



An
Bord
Pleanála

Inspector's Report ABP-321646-25

Development	Integration of ground floor, alterations at first floor and new wastewater treatment plant together with all associated site works.
Location	Newport Farm, Ballymadrough, Donabate, Co. Dublin
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F24A/0926
Applicant(s)	Mark Whelan & Camille Bleytoui
Type of Application	Retention Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Mark Whelan & Camille Bleytoui
Observer(s)	None
Date of Site Inspection	03/04/2025
Inspector	Emma Gosnell

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1.0 Site Location and Description

- 1.1. The appeal site is located within the Newport Farm complex in Ballymadrough, Donabate, Co. Dublin. It is accessed from a local road leading from the R-126. The wider area is rural in character and is primarily in agricultural use with a small number of standalone residential properties.
- 1.2. The site forms the western portion of an enclosed rectangular courtyard complex which features a gate/ bell tower on its north side and single storey vernacular-style stone barns/ outbuildings on its east side. There is a large residential property and walled garden to the immediate south-east of the appeal site with Newport House being located further to the south-east overlooking Broadmeadow Estuary. The remainder of the immediate farm complex is comprised of gardens, landscaped grounds, more natural/ unmanaged areas and facilities for the keeping of fowl etc. There is what appears to be an existing drainage ditch running along a field boundary further to the west of the site.
- 1.3. The site, which comprises of a former barn/ outbuilding with stables at ground floor level together with a portion of adjoining land to the north, is c. 0.125 hectares (ha) in area. The building features a series of individual horse stalls and a storage area at ground floor level which are accessed directly from the courtyard through open arches. The upper level of the building (roof/ attic level), which is accessed via an entry hall and stair core on its south side, has been converted into use as a 1-bedroom residential unit (c. 70sq.m) lit by a number of rooflights on the western plane of its hipped roof.
- 1.4. The building subject of the appeal is not a protected structure, is not located in an Architectural Conservation Area and is not on the National Inventory of Architectural Heritage.
- 1.5. The application site is in third party ownership and a letter of consent from the landowner was provided as part of the application documentation.

2.0 Proposed Development

- 2.1. The proposed development comprises of the 1. The integration at ground floor level of the existing residential entrance hall, cloak room, living area and boiler with existing stables and feed room, to be converted to Kitchen, living and study areas. 2. Alterations at first floor level of existing residential accommodation comprising bed/living, kitchen, bathroom and storage areas, to provide 2 no. bedrooms, 1 no. bathroom, (1 no. en-suite), and a rear roof, dormer extension. 3. New on-site Wastewater Treatment Plant (WWTP). 4. All associated site works.
- 2.2. I wish to highlight to the Board that conversion and use of the upper floor of the barn/ outbuilding as residential accommodation was not applied for as part of the proposal subject of this appeal.

3.0 Planning Authority Decision

3.1. Decision

Permission refused on 09/12/2024 for 2 no. reasons as follows:

1. Proposed residential development would be a material contravention of Objective SPQHO74 (permit housing in HA zoned areas only to those who meet rural housing need criteria) and a contravention of National Policy Objective 19 together with the site's High Amenity zoning and the Rural Settlement Strategy.
2. Non-compliance of proposed dormer window design with Objective SPQHO45 and Section 14.10.2.5 and related contravention of site's High Amenity zoning.

3.2. Planning Authority Reports

3.2.1. Planning Reports

One planning report (dated 09/12/2024) forms the basis of the assessment and recommends that permission be refused. Points of note in the report include:

Compliance with Zoning/ Rural Settlement Strategy

- No evidence submitted to demonstrate applicant's compliance with Objective SPQHO74 and Rural Settlement Strategy - which restricts new houses in High Amenity (HA) zoned areas to those who have a defined essential housing need arising from their involvement in farming or their exceptional health circumstances.
- Applicant's reliance on Objective ZO3 (further development of non-conforming uses) on basis of partial conversion of barn/ outbuilding to residential use between 2006-2008 and rental as such from 2010 is not accepted as the proposal constitutes the consolidation and extension of an existing residential use and the creation of a separate residential property with standalone supporting infrastructure with arrangements to subdivide it from wider Newport Farm property.
- ZO3 cannot circumvent the Rural Settlement Strategy and to allow it to do so would set a seriously detrimental precedent in respect to HA zoned lands and would contravene NPO19 of the NPF. **Refusal Recommended on this basis.**

Dormer Window Design

- Proposed dormer window extension is excessive in scale and length and would overly dominate the western elevation of the building and represents an insubordinate and unsympathetic extension to the building. It would also inappropriately overlook the HA zoned lands to the west. **Refusal Recommended on this basis.**

Other

- Remaining works to building's exterior are acceptable and in-keeping with the site's rural character.
- Proposed parking and shared access arrangements acceptable.
- Proposal location proximate to area at risk of coastal flooding but is also located within a defended area as per the FCDP's Strategic Flood Risk Assessment (SFRA). Whilst proposed finished floor levels (FFL) are compliant with the requirements of the Greater Dublin Strategic Drainage

Study, they fall 60mm short of the FFL requirement specified in the SFRA. Given that proposal comprises of an extension and alteration to an existing residential unit, it comes within the auspices of Section 5.28 (assessment of minor proposals in areas of flood risk) of the Flood Risk Guidelines and is unlikely to give rise to a flood risk issue. Notwithstanding, consideration should be given to introducing additional (unspecified) mitigation measures at ground floor level.

- Foul sewerage and drainage strategy is acceptable and would improve surface-water management on the site.
- Existing trees/ hedgerows on site – to be protected during construction.
- Whilst site is near to 2 no. European sites, significant impacts are not likely.

3.2.2. Other Technical Reports

- Parks and Green Infrastructure Division (25/11/2024) – no objection subject to conditions.
- Water Services Department (25/11/2024) – no objection subject to conditions.
- Ecologist (05/11/2024) - no objection subject to conditions.
- Transportation Planning Section (04/12/2024) - no objection subject to conditions.

3.3. Prescribed Bodies

No submissions on file.

3.4. Third Party Observations

No submissions on file.

4.0 Planning History

Newport Farm landholding (includes the appeal site)

P.A. Ref. F04A/1438 – Permission granted on 07/01/2005 for demolition of 2 no. existing extensions, the construction of 2 no. extensions in the form of a two storey extension to west and single and part two storey extension to east of existing house, alterations to existing entrance porch and hall door, 2 no. dormer windows to roof on north of existing house, alterations to elevations, provision of French doors and sliding sash windows, construction of link corridor to adjoining agricultural building and change of use of this building to living accommodation, providing en-suite bathroom, changing room, study and games room to existing house, internal alterations to existing house with the provision of 2 no. en-suite bathrooms, remove existing concrete roof tiles and replace with natural slate, provision of proprietary waste water treatment plant and percolation area, subject to conditions including one requiring: *“5. That the entire premises be used as a single dwelling unit apart from such use as may be exempted development for the purposes of the Planning and Development Regulations. Reason: To prevent unauthorised development”*.

This permission was implemented subsequent to the grant of permission.

5.0 Policy Context

5.1. National Policy

Project Ireland 2040 – National Planning Framework (2018) – NPO 19 - Guiding Development in Rural Areas through siting and design criteria for such housing in statutory development plans

Climate Action Plan (2024) and Ireland’s 4th National Biodiversity Action Plan (NBAP) 2023-2030

Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (DoHLGH, 2023)

Our Rural Future, Rural Development Policy 2021-2025

The Planning System and Flood Risk Management - Guidelines for Planning Authorities and Technical Appendices (DoHLGH, 2009) and Circular PL2/2014.

Sustainable Rural Housing Guidelines for Planning Authorities (DoHLGH, 2005) – distinction between ‘Urban Generated’ and ‘Rural Generated’ housing need with Appendix 3 providing guidance for managing same.

5.2. Regional Policy

Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy 2019-2031 – Regional Policy Objectives (RPOs):

- RPO 10.14 – serviced sites in rural villages alternative to one-off housing in countryside in line with RPO 4.78.
- RPO 4.80 – Local authorities to manage urban generated growth in rural areas.

5.3. Development Plan

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

Zoning

High Amenity

- 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.
- 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.

- Donabate is designated as having a 'Low Lying Character Type' and the site is located within a highly sensitive coastal landscape and an ecological buffer zone.

Non-Conforming Uses

- Section 13.3 (Non-Conforming Uses) – i.e. uses which don't conform to the zoning objective of the area but which are established/ have valid permissions etc.
- Objective ZO3: Non-Conforming Uses - generally, permit reasonable intensification of extensions to and improvement of premises accommodating non-conforming uses, subject to normal planning criteria.

Rural Settlement Strategy

Section 3.5.15 (Housing in Rural Fingal)

Section 3.5.15.3 (Fingal Rural Settlement Strategy Rural Generated Housing Need) – states 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.

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.

Policies CSP46 and SPQHP46: Rural Settlement Strategy

Housing Design Guidance

Section 14.12.2 (Design Criteria for Housing in the Countryside)

Policy SPQHP41: Residential Extensions – support extension of existing dwellings to appropriate scale and subject to protection of residential and visual amenities.

Objective SPQHO45: Domestic Extensions - Encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area.

Roof Level Alterations

Section 14.10.2.5 (Roof Alterations including Attic Conversions and Dormer Extensions)

Heritage/ Reuse/ Refurbishment

There is a Protected Structure (Ballymadrough Bridge, RPS Ref. 481) located to the south of the appeal site, Recorded Monument (a tide mill, DU012-042) to its south-east and an Objective to Protect & Preserve Trees, Woodlands and Hedgerow to its immediate west.

Policy HCAP22: Retention and Reuse of Existing Building Stock - Seek the retention, appreciation and appropriate revitalisation of the historic and vernacular building stock, and 20th century built heritage of Fingal in both the urban and rural areas of the County by deterring the replacement buildings with modern structures and by protecting (through the use of Architectural Conservation Areas and the Record of Protected Structures and in the normal course of Development Management) these buildings where they contribute to the character of an area and/or where they are rare examples of a structure type, a distinctive piece of architecture or have an innate value. (See also Table 14.26).

Objective SPQHO41: Refurbishment and Retrofitting of Existing Buildings - Promote measures to reduce vacancy and underuse of existing building stock and to support the refurbishment and retrofitting of existing buildings.

Objective SPQHO43: Contemporary and Innovative Design Solutions.

Objective SPQHO44: Retention, Retrofitting and Retention of Existing Dwellings - The Council will encourage the retention and retrofitting of structurally sound, habitable dwellings in good condition as opposed to demolition and replacement and will also encourage the retention of existing houses, such as cottages, that, while not Protected Structures or located within an ACA, do have their own merit and/or contribute beneficially to the area in terms of visual amenity, character or accommodation type.

Policy SPQHP48: Re-use/Rehabilitation of Existing Housing Stock - Encourage the re-use and re-habilitation of existing housing stock in rural areas in preference to new build and actively promote the protection of rural buildings.

Section 3.5.15.13 Vernacular Buildings – viable reuse of historic vernacular dwellings will not be subject to the Rural Settlement Strategy for housing in countryside.

Objective HCAO36 – Extensions to Vernacular Dwellings

Section 14.2.3 Sustainable Design and Climate Action

6.0 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:

- Malahide Estuary SPA (Site Code 004025) – approx. 90m
- Malahide Estuary SAC (Site Code 000205) – approx. 90m
- Rogerstown Estuary SPA (Site Code 004015) - approx. 3.5km
- Rogerstown Estuary SAC (Site Code 000208) - approx. 3.5km
- North-West Irish Sea SPA (Site Code 004236) – approx. 4km
- Rockabill to Dalkey Island SAC (Site Code 003000) - approx. 7.7km

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

- Malahide Estuary pNHA (Site Code 000205) – approx. 90m
- Malahide Estuary pNHA (Site Code 000205) - approx. 3.3km
- Portrane Shore pNHA (Site Code 001215) – approx. 4.9km

7.0 EIA Screening

Having regard to the criteria set out in Schedule 7 of the Planning and Development Regulations (2001) as amended, there is no real likelihood of significant effects on the environment based on the characteristics and location of the proposed development and types and characteristics of potential impacts. No EIAR is required. I refer the Board to Form 1 (EIA Pre-Screening) and Form 2 (EIA Preliminary Examination) in the Appendices.

8.0 The Appeal

8.1. Grounds of Appeal

A first party appeal submission was received on 13/01/2025 and seeks to address the PA's reasons for refusal. The grounds of appeal can be summarised as follows:

Status of Residential Use/ Unit

- A residential unit has been operating from the site since the building's construction in 2006 and whilst unauthorised, has exceeded the time limit for enforcement proceedings to be taken against it.
- The residential use of the property is an established, non-conforming use.
- One of the appellants has been resident in Ballymadrough for c. 35 years and the residential unit has been both the appellants' permanent residence since 2018.
- Purpose of proposal is to convert existing 1-bed unit to 2-bed family home (for a single family).

Principle of Development

- Regularisation and improvement of unauthorised, established use is planning gain.
- Intensification of residential use is minimal and use as single family unit/ prohibition of further subdivision of the farm can be conditioned.
- Whilst residential unit is a non-conforming use, proposal should be permitted under Section 13.3 and Objective ZO3 of the FDP.
- Proposal if permitted would regularise and improve a non-conforming use.

Acceptability of Design/ Proposed Works

- Increase in floorspace/ works are modest, sensitive and will not increase building footprint or ridge height – design respects site's HA zoning/ sensitivity of location.
- PA's technical departments raised no objections to the proposal.

Policy Compliance

- Proposal is compliant with policy allowing intensification/ enhancement of premises accommodating non-conforming uses, policies governing protection of and development within high amenity areas and policy in respect to the extension, refurbishment and development of existing dwellings and building stock.
- PA have erred in their assessment of the proposal as a new residential unit and against Fingal's Rural Housing Policy (which cannot be applied retrospectively) and, therefore, have failed to properly assess it under Objective ZO3/ Section 13.3.
- The PA's assessment approach is incoherent in that, whilst they considered the residential unit to be new, they also assessed the proposed works to it against

policies which relate to existing residential uses (Section 14.10.2.5 (Roof Alterations) and Objective SPQHO45 (Domestic Extensions)).

- Proposed dormer extension is fully compliant with design guidance set out under Objective SPQHO45 (Domestic Extensions) and the PA inappropriately applied the design guidance under Section 14.10.2.5 (Roof Alterations). Notwithstanding, applicant proposes alternative design for the dormer window extension (hereinafter referred to as 'the appeal scheme').

The grounds of appeal are accompanied by photographs of the appeal site taken from open agricultural lands to the west, by photographs of the interior of the property and, by various planning precedents of contemporary architecture being permitted on HA zoned lands in the vicinity.

8.2. Planning Authority Response

The PA, in their response received 13/02/2025, note the grounds of the third party appeal and state that they have no objections to the revised design of dormer window submitted as part of the grounds of appeal. They take the opportunity to reiterate their refusal reasoning and seek that their decision be upheld. In the event that their decision is overturned by the Board 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, and having inspected the site, and having regard to relevant local policies

and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Dormer Extension

The grounds of appeal have raised matters relating to the 2 no. refusal reasons only. Having reviewed the documentation on file, I am satisfied that there are no other issues that need to be raised or considered as part of my assessment.

9.1. Principle of Development

Context

- 9.1.1. The application before the Board is for works to an existing stable/out building including the conversion of ground floor stables and tack room to a kitchen, living room and study areas to serve an existing residential unit at the upper level; alterations to the layout of the existing unit; and, the provision of dormer window(s) at roof level – all in order to increase the size and improve the functionality of the existing dwelling within.
- 9.1.2. The conversion of the existing stable/ out building to a residential unit does not form part of the application. There is no record of an application for permission for the change of use of the barn/ outbuilding to a residential unit and, as such, it does not appear to have the benefit of planning permission. The unauthorised status of the unit (conversion of upper level of a stable/ outbuilding to residential use) is confirmed by the appellant in their grounds of appeal.
- 9.1.3. Condition No. 5 attached to the grant of permission under P.A. Ref. F04A/1438, which sought to alter and extend the main dwelling at Newport Farm, required that the entire premises (i.e. the landholding which includes the appeal site) be used as a single dwelling unit in order to prevent unauthorised development.
- 9.1.4. The PA in their report raised significant concerns about the applicant's proposed consolidation and creation of a separate residential property and in respect to their proposed subdivision of the Newport Farm property.

Extension and Improvement of a Non-Conforming Use

- 9.1.5. The appellants contend that, as their existing residential unit has been operating from the site since the building's construction in 2006, the 7 year statute of limitations for enforcement proceedings has passed. In this regard, they point to the definition of non-conforming uses provided under Section 13.3 of the FDP and specifically the statement that these are uses "*which are un-authorised but have exceeded the time limit for enforcement proceedings*" and to the further development of such uses allowed under Objective ZO3 (Non-Conforming Uses). The appellants also point to a technical error arising from the PA's failure to assess their proposed works against this policy provision and state that the works would function to both regularise and improve what they consider to be their non-conforming use.
- 9.1.6. The PA in their report take issue with the appellant's reliance on the provisions of Section 13.3 and Objective ZO3 as a means of circumventing the Rural Settlement Strategy and raise significant concerns about the precedent this would set for HA zoned lands.
- 9.1.7. As per the planning history of the Newport Farm property detailed in Section 4.0 of this report, Condition No. 5 attached to P.A. Ref. F04A/1438 (which encapsulated the appeal site) stipulated that "*That the entire premises be used as a single dwelling unit apart from such use as may be exempted development for the purposes of the Planning and Development Regulations. Reason: To prevent unauthorised development*". I note that the appellant's residential unit is additional to the original main dwelling on site (i.e. the existing family home) as illustrated on the plans received with the grounds of appeal on 13th January 2025. The Guide to Planning Enforcement in Ireland (DoECLG, 2012) states, in respect to the limitations on activating enforcement action, that "*Irrespective of the time that has elapsed, enforcement action can still be taken where a person has failed to satisfy a planning condition concerning the use of land*".
- 9.1.8. On this basis of the above considerations, I am not satisfied that the existing residential use of the structure comes within the definition of a non-conforming use provided for under Section 13.3 on the basis that the time limit for enforcement proceedings, for the conversion of part of the stable/outbuilding to

residential use and the resultant creation of a new dwelling unit on the lands, has not been exceeded. The appellants' proposal for the extension of and improvement to their residential premises/ residential use on 'HA – High Amenity' zoned lands which does not have the benefit of planning permission cannot therefore be considered under Objective ZO3. Notwithstanding, issues relating to enforcement proceedings are a matter for the PA to pursue.

Compliance with Rural Housing Policy

- 9.1.9. As discussed in paragraph 9.1.6 of this report, the PA considered that the Rural Settlement Strategy should apply to the applicant's proposal on account of the site's 'HA – High Amenity' zoning where 'residential' is a use permitted in principle only where the applicants comply with Fingal's Rural Settlement Strategy (Section 3.5.15.3, Table 3.4) which relates to rural generated housing need. The applicants' submitted no documentation demonstrating their compliance with this strategy and the PA determined that their proposal for a 'separate residential dwelling' on the lands could not conform to the HA zoning and would contravene NPO 19 (guiding development in rural areas) and Objective SPQHO74 (Houses in HA Zoned Areas). Refusal of permission was recommended on this basis (reason no. 1).
- 9.1.10. The grounds of appeal state that as the policy on rural housing relates to new housing rather than to existing residential units, it is not relevant to the assessment of their proposal which constitutes improvement works to existing housing. They appellants contend that the existing residential unit and established residential use should not be considered to be new on account of a proposed change in its legal ownership or by reason of proposed improvements to the treatment of its wastewater (via new onsite WWTP). They further state that the Rural Settlement Strategy would only have applied to the development of the in-situ residential unit within 7-years of its construction (with enforcement action after this period being statute barred) and cannot now be applied retrospectively to their proposals for modest conversion and modifications works.
- 9.1.11. Whilst the appellants have not applied for retention of a residential unit, they have applied for permission for development (as described in Section 2.0)

which would facilitate the expansion and increase in the size of the existing residential dwelling (i.e. from c. 70sq.m to c. 102sq.m) and the intensification of the existing residential use of the property (i.e. going from a 1-bed unit to a 2-bed unit with related implications for potential unit occupancy levels). The development proposed would also lead to the conversion of the entire stable/ outbuilding to residential use. Having regard to the location, HA zoning and planning history of the appeal site (i.e. given the absence of permission for the residential unit on the appeal site which has not been previously assessed to ascertain its compliance with Fingal's Rural Housing Policy), I am of the view that these works are intrinsically linked to the residential use of the unit and cannot be considered in isolation from the expansion of the residential unit and the intensification of the residential use that they will facilitate. I therefore 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.

9.1.12. 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) which uses the terms 'housing', 'dwellings' and 'homes' interchangeably without specifying that same relates to new-build, 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.

9.1.13. The FDP contains various policies and objectives to incentivise the rehabilitation, refurbishment and re-use of existing rural building stock (as detailed in Section 5.3 of this report). However, only the policy guidance under Section 3.5.15.13 (Vernacular Buildings) explicitly exempts the applicant for such works from the Rural Settlement Strategy for housing in countryside. The

grounds of appeal state that the subject structure was constructed in 2006 and it does not therefore constitute a historic vernacular dwelling. On this basis, the improvement works subject of this appeal would not qualify for the aforementioned exemption from the Rural Settlement Strategy.

- 9.1.14. In light of my above assessment, 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. Dormer Extension

Dormer extension at planning application stage

- 9.2.1. In assessing the proposed development which permission was applied for, the PA determined that the proposed dormer window extension – by virtue of its excessive scale and length – would fail to accord with Objective SPQHO45 (Domestic Extensions), Section 14.10.2.5 (Roof Alterations) or the site's HA zoning and would not therefore be in-keeping with its rural setting (as per refusal reason no. 2). In their response to the appeal the PA state that whilst they have no objections to the revised design of dormer window submitted as part of the grounds of appeal, they still seek that their decision to refuse be upheld.
- 9.2.2. The appellants take issue with the PA's assessment of their proposed glazed dormer/ rear roof extension against the design guidance set out under Section 14.10.2.5 on the basis that it relates mainly to urban and suburban contexts with its application being less suited to a rural context.
- 9.2.3. The appellants also note that whilst 'notable and prominent' their proposal is sensitively designed, screened by mature boundaries and located on private, publicly inaccessible lands and will not, therefore, give rise to adverse impacts on neighbouring residential amenity in terms of overlooking, overshadowing or overbearance and they consider that their proposal is fully compliant with Objective SPQHO45 and more generally with the design guidance set out under Section 14.10.2.5 and with policy guidance on residential extensions, refurbishment and retrofitting of buildings, re-use of rural building stock and contemporary, innovative design.

- 9.2.4. The grounds of appeal also raise concerns about the PA's finding that the dormer extension would be contrary to the site's HA zoning in terms of its objective and its vision and contends that there are many examples of contemporary architecture on HA zoned lands in the locality.
- 9.2.5. I have considered the (application stage) proposed rear dormer extension in light of the policy guidance provided for under Objective SPQHO45 (Domestic Extensions) and Section 14.10.2.5 (Roof Alterations). Whilst Objective SPQHO45 is relevant but relatively generic in terms of its policy guidance (i.e. refers to 'extensions to existing dwellings' only), I am of the opinion that the PA were correct to assess the proposal against Section 14.10.2.5 of the plan. Furthermore, while I acknowledge that some of the latter policy is not entirely relevant to a rural context, I consider that its criteria in respect of relativity to character and size of the structure; design character and harmony with the remainder of the roof and with the structure; and, visibility/ prominence of the roof and its visual impact, to all be relevant to the proposal.
- 9.2.6. It is my view that the extensive rear dormer window (as proposed at application stage) which is c. 16.5m in length (stretching from one roof hip to the other) is not appropriately set back from eaves and, on account of its excessive length and siting, visually dominates the western roof plane and the existing building and would likely give rise to significant overbearance and visual incongruity when viewed from ground level. For these reasons, I consider it to be non-compliant with Section 14.10.2.5 (Roof Alterations) specifically and also, in a more general sense, with the policy guidance provided under Objective SPQHO45 (Domestic Extensions). Furthermore, having regard to the site's location within a highly visually sensitive coastal landscape which is subject to protection from inappropriate development as per the HA land use zoning, I consider that the proposal's non-compliance with the aforementioned policy would also give rise to a contravention of the site's zoning by virtue of its excessive scale, visibility (particularly at nighttime) and visual incongruous design in a scenic coastal area which is very visually sensitive.

Dormer extension as per appeal scheme

9.2.7. The appellants have submitted an alternative design for their proposed dormer extension as part of their grounds of appeal (revised plans received 13/01/2025). The appeal scheme comprises of 3 no. separate dormer windows on the western roof plane (2 no. of equivalent size with 1 no. smaller window – all finished in zinc) which are all setback from the roof eaves, hips and below its ridge. The dormer proposal made under the appeal scheme, which would necessitate a c. 10sq.m reduction in the floor area proposed for the 2-bed unit resulting in a relocation of 1 no. bathroom to ground floor level, addresses my concerns in respect to the dormer proposal at application stage and, as such, complies with Section 14.10.2.5 (Roof Alterations) and with Objective SPQHO45. I consider the dormer design proposed as per the appeal scheme to be acceptable on the basis of the smaller scale, break up of massing and subservient positioning on the roof plane and I am of the opinion that the changes made to it overcome PA refusal reason No.2.

10.0 AA Screening Determination

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 individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Sites within the Malahide Estuary namely, Malahide Estuary SPA (004025) and Malahide Estuary SAC (000205) or any other European site, in view of these sites' Conservation Objectives, and Appropriate Assessment (and submission of an NIS) is not therefore required.

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.

I refer the Board to Appendix 2 of this report – Screening for Appropriate Assessment.

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 lands which are zoned for 'HA – High Amenity' as per Map Sheet 7 and Section 13.5 (Zoning Objectives, Vision and Use Classes) of the Fingal County Development Plan 2023-2029 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 proposed development, in the absence of said housing need, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development 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
29th April 2025

Appendix 1

Form 1 EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-321646-25		
Proposed Development Summary	Integration of ground floor, alterations at first floor and new wastewater treatment plant together with all associated site works.		
Development Address	Newport Farm, Ballymadrough, Donabate, 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	✓	Class 10(b)(i) Infrastructure – dwelling units Part 2, Class 1(a) - (rural restructuring/ hedgerow removal)	Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	✓		Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	✓	500 units – proposal is for 1 no. unit 100 hectares – site is 0.125 hectares	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

Inspector: _____ Date: _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-321646-25
Proposed Development Summary	Integration of ground floor, alterations at first floor and new wastewater treatment plant together with all associated site works.
Development Address	Newport Farm, Ballymadrough, Donabate, Co. Dublin
The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations. 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 nature of the proposed development is not exceptional in the context of the existing environment. The development is for works to expand a former stable/outbuilding that has been converted to use as a residential unit, does not 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,	The development is situated on land within an existing farm complex which adjoins the coastline. The development is removed from dense centres of population as per the County Development Plan but is located in close

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).	proximity to a number of European sites and sensitive natural habitats as per Section 6.0 of this report. It is also located in an area designated as a 'highly sensitive landscape' due to its 'coastal character type'.	
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, its relationship with 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	Yes or No
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.	Schedule 7A Information required to enable a Screening Determination to be carried out.	
There is a real likelihood of significant effects on the environment.	EIAR required.	

Inspector:

Date:

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 2

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	Normal planning appeal. Integration of ground floor, alterations at first floor and new wastewater treatment plant together with all associated site works – see Section 2.0 of Inspector's Report for further details.
Brief description of development site characteristics and potential impact mechanisms	The appeal site is brownfield in nature (an existing stable/ outbuilding) and forms part of a larger farm complex set within a rural, coastal environment. The domestic nature and small scale of the proposed development (works to upgrade and extend an existing building on a site of 0.125 hectares) is not exceptional in the context of the existing environment. The development includes a SuDS surface water treatment system (incl. rainwater planters, free draining gravel and bioretention tree pits) and a new, separate wastewater treatment system comprising of a secondary wastewater treatment system and polishing filter. These measures are integral to the design and to compliance with sustainable drainage policy guidance. The following watercourses/ ecological features in the vicinity of the site are of note: - drainage ditch which runs along the western boundary of the site c. 30m from the existing building which appears to discharge to the estuary and therefore could provide an indirect surface-water connection to Malahide Estuary SPA (Site Code 004025) and Malahide Estuary SAC (Site Code 000205) which are both located within c. 90m of the appeal site. - Turvey Stream located c. 70m to the south could provide an indirect groundwater connection to Malahide Estuary SPA (Site Code 004025) and Malahide Estuary SAC (Site Code 000205) which are both located within c. 90m of the appeal site.

	- Agricultural lands in the vicinity of the appeal site which may be used by the SCI of the SPA for ex-situ foraging.
Screening report	Yes, submitted with the application. Fingal County Council screened out the need for AA.
Natura Impact Statement	No
Relevant submissions	None

Report from Fingal County Council's Ecologist (dated 05/11/2024) raises no objection to the proposal subject to conditions.

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

The appeal site is located c. 90m from Malahide Estuary SPA (Site Code 004025) and Malahide Estuary SAC (Site Code 000205) and within c. 3.5km-4km of Rogerstown Estuary SPA (Site Code 004015), Rogerstown Estuary SAC (Site Code 000208) and the North-West Irish Sea SPA (Site Code 004236), being c. 7.7km from Rockabill to Dalkey Island SAC (Site Code 003000).

Due to the enclosed nature and location of the development site and the presence of a significant buffer area (i.e. housing, outbuildings, walled ornamental gardens with bands of trees and shrubbery which would intercept dust emissions etc. and provide for physical and visual screening of increased human activity, noise and lighting) between the appeal site and the above listed European sites, I consider that the proposal would not be expected to generate impacts that could affect anything but the immediate area of the development site, thus having a very limited zone of influence on any ecological receptors.

Following the source-pathway-receptor model, it has been determined that only the following 2 no. European sites fall within the zone of influence of the project on account of potential indirect hydrological pathways between the appeal site and these sites via a drainage ditch which runs along the western boundary of the site c. 30m from the building which may be a receptacle for surface water discharges in wet weather and, also on account of potential foul water discharges to groundwater from the proposed on-site wastewater treatment system (secondary and tertiary systems). The site's proximity to agricultural fields which may be used by the SPA's winter birds is also a relevant consideration.

European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
Malahide Estuary SPA (004025)	To maintain the favourable conservation condition of: Great Crested Grebe (Podiceps cristatus) [A005] Light-bellied Brent Goose (Branta bernicla hrota) [A046]	c. 90m	No direct connection. Potential indirect as above via	Yes

	Shelduck (<i>Tadorna tadorna</i>) [A048] Pintail (<i>Anas acuta</i>) [A054] Goldeneye (<i>Bucephala clangula</i>) [A067] Red-breasted Merganser (<i>Mergus serrator</i>) [A069] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Redshank (<i>Tringa totanus</i>) [A162] Wetland and Waterbirds [A999] Source: Malahide Estuary SPA National Parks & Wildlife Service (accessed 23/04/2025)		surface water, groundwater and proximity to lands which may be used for ex-situ foraging.	
Malahide Estuary SAC (000205)	To restore or maintain the favourable conservation condition of: Mudflats and sandflats not covered by seawater at low tide [1140] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]	c. 90m	No direct connection. Potential indirect as above via surface water, groundwater and proximity to lands which may be used for ex-situ foraging.	Yes

	Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]			
	Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]			
	Source: https://www.npws.ie/protected-sites/sac/000205 (accessed 23/04/2025)			

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*		
	Impacts	Effects	
Malahide Estuary SPA (004025) Great Crested Grebe (<i>Podiceps cristatus</i>) [A005] Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Pintail (<i>Anas acuta</i>) [A054] Goldeneye (<i>Bucephala clangula</i>) [A067] Red-breasted Merganser (<i>Mergus serrator</i>) [A069] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156]	<u>Direct:</u> None <u>Indirect:</u> Localised, temporary to long term, low magnitude indirect impacts from emissions to surface-water bodies in vicinity of site. Localised, long term, low magnitude indirect impacts from emissions to groundwater arising from proposed wastewater treatment system. Localised, temporary to long term low magnitude indirect impacts on adjoining agricultural lands.	The contained nature of the site (insular outbuilding within an established farm complex, no direct ecological connections or pathways), distance from and buffer area between the site and the SPA make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SPA for the SCI listed. No potential for significant disturbance to any SCI wintering birds (ex-situ) that may occasionally use the agricultural fields adjacent to the proposed development site.	

Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Redshank (<i>Tringa totanus</i>) [A162] Wetland and Waterbirds [A999] Source: https://www.npws.ie/protected-sites/sac/000205 (accessed 23/04/2025)		Conservation objectives would not be undermined.
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
	Impacts	Effects
Malahide Estuary SAC (000205) Mudflats and sandflats not covered by seawater at low tide [1140] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Source: https://www.npws.ie/protected-sites/sac/000205 (accessed 23/04/2025)	<u>Direct:</u> None <u>Indirect:</u> Localised, temporary to long term, low magnitude indirect impacts from emissions to surface-water bodies in vicinity of site. Localised, long term, low magnitude indirect impacts from emissions to groundwater arising from proposed wastewater treatment system.	The contained nature of the site (insular outbuilding within an established farm complex, no direct ecological connections or pathways) and distance from and buffer area between the receiving features connected to the SAC make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SAC for the QIs listed. Conservation objectives would not be undermined.
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	

Step 4 Conclude if the proposed development could result in likely significant effects on a European site

I conclude that the proposed development (alone or in combination with other plans and projects) would not result in likely significant effects on a European site.

No mitigation measures are required to come to these conclusions. I consider the provision of SuDS and a secondary wastewater treatment system and polishing filter to be standard drainage design measures required in compliance with sustainable drainage design policies and with the Environmental Protection Agency Code of Practice for Domestic Waste Water Treatment Systems (2021) and not therefore as mitigation measures for the purposes of avoiding or preventing impacts to the SAC or the SPA.

Screening Determination

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 individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Sites within the Malahide Estuary namely, Malahide Estuary SPA (004025) and Malahide Estuary SAC (000205) or any other European site, in view of these sites' Conservation Objectives, and Appropriate Assessment (and submission of an NIS) is not therefore required.

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.