



An
Bord
Pleanála

Inspector's Report PL06S.249106

Development	Widening of existing vehicular entrance and all associated site works.
Location	Crockshane, Redgap, Rathcoole, Co. Dublin.
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD17B/0215
Applicant(s)	Joe Kehoe
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First-v-Refusal
Appellant(s).	Joe Kehoe
Date of Site Inspection	22 nd November 2017
Inspector	Colin McBride

1.0 Site Location and Description

1.1 The appeal site, which has a stated area of 0.026 hectares, is located to the south west of Rathcoole village within an inclining rural area. It is approximately 2Km from the built up element of Rathcoole in an area where there is considerable rural housing and ribbon development. The access road is known locally as Rathcoole Hill Road. The appeal site consists of an existing vehicular entrance and hard surfaced area serving two existing dwellings. The existing entrance consists of metal gates and stone wing walls. To the south west of the existing entrance is some wooden panel fencing.

2.0 Proposed Development

2.1 Permission is sought for the widening of the existing vehicular entrance with the erection of new entrance gates, pedestrian gate, new granite piers to match existing and all other ancillary site development works. It is proposed to widen the entrance with provision of 4.7m wide vehicular entrance, with new stone piers on each side, a new 1.7m wide pedestrian entrance to the north and a 1.7m wide section of railings to the south, retention of the existing stone wall and piers to the north the current entrance and a new section of stone wall with piers to the south. The proposal entails removal of a section of wooden fencing located to the south of the existing access.

3.0 Planning Authority Decision

3.1. Decision

Permission refused based on three reasons...

- 1. The proposed development, which would involve an 8.1m wide entrance with gates, railings, and piers and a large area of hard surfacing, would constitute an inappropriate form of development which would be out of character with,*

and would seriously injure the visual amenity of the rural area, which is part of Landscape Character Assessment 2015. It has a high visual sensitivity, a landscape value, and negligible to low capacity for additional development. As such, the proposed development would materially contravene the zoning objective of the area as set out in the South Dublin County Development Plan, 2016-2022 (Objective RU) which seeks (inter alia) 'to protect and improve rural amenity.

2. *The proposed development would further entrench existing unauthorised and visually detrimental inappropriate development on the site, which does not comply within condition 2 of the grant of permission by An Bord Pleanála under PL06S.243797 (SD14A/0130).*

3. *The proposed development would set an undesirable precedent for other similar developments, which would in themselves and cumulatively, be harmful to the residential amenities of the area and would be contrary to the proper planning and sustainable development of the area.*

3.2. Local Authority reports

- 3.2.1. Water Services (10/07/17): No objection subject to conditions.
- 3.2.2. Irish Water (12/07/17): No objection.
- 3.2.3. Roads Department (09/06/17): No objection subject to conditions.
- 3.2.4. Planning report (31/07/17): The proposal was considered unacceptable in regards to visual amenity and landscape character. Refusal was recommended based on the reasons outlined above.

4.0 Planning History

- 4.1 SD17/0048: Permission refused for widening of existing vehicular access, reasons included impact on visual amenity, traffic hazard, drainage and setting an undesirable precedent.

- 4.2 PL06S.243797: Permission granted for retention of relocated house and biocycle unit, revised location for as built entrance (including wing walls, gates/works), internal access/layout permission for visibility splays.
- 4.3 SD14A/0005: Permission refused for a retention a relocated house and ancillary services for 3 no. reasons:
1. Additional traffic turning movements
 2. Road frontage of 12metres creating a suburban type development in a rural area
 3. Cut and filling is contrary to Policy H42 in terms of design
- 4.4 SD11A/0101: Permission granted for a change of house design already granted under SD10A/0021
- 4.5 SD10A/0021: Permission granted for amendments to a dwelling house granted planning permission under reference SD08A/0551, changes include:
- Increase in roof height
 - Change to an L-shaped layout
 - Omission of dormer windows
 - Length of dwelling reduced
 - Omission of solar panels
- 4.6. SD08A/0551: Permission granted for change of house type granted under Sd08A/0118.
- 4.7. SD08A/0118: Permission granted for a single storey three bedroomed dwelling with a floor area of 163sq.m.
- 4.8. SD07A/0076: Permission refused single storey detached dwelling with a treatment system on a similar site to the subject appeal.

5.0 Policy Context

5.1. Development Plan

5.1.1 The relevant development plan is the South Dublin County Development Plan 2016-2022.

The site is zoned RU – ‘To protect and improve rural amenity and to provide for the development of agriculture’.

5.1.2 For the purposes of Landscape Character the site is located in Area 3, Athgoe and Saggart Hills under the Landscape Character Assessment. It is described as being of high visual sensitivity, of high landscape value, and negligible to low landscape capacity.

6.0 The Appeal

6.1 Grounds of appeal

6.1.1 A first party appeal has been lodged by Rory Kissane Architectural Design on behalf of Joe Kehoe, Crockshane, Redgap, Rathcoole, Co. Dublin. The grounds of appeal are as follows...

- The appellant notes that he should not be held accountable for unauthorised developments on adjoining sites.
- In response to the first reason for refusal it is noted the proposal would not have an adverse visual impact as implied by the Planning Authority with it noted the proposal entails no loss of trees and the applicant/appellant has provided planting on site. It is noted that declaring the proposal as materially contravening development plan policy is unreasonable and that the 4.7m wide entrance facilitates access by fire tenders.

- In response to the second reason for refusal the applicant/appellant notes they are not aware of the unauthorised development that the reason refers to and notes that the applicant/appellant has complied with the conditions under PL06S.243797.
- In response to refusal reason no. 3 it is noted that the proposed development would not set a precedent with it noted that there is restrictive planning policy in the area regarding residential development and that a grant of permission for the current proposal would have no impact on such.

6.2 Responses

6.2.1 Response by South Dublin County Council

- It is noted that the issues raised in the appeal have been covered in the planning report.

7.0 Assessment

7.1 Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

Design/visual amenity

Traffic safety

Appropriate assessment

7.2 Design/visual amenity:

7.2.1 The proposal is for alteration of an existing vehicular access serving two dwellings. The existing entrance is a splayed entrance with a 3.7m wide opening and stone walls and piers on each side. It is proposed to widen the entrance with provision of 4.7m wide vehicular entrance, with new stone piers on each side, a new 1.7m wide pedestrian entrance to the north and a 1.7m wide section of rails to the south, retention of the existing stone wall and piers to the north east of the current entrance and a new section of stone wall with piers to the south west. The proposal entails removal of a section of wooden fencing located to the south of the existing access.

7.2.2 The site is located in a rural area and entails widening of an existing vehicular access that serves two dwellings. I would consider that the widening of the access would have an increased visual impact at this location and although not located at a highly prominent location or widely visible in the surrounding area, the increased level of structures would erode the rural character of the area and be visually obtrusive at this location. The proposal provides for an unnecessarily wide entrance and new physical structures that impact on the rural character of the area. Notwithstanding the design of the existing/permitted entrance gates, I would note that the proposed entrance treatment is not particularly sympathetic to the rural character of the area in terms of its design. I would also question the justification for the widened entrance noting that the existing/permitted entrance would appear to be of a reasonable standard in regards to facilitating access and traffic safety. I would

also consider that the proposal would be set an undesirable precedent for similar entrance structures in the area.

7.3 Traffic safety:

7.3.1 The proposal is for a widened entrance that also incorporates a pedestrian entrance. The proposal is for widening of an existing and established vehicular entrance serving two existing dwellings. The layout of the proposed entrance appears to be satisfactory in the context of traffic safety with no decrease in visibility levels available at the entrance in the context of the existing entrance and the proposal entailing no intensification of traffic. I would consider that the proposal would be satisfactory in the context of traffic safety and convenience,

7.4 Appropriate Assessment:

7.4.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

7.5 Other Issues:

7.5.1 The reason for refusal makes reference to unauthorised development and compliance with previous conditions, specifically condition no. 2 of ref no. PL06S.243797. The condition referred to requires that the works to provide a 4.72m wide entrance was to be carried out within 6 months the decision, with it noted that the works have only been partially implemented. I would note that issues concerning unauthorised development are a matter for the Planning Authority who have the powers under the Planning and Development Act to deal with such issues. The proposal is for widening of a vehicular access and is being assessed on its merits

and such assessment is not influenced by existing issues concerning compliance with the previous permission granted on site.

7.5.2 In refusing permission reason no. 2 stated that the proposed development would materially contravene the zoning objective of the area as set out in the South Dublin County Development Plan, 2016-2022 (Objective RU) which seeks (inter alia) 'to protect and improve rural amenity. Under the Section 37(2)(b) of the Planning and Development Act, 2000 (as amended) it is noted that...

Where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with paragraph (a) where it considers that—

- (i) the proposed development is of strategic or national importance,
- (ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or
- (iii) permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under section 28 , policy directives under section 29 , the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or
- (iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

I would note that I do not consider that the proposal would be a material contravention of Development Plan policy and the principle of the proposed development (alterations of an existing entrance) would be acceptable under the zoning objective at this location.

8.0 Recommendation

8.1 I recommend refusal based on the following reason.

9.0 Reasons and Considerations

9.1

1. The proposal entails the significant widening of a vehicular entrance and provision of additional structures that are unsympathetic in their design to the rural character of the area. The proposed development would have a detrimental visual impact eroding the rural character of the area as well as setting a precedent for similar visually obtrusive structures at this location. The proposed development would have an adverse visual impact at this location and would, therefore, be contrary to the proper planning and sustainable development of the area.

Colin McBride
Planning Inspector

24th November 2017