



Planning and Development Acts 2000 to 2020

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD20A/0060

APPEAL by John Keegan and Laura Nunez care of OCFPM Limited of Unit 19 Charleville Town Centre, Charleville, County Cork against the decision made on the 22nd day of June, 2020 by South Dublin County Council to refuse permission.

Proposed Development: Construction of a new two-storey dwelling comprising ground floor and lower ground floor; wastewater treatment unit with polishing filter and percolation area, shared site vehicular entrance with adjoining property and all associated site works at Cunard, Glenasmole, Tallaght, 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. The site is located on lands zoned as High Amenity Dublin Mountains 'HA-DM' with the objective 'To protect and enhance the outstanding natural character of the Dublin Mountains Area' and associated policy strictly controlling new rural dwellings, as set out in the South Dublin Development Plan 2016-2022. The proposed development does not come within the scope of exceptional circumstances as the qualifying criteria for a new rural dwelling at this location have not been met. The proposed development would be contrary to Policy H23 of the development plan in this regard and would, therefore, materially contravene the 'HA-DM' zoning objective and be contrary to the proper planning and sustainable development of the area.
2. Having regard to National Policy Objective 19 of the National Planning Framework (February 2018) which requires in rural areas under urban influence, to seek to facilitate the provision of single housing in the countryside based on the core consideration of demonstratable 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 an economic or social need to live in a rural area having regard to the viability of smaller towns and rural settlements and therefore, the proposed development would not comply with National Policy Objective 19.

Furthermore, the proposed development would contribute to the encroachment of random rural development in the area, 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 provisions of the National Planning Framework and be contrary to the proper planning and sustainable development of the area.

3. The proposed dwelling, by reason of: its two-storey design and scale adjacent to modestly scaled single storey structures; its siting on a sloping hill-face at an elevated level; and its dominant form when viewed from protected view designations, is considered to not be consistent with the established pattern of development in the area; to not be in keeping with the natural character of this mountainous area; and to be obtrusive within this highly valued and sensitive landscape. The proposed development would be contrary to Policies H27, HCL7, HCL9, HCL13 in this regard and to the 'HA-DM' zoning objective of the South Dublin Development Plan 2016-2022, and would, therefore, seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.

4. The proposed development does not provide for a properly designed surface water system that has been demonstrated to protect and enhance ground and surface water quality. The proposed development would be contrary to Policy IE2 and Section 11.6.1 of the South Dublin Development Plan 2016-2022 in relation to water services and management and would, therefore, give rise to a serious risk of water pollution, would be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

5. On the basis of the information submitted with the application and appeal, the Board is not satisfied that the subject site is suitable for the safe disposal of foul effluent arising from the proposed development or that a safe water supply source can be provided to serve the proposed dwelling. The proposed development would be contrary to Policy H27 and Section 11.3.4 of the South Dublin Development Plan 2016-2022 in this regard and would, therefore, give rise to a serious risk of water pollution, be prejudicial to public health, and contrary to the proper planning and sustainable development of the area.

6. On the basis of the information submitted with the planning application and appeal, in particular insufficient information relating to surface water and foul drainage, the Board is not satisfied that it is adequate to allow a screening determination to be made in respect of whether the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on the Glenasmole Valley Special Area of Conservation Site Code:001209, in view of the site's conservation objectives. The proposed development would be contrary to Policy HCL12 of the South Dublin Development Plan 2016-2022 in this regard and would, therefore, be contrary to the proper planning and sustainable development of the area.

Maria FitzGerald
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2020.