

An  
Bord  
Pleanála

**Board Direction**  
**BD-015804-24**  
**ABP-317339-23**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 05/03/2024.

The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

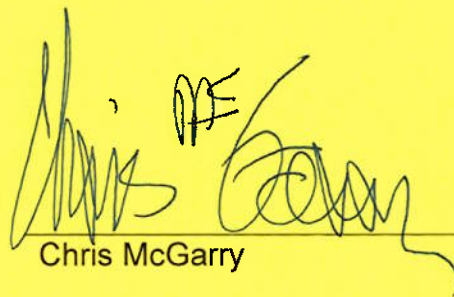
### **Reasons and Considerations**

1. Having regard to the location of the site within an area subject to Housing Policy H19 (Rural Housing in HA – Dublin Mountains Zone) Objective 1 of the South Dublin County Development Plan 2022-2028, to National Policy Objective 19 of the National Planning Framework, and to the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April, 2005, it is considered that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines or in the South Dublin County Development Plan 2022-2028 for a house at this location. The development for which retention permission is sought, in the absence of any identified locally based genuine need for the house, would contravene local and national housing policy and objectives, 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 development for which retention permission is sought would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The subject site is in an area zoned Objective HA-DM, 'To protect and enhance the outstanding natural character of the Dublin Mountains Area' and there are Specific Conservation Objectives set out in the South Dublin County Development Plan 2022-2028, to 'Protect and Preserve Significant Views' along both sides of McDonagh's Lane. It is considered that the proposed development to be retained and including for the clearance of established roadside vegetation, as a consequence of the proposed revisions to the roadside boundary which were submitted with the appeal documentation to resolve sightline issues, would adversely affect the character of the mountain area and would adversely affect the significant views along McDonagh's Lane that it is an objective to protect and preserve. The development for which retention permission is sought, would therefore seriously injure the visual amenities of the area and be contrary to the proper planning and sustainable development of the area.
  
3. Notwithstanding the revised boundary proposals submitted with the appeal, the development for which retention permission is sought, would endanger public safety by reason of traffic hazard arising from additional traffic the development would generate on a substandard road at a point where sightlines are restricted in a westerly direction.
  
4. Having regard to the Minimum Standards for Housing set out in Table 12.20: Minimum Standards for Housing of the South Dublin County Development Plan 2022-2028 and the Quality Housing for Sustainable Communities Guidelines 2007, the proposed development detailing a structure of 57 square metres would not meet the required internal accommodation standards for a 2 bedroom dwelling. The development for which retention permission is sought, would result in substandard accommodation giving rise to adverse impacts on the residential amenity of existing and future occupiers and would, therefore, be contrary to the proper planning and sustainable development of the area.

**Note:** The Board noted and shared the opinion of the Inspector, that on the basis that the development for which retention permission is sought would result in additional loading on the existing wastewater treatment system and the density of individual treatment systems in the area, there is an insufficiency of detail in the application and appeal documentation relating to the proposed servicing arrangements onsite and that the appellant had not demonstrated that the proposed development would accord with the Environmental Protection Agency Code Of Practice 2021. The Board considered that this was a new issue in the context of the appeal (though related in part to the concern of the planning authority expressed in its reason number 6 for refusal regarding the separation distance between the septic tank and the surface water soakaway; the Water Services section recommended further information on this point), and that ordinarily this issue may warrant further information. Having regard to the substantive reasons for refusal set out above however, it was decided not to pursue this issue in the context of the current appeal.

**Board Member**



Chris McGarry

**Date:** 12/03/2024