

An Bord Pleanála



Inspector's Report

Appeal Reference No: PL06D.245713

Development: Erect a single storey house and shed, relocate the entrance, WWTP, domestic well and associated site works at Red House Road/Ballyedmondduff Road, Glencullen Dublin 18.

Planning Application

Planning Authority: Dun Laoghaire Rathdown County Council

Planning Authority Reg. Ref.: D15A/0534

Applicant: Catherine Roe and James Loughlin

Planning Authority Decision: Refuse permission

Planning Appeal

Appellant(s): Catherine Roe and James Loughlin

Type of Appeal: Applicant v Refusal

Observers: None

Date of Site Inspection: 3rd February 2016

Inspector: Hugh Mannion

1.0 SITE LOCATION AND DESCRIPTION

The site is an irregularly shaped field on the left hand side of a local road about 1km due north of Kilcullen, County Dublin. This local road links Kilcullen to Stepside. The site has a stated area of 1.85ha and lies on the eastern slopes of a local high point, Two Rock Mountain (OD536m), in an area which is essentially the northern foothills of the Dublin/Wicklow Mountains. The field is in pasture and has a stonewall/post and wire fence along its roadside (eastern) boundary. Its western boundary is wooded as it rises towards the summit. To the south is an existing house (Red House) and to the north is another house (Eyrecourt) which has a drive way along the northern boundary. Opposite the site on the other side of the public road are two houses with a third very close by just to the south.

There are no footpaths, cycle paths or pedestrian crossings in the vicinity of the site. There is public lighting on the road. There is a 50kms speed zone sign just north of the existing site entrance which is in the southern corner of the field.

2.0 PROPOSED DEVELOPMENT

The proposed development comprises the erection of a single storey house and shed, relocation of an entrance, the provision of a domestic wastewater treatment system and domestic well and associated site works at the junction of Redhouse Road/Ballyedmonduff Road, Glencullen Dublin 18.

3.0 PLANNING HISTORY

Under D15A/0055 permission was refused for a similar development for reasons related to (a) County Development Plan policy in relation to development in high amenity areas and (b) obstruction of views from Ballyedmonduff Road.

4.0 PLANNING AUTHORITY DECISION

4.1 Planning and technical reports

The **planner's report** recommended refusal along the lines set out in the manager's order.

The **Parks and Landscape Services** report recommended refusal.

The **Transport Planning** report stated no objection.

The **Environmental Health Officer** stated that the proposed development was acceptable.

4.2 Planning Authority Decision

The reasons for refusal are;

1. The proposed development is located in an area zoned G 'to protect and improve high amenity areas' where the sustainable residential development in rural areas and RES 16 in the County Development Plan seek to restrict further housing development. The applicants have not demonstrated rural housing need, the proposal would consolidate a pattern of urban sprawl and lead to demands for the uneconomic provision of public services, set a precedent for further development and would be contrary to the proper planning and sustainable development of the area.
2. The proposed development, because of its scale and prominence of the access road, would interfere with protected views over Ballyedmonduff Road. The proposal would be visually prominent, would not integrate into the landscape and would be contrary to Policy LHB2, LHB4 and section 16.3.5 of the County Development Plan.

5.0 GROUNDS OF APPEAL

The grounds of appeal may be summarised as follows;

1. The planning authority has not had proper regard to the advice set out in the Sustainable Rural Housing Guidelines and Development Plan. The G zoning in the Development Plan provides for housing when it meets a genuine local need. The applicant is a part-time farmer, is an integral member of the local community and the house arises from a demonstrated local housing need.

2. The house has been carefully sited to minimise visual impacts from Ballyedmonduff Road. The current application has amended the previously refused (D15A/0055) to minimise visual impact generally and particularly on views from the adjoining house “Red House”.
3. The application included a detailed landscaping scheme. The application does not offend against Policy LHB2 to conserve and enhance high amenity areas.
4. The prospects listed in the plan under LHB4 will not be impacted upon by the proposed development.
5. Section 16.3.5 of the County Development Plan refers to rural design standards, minimum road frontage, DWWTS and water supply. It is not specified by the planning authority which of these issues the application may be faulted on.
6. The application would not create a precedent for further development.

6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL

6.1 Planning Authority Response

The planning authority commented that the proposal may impact on views shown on Map 12 attached to the Plan.

6.3 Observations on grounds of appeal

There are no observations.

7.0 POLICY CONTEXT

The site is zoned Land Use zone G with the objective “To protect and improve high amenity areas”.

Types of development permitted in principle are: Open Space, Travellers Accommodation.

Types of development open for consideration are:

Agricultural Buildings, Boarding Kennels, Carpark, Cemetery, Craft Centre/Craft Shop, Crèche/ Nursery School, Community Facility, Concrete/ Asphalt (etc.) Plant in or adjacent to a Quarry, Cultural Use, Doctor/Dentist, Education, Garden Centre/Plant Nursery, Guest House, Home Based Economic Activities, Hospital, Hotel/ Motel, Industry-Extractive, Place of Public Worship, Public Services, Residential, Residential institution, Restaurant, Rural Industry-Cottage, Rural Industry-Food, Shop-Neighbourhood Sports Facility, Tea Room/Café h, Veterinary Surgery.

Policy RES 16 is as follows

It is Council policy to restrict the spread of one-off housing into the rural countryside and to accommodate local growth into identified small villages subject to the availability of necessary services. It is recognised that much of the demand for one-off housing is urban generated and this can result in an unsustainable pattern of development, placing excessive strain on the environment, services and infrastructure.

However, it is recognised that one-off housing may be acceptable where it is clearly shown that it is not urban generated, will not place excessive strain on services and infrastructure, or have a serious negative impact on the landscape, and where demand arises from locationally specific employment or local social needs. It is also Council policy to accommodate local growth by facilitating cluster and village development in the rural areas subject to the availability of necessary services.

Policy LHG2 states

It is Council policy to conserve and enhance existing high amenity zones and to seek to manage these and other areas to absorb further recreational uses and activity without damaging the amenities that affords them their special character.

Policy LHG4 states

It is Council policy to protect and encourage the enjoyment of views and prospects of special amenity value or special interests.

8.0 ASSESSMENT

8.01 This assessment will consider rural housing need, visual impact, traffic safety, effluent disposal.

8.02 Housing Need

8.03 The site is designated as a 'rural area under strong urban influence' in the NSS rural area types map attached to the Sustainable Rural Housing Guidelines. The Guidelines describe these areas as being within the catchment or within commuting distance of larger towns and cities and under pressure for development due to this proximity and exhibiting pressure on infrastructure such as the local road network. The national guidelines recognise that where a genuine housing need arises from a demonstrable need to live in the countryside that, where proper planning and development standards apply, such a need should be accommodated.

8.04 The County Development Plan (Policy RES 16) has had regard to the national guidance in that it distinguishes between urban generated demand for rural housing and demand arising from a demonstrated need to live in the countryside.

8.05 The applicant makes the case that she has a demonstrable need to live in the countryside as she is part of the local community through farming a small sheep farm in Glencullen, being a native of the area, playing the organ in and contributing to the upkeep of the local church, and providing piano lessons.

8.06 It may be noted that the application site is not in the ownership of the applicants and the application is accompanied by a letter from the landowner to the effect that he is satisfied to allow the applicants to make the application. The farm to which the applicant refers was previously in the ownership of her grandparents, is now in the ownership of her uncle and accommodates a recently renovated house occupied by her aunt.

8.07 I have compared the land registry map of what appears to be this farm submitted with the application and the OS map for Glencullen (marked up copy attached) and I conclude that this farm is within the area of the LAP with road frontage onto the R116. The site is at a minimum 1 kilometre from this farm.

8.08 In my view the applicant's part-time employment and community connections are not sufficient to justify a grant of permission for a house on an unserviced site outside the development boundary of a nearby village on land not in the applicant's ownership. Therefore I agree with the planning authority on this point and recommend refusal along the lines set out in the planning authority's reason number 1.

8.09 Visual Impact

8.10 The second refusal reason set out by the planning authority refers generally to the visual impacts of the proposed development. The County Development Plan policy (Policy LHG2) refers to the necessity to conserve and enhance existing High Amenity Zones and to seek to manage these and other areas to absorb further recreational uses and activity without damaging the amenities that affords them their special character and furthermore (Policy LHG4) that the planning authority will protect and encourage the enjoyment of views and prospects of special amenity value or special interests.

8.11 The applicant makes the case that none of the "prospects to be preserved" set out in Table 9.1 of policy LHB4 will be impacted upon by the proposed development. I agree with this point but the prospects listed in table 9.1 are not exhaustive of the views included in the Plan for protection. The County Development Plan in Map 12 of the Plan (marked up copy attached) shows that Ballyednonduff Road in the vicinity of the application site is shown in its entirety as affording views designated for protection and to which Policy LHG4 applies.

8.12 In this context it may be further noted that the proposed house is set as far as possible into the site on the most elevated part of the site. A new entrance is being created, in order to meet the sight distance requirement for access to the public road, and this requires removal of some of the stone wall boundary and is linked to the house by a serpentine access roadway. The Sustainable Rural Housing guidelines make the point that roadside boundaries whether hedgerows, sod and stone bank, stone wall or other boundaries provide important features that are elements both of the landscape and the ecology of rural areas. The planning authority also points out that the long access road winding through the site will be visually prominent in views from the public road.

8.13 The applicant makes the case that the extensive planting scheme proposed in the application will overcome any objection on the grounds of visual amenity. I disagree with this contention and I consider that the fundamental objection to a dwelling house elevated over a high amenity landscape which will be visually intrusive in protected views from a public road has not been overcome.

8.14 Water Supply and Effluent Disposal.

8.15 The application (see site layout plan 1516/PLA/02) indicates that the houses on the other side of the Ballyedmonduff Road site has access to both a public water mains and group water scheme. Generally it would be preferable that the application propose getting a potable water supply from one of these sources rather than sinking a private well.

8.16 I have reviewed the material submitted with the application and note that the recorded T value for effluent disposal within the site is fast and very variable. This could indicate that subsoil conditions allow for rapid infiltration of liquid from the surface and would be consistent with the landform in the area which is likely to have had a good deal of glacial related fracturing of the upper layers of bedrock. The application proposes a proprietary treatment system followed by a peat polishing filter bed.

8.17 The application is opaque in relation to the visual impact of this polishing filter located as it is proposed on the side of the slope towards Two Rock Mountain. Ideally a drawing should have been submitted illustrating the visual impact this polishing filter and relating its size/capacity to the expected hydraulic loading. When these filters are located on steep slopes there is the potential for flushing of effluent in heavy rain. Notwithstanding the foregoing and having regard to the substantive refusal reasons set out below I do not propose to pursue this aspect of the application further.

8.18 Road Safety

8.19 Having regard to the site distances available on the road and the speed limit that applies in the vicinity of the site entrance I do not consider that the proposed development will give rise to traffic hazard.

8.20 Appropriate Assessment.

8.21 Having regard to the nature and scale of the development proposed, to the nature of the receiving environment and the likely effluents arising from the proposed development I recommend that no appropriate assessment issues arise.

9.0 CONCLUSIONS AND RECOMMENDATION

Having regard to the foregoing I recommend refusal for the reasons and considerations set out below.

REASONS AND CONSIDERATIONS

1. The proposed development is located in an area designated as a rural area under strong urban influence in the Sustainable Rural Housing Guidelines for Planning Authorities (Department of Environment, Heritage and Local Government 2005) and zoned G 'to protect and improve high amenity areas' in the Dun Laoghaire County Development Plan 2010 to 2016. National and local policy seeks to restrict housing in unserviced rural areas to applicants who have demonstrated a genuine need to live in such areas. The applicant has not demonstrated a rural housing need in relation to the subject site, the proposed development would consolidate a pattern of urban sprawl and lead to demands for the uneconomic provision of public services in an unserviced rural area and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. It is an objective of the planning authority as set out in the Dun Laoghaire Rathdown County Development Plan 2010 to 2016 to protect and encourage the enjoyment of views and prospects of special amenity value or special interest. The views from Ballyedmonduff Road are designated for protection in the plan. The proposed development, because of its scale and prominence in the landscape, loss of existing roadside boundary and the proposed access road would be visually prominent in views from Ballyedmonduff Road, would not integrate with the landscape and would, therefore, materially contravene an objective set out in the County Development Plan and be contrary to the proper planning and sustainable development of the area.

Hugh Mannion
Planning Inspector
5th February 2016