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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Dún Laoghaire-Rathdown County Council**

**Planning Register Reference Number: D18A/1227**

**APPEAL** by Aodhan Roe care of IMG Planning of 75 Fitzwilliam Lane, Dublin against the decision made on the 19<sup>th</sup> day of February, 2019 by Dún Laoghaire-Rathdown County Council to refuse permission.

**Proposed Development:** Construction of a two-storey dwelling with proprietary sewerage treatment system, surface water soakaway, landscaping, ancillary site works and new vehicular entrance with gates. All at "The Glen", Woodside, Sandyford, 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 wherein it is policy to distinguish between urban-generated and rural generated housing need, and the location of the site within an area where housing is restricted to persons demonstrating a requirement for housing in accordance with policy RES16 and land use objective ‘B’ “To protect and improve rural amenity and to provide for the development of agriculture” of the Dún Laoghaire-Rathdown County Development Plan 2016-2022, and to National Policy Objective 19 of the National Planning Framework, adopted by the Government, in relation to rural areas under urban influence, such as in the current case, which states that it is policy to “facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area...having regard to the viability of smaller towns and rural settlements”, it is considered that the applicant has not demonstrated that they come within the scope of the housing need criteria as set out in the Guidelines and that they have not demonstrated an economic or social need to live in this rural area in accordance with national policy

and the Dún Laoghaire-Rathdown County Development Plan 2016-2022. The proposed development, in the absence of any definable or demonstrable based need for a house in this rural area, 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, contravene the Ministerial Guidelines, and would be contrary to national policy. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the topography of the site, and to the elevated positioning, scale and height of the proposed dwelling, it is considered that the proposed development could not be effectively assimilated into the landscape and would, therefore, form a discordant and obtrusive feature on the landscape at this rural location. The proposed development would be contrary to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022, specifically Section 8.2.3.6 Rural Housing (ii) Design, Policy LHB2 Preservation of Landscape Character Areas and Section 8.3.2 Transitional Zoning Areas of the County Development Plan. The proposed development would seriously injure the visual amenities of the area and, by itself and by the precedent the grant of permission for it would set, would militate against the preservation of the rural environment and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The proposed development would materially contravene a condition attached to an existing permission for development namely, condition number 4 attached to the permission granted by the planning authority under planning register reference number D00A/0541, that relates to the subject lands and sterilizes the landholding from further residential development.

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**Michelle Fagan**

**Member of An Bord Pleanála**

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

**Dated this            day of            2019.**