

Planning and Development Acts 2000 to 2021

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D21A/0733

APPEAL by Roy Fetherston care AKM Design of Unit 6, Kingswood Business Centre, 4075 Kingswood Road, Citywest Business Campus, Dublin against the decision made on the 7th day of October, 2021 by Dún Laoghaire-Rathdown County Council to refuse permission.

Proposed Development: Permission for a new vehicular entrance arrangement to Kilmashogue Lane, detached dormer dwelling and all associated site works including new wastewater treatment system and landscaping. Access to the golf course is provided from the site at Ballinascorney Golf Club, Oldfield, Kilmashogue Lane, Rathfarnham, Dublin.

Decision

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

Matters Considered

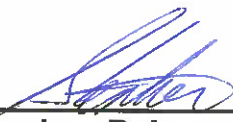
In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

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", it is considered that the applicant has not demonstrated that he comes 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, be contrary to 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 scale and design of the proposed dwelling, it is considered that the proposed development would 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. 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.



Stephen Bohan

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this *20th* day of *April* 2022

