

An
Coimisiún
Pleanála

Direction
CD-021140-25
ACP-322926-25

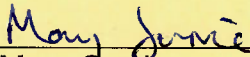
The submissions on this file and the Inspector's report were considered at a meeting held on 04/11/2025.

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

Planning

Commissioner:

Date: 04/11/2025


Mary Gurrle

DRAFT WORDING FOR ORDER

Reasons and Considerations

Having regard to the location of the site in an largely undisturbed, elevated uplands area, designated in the Wicklow County Development Plan 2022-2028 as an Area of Outstanding Natural Beauty and forming part of the area visible in the prospect of special amenity value or special interest extending along the R759 from Manor Kilbride to Ballysmutton, Liffey Valley Drive (Number 19 in Schedule 17.12 of the development plan); Policy Objective CPO 17.35 which aims to ensure, inter alia, that all development proposals have regard to the county landscape classification hierarchy; and Policy Objective CPO 17.38 of the development plan which aims to protect listed views and prospects from development that would either obstruct the view / prospect from the identified vantage point or form an obtrusive or incongruous

feature in that view / prospect, it is considered that the proposed development would be visually incongruous in the landscape and would cause serious injury to the character of the landscape and scenic amenities of the area. The Commission further considered that, notwithstanding the relatively modest scale of the proposed dwelling, the extent of cut and fill required and the lack of existing screening at the site would further aggravate the visual impact. The proposed development would therefore be contrary to Policy Objective CPO 6.44 which states 'that rural housing is well-designed, simple, unobtrusive, responds to the site's characteristics and is informed by the principles set out in the Wicklow Single Rural House Design Guide. All new rural dwelling houses should demonstrate good integration within the wider landscape' and Policy Objectives 17.35 and 17.38 of the Wicklow County Development Plan 2022-2028. The proposed development would therefore, in itself and by the precedent it would set for development in this sensitive landscape area, be contrary to the proper planning and sustainable development of the area.

Notes:

1. The Commission noted the Inspector's recommended reason for refusal in relation to the applicant's rural housing need. The Commission however considered that the applicant had demonstrated a social housing need on the basis of being a native resident of the rural area and seeking to be a first time home owner and did not consider that this was a ground for refusal in itself.
2. The Commission noted that the Site Characterisation Form submitted with the application was completed in 2022 and related to the siting of the proposed wastewater treatment system at a different location on site. The Commission also noted that the information required on the form in relation to the pre-soaking of test holes (Sections 3.3(a) and 3.3(b)) had not been completed. The Commission considered that the applicant had not demonstrated that the proposed wastewater system met all of the requirements of the Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) " – Environmental Protection Agency, 2021 with respect to the testing completed and the minimum separation distances from relevant receptors, in particular any domestic wells, having regard to the proposed new location.

While ordinarily this would warrant further consideration and a request for further information, in this instance given the substantive reasons for refusal above, it was decided not to pursue these matters under the current appeal.