



An
Bord
Pleanála

Inspector's Report 06D.247322

Development	House and associated site works.
Location	The Lodge, Carric Golligan, Quarry Road, Shankhill, Dublin 18.
Planning Authority	Dún Laoghaire-Rathdown County Council
Planning Authority Reg. Ref.	D16A/0506
Applicant(s)	Siobhán Cuffe
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant(s)	Siobhán Cuffe
Observer(s)	None
Date of Site Inspection	16 th December 2016.
Inspector	Michael Dillon

1.0 Site Location and Description

- 1.1. The site, with a stated area of 2.07ha, is located on the south side of Quarry Road, a rural road near the summit of Carric Golligan Hill – some 3.5km due southeast of the village of Kiltarnan in Co. Dublin. The 80kph speed restriction applies in this area. There is no public lighting and there are no public footpaths. It is only possible for two cars to pass with difficulty. The site is on or about the 170m contour and is wooded throughout. The roadside boundary is a mixture of timber post & rail and wire deer fencing. There is extensive one-off housing lining the lower section of Quarry Road, at the Ferndale Road end.
- 1.2. There is an existing red-brick dormer house/studio with slate roof, together with some sheds on this site. The house/studio would not appear to be occupied at present, but would appear to be in use as an artist's studio. The house/studio was formerly a lodge (as the name suggests) attached to the larger 1950's-style house to the northeast. The ownership was recently divided – the larger house now belonging to the applicant's brother. The curtilage of the two houses is now separated by a 1.8m high picket fence. Permission was granted for a new entrance to the applicant's house/studio in 2003 – it originally being served by the same entrance as the main house to the northeast. This new entrance is now the only entrance to the site from the road. The existing house/studio is well-screened from the road by the extensive woodland planting which covers the site. A trial hole opened on the site was dry on the date of site inspection.
- 1.3. The site for the new house is within a garden area surrounded by hedges – the ground sloping gently downhill from north to south.

2.0 Proposed Development

- 2.1. Permission sought on 1st July 2016, to construct a two-storey house of 255m², with waste discharged to a proprietary effluent treatment unit. Water supply is stated to be from a well (the location of which is not indicated on drawings submitted).
- 2.2. The application is accompanied by-

- Site Suitability Assessment, with proposal to install a ‘Streamline BAF PE6 Waste Water Treatment System’ which will include a 17.5m² sand polishing filter with a 30m² infiltration bed.
- Statement relating to design of existing buildings at this site and of housing need.
- Architect’s Report – detailing, amongst other things, the applicant’s need to live in this area.

3.0 Planning Authority Decision

3.1. Decision

By Order dated 1st September 2016, Dún Laoghaire-Rathdown County Council refused planning permission for two reasons as follows-

1. Site is zoned to protect and improve high amenity areas. Development would materially contravene Policy RES 16 of the Development Plan 2016-2022.
2. Inadequate detail in relation to water supply.

4.0 Planning History

Ref. D16A/0023: Permission refused for similar-type development for Siobhán Cuffe at this site on 10th March 2016.

Ref. D03A/0625: Permission granted to Siobhán Cuffe for new entrance and driveway to her dwelling. This work has been completed.

5.0 Policy Context

5.1. Development Plan

The relevant document is the Dún Laoghaire-Rathdown County Development Plan 2016-2022. Section 2.1.4 deals with rural housing.

- The site is within an area zoned ‘Objective G’ – To protect and improve high amenity areas.

- There is an objective on Map 14 of the Plan to “Protect and Preserve Trees & Woodlands” on this site.
- Map 14 further indicates that there is an objective “To Preserve Views” to the south of the public road to the west of this site.
- Section 2.1.4.1 contains Policy RES 16, which states-

“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 there is a genuine local need to reside in a rural area due to locationally-specific employment or local social needs (subject to compliance with the specific zoning objectives)”.
- Policy RES16 goes on to state that- “In order to protect the rural character of the countryside and foster sustainable development, it is necessary to restrict the growth of what is generally described as urban-generated ‘one-off’ housing and only facilitate genuine and *bona fide* cases for new residential development within the County’s rural areas”.
- Within areas zoned ‘Objective G’, dwellings will only be permitted where an “applicant can demonstrate to the satisfaction of the Planning Authority that-
 - There is genuine requirement for housing in the area because their principal employment is in agriculture, hill farming or local enterprise directly related to the area’s amenity potential.
 - The proposed development will have no potential negative impacts for the area in such terms as visual prominence or impacts on views and prospects, or the natural or built heritage.

- Section 8.2.3.6 in relation to Rural Housing states, that the Council's policy in relation to 'one-off' houses is essentially restrictive and precautionary.

5.2. Natural Heritage Designations

The closest European site is the Ballyman Glen SAC (Site code 000713) – located some 1.25km to the southwest of the site.

6.0 The Appeal

6.1. Grounds of Appeal

The appeal from Walker Architects, agent on behalf of the applicant, Siobhán Cuffe, received by the Board on 28th September 2016, can be summarised in bullet point format as follows. A considerable amount of the submission comprises a restatement of information already submitted to the Council with the application, and it is not proposed to repeat it here.

- The previous application was refused on grounds of failure to demonstrate local need.
- The existing Lodge is not a house. It is an artist's studio, originally designed as a garage annexe to the original main house.
- The applicant is an artist whose work (enterprise) is directly related to the area's amenity potential. She is a founder member of the voluntary group Friends of Carric Golligan; she has a direct role in preserving the amenity potential; and contributes to a certain continuity of habitation in the area – stretching back for decades, maintaining a cultural and environmentally sympathetic presence.
- The Lodge has been maintained as a studio since its construction. The applicant's work is inextricably linked to the immediate environment of Carric Golligan. The applicant now wishes to permanently reside at Carric Golligan.
- The applicant's brother and his family now reside in the main house. The applicant is a native of this area.

- There were no objections to this application to Dún Laoghaire-Rathdown County Council.
- Brick is essential to the design and to reflect the brick used in The Lodge.
- Woodland will help blend the new house into the landscape.
- The development is in compliance with the objectives of the Development Plan – particularly in relation to rural housing.
- The hill at Carric Golligan is increasingly used for recreational pursuits.
- The Lodge is suitable for continued use as a studio.
- The new dwelling will be set back from the road and will allow for privacy. It would not make sense to knock The Lodge and replace it with an house, which would be too close to the road and would be vulnerable. The existing Lodge would not be suitable for renovation due to necessity to comply with current Regulations, the scale of the building and accessibility issues.
- Any extension of The Lodge would impinge adversely on the existing building.
- This site is located in an area which his no longer agricultural – but rather dominated by forestry.
- The applicant has a local enterprise which is directly connected to the area's amenity potential.
- Local authorities are reluctant to put 20th century buildings on the Record of Protected Structures.

6.2. Planning Authority Response

The response of Dún Laoghaire-Rathdown County Council, received by the Board on 17th October 2016, can be summarised in bullet point format as follows-

- The statement that the architectural quality of The Lodge would be lost, if it were to be extended, has not been backed up any evidence of detailed investigation.
- The proposed house is 8.5m high.

- The policies of the Kerry County Development Plan in relation to rural housing are not relevant to Dún Laoghaire-Rathdown.
- The concerns of the EHO in relation to water supply and foul effluent disposal have not been addressed in the appeal.

7.0 Assessment

The principal issues of this appeal relate to housing need, design, effluent disposal and water supply.

- 7.1. The existing building on this site (The Lodge), is stated to have been constructed as an annex to the main house to the northeast – from which it is now separated in ownership terms – and a new fence has been erected along the boundary curtilage of the two properties. The Lodge was originally accessed from a shared gateway with the main house to the northeast. When the properties were divided, the applicant sought planning permission to create a new vehicular access to her property – further to the west. Planning permission was granted (ref. D03A/0626) and the new entrance duly constructed sometime later. The Lodge served as a gardener’s residence, garage and artist’s studio – used by the family over the years.
- 7.2. The Lodge does not appear to be occupied at present, but appears to be in use as an artist’s studio. It has a kitchen and bathroom. I note that the Planning Application Form which accompanied application ref. D03A/0626, clearly indicated in response to section 9(c) In the case of a habitable house, please state if occupied and give details of occupancy: Occupied by applicant Siobhán Cuffe Wallace. In response to section 12, the method of drainage is stated to be “existing septic tank” and in response to section 13, the source of water supply is stated to be “existing well”. There can be no clearer evidence than that The Lodge is a residence. Whilst The Lodge may not be occupied at present, and whilst the entire building is clearly not in residential use, it does, nonetheless, contain a residential element.
- 7.3. The applicant uses The Lodge as an artist’s studio, but states that it is not a habitable house. Whilst this may be true, it certainly has been occupied as a residence in the past, both as a gardener’s house and as the residence of the applicant in 2003, when planning application was made for a new entrance. The Lodge has a stated floor area of 190m², although use of the roof-space is stated to

be constrained by the presence of roof trusses. It is stated that- “The option of extending The Lodge has been explored and the conclusion is that it would be undesirable as a residence. The recognised constraints of preserving the building envelope as it stands prevent any extensions to the existing building. It is too close to the road for any privacy or comfort at this time”. I would not accept this contention. The blank gable end of the lodge is located approximately 9m from the edge of the carriageway. This end of the building currently contains a large garage at ground floor – no longer accessible to vehicles due to the closing off of the original vehicular entrance. The building is well-screened from the public road by mature mixed planting. It would be possible to augment such screen planting or indeed to erect fencing or walls to increase privacy, if desired. Neither would I accept that it would be undesirable to extend this building. It is not a Protected Structure, and whilst it is stated to be part of a unique cluster of rural architect-designed buildings dating from the mid-20th century, I note that the ownership of the two buildings on the site has since been divided, and it is no longer in the control of the applicant to ensure that the cluster is preserved, however much she may wish to preserve the portion in her ownership.

- 7.4. The applicant has not indicated the location of the septic tank or the well serving The Lodge. The Lodge contains a kitchen and bathroom. The application form for D03A/0625 refers to a septic tank and to a well on the site. In the absence of knowledge relating to the location of those facilities, it would not be possible to conclude that the proposed new house and effluent treatment facilities could be put in place without potentially have a negative impact on public health. The source of water supply for the proposed development is stated to be a well – but the location of this well has not been indicated on drawings submitted. The Site Suitability Assessment carried out for the applicant indicated that the site is suitable for disposal of domestic effluent by way of a proprietary effluent treatment system (owing to the low T-value recorded from on-site testing). Having regard to the amount of space available within this site, it would be possible to engineer a suitable effluent disposal treatment system to serve a new house. Permission should be refused for this development having regard to the absence of information in relation to water supply and the septic tank serving The Lodge.

- 7.5. The Dún Laoghaire-Rathdown County Development Plan seeks to restrict one-off housing in rural areas – particularly where the zoning is High Amenity Objective ‘G’. The applicant already has a residence on this site, and cannot, therefore, come within any of the categories of persons who have a housing need. The conclusion of the Council in relation to the applicant’s housing need and reference to the Rural Housing policy of the Development Plan is reasonable.
- 7.6. I would see no difficulty with the design of the proposed house, *per se*. The site is well-screened by mature, mixed planting. A two-storey house, with red-brick finish and slate roof would blend in with The Lodge on this site. The house would not really be visible from the road and would not have any impact on the visual amenities of the area. I note that the level of the proposed house is below the level of the road. The Development Plan indicates an objective to preserve views to the south from the access road – but this objective relates to lands further to the west only, and the proposed site is not affected.
- 7.7. The proposed development is located 1.25km as the crow flies from the nearest European site – Ballyman Glen SAC. This site is located to the southwest – downhill across agricultural lands and the Old Connaught to Enniskerry road. The proposed development will not have any impact on the qualifying interests of this SAC – Petrifying springs with tufa formation and Alkaline fens.
- 7.8. If the Board is minded to grant planning permission for this development, a condition should be attached to any grant of planning permission requiring payment of a contribution in accordance with the Development Contribution Scheme for the county.

8.0 Recommendation

- 8.1. I recommend that permission be refused for the Reasons and Considerations set out below.

9.0 Reasons and Considerations

1. The proposed development is located in an area zoned ‘G’ – “To protect and improve high amenity areas”, within the current development plan for the

area. Within such areas, dwellings are only permitted on suitable sites where the applicant can demonstrate a genuine requirement for housing. There is an existing residence on this site. The proposed development would materially contravene Policy RES16 of the Plan, and would be contrary to the proper planning and sustainable development of the area.

2. In the absence of adequate information in relation to the proposed water supply to serve the development, and in relation to the location of the well and the septic tank serving The Lodge, a grant of planning permission for a house on this site would be prejudicial to public health.

Michael Dillon
Planning Inspector

22nd December 2016