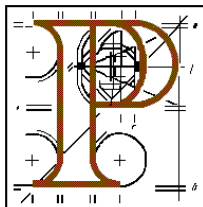


An Bord Pleanála



Inspector's Report

Development: Revised House Design and Entrance to Provide 2 storey House with Basement, Garage, and Relocation of Entrance at Glebe, Redgap, Rathcoole, County Dublin

Planning Application

Planning Authority: South Dublin County Council
Planning Authority Ref.: SD15A/0249
Applicant: Louise Fitzgerald
Type of Application: Permission
Planning Authority Decision: Refuse

Planning Appeal

Appellant: Louise Fitzgerald
Type of Appeal: 1st vs Refusal
Observers: None
Date of Site Inspection: 14 January 2016
Inspector: Juliet Ryan

1 THE SITE

- 1.1 The appeal site, with a stated area of 0.84 ha, is located southwest of Rathcoole village (c.2.5 km) in a rural area characterised by notable rural housing and ribbon development.
- 1.2 The site is located on the western side of the Rathcoole Hill Road, from which it falls steeply in a westerly direction. The site has a frontage of some c.75 metres onto the road, which is generally defined by trees and hedgerow.
- 1.3 The site is a greenfield site, regularly shaped, and is abutted to the west by a detached dwelling; to the east by a detached dwelling (and a narrow intervening laneway) and to the south by agricultural land. Southern, eastern and western boundaries are generally defined by trees and hedgerow. Opposite the site on the eastern side of Rathcoole Hill Road there are sizeable detached dwellings. The site has open views over the city and generally to the northwest.
- 1.4 There is an agricultural entrance centrally located along the site's road frontage. In addition, there is a narrower opening at the northern corner of the site that is currently blocked up with corrugated metal sheeting. This abuts a laneway that runs west from the road.
- 1.5 The Rathcoole Hill Road is a narrow rural road and subject to a 60kph speed limit in the vicinity of the subject site. There are multiple entrances to residential properties along its route.

2 THE PROPOSED DEVELOPMENT

- 2.1 The proposed development comprises a sizeable split level dwelling (part single part two storey, part three storey) with integrated double garage. The development has a stated GFA of 343 sq m.
- 2.2 The dwelling reads as a part single, part two storey structure at its front (southeastern) elevation and as a part three storey part two storey structure at its rear (northwestern) elevation.
- 2.3 The basement / ground level contains a store/utility; gym / spa and double garage. It is proposed to be finished externally in stone. The middle level comprises the living areas and a bedroom; with the upper floor containing three bedrooms.
- 2.4 The dwelling has a contemporary design with a lower terrace and a side terrace; and curved copper roofs and coping.
- 2.5 The vehicular entrance is proposed to be located at the northeastern corner of the site. Existing trees and hedgerow are to be maintained.

- 2.6 The site is to be served by a standard two chamber septic tank. Percolation tests carried out in c.2002 found a T value of 43.6.

3 THE DEVELOPMENT PLAN

3.1 The statutory Development Plan is the South Dublin County Development Plan 2010 – 2016, wherein the site is zoned B “*To protect and improve rural amenity and to provide for the development of agriculture*”.

3.2 The Development Plan’s rural housing policy seeks to strictly manage the spread of one-off housing and the expansion of the suburbs. In this regard, the following policies apply (excerpt copies appended):

- **Policy H29:** Management of One off Housing in Rural Areas
- **Policy H30:** Rural Housing Policies and Local Need criteria
- **Policy H31:** Rural Amenity and Agricultural Zone

3.3 In addition, **Policy H42** sets out the general design considerations that will be applied to housing proposals that accord with the Development Plan’s rural housing policies. In particular, Policy H42 requires site road frontage of at least 60 metres in order to avoid the creation of suburban type housing development.

3.4 **Policy H43:** Vehicular Access – states that vehicular accesses to rural dwellings will not be permitted on to national routes in the County; and that entrance gates shall be recessed and the wing walls or fences splayed so as to provide adequate sight distances. Retention of existing roadside hedging is encouraged.

3.5 In respect of domestic effluent disposal, where a treatment plant is proposed, solution shall comply with the Code of Practice ‘Wastewater Treatment and Disposal Systems Serving Single Houses’ (p.e. <10) (Environmental Protection Agency, 2009) or other relevant standards.

4 PLANNING HISTORY

4.1 Subject Site

The Planner’s Report refers to two previous planning applications pertaining to the site (details have been requested from the Planning Authority but have not been received at the time of writing):

Reg Ref D07A/0291

Permission granted for a two storey dormer dwelling and septic tank with recessed entrance

Reg Ref D07A/0291/EP

Extension of permission for two storey dormer dwelling and septic tank with recessed entrance (extended to September 2017).

[It would also appear that Reg Ref S02A/003 was an application for a two storey dormer bungalow and associated works by the First Party in the instant appeal and pertained to a site to the west of the subject site. Rural Housing Need bone fides and site characterisation were carried out for that 2002 application. Apparently there were discrepancies regarding site location details, and the 2007 application was submitted to regularise matters.]

4.2 Adjacent Site

The Board recently (May 2015) granted permission for the retention as constructed of a dwelling and associated biocycle unit at the adjacent site to the northeast of the subject site (PL 06S.24379). An associated case (RP2120) is currently with the Board regarding a point of detail (financial contribution).

5 PLANNING AUTHORITY DECISION

5.1 Internal Reports

5.1.1 The Roads report noted that the proposed vehicular entrance was located adjacent to an existing laneway entrance and at an angle to the public road. It also stated that the 90 metre sightlines referred to on the drawings had not been demonstrated as achievable. Whilst acknowledging that permission had previously been granted for a dwelling on the site, the Report considered the revised entrance would add to the proliferation of entrances on to a substandard rural road and would endanger public safety by traffic hazard.

5.1.2 The Environmental Services Department and Irish Water had no objections subject to conditions.

5.2 Planner's Report

The Planner's report considers that since the applicant's rural housing need was last established in the 2002 application, and that no dwellings have been constructed by the applicant on foot of permissions granted in accordance with rural housing need since then, that it would be reasonable that she be required to demonstrate accordance with the Planning Authority's rural housing policy some 15 years later. The report notes that no such documentation has been provided. The Report further notes that the proposal would be contrary

to regional planning guidelines in respect of concentrating new housing development on zoned urban land. The report sets out a detailed consideration of the design and visual impact of the proposal and concludes that it would be visually obtrusive and out of character with the area. The report raises concerns regarding the level of detail provided in respect of proposed waste water treatment. Regarding access and traffic, the report notes that the proposed entrance would involve the removal of a number of trees in the southeastern corner of the site but also acknowledges that tree removal was required for the house permitted under SD07A/0291. The report concludes that adequate sightlines have not been demonstrated to be achievable.

5.3 Decision

The Planning Authority decided to refuse permission for 6 no. reasons, which may be summarised as follows:

1. Site in rural area under significant housing development pressure and applicant has not demonstrated current rural housing need
2. Contrary to Sustainable Rural Housing Guidelines given that applicant has not demonstrated rural housing need
3. Proposal is contrary to the strategic policy of the Regional Planning Guidelines for GDA which seeks to focus new housing within the metropolitan area
4. Proposal would be visually obtrusive in landscape
5. Sightlines at entrance have not been demonstrated as achievable and therefore the development would be traffic hazard
6. No details re. well location nor site characterisation nor details of adjacent sites, therefore not enough information to demonstrate that proposal would not be prejudicial to public health

6 GROUNDS OF APPEAL

The First Party appeal may be summarised as follows:

- Applicant grew up in the local area and wishes to return
- Pre-planning consultation was undertaken during which it was advised that rural housing need would not require demonstration since it was the same applicant as an extant permission
- Attach documentation that was submitted with 2002 application re. rural housing qualification

- Design of house responds to site's characteristics
- The site currently has benefit of planning permission for a dwelling and this application seeks an alternative dwelling design
- There is precedent for the development on the road, which is subject to significant housing development along its length
- The design of the dwelling in the extant permission does not respond to the site's particular qualities
- Landscaping is included in the parent application and ensures the dwelling will be screened adequately
- The dwelling will not be obtrusive in the landscape and is only viewable in the distance from the lower road
- 90 metres sightlines in both directions are shown on the Site Plan
- No drainage information was submitted with the application given that there is already permission for a house on the site.
- Enclose original Site Report for septic tank from 2002 application
- All drainage works will be carried out in accordance with appropriate standards
- Subject proposal represents design improvement on current permission for dwelling on site

7 PLANNING AUTHORITY RESPONSE

The Planning Authority states that it has no further comment to make; and refers the Board to its Planner's Report.

8 ASSESSMENT

Given that the subject site is not either individually or in combination with other plans and projects likely to affect a Natura 2000 site, an Appropriate Assessment was not considered necessary in the instant case.

8.1 Preliminary Matters

8.1.1 The subject application is advertised in its public notices as a revised house design and site entrance of the previously approved two storey

dormer dwelling that was granted under SD07A/0291 and extended under SD07A/0291/EP until 6th September 2017. Arising from this, the applicant submits that matters of principle have already been adjudicated, and that the house has been deemed to be acceptable in principle. Whilst this point is reasonably made, it is complicated by the fact that the 2007 application was a repetition of an application from five years earlier in 2002. That 2002 application appeared to have discrepancies of detail, and it was decided to submit the 2007 application to regularise matters. However, rural housing qualifying criteria and site characterisation details for drainage purposes were based on 2002 documentation. As such, by the time of 2007 application these were five years out of date, and by the time of the instant application, these are some 15 years out of date. As such, and notwithstanding that there is an extant permission for a dwelling on the site, I would consider it reasonable that up to date information is provided with regard to key material planning considerations, particularly given the rural zoning of the site and the changed strategic policy context which seeks to prevent urban generated housing in rural areas.

I would also note that, irrespective of the above, the Board is entitled to assess a proposal 'de novo' – as if it had been made to it in the first instance – and as such, I consider it appropriate to consider the subject proposal from first principles.

8.2 Accordance with Rural Housing Policy

- 8.2.1 The site is located in a rural area, which is subject to significant one-off housing development. Accordingly, I would consider that there should be a presumption against development at the site save for in instances where it can be demonstrated that the applicant accords with the Planning Authority's rural housing policy.
- 8.2.2 The supporting documentation regarding the rural housing qualifying criteria of the applicant largely dates from 2002, and includes correspondence from the local priest, the applicant's parents, a birth certificate, and correspondence from the applicant's secondary school. This is supplemented by correspondence from the applicant's current employers (undated but addressed to An Bord Pleanála) confirming that the applicant is a shareholder and Group Marketing Manager of a business with many properties in the South County Dublin area and a head office in Palmerstown. It states that the applicant makes regular visits to these various properties and it makes sense for her to live in the area for this reason.
- 8.2.3 Whilst it is apparent that the applicant has ties with the local area, it has not been demonstrated that her employment is of a type that is intrinsic to the rural economy and requires her to live in the rural area, per the requirements of S.1.2.52 of the Development Plan. In this regard I

consider the subject proposal contrary to Policy H31 insofar as the applicant has not established a genuine need to reside in proximity to employment (which employment is related to the rural community).

8.3 Design

8.3.1 The dwelling is a sizeable structure and is imposing in terms of scale and floor area. The First Party submits that it responds to the site and its sloping nature. I would not concur with this, and whilst welcoming the contemporary approach, consider the use of a podium on which sits a part single part two storey structure is an insensitive intervention in this sloping rural site. In this regard I would agree with the Planning Authority's Planner's report that a significant amount of cut and fill would be required and that the dwelling would be contrary to policy H42 which seeks that house design in rural areas be subservient to the rural landscape.

8.3.2 I note that the site is not the subject of any designated views, and that, notwithstanding my concerns above, any development is capable of being appropriately screened with planting. Moreover, I note that the positioning of the dwelling at some 40 metres from the road, and over 100 metres from the rear of the site will mitigate any adverse visual impact.

8.4 Access and Road Safety

8.4.1 It is proposed to provide a gated vehicular entrance at the southeastern corner of the site. The Planning Authority's Roads section objected to this, given that it abuts an existing laneway and is in proximity to other entrances on this narrow rural road. I would tend to agree with the Planner's Report, which did not share these concerns, noting that the laneway was a rural laneway and would not be heavily trafficked.

8.4.2 Reason No. 5 of the Planning Authority's refusal acknowledges that the proposed site entrance represents an improvement on the extant permission in terms of visual impact, but notes that the required sightlines have not been demonstrated. In the appeal submission, the First Party has submitted a revised drawing illustrating 90 metre sightlines in both directions. On balance and notwithstanding the Roads Department's concerns regarding the proliferation of entrances on this rural road, I would consider that the proposed entrance is acceptable, and that no traffic hazard will arise from the proposed development.

8.5 Impact on Ground and Surface Water

8.5.1 The local area is unserved in terms of wastewater treatment, thus necessitating the use of an individual effluent treatment system on the subject site. The Applicant included a trial hole and percolation test with the application documentation dating from 2002. The latter produced an average T value of 44. Whilst this is within the range considered suitable for a septic tank per the EPA's *Code of Practice for Wastewater Treatment and Disposal Systems Serving Single Houses* (2009), I would consider the test to be significantly out of date and that it would be reasonable to require an updated site characterisation and percolation test to be carried out. In forming this opinion I am mindful of the considerable size of the dwelling, and the ensuing effluent load. Without such up to date documentation and evidence with regard to the capability of the site to service the subject proposal, it cannot be assumed that the wastewater generated by the proposal can be adequately treated without adverse impacts. As such, I consider Reason no. 6 of the Planning Authority's refusal to be reasonable.

9 CONCLUSION AND RECOMMENDATION

9.1 Conclusion

I have had regard to all other matters raised in the instant case, but do not consider them to be so material to the consideration of the merits of this proposal as to warrant a different conclusion from that set out below.

11.2 Recommendation

I have read the submissions on file and visited the site and surrounding area, and had due regard to the provisions of the Development Plan, the *Sustainable Rural Housing Guidelines for Planning Authorities*, the EPA's *Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses* (2009), and all matters arising. Following from this I conclude that planning permission should be refused for the reasons set out below.

REASONS

1. The proposed development would be located in an area defined as the Hinterland Area under the Regional Planning Guidelines for the Greater Dublin Area, 2004- 2016, wherein it is policy that development should be balanced by concentration of development into identified towns separated from each other by strategic green belt land. The policy of the planning authority to seek to encourage small scale housing development in rural settlements in order to cater for the

categories of local need and local growth is considered to be reasonable and is in accordance with the said guidelines. The proposed development would undermine this policy and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Policy H42 of the South County Dublin Development Plan seeks that dwellings are subservient to the rural landscape to protect rural amenity. This policy is considered reasonable. It is considered, by reason of its design, scale and use of a stone clad podium level that the proposal would be an inappropriate intervention on this sloping rural site and would be contrary to Policy H42 and would, therefore, be contrary to the proper planning and sustainable development of the area.
3. The site characterisation and percolation tests submitted for the subject proposal date from 2002, and it is considered reasonable that an updated site suitability assessment and test in accordance with the EPA's Code of Practice be submitted to support the proposal. In the absence of such information, the Board is not satisfied that the proposed development would not be prejudicial to public health. It is therefore considered that the proposed development would be contrary to the proper planning and sustainable development of the area.

Juliet Ryan
Senior Planning Inspector

2 February 2016