



Planning and Development Acts 2000 to 2018

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD18A/0105

APPEAL by Noel and Patricia Kinsella care of Future Analytics Consulting Limited of 23 Fitzwilliam Square South, Dublin against the decision made on the 23rd day of May, 2018 by South Dublin County Council to refuse permission to the said Noel and Patricia Kinsella.

Proposed Development: Construction of a single storey split level, four bedroom house measuring 168.65 square metres gross floor area and includes: (a) internal driveway accessed via an existing family entrance from Meagan's Lane, (b) associated landscaping, (c) wastewater treatment tank and percolation area, (d) bored freshwater well, and (e) all ancillary works, all on lands at Meagan's Lane, Boherboy, Saggart, County Dublin.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

1. Having regard to the location of the site within an Area Under Strong Urban Influence as identified in the “Sustainable Rural Housing Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in April, 2005 and on lands zoned ‘RU’ for which the objective is “To protect and improve rural amenity and to provide for the development of agriculture” as set out in the South Dublin County Council Development Plan, 2016-2022 where housing is restricted to persons demonstrating local need, it is considered that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines or the Development Plan for a house at this location. The applicants have not demonstrated exceptional circumstances which would justify the grant of planning permission for an additional house, in the circumstances where they currently reside in a large house on the family landholding. The proposed development 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.

2. Having regard to the access to this site, via a gated private access laneway, on which it is not possible to pass two vehicles along its 140 metres length, and where sight visibility at the junction with Meagan's Lane is restricted in either direction, it is considered that the proposed development would endanger public safety by reason of traffic hazard and obstruction of road users, arising from the additional traffic movements which would be generated by the development.
3. Meagan's Lane, from which the development takes access, is substandard in terms of width and alignment, and lacks public footpaths and public lighting. The proposed development by reason of the additional traffic movements which this development would generate on such a substandard road, where there has already been significant development of one-off houses, would endanger public safety by reason of traffic hazard and obstruction of road users.
4. The junction of Meagan's Lane with the N81 National Secondary Route is substandard in terms of alignment, sight visibility and layout. Additional turning movements, which would be generated by this development would endanger public safety by reason of traffic hazard and obstruction of road users. The proposed development, by itself or by the precedent which the grant of permission for it would set for other relevant development, would adversely affect the use of a national road or other major road by traffic.

5. The proposed development would interfere with the character of the landscape, and with a view or prospect of special amenity value which it is necessary to preserve from Meagan's Lane.

Maria FitzGerald

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2018.