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**Planning and Development Acts 2000 to 2022**

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

**Planning Register Reference Number: D22A/0959**

**APPEAL** by Stephen Fitzachary care of Tom Phillips and Associates of 80 Harcourt Street, Dublin against the decision made on the 7<sup>th</sup> day of February, 2023 by Dun Laoghaire-Rathdown County Council to refuse permission.

**Proposed Development:** Retention of the demolition of a pre-existing structure and the construction of a single storey, one-bedroom dwelling unit (circa 94 square metres) as constructed. Permission is also sought for a proposed effluent treatment system to serve the dwelling unit, revisions to boundary treatments and all associated site works, all at Fiery Lane, Glencullen, Dublin.

**Decision**

**REFUSE** permission for the above development for the reasons and considerations set out below.

## Reasons and Considerations

1. Having regard to:
  - (a) National Policy Objective 19 of the National Planning Framework (2018) which, for rural areas under urban influence, seeks 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,
  - (b) Regional Policy Objective RPO 4.80 of the Eastern and Midland Regional Spatial and Economic Strategy 2019-2031,
  - (c) the location of the site within a rural area identified as being under strong urban influence in accordance with the Sustainable Rural Housing Guidelines for Planning Authorities published by the Department of the Environment, Heritage and Local Government in April 2005, and
  - (d) the site's location in an area zoned G in the Dún Laoghaire-Rathdown County Development Plan 2022-2028 with the objective 'to protect and improve high amenity areas' where the position in relation to one-off-housing is essentially restrictive and precautionary, and where dwellings will only be permitted on suitable sites where the applicant can demonstrate a genuine need for housing in the area as their principal employment is in agriculture, hill farming or local enterprise, directly related to the area's amenity potential and where the proposed development will have no potential negative impact for the area in such terms as visual prominence or impacts on views and prospects or the natural or built heritage,

the Board is not satisfied, on the basis of the information submitted in connection with the planning application and the appeal, that the applicant has a demonstrable economic or social need to live in this specific rural area. It is considered that the applicant does not come within the scope of housing need criteria, as set out in the Sustainable Rural Housing Guidelines, and in national and local policy, for a house at this location. In the absence of any identified exceptional or locally based need for the house at this location, it is considered that the development proposed to be retained and proposed development would consolidate and contribute to the build-up of ribbon development in a rural area, would militate against the preservation of the rural environment in a highly sensitive landscape character area, and would be contrary to Policy Objective GIB4 (High Amenity Zones) of the Dún Laoghaire-Rathdown County Development Plan 2022-2028. The development proposed to be retained and proposed development would be contrary to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-2028, the Ministerial Guidelines, the overarching national and regional policy, and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. It is considered that the principle of demolishing a structure of vernacular style capable of making a positive contribution to the area with the zoning objective G 'to protect and improve high amenity areas', and located within Landscape Area 7 (Glencullen Valley), would be contrary to Policy Objectives GIB4, HER20 and PHP23 of the Dún Laoghaire Rathdown County Development Plan 2022-2028. The development proposed to be retained and proposed development would set an undesirable precedent for further such development in an area of high amenity and would, therefore, be contrary to the proper planning and sustainable development.

  
Stephen Bohan

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

Dated this *25<sup>th</sup>* day of *July*

2023.