



An
Bord
Pleanála

Inspector's Report

PL27.249241

Development	Retention of domestic unit, garage, associated services building, wastewater treatment facilities, vehicular entrance; retention of mobile home for period of 5 years; permission for extension to domestic unit and upgrade of wastewater treatment facilities.
Location	Burgage Moyle, Blessington, Co. Wicklow.
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	17/762
Applicant(s)	Ann Marie Wall
Type of Application	Retention Permission and Permission
Planning Authority Decision	To Refuse Retention Permission and Permission
Type of Appeal	First Party v. Decision
Appellant(s)	Ann Marie Wall
Observer(s)	No observers
Date of Site Inspection	18 th December 2017
Inspector	Erika Casey

1.0 Site Location and Description

- 1.1. The subject site is located in the townland of Burgage Moyle which is approximately 700 metres south of the settlement boundary of Blessington. The site is located on the western side of the N81 and has a direct access from this road. The N81/R758 junction is located opposite the site entrance. There is a bus stop serving the no. 65 bus route to the north of the existing vehicular access.
- 1.2. The site currently accommodates four structures including a mobile home, a large garage/shed and a separate domestic unit which accommodates a kitchen and bathroom and a small storage shed. The site has an area of 0.33 hectares.
- 1.3. There is a single storey dwelling located to the south of the site. Blessington Pitch and Put course is located directly opposite the site.

2.0 Proposed Development

- 2.1. Retention permission is sought for:

- Domestic unit accommodating kitchen, toilet facilities, living area and associated services. This is a single storey structure with a height of 3.2 metres and an area of c. 31 sq. metres.
- Domestic shed located to the north of the existing domestic unit with an area of c. 4 sq. metres.
- Existing wastewater treatment facility.
- Domestic garage. This has an area of c. 36 sq. metres and a height of 3.096 metres.
- Upgraded vehicular entrance and all associated site development works and services.
- Temporary retention permission of existing mobile home for a period of 5 years. The mobile home has an area of 60 sq. metres. It is a single storey structure with a height of c. 3.6 metres and comprises living and bedroom accommodation.

2.2 Permission is sought for:

- An extension to the front of the existing domestic unit to provide additional living accommodation. The proposed extension is to accommodate 3 bedrooms, a bathroom, living room and hall. It has an area of c. 109 sq. metres.
- Upgrade of the existing wastewater treatment facilities and associated site development works and services

3.0 Planning Authority Decision

3.1. Decision

3.1.1 To Refuse Retention Permission and Permission for 4 no. reasons:

1. *The application site is located in a rural area under strong urban influence, as set out in the “Sustainable Rural Housing Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in April, 2005 and in Settlement Strategy Level 10 – Open Countryside as set out in the Wicklow County Development Plan 2016-2022 where housing is restricted to persons demonstrating local need in accordance with Objective HD23 of the Plan. It is considered that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines or the Development Plan for a dwelling in this location and as such the retention of the existing residential structures on site would materially contravene the provisions of the Guidelines and of the Development Plan, and would, therefore, be contrary to the proper planning and development of the area.*
2. *The application site is located within the Study Area for the N81 Tallaght to Hollywood Road Improvement Scheme. The proposed development would be premature pending the completion of the planning process and design and completion of the N81 Tallaght to Hollywood Road Improvement Scheme and contrary to policies and objectives set out in the Development Plan in relation to supporting major road improvements by reserving the corridors of any such proposed routes free of development which would interfere with such proposals, and the preservation free of development of all published road improvement lines and corridors until such time as a final decision has been made. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

3. *The proposed development and the retention of the existing development would endanger public safety by reason of a traffic hazard because the site is served by a direct access onto the N81 and the traffic turning movements generated by the development would, therefore, contravene National Road Authority Guidance, would be contrary to the Ministerial Guidelines in respect of Spatial Planning and National Roads, would be contrary to Objective TR21 of the Wicklow County Development Plan 2016-2022 and would be contrary to the proper planning and sustainable development of the area.*
4. *The extension to the existing residential structure on site would represent consolidation of unauthorised development on this site and the provision of such a form of development would unduly impact on the visual amenity of the area, would undermine the planning regulations and would be contrary to the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Planning Report (16.08.2017)

- Applicant has proposed the relocation of the existing bus stop and a new bus shelter. No agreement in place to carry out such works.
- Retention permission is sought for the existing residential structure on the site and it has not been demonstrated, either with this current application or previous applications, that the applicant comes within the scope of the rural housing policy or that there is a need for these residential structures in this location.
- Scale and mass of the proposed extension is excessive and would be out of keeping with the character of the existing building which in itself is an unauthorised residential unit.
- Concerns raised regarding the overbearing impact of the proposed extension on the adjoining property to the south.
- Significant concerns raised regarding the proposed entrance from a traffic safety perspective.

3.2.2. Other Technical Reports

Transportation and Roads Infrastructure (12.07.2017):

- The entire frontage of the development site is within the junction zone for the N81/R758 junction.
- Current authorised use of the entrance is for agricultural purposes. The development is located within the study area of the preferred route for the N81 Tallaght to Hollywood Road Improvement Scheme. The grant of permission for residential development in a 100km/h zone is premature and contrary to Government Policy Document 21 entitled *Development Plan Policy on Access to National Roads* and objectives TR18 and TR21 of the County Development Plan.
- No information to confirm that sightline visibility is available for the vehicular access to the development.
- Applicant proposes a new bus stop and shelter at a point west of the current bus stop. There is no agreement with Dublin Bus or any detailed proposal or design for these works. Concerns surrounding impacts that such changes to the road layout would have upon the proposed N81 Tallaght to Hollywood Road Improvement Scheme.
- Notes that a vehicle emerging from the site could be obstructed by a bus/ vehicle in the right turning lane and would not be visible to vehicles travelling south along the N81 or to traffic turning left from the R758 onto the N81, causing a significant traffic hazard.
- The proposed buildings are located within the 100 metre set back line that applies to development alongside a National Road.

Environmental Health Officer (24.07.2017):

- Recommended Further Information. Applicant should submit certification by a person having a third level qualification in the natural or environmental sciences, planning, engineering or architecture or other equivalent certifying that the existing Biocycle unit and percolation area is in compliance with the EPA Code of Practice, Wastewater Treatment Systems Serving Single Houses 2009. The certification should indicate the size and design of the Biocycle and

details of the design and layout of the overall length of percolation trench and whether it is sized appropriately to accommodate the proposed extension. If the wastewater treatment system is not sized appropriately, a fully complete Site Characterisation Form and revised Site Layout Plan will be required to be submitted to the satisfaction of Wicklow County Council detailing the proposed changes.

3.3. Prescribed Bodies

Transport Infrastructure Ireland (07.07.2017):

- The proposal, if approved, would create an adverse impact on the national road where the maximum permitted speed limit applies and would, in the Authority's opinion, be at variance with national policy in relation to control of frontage development on national roads.
- The site of the proposed development is located in close proximity to the preferred and/or approved route of a national road scheme. The proposed development could prejudice plans for the delivery of this scheme.

3.4 Other

Dublin City Council Water Services, Environment and Engineering Department (03.08.2017):

- Object to the development on the basis that details of the existing and proposed foul sewerage arrangements and wastewater treatment unit for the existing domestic unit, proposed extension and mobile home have not been provided.

3.5 Third Party Observations

- No observations.

4.0 Planning History

Planning Authority Reference 16/293/ABP Ref: PL27.247511

- 4.1 Permission refused by the Board in March 2017 for a development comprising a fully serviced dormer dwelling, upgrade to existing sewerage treatment facilities and all ancillary site works. Retention permission refused for domestic unit with kitchen and

toilet facilities, vehicular entrance, existing sewerage treatment facilities and to temporarily retain existing mobile home.

- 4.2 Reasons for refusal related to the fact that the applicant did not come within the scope of the housing need criteria as set out in the Sustainable Rural Housing Guidelines or the Development Plan for a rural house at this location; that the development would be premature pending the completion of the planning process and design and completion of the N81 Tallaght to Hollywood Road Improvement Scheme; that the development would endanger public safety by reason of a traffic hazard as the direct access onto the N81 and traffic movements generated would interfere with the safety and free flow of traffic onto the public road.

Planning Authority Reference 15/1218

- 4.3 Permission refused by Wicklow County Council in January 2016 for a similar development comprising a dormer dwelling and upgrade of existing sewerage treatment facilities and retention permission for domestic unit, vehicular entrance, existing treatment facilities and to temporarily retain existing mobile home.
- 4.4 Reasons for refusal related to that the development did not represent a necessary dwelling in this landscape designated Access Corridor Area and that applicant did not come within the scope of the housing need criteria set out in the County Development Plan; the development would endanger public safety by reason of serious traffic hazard; that the development is located within the N81 preferred Route Corridor for the Hollywood to Tallaght Road Improvement Scheme.

5.0 Policy Context

5.1. Development Plan

- 5.1.1 The operative Development Plan is the Wicklow County Development Plan 2016-2022.

- 5.1.2 **Appendix 1:** Sets out guidelines regarding house extensions and design standards. With regard to **domestic extensions** it states: *“The extension should be sensitive to the existing dwelling and should not adversely distort the scale or mass of the structure.”*

- 5.1.3 With regard to **temporary residential structures**, it is stated:

“Temporary residential structures (e.g. mobile homes, cabins, caravans, portacabins etc.) form a haphazard form of residential accommodation and generally have poor aesthetic value and can detract from the overall appearance of an area.

Furthermore, by reason of the overall design and construction of such structures, they are normally seriously substandard as regards attainable amenity as a place of residence. Therefore permission will generally not be granted for such structures”.

5.1.4 With regard to **set backs from public roads**, Appendix 1 notes:

“In the interests of traffic safety, residential amenity and because of the long term space requirements of roads, particularly in rural areas, the Planning Authority will normally require buildings to be set back from the edge of the hard-paved surface of the public road as set out in Table 7.3 to follow (unless otherwise specified in a local area plan, town plan or district plan);

Table 7.3 states that on national roads, development should be set back by 100 metres.

5.1.5 **Housing in the Open Countryside Policy HD23:** 16 criteria are set out which relate to the circumstances that will be considered regarding residential development in the countryside. The most relevant is no. 1:

“A permanent native resident seeking to build a house for his/her own family and not as speculation. A permanent native resident shall be a person who has resided in a rural area in County Wicklow for at least 10 years in total including permanent native residents of levels 8 and 9 or resided in the rural area for at least 10 years in total prior to the application for planning permission.”

5.1.6 The Plan sets out 10 levels of settlement and the subject site is located in Level 10 – The Rural Area. It is stated in the plan regarding Level 10 areas that:

“Development within the rural area should be strictly limited to proposals where it is proven that there is a social or economic need to locate in the area. Protection of the environmental and ecological quality of the rural area is of paramount importance and as such particular attention should be focussed on ensuring that the scenic value, heritage value and/or environmental/ecological/conservation quality of the area is protected.”

5.1.7 Chapter 9 sets out objectives for the N81 including the Tallaght to Hollywood Cross Upgrade. Map 09.01 Strategic Roads Objectives identifies the preferred route corridor for the N81.

5.1.8 The following objectives are of relevance:

TR18: *“To support major road improvements by reserving corridors, as and when these are identified of any proposed routes free of development, which would interfere with the provision of such proposals.”*

TR21: *“To safeguard the capacity and safety of the National Road network by restricting further access onto National Primary and National Secondary Roads in line with the provisions of the ‘Spatial Planning and National Roads Guidelines’ (DoECLG 2012). In particular, a new means of access onto a national road shall adhere to the following:*

(a) Lands adjoining National Roads to which speed limits greater than 60 kmh apply: The creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60kmh apply shall generally be avoided. This provision applies to all categories of development including individual houses in rural areas, regardless of the housing circumstances of the applicant.”

TR34: *“The Council will preserve free of development, all published alternative road improvement lines and route corridors, where development would seriously interfere with the roads objective, until such time as a final decision on a preferred route has been made.”*

5.1.9 In terms of landscape character, the site is located in the western corridor (map no. 10.13 (d)). Section 5.3.14 of the plan sets out policy for development in this area.

5.2. Sustainable Rural Housing Development Guidelines

5.2.1 The guidelines require a distinction to be made between ‘Urban Generated’ and ‘Rural Generated’ housing need. A number of rural area typologies are identified including rural areas under strong urban influence which are defined as those with proximity to the immediate environs or close commuting catchment of large cities and towns. Examples are given of the types of circumstances for which ‘Rural Generated Housing Need’ might apply. These include ‘persons who are an intrinsic

part of the rural community' and 'persons working full time or part time in rural areas'. The subject site is located in a rural area under strong urban influence.

5.3. Natural Heritage Designations

5.3.1 The Poulaphouca Reservoir SPA is located c. 440 metres to the east of the subject site.

6.0 The Appeal

6.1. Grounds of Appeal

- It is acknowledged that there is no record of planning permission having ever been granted for any form of development on the application site.
- It is stated that the key difference with the subject application is that permission is not sought for the construction of a new dwelling. The existing domestic unit has been insitu since 2009 and thus enforcement action cannot be taken against it. As the applicant can remain living on the subject lands, it is important to facilitate the best living conditions that can be provided.
- It is noted that it may be necessary to demolish the domestic unit and proposed extension in the future as part of the N81 upgrade, however, in the interim, the family should not be forced into homelessness. The timescale for completion of the N81 upgrade is uncertain and in that context the applicant should be permitted to provide a home for her family.
- It is stated that domestic unit has been a place of residence for 17 years. In this context a refusal on rural housing policy no longer applies as the existing established use does not require compliance with such policy.
- Works carried out to date constitute improvements to a long established residential site and notwithstanding the fact that retention is now sought, the applicant should not be punished.
- The wall, pillars and gates are necessary to maintain the safety of the site and in particular the young children residing there. The applicant is willing to cede lands to improve the bus stop which would improve safety.
- Refusal of permission will force the applicant to live in a tiny domestic unit. There is no alternative housing for the family.

6.2. **Planning Authority Response**

- No further response received.

6.3. **Observations**

- No observations received.

7.0 **Assessment**

7.1. The main issues in this appeal are those raised in the grounds of appeal and it is considered that no other substantive issues arise. Appropriate Assessment and wastewater treatment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development.
- Access.
- Impact on Residential Amenity.
- Wastewater Treatment.
- Appropriate Assessment.

7.2. **Principle of Development**

7.2.1 The subject application comprises the retention of a number of unauthorised structures on the site including an existing domestic unit, a small shed, a large detached garage/shed, vehicular entrance and existing waste water treatment system. Retention permission is also sought for an existing mobile home on the site for a period of 5 years. In addition, planning permission is sought for an extensive extension to the existing domestic unit and to upgrade the existing wastewater treatment facilities.

7.2.2 It is acknowledged by the applicant, that a number of the structures on the site are unauthorised. It is contended that as the domestic unit has been insitu for a period of more than 7 years, enforcement action cannot be taken and thus the family can continue to reside on the site, albeit in very poor living conditions. It is detailed that in this context, the applicant should be allowed to extend and improve their existing living conditions.

- 7.2.3 I am of the view that the subject mobile home, domestic unit and ancillary shed and garage represent a substandard and ad-hoc form of residential accommodation on the site. With regard to the mobile home, the County Development Plan specifically states that such temporary residential structures form a haphazard form of residential accommodation, can detract from the overall appearance of an area and that permission should not generally be granted for such structures.
- 7.2.4 It is further noted that the domestic unit and mobile home do not meet appropriate qualitative and quantitative standards for habitable accommodation as set out in the *Quality Housing for Sustainable Communities Guidelines*. The retention of these structures would be contrary to the proper planning and sustainable development of the area. It is considered, that to permit a further extension to the existing unauthorised domestic unit on the site would represent consolidation of such substandard unauthorised development and would not be acceptable in principle.
- 7.2.5 It is also stated in the appeal that as the proposed extension represents an extension to an existing residential structure, that the criteria set out in the rural housing policy in the Wicklow County Development Plan 2016-2022 are not applicable.
- 7.2.6 It is noted that the proposed extension to the existing domestic unit is an extensive structure. It has an area of c. 109 sq. metres which is almost three times the size of the existing domestic unit which has an area of c. 31 sq. metres. The proposed extension is to accommodate 3 bedrooms, a bathroom, living room and hall. A kitchen and utility room will be retained in the original domestic unit. I consider that the proposed extension is effectively a new dwelling on the subject site. It is not subordinate to the existing domestic unit. In any event, given the unauthorised status of the existing unit, I am of the view, that by applying for such a substantial structure as an extension, the rural need policy and criteria do apply.
- 7.2.7 The subject site is located in an area under strong urban influence as defined in the *Sustainable Rural Housing Guidelines for Planning Authorities*. The Guidelines describe two categories of circumstances that would constitute rural generated housing need namely, persons who are an intrinsic part of the rural community and persons working full-time or part time in rural areas.
- 7.2.8 Notwithstanding the contention that the domestic unit has been used as a place of residence for 17 years, the planning application form details that the site was

acquired by the applicant c. 32 months ago. It is stated that the applicant's children attend local schools and that the applicant and her family are from County Wicklow.

7.2.9 It is noted that no documentary evidence to support these claims has been submitted with the application. There is no detail of the applicant's employment or any information as to how the applicant would be considered to be a person who is an intrinsic part of the local community.

7.2.10 The policy for Rural Housing is set out in Objective HD21 of the current Wicklow County Development Plan 2016-2022. It sets out 16 different categories of persons who would be eligible for rural housing. Again there is no evidence that the applicant complies with any of these categories.

7.2.11 In conclusion, I consider that the proposed extension is effectively a new dwelling on the subject site and I am not satisfied having regard to the foregoing that there is a need for a dwelling at this location or that there is sufficient information to demonstrate that the proposal is in compliance with the rural housing policy as set out in the Wicklow County Development Plan 2016-2022. Furthermore, the existing domestic structures for which retention is sought including the domestic unit and mobile home are a substandard and ad-hoc form of residential accommodation. The principle of the development is therefore not acceptable.

7.3 Access

7.3.1 Permission is sought for retention of the existing upgraded vehicular access, including new boundary wall, pillars and gates. It is stated by the applicant that these works are necessary to ensure the safety of the applicant's young children.

7.3.2 It is detailed in the Planning Authority Transportation and Roads Infrastructure Report that the only authorised access from the subject site is for agricultural use. The use of this existing access to serve a residential function therefore represents a significant intensification of use.

7.3.3 A number of significant concerns are raised regarding the potential safety of the access in terms of inadequate sightlines and the fact that a vehicle emerging from the site could be obstructed by a bus and vehicle in the right turning lane (which is located directly outside the site boundary) and would not be visible to vehicles travelling south along the N81 past the R758 junction or to traffic turning left from the R758 onto the N81. It is also noted that a vehicle turning right onto the N81 from the

site would also not be able to see traffic travelling south on the N81 or traffic joining the southbound N81 from the R758. I am not satisfied, therefore, that turning movements associated with the entrance would not give rise to a significant traffic hazard.

- 7.3.4 It is also considered that such a proposal would directly contravene objective TR21 of the County Plan which states that the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60kmh apply shall generally be avoided. The subject site is located within a 100km speed limit zone. The development would also be contrary to the DoECLG *Spatial Planning and National Road Guidelines for Planning Authorities* (2012) policy in relation to control of frontage development on national road. The TII objection is notable in this regard.
- 7.3.5 The subject site is also located within the study area for the N81 Tallaght to Hollywood Road Improvement Scheme. Policies TR18 and TR34 of the County Development Plan state that where reserved corridors are identified for major road improvements, such routes should be kept free from development which may interfere with the provision of such improvements in the future. Section 2.9 of the DoECLG *Spatial Planning and National Road Guidelines for Planning Authorities* (2012) also states that regarding the protection of alignments for future national road projects, that any lands required to facilitate such projects, should be retained free from development. The proposed development is thus clearly contrary to this guidance.
- 7.3.6 The applicant contends that they will facilitate the relocation of the existing Dublin Bus bus stop onto their lands including the construction of a new bus shelter which will improve safety. However, as highlighted by the Planning Authority, no detailed design of this proposal has been provided nor any clarity regarding its funding. It is also noted that there has been no consultation between the applicant and Dublin Bus as to the feasibility of relocating the bus stop. It is not considered that this proposal to re-locate the bus stop overcomes the fundamental concerns regarding the adequacy and suitability of the vehicular entrance.
- 7.3.7 Having regard to the location of the development on a national secondary road within the 100km p/h speed zone and the location of the site within the Study Area for the

N81 Tallaght to Hollywood Road Improvement Scheme, I am of the view that the development, including the existing vehicular entrance, would result in a traffic hazard and would be contrary to objective TR18, TR21 and TR34 of the County Development Plan and the National Guidelines as set out in *Spatial Planning and National Roads Guidelines* DoECLG 2012.

7.4 Impact on Residential Amenity

7.4.1 The proposed extension to the domestic unit comprises a long linear structure with a maximum height of 6.3 metres. As the extension is connected to the existing domestic unit, it is located to the south of the site, directly abutting the boundary with the adjacent dwelling to the south. Whilst the location of this adjoining dwelling is not indicated on the site layout plan, it is evident from the urban place map, that the extension will be located in very close proximity to the existing dwelling. I would have concerns regarding the potential impacts of the development on the residential amenities enjoyed by the property in terms of potential overshadowing. In this regard, I consider the design and extent of the extension to be overbearing and visually dominant.

7.5 Wastewater Treatment

7.5.1 Permission is sought for the retention of the existing wastewater treatment system on the site and permission is sought for the upgrade of this system.

7.5.2 A partial site characterisation form has been submitted with the application. This document is incomplete and provides no details of the conclusion of the site characterisation, recommendation, the treatment system design details, site assessor details etc. This partially completed site suitability report was undertaken in relation to the previous application on the site – Planning Authority Reference 15/240. This application was refused permission.

7.5.3 Concerns have been raised by the Environmental Health Officer in that no adequate information was submitted to certify that the existing Biocycle unit and percolation area is in compliance with EPA Code of Practice, Wastewater Treatment and Disposal System Serving Single Houses 2009. Dublin City Council Water Services, Environment and Engineering Department have recommended that the application should be refused on the basis that insufficient details of the existing and proposed foul sewerage arrangements have been provided and that as half the water

requirement for the area is supplied from the Poulaphouca Reservoir, the purity of water is vital.

7.5.4 Having regard to the foregoing I am not satisfied that sufficient information has been provided by the applicant to determine that the development would not have an adverse impact on public health. However, having regard to the substantive reasons for refusal set out below which generally accord with the decision of the Planning Authority, the Board may not wish to pursue the matter of the adequacy of the wastewater treatment facility and its potential impact on public health in this instance as it would constitute a new issue in the appeal.

7.6 **Appropriate Assessment**

7.6.1 The subject site is located in close proximity to the Poulaphouca Reservoir SPA – site code 004063 which is c. 440 metres to the east of the subject site. The reservoir covers an area of approximately 20 square kilometres and is the largest inland water body in the mid-east and south-east regions. Poulaphouca Reservoir is of national importance for its Greylag Goose population, which is one of the largest in the country. The site provides the main roost for the birds, with feeding occurring mostly on improved grassland outside of the site.

7.6.2 A range of other wildfowl species also occurs, including Whooper Swan, a species that is listed on Annex I of the E.U. Birds Directive. The site is also notable as a winter roost for gulls, especially Lesser Black-backed Gull. Part of Poulaphouca Reservoir SPA is a Wildfowl Sanctuary. The principle conservation objective as it relates to the site is to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.

7.6.3 As detailed above, there are no adequate details regarding the existing or proposed foul sewerage arrangements to serve the site. In this context, it is not possible to carry out a screening exercise to determine if the development is likely to have a significant effect on ground water conditions with consequential impacts for the Poulaphouca SPA and in particular the habitat of the protected bird species. The Planning Authority Planner's Report noted that subject to a wastewater treatment system to appropriate standards, the proposed development would not give rise to any adverse impacts on the qualifying interests and conservation objectives of Natura 2000 sites in the vicinity. It is considered however, in the absence of a site

characterisation form and adequate details, it is not possible to make that determination.

7.6.4 On the basis of the information provided with the application and appeal and in the absence of adequate details regarding the existing and proposed waste water treatment facilities, I am not satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on European site No. 004063, or any other European site in view of the site's Conservation Objectives. Whilst the Board could request further information regarding the existing and proposed effluent treatment system to enable the carrying out of a screening exercise, having regard to the substantive reasons for refusal set out below, I would not recommend that section 132 be invoked in this instance.

8.0 Recommendation

8.1 It is recommended that retention permission and permission be refused for the reasons set out below.

9.0 Reasons and Considerations

1. The site is located in a rural area under strong urban influence, as set out in the "*Sustainable Rural Housing Guidelines for Planning Authorities*" issued by the Department of the Environment, Heritage and Local Government in April, 2005, and in Settlement Strategy Level 10 – Open Countryside, as set out in the current Wicklow County Development Plan 2016-2022, where housing is restricted to persons demonstrating local need in accordance with rural housing policy HD21 of the Plan. It is considered that the applicant does not come within the scope of the housing need criteria as set out in the Development Plan for a dwelling at this location. As such, it is considered that the retention of the existing residential structures on the site and the proposed extension, would materially contravene the Development Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The development site is located within the Study Area for the N81 Tallaght to Hollywood Road Improvement Scheme. The proposed development would be premature pending the completion of the planning process and design and

completion of the N81 Tallaght to Hollywood Road Improvement Scheme and contrary to policies and objectives set out in the Development Plan including objectives TR18 and TR34 in relation to supporting major road improvements by reserving the corridors of any such proposed routes free of development which would interfere with such proposals, and the preservation free of development of all published road improvement lines and route corridors until such time as a final decision has been made. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. It is considered that the proposed development and the retention of the existing development would endanger public safety by reason of traffic hazard because the site is served by a direct access onto the N81 and the traffic turning movements generated by the development would interfere with the safety and free flow of traffic on the public road. The proposed development would contravene the *Spatial Planning and National Road Guidelines for Planning Authorities (2012)* and would be contrary to objective TR21 of the Wicklow County Development Plan 2016-2022. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
4. Having regard to the height, bulk and scale of the proposed extension and its proximity to the southern boundary and the adjoining residential property it is considered that the proposed extension would give rise to an unacceptably overbearing impact to the adjoining property. The proposed development would, therefore, seriously injure the amenities of property in the vicinity and be contrary to the proper planning and sustainable development of the area.

Erika Casey

Senior Planning Inspector

19th December 2017