



An
Coimisiún
Pleanála

Inspector's Report ABP-322664-25

Development	Retention of family room and alterations to garage, Construction of glazed corridor with all associated site works.
Location	Green Oaks, Baldungan, Lusk, Co. Dublin, K45 W304
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F25A/0218E
Applicant(s)	Richard Fagan
Type of Application	Permission and Retention
Planning Authority Decision	Refusal
Type of Appeal	First Party
Appellant(s)	Richard Fagan
Observer(s)	None
Date of Site Inspection	14 th August 2025
Inspector	Emma Gosnell

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1.0 Site Location and Description

- 1.1. The appeal site is located in the townland of Baldungan, Co. Dublin and is accessed on its south side via the L-1285 local road which connects to the R-127 Skerries Road to the west and with the R-128 to the east. Loughshinny is located c. 3km further to the east. The wider area is rural in character, has a relatively flat open topography and features a mix of agricultural lands and one-off housing in a variety of sizes and designs.
- 1.2. The site is adjoined to the north and west by agricultural lands and to the east/ south-east by single-storey agricultural farm buildings.
- 1.3. The rectangular site is circa 0.515ha in area and comprises of a large (4+ bedroom) 2-storey dwelling (c.300sq.m) with pitched roof situated on the east side of the plot together with landscaped grounds and a detached single storey rear garage (c.110sq.m) which has been partially converted to use as a family flat.

2.0 Proposed Development

- 2.1. The proposed development comprises of the retention of a 1-bedroom plus study family flat (c. 73sq.m) to the rear of the existing dwelling together with retention and alterations to the existing garage (c. 41sq.m) including to its pedestrian and vehicular access arrangements, and permission for a new glazed corridor (c. 22sq.m) linking the main dwelling with the family flat, along with ancillary landscaping and site works.
- 2.2. I wish to draw the Commission's attention to the fact that the existing family flat (which is proposed to be retained) is currently occupied by the applicant's son and their partner. If the appeal is successful, the applicant, who currently resides with his wife in the main dwelling, proposes to relocate to the family flat (on the basis that it better suits his physical/ health needs) whilst his son and partner relocate to the main dwelling.

3.0 Planning Authority Decision

3.1. Decision

Retention and Permission refused on 08/05/2025 for 2 no. reasons as follows:

1. The proposed development by reason of its design and layout fails to adequately integrate with the existing dwelling and site context. As a result, the proposed development is therefore contrary to Objective SPQHO46 and Section 14.10.3 of the Fingal County Development Plan 2023-2029 and would seriously injure the amenities of the existing property on site. The proposed development would create an undesirable precedent for other similar development, and is therefore contrary to the proper planning and sustainable development of the area.
2. The site is located within the 'HA' zoning objective under the Fingal Development Plan, 2023-2029, the objective of which is to 'protect and enhance high amenity areas', residential development is only permitted on suitable sites where the applicant has established a genuine need to live in the rural area, subject to specific criteria outlined in Section 3.5.15.3 of the Fingal Rural Settlement Strategy Rural Generated Housing Need in the Fingal County Development Plan 2023-2029. Having regard to the documentation submitted with the application, the applicant has not demonstrated their eligibility to be considered for a dwelling in the rural area of Fingal on the basis of being actively engaged in the family farm, or exceptional health circumstances. The proposed retention development would contravene materially the rural settlement strategy of the Fingal Development Plan 2023-2029 and would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

One planning report (dated 08/05/2025) forms the basis of the assessment and recommends that permission and retention permission be refused. Points of note in the report include:

- *Housing Need & Compliance with Zoning* – design and access arrangements for proposed family flat render it more akin to a separate residential unit and, on this basis, the applicant has not provided sufficient documentary evidence to demonstrate their genuine rural housing need for same in compliance with site's 'HA' zoning.

- *Access to Flat* – proposed independent, own-door access at side of flat is not acceptable and is non-compliant with Section 14.10.3 of Fingal Development Plan 2023-2029 (FDP), with no justification provided for same.
- *Link Corridor* – design is impractical, it is excessive in length (c. 15m) and would not appropriately integrate the family flat with the main dwelling as required by FDP Objective SPQHO46.
- *Visual Impact* - incongruous design of link corridor would negatively impact on visual amenity of the existing dwelling and on that of the wider rural context.
- *Impact on Adjoining Properties* – no impacts arising from overlooking or overshadowing on account of proposal's siting, design and single storey height.
- *Access and Parking* – proposal would not significantly alter or intensify requirements for same.
- *Water Services* – lack of clarity on applicants' foul drainage proposals (i.e. continued use of existing system, new connection to public sewer or new on-site wastewater treatment system) and surface water soakaway proposals. FI required on same. This FI was not pursued by the PA on account of the more fundamental family flat/ zoning compliance and design issues raised with proposal.

3.2.2. Other Technical Reports

- *Transportation Planning Section (TPS) (report of 24/04/2025)* – no objection to proposal on the basis of there being no intensification of parking and access requirements or alterations proposed to same.
- *Water Services Department (WSD) (report of 24/04/2025)* – no flooding issues raised; FI requested on design and siting of proposed soakaway (to be based on site specific infiltration testing) and compliance with technical standards; standard surface water management conditions recommended; and, confirmation sought on whether applicant proposes to continue using their existing biocycle tank and percolation area and, on whether they intend to connect to a public sewer or propose a new on-site waste water treatment system. Where a new system/ connection is proposed, FI is required on design of same and compliance with EPA Code of Practice for Wastewater Treatment and Disposal Systems Serving Single Dwellings (2009).

3.3. Prescribed Bodies

No submissions on file.

3.4. Third Party Observations

No submissions on file.

4.0 Planning History

4.1. Appeal Site

No recent/ relevant planning history on file.

4.2. Neighbouring Sites

No relevant planning decisions found.

5.0 Policy Context

5.1. National Policy

Project Ireland 2040 – National Planning Framework (2025) – NPO 19 (facilitate provision of rural housing where applicant has a demonstrable social or economic need to live in the area)

Climate Action Plans (2024 & 2025) and Ireland's 4th National Biodiversity Action Plan (NBAP) 2023-2030

Our Rural Future: Rural Development Policy 2021-2025

EPA Code of Practice: Domestic Wastewater Treatment Systems (2021)

Sustainable Rural Housing Guidelines for Planning Authorities (DoHLGH, 2005)

5.2. Regional Policy

Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy 2019-2031

5.3. Development Plan

The Fingal Development Plan (FDP) 2023 – 2029 applies.

Zoning

- Section 13.5 (Zoning Objectives, Vision and Use Classes) - The site is zoned 'Objective HA – High Amenity' with the objective 'To protect and enhance high amenity areas'. The vision for 'HA' zoned lands 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'.
- Residential development is 'Permitted in Principle' on HA zoned lands subject to compliance with the Rural Settlement Strategy.
- The site is also located within a 'Highly Sensitive (Coastal) Landscape'.
- Section 9.6.17 (High Amenity Zoning) – zoning applies to areas of the County of high landscape value.
- Policy GINHP28: Protection of High Amenity Areas - Protect High Amenity areas from inappropriate development and reinforce their character, distinctiveness and sense of place.
- Objective GINHO67: Development and High Amenity Areas – ensure development reflects and reinforces distinctiveness and sense of place of such areas.

Rural Settlement Strategy

- Sections 3.5.15 (Housing in Rural Fingal) and 3.5.15.3 (Fingal Rural Settlement Strategy Rural Generated Housing Need) – state that residential development in areas zoned RU, HA, GB and RC which is urban generated will be restricted to preserve the character of Rural Fingal and to conserve this important limited resource.
- Tables 3.3 (Maximum Number of Houses which will be permitted per existing house) and 3.4 (Who is Eligible for Planning Permission)
- Policies CSP46 and SPQHP46: Rural Settlement Strategy

- Objective SPQHO74: Houses in HA Zoned Areas - permit houses in areas with zoning objective HA, only to those who have a defined essential housing need based on their involvement in farming or exceptional health circumstances.

Family Flat Policy Guidance

Sections 3.5.13.2 (Family Flats) and 14.10.3 (Family Flats): Applications will be assessed in terms of the impact on the integrity of the existing dwelling and neighbouring properties and compliance with the following criteria must be demonstrated:

- A requirement for the family flat must be demonstrated including details of the relationship between the occupant of the main dwelling and the occupant of the family flat.
- When no longer requested for use as a family flat, the accommodation must be capable of being subsumed into the main property.
- Any such extension to the main dwelling shall be subsidiary in scale relative to the main dwelling and shall not exceed an internal floor area of 75 sq. m.
- The family flat should not impact adversely on either the residential amenities of the existing property or the residential amenities of the area.
- The entrance to the family flat must be via the main dwelling. Where own-door access is unavoidable, own-door access shall be located to the side or rear.
- No sub-division of the garden is permitted.

Policy SPQHP42 (Family Flats): Support the provision of family flats on suitable sites within established residential areas subject to specific design criteria.

Objective SPQHO46 (Family Flats): Ensure family flats:

- Are for a member of the family with a demonstrated need.
- When no longer required for the identified family member, are incorporated as part of the main unit on site.
- Do not exceed 75 sq m in floor area.
- Comply with the design criteria for extensions, as above.

Extension Design Guidance

Section 3.5.13.1 (Residential Extensions)

Extensions will be considered favourably where they do not have a negative impact on adjoining properties or on the nature of the surrounding area

5.4. Natural Heritage Designations

The appeal site is not located within or adjoining any designated site.

The nearest European sites in close proximity to the appeal site are as follows:

- North-West Irish Sea SPA (Site Code 004236) – approx. 2.5km
- Skerries Islands SPA (Site Code 004122) – approx. 3km
- Rogerstown Estuary SPA (Site Code 004015) - approx. 4km
- Rogerstown Estuary SAC (Site Code 000208) – approx. 4km
- Rockabill to Dalkey Island SAC (Site Code 003000) – approx. 4km
- Rockabill SPA (Site Code 004014) – approx. 4.5km

The site is also proximate to the following proposed Natural Heritage Areas:

- Skerries Islands NHA (Site Code 001218) – approx. 3km
- Loughshinny Coast pNHA (Site Code 002000) – approx. 3km
- Rogerstown Estuary pNHA (Site Code 000208) – approx. 4km

6.0 EIA Screening

The proposed development/ development to be retained has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendix 1 of this report). Having regard to the characteristics and location of the proposal and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposal, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 Water Framework Directive Screening

I have concluded, on the basis of objective information, that the proposed development/ development to be retained will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either

qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment (refer to form in Appendix 3 for details).

8.0 The Appeal

8.1. Grounds of Appeal

A first party appeal submission was received on 03/06/2025 and seeks to address the PA's reasons for refusal. The grounds of appeal can be summarised as follows:

Refusal Reason No. 1

- Proposal is fully compliant with FDP policy on family flats.
- Permission is sought for a glazed corridor that will link the family flat to main house and allow it to be subsumed back into the primary dwelling in the future.
- Corridor will provide for new access points to the house and flat and for disabled access from the car parking area to the flat and to the main dwelling. It will also allow the creation of a new sheltered/ enclosed area of POS between flat and main dwelling.
- Siting, size and design of proposed glazed link corridor is proportionate to size of overall site and to its one-off form and location in a rural area where it has no potential to interfere with residential amenity of adjoining properties or to affect the visual amenity of area.
- Corridors linking family flats to main dwellings have previously been permitted by the PA under P.A. Ref's FW25A/0049 and F23A/0035.
- Planning conditions can be applied to ensure family flat cannot be sold/ let independently and to ensure that it is physically linked to the main dwelling in a timely manner etc.

Refusal Reason No. 2

- Proposal is not for an additional rural house and refusal on this basis is not appropriate.
- Proposed family flat is ancillary to an authorised residential development and, as such, complies with the site's 'HA' zoning.

Other

- Proposed corridor will sever existing vehicular access to the garage (east side) and a replacement access is proposed on the gable end wall (south).
- There is no history of flooding on the site and required sightlines are achieved.

The grounds of appeal are accompanied by a copy of the cover letter (dated 14/03/2025) submitted with the planning application to FCC and by series of visualisations which seek to show how the proposed link corridor would link the family flat and main dwelling.

8.2. Planning Authority Response

The PA, in their response received 24/06/2025, state that they have no comments to make in respect of the appeal and seek that the Commission uphold their decision to refuse. In the event that their decision is overturned by the Commission they seek that, where relevant, conditions relating to the payment of a Section 48 Development Contribution, a bond/ cash security, tree bond and a payment in lieu to compensate for a shortfall in play facilities be applied.

8.3. Observations

None received.

8.4. Further Responses

None received.

9.0 Assessment

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

- Principle of Development
- Design and Layout

- Drainage (New Issue)
- Other

9.1. Principle of Development

- 9.1.1. The PA determined that the family flat's design and access arrangements rendered it akin to a separate residential unit. They subsequently refused permission on the basis of the proposal's contravention of the site's 'HA' zoning and, on the basis that the applicant had not provided sufficient documentary evidence to demonstrate their genuine rural housing need in accordance with Fingal's rural settlement strategy (refusal reason no. 2).
- 9.1.2. It is argued in the grounds of appeal that the proposal is not for an additional rural dwelling, but for a family flat ancillary to an authorised residential development, and that a refusal on the basis of non-compliance with site zoning is not appropriate. Notwithstanding, where the Commission are minded to grant permission, the appellant is willing to accept the attachment of planning condition(s) to control the use of the flat.
- 9.1.3. Having regard to the assessment of the proposal carried out under Section 9.2 below, I have determined that the proposal is non-compliant with the FDP policy on family flats (as outlined under Objective SPQHO46 and Section 14.10.3) by reason of its design and layout which is impractical and fails to adequately integrate with the existing dwelling. On this basis, I am of the opinion that the proposal cannot reasonably be considered as a family flat or as family accommodation ancillary to the use of the main dwelling on the 'HA' zoned site and must instead be assessed as an independent residential dwelling unit. Therefore, whilst the appellants have not applied for retention permission for a residential unit, I consider that the proposal does constitute housing development and that the policies and objectives pertaining to new dwellings/ homes in rural areas should apply in this instance.
- 9.1.4. From my reading of the policy guidance under Section 3.5.15 (Housing in Rural Fingal) and Section 3.5.15.3 (Fingal Rural Settlement Strategy - Rural Generated Housing Need), all housing on HA zoned lands (with the exception of that covered by Section 3.5.15.13) is required to comply with same, with applicants required to demonstrate that they have a rural housing need arising from either their involvement in the family farm or from their exceptional health reasons. Having regard to the information on file, it is apparent to me that the appellants have provided no documentation to illustrate

their compliance with either of the two eligibility criteria for rural housing on HA zoned lands under Fingal's Rural Settlement Strategy and have therefore not satisfactorily demonstrated their rural housing need or their compliance with the site's HA zoning in this respect. In light of this determination, I consider it appropriate that permission be refused on the basis of non-compliance with Fingal's Rural Settlement Strategy (as informed by NPO 19) which permits housing in areas with zoning objective 'HA – High Amenity' only to those who have a defined essential housing need based on their involvement in farming or their exceptional health circumstances.

9.2. Design and Layout

- 9.2.1. Refusal reason No. 1 refers to the proposal's non-compliance with the Development Plan's family flat policy (Objective SPQHO46 and Section 14.10.3) on account of its design and layout and failure to integrate with the existing dwelling and site context.
- 9.2.2. The PA's report of 08/05/2025 provides further detail on their concerns in this regard and highlights the unacceptability of the flat's independent/ own-door side access and its proposed glazed link corridor, which is determined to be of excessive in length and to have an impractical design which would not succeed in appropriately integrating the flat with the main dwelling.
- 9.2.3. The appellant argues that the proposal is fully compliant with FDP policy on family flats on the basis that their proposed glazed corridor successfully physically links the family flat to the main house and will allow the flat to be subsumed back into the primary dwelling in the future where required. They also note that similar corridor proposals have recently been permitted by the PA under P.A. Ref's FW25A/0049 and F23A/0035, with their proposal specifically providing for a new disabled access from the car parking area to the flat and the main house. The appellant also contends that the siting, size and design of the proposed glazed link corridor is proportionate to the size of the overall site and its context, with no potential to interfere with residential or visual amenities.
- 9.2.4. Having visited the site, I note that the pre-existing garage structure (c. 110sq.m) is detached from the main dwelling (being located c. 7m to its north-west) and that the proposal is to retain its southernmost portion as a garage (c. 41sq.m) with vehicular access via roller shutter on its southern elevation whilst the remainder is used as a family flat (c. 73sq.m). This arrangement gives rise to a distance of c. 13.5m between

the main dwelling and the flat which is proposed to be bridged by the provision of a new c. 15m long glazed link corridor. The mid-point of this corridor would be capable of being accessed from the adjoining shared parking area and it would also serve as a rear access to the main house and flat.

- 9.2.5. Whilst I note the FDP's general policy support for family flats and housing ageing persons as highlighted by the applicant (i.e. Policy SPQHP42 and Section 3.5.6), Section 3.5.13.2 of the plan states that the function of family flats is to provide for semi-independent accommodation for an immediate family member. I further note that Section 14.10.3 of the FDP allows for conversion of a garage attached to a main dwelling to use as a family flat, with applications for same being assessed in terms of the impact on the integrity of the existing dwelling and neighbouring properties having regard to 6 no. compliance criteria. Having reviewed same, I am not satisfied that the proposal is compliant with 2 no. of the criteria, namely that the accommodation must be capable of being subsumed back into the main property and the family flat should not impact adversely on either the residential amenities of the existing property or the residential amenities of the area. My concerns in this regard are discussed further below.

Access and Integration with Main Dwelling

- 9.2.6. The applicants are seeking permission for a new c. 15m long glazed corridor to ensure that the existing family flat is capable of being incorporated or subsumed back into the main dwelling in the future where it is no longer required as ancillary family living accommodation.
- 9.2.7. Having reviewed the drawings on file and visited the site on 14/08/2025, I note that the proposed corridor would link to the rear of the main dwelling, via what appears to be a rear porch/ utility room, to the family flat via a 10sq.m 'study' (which was observed to be in operation as a walk in wardrobe) and not through a lobby, circulation or main living space (which would be more appropriate) on account of the existing layout of the flat. Having regard to these proposed arrangements, I am not satisfied that a glazed corridor linking the rear of the main dwelling to the family flat is an appropriate means of bridging the distance and functional separation between the flat and the main dwelling or for providing for its subsumption back into the main dwelling in the future when a separate family flat is no longer required.

- 9.2.8. My review of the 2 no. cases of permitted single storey link corridors cited in the grounds of appeal reinforces my opinion on the inappropriate design of the proposed link corridor on the basis that the proposals therein related to much smaller scale 'corridors' (i.e. 1.04m and 4m long respectively), akin to porches or lobbies which linked the main dwellings to the flat's kitchen/living areas, with those flats having no other means of access. I also note that the scale and siting of these permitted bridging corridors was such that they were not visible from the public road and had no potential to adversely impact on residential or visual amenities.
- 9.2.9. A further own-door access is also provided for on the west elevation of the appellants family flat leading off the main living area and I am satisfied that, on its own merits, this access is generally compliant with the policy guidance under Section 14.10.3 on account of its location at the side of the structure as allowed for under this section.

Impact on Amenities

- 9.2.10. Objective SPQHO46 requires that family flats comply with the design criteria for residential extensions outlined in Section 3.5.13.1 which encourages proposals of an appropriate scale and the protection of residential and visual amenities.
- 9.2.11. The single storey link corridor proposed (which is integral to the design of the family flat as proposed) is significant in scale – at c. 15m in overall length and c. 2.3m in height with an area of c. 22sq.m – as illustrated by the proposed elevation and section drawings and visualisations submitted with the appeal. These show that it would be a substantial and visually dominant structure on the site which I consider would have the potential to negatively impact on the visual amenity of the main dwelling – notwithstanding the appellants arguments around its potential to enhance their residential amenity. I also consider that the design and scale of the proposed corridor would render it visually prominent in raking views from the L-1285 to the south-west and south-east with its scale and incongruous design relative to the simple vernacular design of the shed structure having the potential to unacceptably impact on the visual amenity of the locality. This is a particular concern given the site's location within a highly sensitive (coastal) landscape' and the requirements of Policy GINHP28 (Protection of High Amenity Areas).
- 9.2.12. Given its design and siting, I do not consider that the corridor has the potential to negatively impact on internal daylighting to the main dwelling or to overshadow its

private amenity space. There is also no potential for the corridor to impact on the residential amenities of adjoining properties (in terms of overlooking, overbearance etc.) on account of its siting and separation distance from same.

- 9.2.13. In summary, I consider it appropriate that permission be refused on the basis of non-compliance with Section 14.10.3 and Objective SPQHO46 of the FDP.

9.3. Drainage (New Issue)

- 9.3.1. The PA's Water Services Department raised a number of queries in respect to the applicant's proposed drainage infrastructure and sought clarity on their proposed wastewater and surface water drainage arrangements i.e. do they intend to continue to use their current bicycle tank and percolation area or do they propose to a public sewer or provide an on-site wastewater treatment system. In respect to the latter option, FI was deemed to be required in respect to the design of the treatment system and its compliance with the EPA Code of Practice (2009). The PA also sought clarity on the design and siting of the proposed soakaway system and on its compliance with technical standards outlined in the BRE Digest 365 and the Greater Dublin Strategic Drainage Study (2005).
- 9.3.2. The grounds of appeal state that *"at present the site is served by a wastewater treatment plant and percolation area which is more than adequate to cater for the small increase in population"*. However, the lack of detailed information provided on the scheme's water services proposal at application stage has not been sufficiently addressed by the appellant as part of their grounds of appeal. Therefore, on the basis of the uncertainty which remains around the proposal's foul drainage and surface water management arrangements, I consider that there is insufficient information on file to allow the Commission to determine that the proposal is fully compliant with the EPA Code of Practice (2021) and would not give rise to a risk to public health by reason of system design failure and groundwater pollution.
- 9.3.3. Notwithstanding, were the Commission to take a different view on the materiality of the issue of the on-site drainage arrangements, I note that it is open to them under Section 131 of the Planning and Development Act 2000 (as amended) to request any party to the appeal or any person or body who has made submissions or observations on same to make further submissions or observations in relation to this matter.

9.4. Other

- 9.4.1. I note the points raised by the appellant in respect to the site being located in Flood Zone C and adequate sightlines being achieved onto the L-1285. Having reviewed the information on file and having visited the site, I note that the PA did not raise and concerns in respect to these matters and I am satisfied that no issues in respect to flood risk or road safety arise.

10.0 AA Screening

- 10.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development/ development to be retained individually or in combination with other plans or projects would not be likely to give rise to significant effects on the following European Sites: North-West Irish Sea SPA (Site Code 004236), Skerries Islands SPA (Site Code 004122), Rogerstown Estuary SPA (Site Code 004015), Rogerstown Estuary SAC (Site Code 000208), Rockabill to Dalkey Island SAC (Site Code 003000), Rockabill SPA (Site Code 004014) or any other European site, in view of these sites' Conservation Objectives, and Appropriate Assessment (and submission of an NIS) is not therefore required.

- 10.2. This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European site.
- Distance from and weak indirect connections to the European sites.
- No significant ex-situ impacts on wintering birds.

See Appendix 2 for further details.

11.0 Recommendation

I recommend that permission be REFUSED for the reasons and considerations set out below.

12.0 Reasons and Considerations

1. Having regard to the location of the site on 'High Amenity' zoned lands and in an area where housing is restricted to persons demonstrating local need in accordance with Section 3.5.15.3 (Fingal Rural Settlement Strategy Rural Generated Housing Need), Table 3.4, of the Fingal County Development Plan 2023-2029, it is considered that the applicant does not come within the scope of the housing need criteria as set out in the Development Plan for a dwelling at this location. The development to be retained would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to Objective SPQHO46 and Section 14.10.3 of the Fingal County Development Plan 2023-2029, it is considered that the proposal does not satisfy the policy requirements which relate to family flats on account of its design, layout and access/ integration arrangements. The proposed development and development to be retained would, therefore, be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Emma Gosnell

Planning Inspector

22nd August 2025

Form 1 - EIA Pre-Screening

Case Reference	ABP-322664-25
Proposed Development Summary	Retention of family room and alterations to garage, Construction of glazed corridor with all associated site works
Development Address	Green Oaks, Baldungan, Lusk, Co. Dublin, K45 W304
In all cases check box /or leave blank	
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Part 2, Class 10(b)(i) Infrastructure – dwelling units

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	ABP-322664-25
Proposed Development Summary	Retention of family room and alterations to garage, Construction of glazed corridor with all associated site works.
Development Address	Green Oaks, Baldungan, Lusk, Co. Dublin, K45 W304
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The development comprises of the retention of the conversion of part of an existing garage to a family flat and related internal and external works. It comes forward as a standalone project, does not significant require demolition works or the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The development is situated on a brownfield site and surrounded by agricultural land and other one-off rural dwellings within the townland of Baldungan, Co Dublin. The development is removed from sensitive natural habitats, dense centres of population and designated sites of identified significance in the County Development Plan. It is located on High Amenity zoned lands and within a 'Highly Sensitive (Coastal) Landscape'.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the nature of the proposed development and development to be retained, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in Section 171A of the Act.

Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	
There is a real likelihood of significant effects on the environment.	

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 2 – AA Screening Determination

Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive)

I have considered the proposal for the retention of family room and alterations to garage and construction of glazed corridor with all associated site works at Green Oaks, Baldungan, Lusk, Co. Dublin in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located:

- Approx. 2.5km from North-West Irish Sea SPA (Site Code 004236)
- Approx. 3km from Skerries Islands SPA (Site Code 004122)
- Approx. 4km from Rogerstown Estuary SPA (Site Code 004015)
- Approx. 4km from Rogerstown Estuary SAC (Site Code 000208)
- Approx. 4km from Rockabill to Dalkey Island SAC (Site Code 003000)
- Approx. 4.5km from Rockabill SPA (Site Code 004014)

The proposed development comprises of the retention of family room and alterations to garage, Construction of glazed corridor with all associated site works.

No nature conservation concerns were raised in the planning appeal.

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 a European Site.

The reason for this conclusion is as follows:

- Small scale nature of works/ development
- Location-distance from nearest European site and lack of connections
- Taking into account screening report/determination by PA

I conclude, 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.

Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

Appendix 3

Screening the need for Water Framework Directive Assessment Determination.

The appeal site is located in the townland of Baldungan, Co. Dublin.

The nearest watercourse is the Balcunnin River (located c. 400m to the south) and delineated from the appeal site by the L-1285 (Baldongan Road) and by a large agricultural field. There is no direct connection between the appeal site and this watercourse. The site is also situated within Lusk-Bog of the Ring groundwater body which is 'at risk' but identified as having a 'good' WFD status under the 2016-2021 monitoring period¹.

The proposal comprises of retention of family room and alterations to garage, Construction of glazed corridor with all associated site works – see Section 2.0 of Inspector's Report for further details.

No water deterioration concerns were raised in the planning appeal.

I have assessed the proposal for permission and retention permission (described above) at Baldungan, Co. Dublin and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. 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 surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- The de-minimus small scale nature and scale of the proposal.
- The location-distance from nearest water bodies and/ or lack of hydrological connections.

Conclusion

I conclude that on the basis of objective information, that the proposed development/ development to be retained will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

¹ Source: [EPA Maps](#) accessed 06/08/2025

