

An Bord Pleanála



Inspector's Report

Appeal Reference No: PL06D.245721

Development: House, septic tank and percolation area and associated works, shared entrance at Glenciuin, Barnaslingan Road, Kiltarnan, Dublin 18.

Planning Application

Planning Authority: Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.: D15A/0533
Applicant: Niamh O'Flanagan
Planning Authority Decision: Refuse

Planning Appeal

Appellant(s): Niamh O'Flanagan
Type of Appeal: Applicant vs refusal
Observers: None
Date of Site Inspection: 10th February 2016

Inspector: Hugh Mannion

1.0 SITE LOCATION AND DESCRIPTION

The application site has a stated area of 0.2ha and is located to the east of Barnaslingan Lane, south of Kiltarnan village in rural south county Dublin. The site is an irregular rectangle which is part of a larger site (about 0.48ha) which accommodates the applicant's parents' house. The existing house on site is set back (east) into the site and the proposed house is located closer to the road side boundary of the plot.

Barnaslingan Lane in the vicinity of the site is narrow without a median line, footpaths, pedestrian crossings or public lighting. Opposite the site the public road is bounded by a 2m high stonewall. The site is separated from the public road by a beech hedge. A stream in the adjoining field flows along the southern boundary.

2.0 PROPOSED DEVELOPMENT

The proposed development comprises the erection of a single storey house, installation of a new septic tank and percolation area and associated site works with a shared entrance onto the public road at 'Glenciuin', Barnaslingan Lane, Kiltarnan, County Dublin.

3.0 PLANNING HISTORY

Under D98B/0656 permission was granted for alterations to the existing house on the overall site.

4.0 PLANNING AUTHORITY DECISION

4.1 Planning and technical reports

The **planner's report** recommended refusal for the reasons set out in the manager's order.

Water Services reported that the application is ambiguous as to the nature of water courses 15m to the southeast and has not demonstrated that the separation distances required by the EPA Code of Practice can be met.

Parks and Landscape Services reported that a condition should be attached requiring planting of native species.

Transport Planning reported no objection subject to conditions.

Environmental Health Officer reported that the DWWTS does not meet the separation distance from a nearby water course.

4.2 Planning Authority Decision

The planning authority refused permission for two reasons;

1. The proposed development is located in zone B of the Development Plan where the objective is “to protect and improve rural amenity and to provide for the development of agriculture” and where there is pressure for rural housing. The applicant has not demonstrated a genuine rural housing need, the landholding is too small, there is inadequate road frontage, the applicant has not demonstrated a need to reside close to employment, that she is a native of the area or has close family ties to the area. The proposal would lead to the demand for the uneconomic provision of public services, would create a precedent for subdivision of rural housing plots and would materially contravene the zoning objective for the area.
2. The application has not demonstrated compliance with the EPA manual for DWWTS or the Drinking Water Regulations.

5.0 GROUNDS OF APPEAL

The grounds of appeal may be summarised as follows;

- The Sustainable Rural Housing Guidelines supports the housing of people that have genuine connections to rural areas. The applicant was born and raised in this area and still lives with her parents there.
- The area is zoned B in the County Development Plan to protect rural amenity but this zoning objective also allows those who are native to an area or have strong family ties to an area to build houses in rural areas. The appeal includes extensive evidence of the applicant’s connections to the area.
- The house meets the Development Plan standards for rural house design. The retention of field boundaries is in keeping with the objectives for the landscape character area where the house is located (Character Area 6 – Ballycorus).

- The site does not have 60m road frontage but the retention of road side hedges, setting back of the house and the sharing of an existing access meets the aims set out in the County Development Plan.
- The appeal provides an engineering drawing demonstrating compliance with the EPA code of practice for DWWTS.

6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL

6.1 Planning Authority response

The planning authority responded to the appeal that;

- the core issue is a restricted family landholding at 0.46ha which is not a viable farm or other business,
- the available road frontage is 15m which is significantly below the recommended minimum of 60m, and
- the proposed development would contravene the zoning objective for the area.

6.2 Observations on grounds of appeal

There are no observations/objections on file

7.0 POLICY CONTEXT

The site is located in an area designated as 'rural area under strong urban influence' in the NSS rural area types map attached to the Sustainable Rural Housing Guidelines.

The site is located in an area zoned B 'to protect and improve rural amenity and provide for the development of agriculture' in the Dun Laoghaire Rathdown County Development Plan 2010-2016.

Policy RES16 in relation to the Management of One-off Housing states;

It is Council policy to restrict the spread of oneoff 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.

8.0 ASSESSMENT

8.01 Rural Housing Policy

8.02 The site is located in an area designated as '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 can be met, such a need should be accommodated.

8.03 Policy RES16 set out in the County Development Plan in relation to the management of one-off housing in the countryside has regard to the national guidelines in that it distinguishes between urban generated one-off housing and cases where it can be shown to arise from locationally specific employments or local social need. In relation to applications for rural housing in areas zoned B, as is the case in the present application, applicants must establish a genuine need to reside close to their employment and such employment be related to the rural community or applicants are native to the area and have close family ties.

8.04 The applicant in the grounds of appeal make the case that she was raised in the area and in her parents' home which is the landholding to which the application relates, has been employed in the area and is currently employed in Little Eaton Montessori school in Killiney.

8.05 The Montessori school where the applicant is employed is about 8kms east from the application site and in an urban/residential area. I do not consider that this place of employment can be considered to fulfil the criterion set out in the County Development Plan that employment "related to the rural community" may be taken as a ground on which to grant permission for one-off rural housing.

8.06 On the other hand and having particular regard to the material submitted with the appeal I conclude that this application fulfils the second criterion for one-off housing in rural areas zoned B set out in the County Development Plan in that the applicant has established that she is a native of the area and has close family ties with the rural community.

8.07 Section 16.3.5 of the County Development Plan states that the "minimum road frontage length should, for individual new houses, generally be at least 60 metres in order to preserve the rural or high amenity quality of the area". The application site is in a rural area and is part of a larger site (although less than 0.5ha) which accommodates the applicant's parents' home. There are no footpaths, cycle paths, public lighting or pedestrian crossings in the vicinity of the site. The application does not provide the minimum road frontage required by the County Development Plan and therefore I agree with the planning authority that the proposed development would detract from the high amenity quality of the area in a manner which materially contravenes the zoning objective for the area set out in the plan.

8.08 Furthermore I agree with the planning authority that a relatively substantial (150m²) house on a subdivided site not served by public sewerage or water mains will lead to demand for the uneconomic provision of public services.

8.09 Therefore I recommend refusal for material contravention of the zoning objective for the site set out in the County Development Plan.

8.10 Effluent Disposal

8.11 The application is accompanied by a site suitability assessment for the on-site disposal of foul effluent. The recorded average T value on the site is 15.8m which is within the value range of $3 \leq T \leq 50$ and indicates that the site is suitable for the disposal of septic tank effluent in accordance with table 6.3 of the EPA code of practice.

8.12 The planning authority's Drainage Engineer identified a discrepancy in the submitted drawings whereby the percolation area would be 3m from a watercourse on the south eastern boundary which would not meet the separation distance of 10m from the DWWTS required by Table 6.1 of the EPA COP. The appeal was accompanied by a revised site layout drawing which repositioned the DWWTS in a manner to comply with the separation distances required by Table 6.1 of the EPA COP.

8.13 Having conducted a site inspection I am satisfied that submitted site suitability assessment is reflective of conditions on site and that the site layout may be configured so as to meet the separation distances from sensitive receptors specified in Table 6.1 of the EPA code of practice. I conclude therefore that the planning authority's second refusal reason is not sustainable.

8.14 Traffic Safety

8.15 The public road serving this site is of a poor standard without foot paths, cycle paths or public lighting. Barnaslingan Lane appears to be under significant pressure for residential development particularly between this site and its junction to the north with the R117/Enniskerry Road. In the vicinity of the site the high boundary stone walls built hard up against the road edge in the vicinity of the site offer severely reduced opportunity for pedestrian refuge in the event of passing traffic. I note that the planning authority's transport planning section had no adverse comment on this aspect of the application and that to raise it as a reason for refusal would constitute a new issue which it may be necessary to raise with the parties for comment. Nonetheless I consider the public road in the vicinity of the site to be unsuitable to accommodate the additional traffic turning movements which would arise from the proposed development.

8.16 APPROPRIATE ASSESSMENT

8.17 Having regard to the nature and scale of the development proposed, to the nature of the receiving environment and the likely emissions arising from it I conclude that no appropriate assessment issues arise.

9.0 CONCLUSIONS AND RECOMMENDATION

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

REASONS AND CONSIDERATIONS

The proposed development is located in an area zoned B 'to protect and improve rural amenity and provide for the development of agriculture' in the Dun Laoghaire Rathdown County Development Plan 2010-2016. The County Development Plan requires a minimum road frontage for individual new houses generally be at least 60 metres in order to preserve the rural or high amenity quality of rural areas. The proposed development would not provide the minimum 60m road frontage required to protect or improve the rural amenity of the area, would give rise to the subdivision of an existing rural house site in an un-serviced rural area and lead to demands for the uneconomic provision of public services and utilities. The proposed development would, therefore, materially contravene the zoning objective for the area set out in the current County Development Plan and would be contrary to the proper planning and sustainable development of the area.

Hugh Mannion
Planning Inspector
10th February 2016.