



An
Bord
Pleanála

Inspector's Report PL06S.249169.

Development	Detached split level single storey dwelling, replace vehicular entrance from private road, and all associated works.
Location	Cruagh Lane, Killakee, Rathfarnham, Dublin 16.
Planning Authority	South Dublin County Council.
Planning Authority Reg. Ref.	SD17A/0200.
Applicant(s)	Paul Gallagher.
Type of Application	Permission.
Planning Authority Decision	Refuse permission.
Type of Appeal	First Party.
Appellant(s)	Paul Gallagher.
Observer(s)	None.
Date of Site Inspection	25 th January 2018.
Inspector	Ciara Kellett.

1.0 Site Location and Description

- 1.1. The appeal site is located in the rural area of Killakee, Rathfarnham on the foothills of the Dublin Mountains. It is located c.2.5km to the south of the M50 motorway. Cruagh Lane is a very narrow road off the R116 road. There is very little room for two cars to pass on Cruagh Lane. The appeal site itself is on a private road off Cruagh Lane. The area is rural in nature and there are a number of one-off dwellings in the locality. Dog Boarding Kennels and Groomers are located adjacent to the entrance to the private road.
- 1.2. The site itself is stated as being 0.4 Hectares, roughly square in shape and is on the southern side of the private road/laneway off Cruagh Lane. To the east and west lie other dwellings as well as to the north. The dwellings would appear to be mainly owned by other members of the extended family, including the applicant's brother, sister and parents. The blue line on the drawings indicates land owned by the applicant's father.
- 1.3. The site itself is a green field and gently slopes up from the lane. Hedgerows form the east and west boundaries. The road defines the northern boundary and there is no southern boundary at present.
- 1.4. Appendix A includes maps and photos.

2.0 Proposed Development

- 2.1. The proposed development is for a single storey split level dwelling to be built between two existing dwellings. The entrance to the proposed dwelling faces north-west and leads into an entrance hall off which there are two wings. The living areas face the private laneway to the north-east and the bedroom areas are accessed via a number of steps to the south-west.
- 2.2. The dwelling is set back in the site and is accessed via a new entrance off the existing private laneway. Works to the laneway are proposed to provide an area for cars to pull in to allow vehicles pass safely.
- 2.3. The overall area of the dwelling proposed is 201.6sq.m and ranges in height from 2.886m towards the front of the dwelling to 4.081m at the rear of the building.

- 2.4. Materials proposed include cedar cladding panels on the external walls as well as a render finish. A sarnafill standing seam mono-pitch roof is proposed as well as timber frame windows. Solar panels and rooflights are proposed on the roof. A new 1m high timber post and beam boundary fence is proposed to the rear, as well as additional landscaping. A septic tank and percolation area address wastewater.
- 2.5. Accompanying the standard drawings and documents are a Cover Letter addressing the reasons for refusal of the earlier decision in 2016 by the Planning Authority, a Site Suitability Report, an Appropriate Assessment Screening Report, a traffic report and photos of the area.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse permission for nine reasons. In summary the reasons are:

1. The site is at the edge of an urban area which is exhibiting characteristics of ribbon development. Proposal would be a 5th dwelling along a stretch of road of less than 250m in a scenic upland area. Proposal would contribute towards ribbon development. This would materially contravene the rural zoning objective and be contrary to the Sustainable Rural Housing Guidelines for Planning Authorities.
2. Proposal would generate additional traffic along a narrow lane where vehicles cannot pass and would endanger public safety.
3. The metropolitan area of the GDA has been identified as suffering from patterns of urban sprawl. Further development of the Metropolitan Area is to be consolidated. The proposed development would represent the proliferation of further one-off development and could prejudice the sustainable achievement of the approved Regional Settlement Strategy for the Greater Dublin Area.
4. The proposal would materially contravene policy H22 as the applicant has failed to demonstrate 'exceptional circumstances'.

5. Proposal would lead to demand for uneconomic provision of services and would set an undesirable precedent which would in themselves and cumulatively be harmful to the outstanding natural character of the area.
6. It is an objective of the Plan to ensure development is assessed against the Landscape Character Assessment for South Dublin County. The proposal is located in the Dodder and Glenasmole Valley. Any increase in development in this area would have a negative impact on landscape value and sensitivity of the area and would be contrary to policy HCL7.
7. Proposal would be contrary to the policies and objectives contained within the Green Infrastructure Chapter of the Development Plan.
8. Due to cut and fill proposed, the development would contravene policy H16 Steep or Varying Topography Sites Objective 2, which has a stated objective to avoid the use of intrusive engineered solutions.
9. Insufficient details have been provided in terms of exact location of all wells in the area, and it is not demonstrated that proposal would not have a detrimental impact on water supply for the area.

3.2. Planning Authority Reports

The Planner's Report is the basis for the Planning Authority decision. It includes:

- Site is zoned 'RU' which seeks to protect and improve rural amenity and to provide for the development of agriculture. Notes residential development which accords with Council policy is open for consideration in RU zoning. Such development may be permitted if it does not conflict with the policies and objectives, including Local Needs criteria.
- Notes the previous planning history on the site and adjoining site indicates that large tracts of agricultural zoned land is being lost to residential land uses. The loss of such land would be contrary to zoning objective B which seeks to provide for the development of agriculture.
- Notes Regional Planning Guidelines identify the GDA hinterland areas are suffering from patterns of urban sprawl. Development within the existing urban footprint of the Dublin Metropolitan area is required to support the NSS, and

Smarter Travel. Further development is to be consolidated to achieve a more compact urban form. The proposed development should be refused as it would represent the proliferation of further one-off housing in the designated Dublin Metropolitan Area, close to the outstanding scenic area of the Dublin Mountains prejudicing the sustainable achievement of the approved Regional Settlement Strategy.

- The Rural Guidelines indicate that rural areas under strong urban influence will exhibit characteristics such as proximity to environs of large cities, and evidence of considerable pressure for housing. It is noted that the site is within 5km of Tallaght and 3km from the M50. Considers the area constitutes an area under strong urban influence. Policy H20 refers to the management of one-off houses, and that it is the policy to restrict such houses in RU zonings.
- Policy H22 states that new or replacement dwellings will only be permitted in exceptional circumstances. Notes that irrespective of whether the applicants can demonstrate compliance with the criteria, it is considered that the fundamental and overriding policy basis is within the emboldened text within Policy H22. Emboldened text is highlighted in Report as being '*will only be permitted in exceptional circumstances*'. Considers applicant has failed to demonstrate '*exceptional circumstances*'. Notes applicant has submitted a cover letter demonstrating their family ties and that the site is part of a small farm/landholding belonging to the applicant's father.
- Assesses application under the terms of policy H22.
 - *Can the applicant establish a genuine need to reside in proximity to their employment?* Notes cover letter states that the applicant works in Co. Dublin and that he is based in his existing home in Waterford but stays in his parent's home Monday – Friday to help out his father. Letter from applicant's brother states he assists on the farms and is a self-employed carpenter and that he lives in Carrick-on-Suir in Tipperary, staying in his parent's home Monday - Friday. Considers information is contradictory and documentation is unclear if he has a 'genuine need' to reside in proximity to his employment. No supporting documentation relating to employment has been received – appears applicant's income comes from elsewhere.

Considers adequate housing exists in Tallaght approximately 10-15 minute drive from the site.

- *Does the applicant have close family ties?* Notes cover letter states that he is the last family member with a genuine need to live in the area and will be the final family member to submit a planning application.
- Considers on the basis of the above permission should be refused.
- Notes extensive planning history on the site and surrounding sites. Notes most recent planning application SD16A/0129 which was a refusal of permission for three reasons. Notes applicant considers that the stretch of road is below the 250m as prescribed in the Rural Housing Guidelines, but considers that irrespective the proposal would provide for a 5th dwelling on a stretch of less than 250m of rural lane in a scenic upland area of the Dublin Mountains. The proposal would therefore contribute to and exacerbate ribbon development as defined within Appendix 4 of the Rural Housing Guidelines.
- Notes proposal would provide for a road frontage of 60m but would provide for a 5th dwelling along less than 250m of roadway. Proposal would exacerbate ribbon development.
- Notes cut and fill will be required contrary to policy H16. Notes it would also be the 10th dwelling within a 200m radius of the site, and refers to Appendix 4 of the Rural Guidelines and considers that given the elevated context of the site, the height and design would detract from the visual amenity.
- Notes the Roads Department recommends refusal. Roads Report states that the proposal would constitute ribbon development on a substandard rural road which would lead to a demand for uneconomic provision of services and that the proposal is akin to an urban type development in a rural area.
- Refers to Landscape Character Assessment. Site is within the Dodder and Glenasmole Character Area. Notes that it states that Dublin Mountains should be protected from inappropriate development. Considers that any increase in development in this area would contravene objective HCL7-1 as it would not protect or enhance the landscape.

- References Green Infrastructure. Considers issues are particularly sensitive in the Dublin Mountain area and the Wicklow Mountain SAC and SPA. Considers that the applicant has not demonstrated compliance with the Green Infrastructure policies and objectives.
- Notes EHO requests a scaled drawing of the wells in the area.
- Recommends permission should be refused.

The decision was in accordance with the Planner's recommendation.

3.2.1. Other Technical Reports

- **Water Services Section:** no objection subject to conditions.
- **Public Realm Department (Parks and Landscape Services):** no objection subject to conditions.
- **Roads:** Refusal recommended.
- **EHO:** Additional information requested.

3.3. Prescribed Bodies

- **Irish Water:** no report.
- **An Taisce:** Refusal recommended.

3.4. Third Party Observations

- Two submissions from Local Elected Members were received in support of the application.

4.0 Planning History

4.1. There is a substantial planning history on the site and in the surrounding area for dwellings for family members. A summary of the more recent applications of relevance is included. On the site:

- **Reg. Ref. SD16A/0129:** Permission was refused to the applicants in June 2016 for the development of a dwelling on the site. There were 3 reasons for refusal. In summary: 1. Site is located on the edge of an urban area and is

beginning to exhibit characteristics of ribbon development. Proposal would provide a 5th dwelling along 230m stretch of road in a scenic upland area of the Dublin Mountains. Proposal would result in road frontage ribbon development. It would be suburban in manner and would contravene the RU zoning objective and be contrary to the Sustainable Rural Planning Guidelines; 2. Proposal would directly generate additional traffic endangering public safety; 3. Site is within the Dublin Metropolitan Area. Area has been identified as suffering from urban sprawl. Development within the existing urban footprint is required to support the NSS, Smarter Travel etc. Development is to be consolidated to achieve a more compact form allowing for the accommodation of a growing population with much enhanced public transport. Proposal would represent the proliferation of one-off housing close to the outstanding scenic area of the Dublin Mountains.

- **Reg. Ref. SD05A/0641:** Permission was refused to a D. Gallagher in January 2006 for the development of a dwelling just south of the location for the subject dwelling. It was refused for one reason. In summary that reason stated that it would materially contravene a condition attached to permission Reg. Ref. SD05A/0480 (see below). That condition required that an agreement under Section 47 would be entered into to preserve a block of land free from further development for 10 years.

Permissions in the vicinity of the private lane:

- **Reg. Ref. SD15A/0333:** Permission was refused to the applicants in January 2016 for a dwelling on lands to the east of the subject site but in lands shown within the blue line of the current application. This application was refused for two reasons relating to road frontage being less than 60m and Development Plan policy relating to development in the Dublin Metropolitan Area.
- **Reg. Ref. SD06A/0503:** Permission was granted to D. Gallagher in September 2006 for a dwelling in similar location to Reg. Ref. SD15A/0333.
- **Reg. Ref. SD06A/0425:** Permission was granted in September 2006 to the applicants for a dwelling in a similar location (to the rear) of SD06A/0503 to the east of the subject site.

- **Reg. Ref. SD06A/0425 EP:** In August 2011 permission was refused to the current applicants to extend the duration of the original permission. Reasons for refusal referred to the fact that an Appropriate Assessment was not carried out and the application fails to fully comply with Section 42 of the Act.
- **Reg. Ref. SD05A/0480:** Permission was granted to the applicants in January 2006 for a dwelling on lands in a similar location to applications SD15A/0333 (see above). Condition no.7 of this grant refers to the Section 47 agreement which was deemed as a reason to refuse permission for development as noted above SD05A/0641.

Other applications refer to development of dwellings for the applicant's siblings in 2000 and 2001 timeframe, which also included Section 47 agreements.

5.0 Policy Context

5.1. South Dublin County Development Plan 2016 - 2022

- 5.1.1. The zoning map for the area indicates that the actual site is located at the edge, but within the 'RU' Rural zoning. The land at the end of Cruagh Lane transitions to the HA-DM zoning – High Amenity Dublin Mountain zoning.

Chapter 2 refers to Housing, Chapter 9 to Heritage, Conservation & Landscapes and Chapter 11 refers to Implementation. Schedule 5 refers to Definition of Use Classes and Zoning Matrix Table.

- 5.1.2. Section 2.3.6 refers to Steep or Varying Topography Sites. H16 Objective 2 states:

To avoid the use of intrusive engineered solutions, such as cut and filled platforms, embankments or retaining walls on sites with steep or varying topography.

- 5.1.3. Section 2.5.0 refers to Rural Housing. The Plan states that 'It is the policy of the Council to restrict the spread of dwellings into rural and high amenity areas'. **Policy H20** states:

It is the policy of the Council to restrict the spread of dwellings in the rural 'RU', Dublin Mountain 'HA-DM', Liffey Valley 'HA-LV' and Dodder Valley 'HA-DV' zones and to focus such housing into existing settlements.

With respect to Rural Housing in RU zone, **Policy H22** states:

It is the policy of the Council that within areas designated with Zoning Objective 'RU' (to protect and improve rural amenity and to provide for the development of agriculture) new or replacement dwellings will only be permitted in exceptional circumstances.

H22 Objective 1 states:

To consider new or replacement dwellings within areas designated with Zoning Objective "RU" (to protect and improve rural amenity and to provide for the development of agriculture) where:

- *The applicant can establish a genuine need to reside in proximity to their employment (such employment being related to the rural community) OR*
- *The applicant has close family ties with the rural community.*

With respect to design, **Policy H27** Rural House & Extension Design:

It is policy of the Council to ensure that any new residential development in rural and high amenity areas, including houses and extensions are designed and sited to minimise visual impact on the character and visual setting of the surrounding landscape.

H27 Objective 1:

Ensure that all new rural housing and extensions within areas designated with Zoning Objective 'RU'.....: (inter alia)

Is designed and sited to minimise impact on the landscape including views and prospects of natural beauty or interest or on the amenities of places and features of natural beauty or interest including natural and built heritage features; and.....

Would not create or exacerbate ribbon or haphazard forms of development.

- 5.1.4. Section 9.2 of Chapter 9 notes that a Landscape Character Assessment has been prepared and it defines five landscape character areas including the Dodder and Glenasmole Area. **HCL7 policy** states:

It is the policy of the Council to preserve and enhance the character of the County's landscapes particularly areas that have been deemed to have a medium to high Landscape Value or medium to high Landscape Sensitivity and to ensure that landscape considerations are an important factor in the management of development.

Table 11.1 of Chapter 11 states that the objective of RU zoning is '*To protect and improve rural amenity and to provide for the development of agriculture*'. Residential development is '*Open for Consideration*' in accordance with Council policy for residential development in rural areas.

Section 11.3.4 specifically refers to Rural Housing. Section 11.3.4(ii) states that '*A minimum road frontage of 60m should be provided for all new dwelling sites in rural areas and a proliferation of housing along stretches of road in a manner that creates ribbon development should be avoided*'. It also states '*Dwellings and extensions should not be located on a ridgeline or in an elevated position in the landscape*'.

5.2. Sustainable Rural Housing Guidelines for Planning Authorities

The Guidelines refer to persons considered as constituting those with rural generated housing needs being persons who are an intrinsic part of the rural community, or working full-time or part-time in rural areas. The Guidelines refer to persons who are an intrinsic part of the community as having '*spent substantial periods of their lives, living in rural areas as members of the established rural community. Examples would include farmers, their sons and daughters and or any persons taking over the ownership and running of farms, as well as people who have lived most of their lives in rural areas and are building their first homes*'.

Appendix 4 refers to Ribbon Development. It states:

These guidelines recommend against the creation of ribbon development for a variety of reasons relating to road safety, future demands for the provision of public infrastructure as well as visual impacts. Other forms of development, such as clustered development, well set back from the public road and served by an individual entrance can be used to overcome these problems in facilitating necessary development in rural areas.

And

...areas characterised by ribbon development will in most cases be located on the edges of cities and towns and will exhibit characteristics such as a high density of almost continuous road frontage type development, for example where 5 or more houses exist on any one side of a given 250 metres of road frontage.

Whether a given proposal will exacerbate such ribbon development or could be considered will depend on: The type of rural area and circumstances of the applicant, The degree to which the proposal might be considered infill development, and The degree to which existing ribbon development would be extended or whether distinct areas of ribbon development would coalesce as a result of the development.

5.3. Natural Heritage Designations

The Glenasmole Valley SAC (Site Code 001209) is located c. 4km to the west of the site.

6.0 The Appeal

6.1. Grounds of Appeal

A First Party appeal against the Planning Authority's decision to refuse has been lodged. It addresses each reason for refusal. In summary, it includes:

Reason no.1:

- Notes reason refers to 5th dwelling along a 250m stretch of road. Considers that the stretch of road is 201.5m not 250m. Considers dwelling to the north while sharing a boundary is not part of the road, as it has road frontage facing on to the public lane. Notes other dwelling are owned by family members with different amounts of road frontage.
- Considers dwellings off the private lane form a cluster of dwellings which the applicant has been trying to add to. Notes previous grant and refusal (see Planning History above). Considers reasons for refusal contradict each other in relation to the road frontage issue. Provided road frontage in latest

application but this was refused as it was considered that the road frontage would result in the creation of ribbon type development that would be suburban in manner.

- There will be no future demand for public infrastructure as all land is in the ownership of family.
- Happy to enter into an agreement to sterilise land from any future planning application.

Reason no.2:

- A Traffic Report was lodged. Report indicates a reduction in traffic movements of 35% in the Cruagh Lane area. Dwelling has been reduced from 4 to 3 bedrooms reducing the maximum number of persons living in the house.
- A location has been provided to allow two cars pass.
- Use of lane has always been in a slow and steady manner.
- Applicant already resides with parents Monday to Friday to facilitate working in Dublin and is already using the lane.

Reason no.3 & 4:

- Proposed dwelling is not a standalone dwelling but an addition to an existing cluster.
- Applicant lives in parents dwelling Monday to Friday to facilitate working in Dublin City Centre and helps out on his father's land. At weekends he travels to his existing home in Waterford. This is a huge strain on his family and the Council ignored this.
- Believe he has demonstrated exceptional circumstances why they have a genuine need to reside at Cruagh Lane due to close family ties with the rural community. This has been accepted in the past by the Council but seems to have been ignored in this application.
- Applicant is the last family member with a genuine need to live in Cruagh Lane.

Reason no.5:

- Will not be installing any additional services to Cruagh Lane. Waste water will be collected and treated in the septic tank and percolation area, storm water through soak pits and fresh water from a well.

Reason no's. 6, 7 & 8:

- Dwelling has been carefully designed to take account of the sensitive nature of the area. Dwelling is single storey and footprint is minimum, position has ensured contours are respected and will not result in significant cut and fill.
- Photomontages have been produced from viewpoints looking down into Cruagh Lane to demonstrate that the dwelling will not be seen – photomontage was not mentioned in Planner's Report, nor was Biodiversity Report.
- Applicant was never asked to submit exact locations of wells but more than happy to provide this as a condition of planning.

Other comments:

- Replacing existing vehicular entrance which will have sightlines of 70m and 41.5m. More than adequate due to low flow of traffic as it is a private road. A Site Suitability Test has been carried out and it is proposed to use a biocycle treatment plant and percolation area. Landscaping Plan provided.
- Wishes to carry on working the farm but this is not possible without residing 7 days a week – outlined plan of what it is intended to do in the agriculture/biodiversity report. Considers it vital to note that planning permission was previously granted on the landholding which did not commence due to economic difficulties.
- Notes that permission to extend the duration was refused on grounds that an EIA or Appropriate Assessment or AA Screening was not carried out. Neither of these were requested in the original application and therefore the extension request should not have been refused.
- Considers it hurtful and demeaning that the Council mentioned adequate housing elsewhere – it is not the place of the Council to tell applicant where to live.

6.2. Planning Authority Response

The Planning Authority responded confirming their decision, and consider that the issues raised in the appeal have been covered in the Planner's Report.

7.0 Assessment

The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Zoning, Settlement Strategy and Ribbon Development
- Traffic
- Provision of services
- Landscape and Visual Impact
- Green Infrastructure
- Topography of the Site
- Appropriate Assessment

7.1. Zoning, Settlement Strategy and Ribbon Development

- 7.1.1. The Council refused permission for 9 reasons. Reasons no's. 1, 3 and 4 relate to zoning of the area, settlement strategy and ribbon development and will be addressed herein.
- 7.1.2. The site is located near the boundary of the RU and HA-DM zoning. It is situated within the RU zoning while the HA-DM zoning is adjacent to the lane – the adjacent Boarding Kennels are within the HA-DM zoning. Policy H22 of the County Development Plan (the Plan) with respect to the RU zoning states '*that within areas designated with Zoning Objective 'RU' (to protect and improve rural amenity and to provide for the development of agriculture) new or replacement dwellings will only be permitted in exceptional circumstances*'. Exceptional circumstances are where an applicant can establish a genuine need to live in the rural area or has close family

ties to the area. The applicant has demonstrated close family ties to the area, albeit it is stated that the applicant currently owns a dwelling in Carrick-on-Suir and works in Dublin. It is also stated that the applicant works on the landholding part-time and/or helps out on the farm. I am not satisfied based on the information on file that the applicant has a 'genuine need' to reside in close proximity to employment related to the rural community, but acknowledge his family ties.

- 7.1.3. Policy H20 states that *It is the policy of the Council to restrict the spread of dwellings in the rural 'RU', Dublin Mountain 'HA-DM', Liffey Valley 'HA-LV' and Dodder Valley 'HA-DV' zones and to focus such housing into existing settlements.* I consider this policy to be reasonable and am satisfied that another dwelling in the RU zoned area would not be in support of policy H20, and would not support the Council's policy to focus housing into existing settlements.
- 7.1.4. I note that there is a long and protracted planning history associated with the site and the overall landholding. A number of the planning permissions included conditions to sterilise the land from further development; indeed, this was referred to as a reason for refusal of Reg. Ref. SD05A/0641.
- 7.1.5. More recently, development on the landholding has been refused permission (see Section 4 above) in both January 2016 and June 2016. Both permissions were submitted by the current applicant, and both included reasons for refusal (inter alia) relating to urban sprawl and proliferation of one-off houses in the outstanding scenic area of the Dublin Mountains. I note that these permissions were assessed against the Development Plan 2010 – 2016. Having regard to the current Development Plan 2016 – 2022, I am satisfied that while a new Development Plan has been adopted there has not been a change in policy by the Council with respect to the proliferation of one-off houses, nor has there been a change to zoning that would result in an altered decision. Therefore, I am satisfied that the current reasons for refusal with respect to settlement strategy are aligned with previous decisions and are in accordance with the policies and objectives of the current Plan.
- 7.1.6. I note that the applicant was granted permission in 2006 for a dwelling to the east of the subject site (within the overall landholding) but the applicant states that this was not built due to economic circumstances. The 2006 application would have been assessed against the policies and objectives of the relevant Development Plan that

was in force at the time. This application is being assessed against the policies and objectives of the current County Development Plan 2016 – 2022.

- 7.1.7. Reason no.1 also refers to road frontage ribbon development. This will be the 5th dwelling along a stretch of road less than 250m. The applicant contends that the road frontage is less than 250m and that a number of the dwellings do not share an entrance along the stretch of road. The Sustainable Rural Housing Guidelines state that *areas characterised by ribbon development will in most cases be located on the edges of cities and towns and will exhibit characteristics such as a high density of almost continuous road frontage type development, for example where 5 or more houses exist on any one side of a given 250 metres of road frontage*. The applicant states that the road frontage is less than 250m and this dwelling if permitted will be the 5th dwelling on the same side of the laneway; not including the two dwellings to the north of the lane which do not have an entrance onto the lane. This clearly corresponds to the definition of ribbon development – 5 dwellings in an area on the edge of the city, with an almost continuous road frontage on even less than the 250m referred to in the Guidelines, and an area under significant pressure for urban generated dwellings. This would lead to an excessive density of suburban type development in this rural area. This would be contrary to the zoning objective which seeks to protect and improve rural amenity and to provide for the development of agriculture. A dwelling in this location would contribute to the loss of agricultural land contrary to the zoning.
- 7.1.8. In conclusion, I am not satisfied that the subject dwelling is in accordance with the policies and objectives of the current Plan with respect to zoning or settlement strategy. While the applicant has close family ties, the proposal would not be in compliance with policy H20 and would represent further haphazard development not in accordance with the policy of the Council to restrict the spread of dwellings into rural and high amenity areas. Furthermore, taken in conjunction with existing houses in the vicinity, if the proposed dwelling is permitted, it would add to an excessive density of suburban type development in this rural area under significant pressure, and to the degree of development on a single original landholding served by a substandard road, and thereby detract from the rural amenities and character of the area, contrary to the zoning objective for the area.

7.2. Traffic

- 7.2.1. Reason no.2 for refusal refers to traffic. It states that the proposed development would generate additional traffic and turning movements along a narrow lane which would endanger public safety. The application includes works on the private lane to provide an area for two cars to pass safely. The applicant supplies information relating to traffic movements along the private lane, and identifies most of the dwellings and number of vehicles along Cruagh Lane. I accept that due to the nature of the private lane, the amount of traffic travelling along it will be minimal and mainly family, who will be travelling at low speeds.
- 7.2.2. However, I have concerns relating to Cruagh Lane itself. As part of my site visit, I drove up the public laneway, Cruagh Lane. There are no works proposed along this lane, and it is a very narrow lane with bends and limited visibility in places. There are a number of establishments which would attract a degree of traffic – the Boarding Kennels and Dog Grooming business, a Fruit Farm and the cemetery at the junction of Cruagh Lane with Cruagh Road. I note the applicant states that he travels along the laneway, as he stays in his parent's dwelling mid-week, and therefore would not be adding to the volume of traffic. However, the fact remains that an additional dwelling will generate additional traffic movements along a narrow lane with limited opportunities for cars to pass safely.
- 7.2.3. In conclusion, the proposed development is located along a laneway which is inadequate in width and alignment and would, therefore, endanger public safety by reason of traffic hazard.

7.3. Provision of services

- 7.3.1. Reason no.5 for refusal states that the proposal would lead to a demand for the uneconomic provision of services, and would set an undesirable precedent for other similar development which would in themselves and cumulatively be harmful to the outstanding natural character and visual amenity of the surrounding Dublin Mountain area.
- 7.3.2. The applicant states that all services will be provided by the applicant – i.e. a well will provide water and a wastewater system will be installed, and therefore no other services will be required. However, the term services covers a broad range of

facilities ranging from social infrastructure to roads, to waste disposal, to transport improvements etc. An increase in population would lead to a demand for the provision of such services, in areas where there are no plans to provide such services.

- 7.3.3. In conclusion, I am satisfied that the proposed development would set a precedent and would of itself and cumulatively, lead to a demand for public services in areas where the Council has no plans to provide for such services.

7.4. Landscape and Visual Impact

- 7.4.1. Reason no.6 refers to the Landscape Character Assessment of the County. The site is located within the Dodder and Glenasmole Valley landscape area (LCA4) which is deemed to have a high landscape value and a high visual sensitivity and a Landscape Capacity which is negligible. The Landscape Character Assessment of South Dublin also states that key characteristics of this landscape are highly vulnerable to development, and development would result in a significant change in Landscape character and should be avoided if possible.
- 7.4.2. Policy HCL7 seeks to preserve and enhance the character of the County's landscapes, particularly areas that have been deemed to have a medium to high Landscape Value or medium to high Landscape Sensitivity and to ensure that landscape considerations are an important factor in the management of development. This landscape forms a valuable backdrop to the extensive urbanised area of the county. I am of the opinion that further housing development would compromise the integrity of its rural character and would undermine policy HCL7 which seeks to enhance and preserve that character.
- 7.4.3. In conclusion, I consider that the proposal would compromise the landscape character of the area.

7.5. Green Infrastructure

- 7.5.1. Refusal reason no.7 refers to the Council's policy for Green Infrastructure. The Natura 2000 sites are referenced and it is noted that the proposal would be located north of the Wicklow Mountains SAC and SPA and proposed NHA. It is considered

that the proposal would be contrary to the policies and objectives contained within the Green Infrastructure chapter of the Plan.

- 7.5.2. I am not satisfied that the proposal of itself, would be contrary to the policies and objectives contained within the chapter. It would not impact on the development of watercourses or wildlife corridors or cause undue lightspill in sensitive locations.

7.6. Topography of the site

- 7.6.1. Reason no.8 refers to cut and fill of a site with a steep topography. It is stated that it would contravene Policy H16, objective 2 which seeks to avoid the use of engineering solutions.
- 7.6.2. I am satisfied that the proposed design of the dwelling will minimise the need for any excessive cut and fill and do not consider this as a reason for refusal.
- 7.6.3. I also consider that information relating to wells can be addressed by way of condition.

7.7. Appropriate Assessment

Having regard to the nature and scale of development proposed and to the nature of the receiving environment, 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.

8.0 Recommendation

I recommend that planning permission should be refused for the reasons and considerations as set out below.

9.0 Reasons and Considerations

1. The proposed development would constitute undesirable ribbon development in a rural area outside lands zoned for residential development and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Taken in conjunction with existing development in the area, the proposed development would give rise to an excessive density of development in a rural area lacking certain public services and community facilities and served by a poor road network. It is an objective of the planning authority, as expressed in the current Development Plan for the area, to channel housing into "existing settlements". This objective is considered reasonable. It is considered that the proposed development would constitute urban generated housing, would contravene the objective of the planning authority and would lead to demands for the uneconomic provision of further public services and facilities in an area where these are not proposed. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. The proposed development is located along a minor laneway which is inadequate in width and alignment and would, therefore, endanger public safety by reason of traffic hazard.

Ciara Kellett
Inspectorate

30th January 2018