 5.1.3. Chapter 9 refers to Green Infrastructure and Natural Heritage and sensitive lands are referred to. Coastal areas are identified as Highly Sensitive Landscapes and the coastal area of Rush is identified with this designation and within a coastal landscape character area which has a highly sensitive landscape designation.
- 5.1.4. Chapter 14 outlines a range of standards and requirements for the assessment of development.
- 5.1.5. Section 14.17.5 refers to Road Network and Access and that for new developments, securing access onto the road network is a key issue, particularly in rural areas. The

intensification of use of an existing access is normally preferable to the creation of a new access onto a rural road. Where new entrances are necessary, the relevant road design standards will be applied (DMRB in rural situations and DMURS in urban situations). Objective DMSO115 refers to Restriction of New Access Arrangements to restrict unnecessary new accesses directly off Regional Roads. Ensure premature obsolescence of all County/local roads does not occur by avoiding excessive levels of individual entrances. Ensure that necessary new entrances are designed in accordance with DMRB or DMURS as appropriate, thereby avoiding the creation of traffic hazards.

- 5.1.6. Section 14.17.6 refers to Road Safety and that in the design and/or improvement of roads and in the assessment of planning applications for new development, the safety of all road users, including pedestrians, cyclists and motorists will be a primary consideration. Objective DMSO118 refers to promote road safety measures in conjunction with the relevant stakeholders and avoid the creation of traffic hazards.

5.2. Natural Heritage Designations

- 5.3. The subject site is within and not proximate to any European site.

5.4. EIA Screening

- 5.5. The proposed development is not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The appeal in summary refers to;
- Reference is made to the previous grant of planning permission and that the previous entrance deemed satisfactory and the modification is unnecessary.
 - Reference is made to objective DMSO115 of the current CDP and the current proposal does not support creating an additional entrance.

- Reference is made to the TC zoning and recent development does not follow the requirement to provide for shared entrances and not the traditional provision of individual access which reflected requirements when the area was agricultural.
- The proposal will set a precedence for other similar development in relation entrances

6.2. Planning Authority Response

The planning authority in a response dated the 7th April 2025 requests the Board to confirm its decision and if permission is granted conditions to be included.

7.0 Assessment

- 7.1. The main issues in this appeal are principle of the development and the grounds of appeal. Appropriate Assessment also needs to be considered. I am satisfied that no other substantive issues arise.

The issues are addressed under the following headings:

- The principle of the development
- Grounds of appeal.

7.2. The principle of the development.

- 7.2.1. The proposal as submitted is to modify a vehicle entrance, driveway, boundary walls, and associated site works permitted under F21A/0612. The modification as initially submitted provided for a vehicular access with a width of 3.8 metres and altering a previous access arrangement which had a recessed shared splayed access for the proposed dwelling and the adjoining dwelling to the south which in effect removed the splayed area and incorporates a vehicular access and road boundary which is parallel to the public road. Following a request of further information revised details in relation to the proposed entrance on the 6th February 2025 in which the proposed site entrances providing for an increased width of 4 metres. The application redline boundary was extended to include the new entrance of the site to the south with a consistent design proposed for both entrances with the splayed area removed for

both access points in effect providing for an individual entrance arrangement for the appeal site and the adjoining site to the south.

- 7.2.2. The proposal is therefore in effect a modification of an entrance for an already permitted development which provided for an entrance to a permitted dwelling. Subject to consideration of the grounds of appeal and the details submitted I would have no objection in principle to the development.

7.3. Grounds of appeal

- 7.3.1. The primary issues raised in the appeal relates to the previous grant of planning permission and that the previous entrance deemed satisfactory and the modification is therefore unnecessary. Reference is made to objective DMSO115 of the current CDP and the current proposal does not support creating an additional entrance. Reference is also made to the TC zoning and recent development does not follow the requirement to provide for shared entrances and not the traditional provision of individual access which reflected requirements when the area was agricultural.
- 7.3.2. I would accept that in relation to traffic safety the proliferation of access points onto the public road network for individual housing particularly in areas where the general speed limit applies is desirable and also where there is a multiple housing unit development in urban area traffic movements should be channelled through a single vehicular entrance which complies with TII and DMRB standards for junctions onto the public road network.
- 7.3.3. In relation to the current proposal no additional new access is proposed or intensification of traffic movements is proposed and it is in effect a modification of a previously permitted entrance layout where two adjoining dwellings were permitted incorporating a shared access point with a shared splay area but which also incorporated individual access points for both dwellings.
- 7.3.4. I do not consider in the context of the site and the road network in the immediate area that the modification as proposed would give rise to a traffic hazard and that the revised proposals provides for a unity of approach in the design of both accesses to the individual dwellings which is reasonable in relation to road boundary treatment. Sightline visibility in both directions is also satisfactory I also note that the Transportation Planning Section of the planning authority have raised no objections

in relation to the proposed development in the amended form submitted to the planning authority on the 6th February 2025.

- 7.4. No other issues arise in relation to the proposed development.

8.0 Appropriate Assessment Screening

- 8.1. I have considered the proposal to amend a previous permission for the provision of a new house in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is an established residential site.
- 8.2. The proposed development comprises in effect relatively minor alterations to a previously permitted development as outlined in section 2 in the Inspectors report. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows; the nature of the development, the distance to designated sites and the absence of pathway to these sites.
- 8.3. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects and likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

- 9.1. I recommend that permission be granted.

10.0 Reasons and Considerations

Having regard to the nature of the proposed development; the planning history relating to the site; the design, nature and scale of the proposed development and to the policies of the Fingal County Development Plan 2023 – 2029, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of traffic safety and convenience. The

proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the drawings and particulars as received by the Planning Authority on the 31st day of October 2024 and as amended by the revised details submitted on the 6th day of February 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the Planning Authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The external finishes of the entrance and boundary wall shall be in accordance with the details submitted on the 6th day of February 2025 unless otherwise agreed by the planning authority in writing prior to the commencement of development works.</p> <p>Reason: In the interest of orderly development and visual amenity.</p>
3.	<p>The proposed entrance to the site shall be located as indicated in the details submitted to the planning authority on the 6th day of February 2025 and no objects, structures or planting shall be placed within the visibility splay of the entrance which would interfere with the maintenance of the required visibility splay. The formation of the entrance shall be designed and constructed as to ensure that surface water generated shall not discharge onto the public road and shall comply with all requirements of the planning authority in relation to such works.</p> <p>Reason: In the interest of traffic safety and visual amenity.</p>
4.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional</p>

	<p>circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
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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.

Derek Daly
Planning Inspector

19th May 2025

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	322128-25		
Proposed Development Summary	Permission to modify a vehicle entrance, driveway, boundary walls, and associated site works permitted under F21A/0612.		
Development Address	Sandy Lane, Rush, Co. Dublin, K56 HW976.		
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	Tick if relevant and proceed to Q2.
		No X	Tick if relevant. 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)?			
Yes		State the Class here.	Proceed to Q3.
No			Tick if relevant. No

X			further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	Tick/or leave blank	State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
No X	Tick/or leave blank		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	Tick/or leave blank	State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	X	Screening determination remains as above (Q1 to Q4)
Yes	Tick/or leave blank	Screening Determination required

Inspector: Derek Daly Date: 19th May 2025