



An  
Bord  
Pleanála

## Inspector's Report ABP-300459-17

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<b>Development</b>	Retention of single storey timber residential structure.
<b>Location</b>	McDonagh's Lane, Glenaraneen, Brittas, Co. Dublin.
<b>Planning Authority</b>	South Dublin County Council.
<b>Planning Authority Reg. Ref.</b>	SD17A/0347.
<b>Applicant(s)</b>	B. McDonagh Junior.
<b>Type of Application</b>	Permission for Retention.
<b>Planning Authority Decision</b>	Refuse Permission for Retention.
<b>Type of Appeal</b>	First Party vs. Refusal.
<b>Appellant(s)</b>	B. McDonagh Junior.
<b>Observer(s)</b>	An Taisce.
<b>Date of Site Inspection</b>	7 <sup>th</sup> March 2018.
<b>Inspector</b>	Susan McHugh.

## **1.0 Site Location and Description**

- 1.1. The appeal site is located in a rural area west of the N81 National Secondary Road (Dublin-Blessington) and approx. 8km from Tallaght, Co. Dublin. The site is located on the northern side of McDonagh's Lane in an area of low density dwellings, approx. 400m from the village of Brittas.
- 1.2. The subject site has a stated area of 0.26 hectares and includes a timber residential structure located inside the entrance and an existing detached single storey dwelling with a small concrete shed to the rear. There is also an existing steel shed located to the rear of the house on a raised area at the northern section of the site. The existing single storey timber residential structure and hardstanding area to be retained are located to the front of the main dwelling on site.
- 1.3. Both dwellings are accessed from a shared vehicular entrance from McDonagh's Lane, a narrow rural county road with a relatively steep gradient at the point of access to the site. The roadside boundary of the site is defined by tall mature deciduous trees and hedgerow. There are detached dwellings located on lands adjoining the site to the east and west.

## **2.0 Proposed Development**

- 2.1. Permission is sought for the retention of the existing single storey residential structure which has a stated area of 57sqm. The structure comprises open plan living/dining room, small kitchen, bathroom and two bedrooms.
- 2.2. The front elevation and entrance door are orientated towards the existing dwelling house to the north, while the rear elevation is orientated towards the road side boundary. The timber structure includes timber windows on the front and side elevations, and a pitched roof with a height of 3.67m.
- 2.3. The private amenity space of 66sqm is provided to the rear while the hard gravel area to the front of the dwelling provides parking for one car.
- 2.4. The structure is located forward of the dwellings to the east and west and approx. 28.7m from the existing house on site.

- 2.5. The structure is served by an existing septic tank and soakaway located to the north.
- 2.6. A letter of consent from Brendan McDonagh the father of the applicant was also submitted with the application dated 27<sup>th</sup> September 2017.

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

The Planning Authority decided to refuse permission for **six** reasons:

1. Contrary to the HA-DM zoning objective for the area which seeks 'To protect and enhance the outstanding natural beauty of the Dublin Mountains, and non-compliance with requirements of Policy H23 in the South Dublin County Development Plan 2016-2022.
2. Non-compliance with the Regional Planning Guidelines for the Greater Dublin Area 2010-2022.
3. The proposed development would lead to a demand for uneconomic provision of services and would set an undesirable precedent for other similar developments.
4. Would give rise to a traffic hazard resulting from additional traffic.
5. Non-compliance with Policy HCL7 'to preserve and enhance the Character of the County's landscapes particularly areas that have been deemed to have a medium to high Landscape Sensitivity'.
6. Contrary to Green Infrastructure Policy G4 Objective 7 in the South Dublin County Development Plan.

#### 3.2. **Planning Authority Reports**

##### 3.2.1. **Planning Report** (20<sup>th</sup> November 2017)

Basis for planning authority decision.

Includes reference to;

- The applicant has not demonstrated compliance with the rural housing policy in HA- Dublin Mountain Zone, H23 Objective 1.
- The proposed development would be contrary to the objectives of the Regional Planning Guidelines for the Greater Dublin Area 2010-2022 and exacerbate urban sprawl and the dispersal of population outside the urban footprint of the Dublin Metropolitan Area.
- The dwelling, which is visible from the public road, would have a negative impact on the landscape character of the area and protected views, would exacerbate ribbon or haphazard forms of development in the area and would set an undesirable precedent for similar forms of development.
- The dwelling would result in an increase in traffic using McDonagh's Lane which would result in a traffic hazard.

### 3.2.2. Other Technical Reports:

The application was referred to:

- **Roads Department:** recommends **refusal**, noting sight visibility at the entrance to the property as very poor due to the location close to the bend in McDonagh's Lane, the presence of hedgerows either side of the entrance and the large entrance gates to the property.
- **Water Services:** no objection subject to standard conditions.
- **Environment Section:** no reply.
- **Environmental Health Officer:** no reply.
- **Heritage Officer:** no reply.
- **Parks and Landscape Services:** no reply.

### 3.3. Prescribed Bodies

- **Irish Water:** no reply.

- **An Taisce:** notes the zoning objective 'HA' and housing policy H23, that the applicant has not demonstrated compliance with the housing policy, dangerous precedent, road is extremely narrow and dangerous, contrary to Regional Planning Guidelines 2010-2022, and recent refusal of permission by ABP for a house on this lane.

### 3.4. **Third Party Observations**

None.

## 4.0 **Planning History**

- 4.1. **P.A. Reg. Ref. SD14B/0091 ABP Ref. PL06S.243497:** Permission **granted** in October 2014 for the retention of the erection of a steel clad storage shed of floor area approx. 112sqm and all associated works. This steel shed is located to the rear of the existing dwelling. Condition no. 2 is of relevance and restricted the use of the storage shed for domestic use only and not to be used for habitable purposes or separated or sub-divided from the site or property of the existing house.

(File not available at the time of writing; relevant drawings downloaded from the planning authority website are provided in pouch attached).

### 4.2. **Enforcement**

- 4.2.1. **P.A. Ref. Enf. S7841:** Referenced on planning application form; no details available on planning authority website.

### 4.3. *Site to the west on opposite side of McDonagh's Lane*

- 4.3.1. **P.A. Reg. Ref. SD18A/0016:** Permission **refused** in March 2018 for a bungalow, and wastewater treatment plant, and temporary retention of an existing two bed log cabin, temporary septic tank, well and driveway by Anette (formerly McDonagh) and Alan Ritchie. The four reasons for refusal referred to non-compliance with the zoning objective, and rural housing policy, traffic hazard, visual impact, contrary to Policy H20 and Regional Planning Guidelines for the Greater Dublin Area.

- 4.3.2. **P.A. Reg. Ref SD16A/0194 ABP Ref. PL06S.247085:** Permission **refused** in December 2016 for a bungalow for Anette and Alan Ritchie. The two reasons for refusal referred to non-compliance with the zoning objective, and rural housing policy and visual impact.
- 4.3.3. (File not available at the time of writing; relevant drawings downloaded for the planning authority website are provided in pouch attached).

## 5.0 Policy Context

### 5.1. South Dublin Development Plan 2016-2022

- 5.1.1. The site is located in an area zoned Objective **HA-DM**, *'To protect and enhance the outstanding natural character of the Dublin Mountain Area'*.
- 5.1.2. The Development Plan's rural housing policy seeks to restrict the spread of dwellings in rural zones and to focus such housing into existing settlements. In this regard, the following policy applies:
- **Policy H23:** Rural Housing in HA - Dublin Mountains Zone

### 5.1.3. Rural Housing in HA-DM Zone

It is the policy of the Council that within areas designated with Zoning Objective 'HA-DM' (to protect and enhance the outstanding natural character of the Dublin Mountain Area) new or replacement dwellings will only be permitted in exceptional circumstances.

### 5.1.4. H23 Objective 1:

*'To consider new or replacement dwellings within areas designated with Zoning Objective 'HA-Dublin Mountains' (to protect and enhance the outstanding natural character of the Dublin Mountains Area) where all of the following criteria are met:*

- The applicant is a native of the area; and
- The applicant can demonstrate a genuine need for housing in that particular area; and
- The development is related directly to the area's amenity potential or to its use for agriculture, mountain or hill farming; and

- The development would not prejudice the environmental capacity of the area.

These criteria are in accordance with the Sustainable Rural Housing Guidelines (2005), having regard to the outstanding character of the area and the need to preserve the environmental and landscape quality of this area.

5.1.5. **Policy H26** sets out the policy of the Council in relation to occupancy conditions.

5.1.6. In respect of domestic effluent disposal treatment plants and percolation areas serving rural houses or extensions, shall comply with the Code of Practice 'Wastewater Treatment and Disposal Systems Serving Single Houses (p.e.<10) Environmental Protection Agency, 2009 or other superseding standards. Such details should be included with applications for new or replacement houses and extensions to existing dwellings where there would be an increase in demand on the treatment capacity of any existing wastewater treatment system.

5.1.7. **Section 11.5.5** High Amenity Areas and Sensitive Landscapes – Development proposals in high amenity zones and sensitive landscapes, including proposals that could potentially impact on designated views or prospects, shall require a Landscape Impact Assessment to assess the visual impact of the development (including any ancillary works) on the landscape and to outline mitigation measures to reduce the impact of the development. At the discretion of the Planning Authority, smaller scale works that would be unlikely to impact on the landscape, such as dwelling extensions, will not be subject to this requirement. Development that enhances existing degraded landscapes should be supported. Landscape design shall ensure that:

*'Development is carefully sited, designed and of appropriate scale, existing site features such as specimen trees, stands of mature trees, hedgerows, rock outcrops and water features are properly identified and retained, as appropriate and new planting or other landscaping should be appropriate to the area, and significant on-site natural features shall influence the layout of new development.'*

5.1.8. Objective to protect and preserve significant views along McDonagh's Lane from the north and south.

5.1.9. Heritage, Conservation and Landscapes (HCL) Policy 7 Landscapes

It is the policy of the Council 'to preserve and enhance the character of the Count's landscape 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'.

5.1.10. The site is located within the:

- Landscape Character Area 3 of 'Athgoe and Saggart Hills' Figure 9.1 South Dublin County Development Plan.
- Rural Hinterland Area Fig.1.1 South Dublin County Core Strategy Map.

## 5.2. Regional Planning Guidelines for the Greater Dublin Area 2010-2022

The site is located within a rural area under urban influence within the commuter catchment of Dublin City and suburb of Tallaght.

## 5.3. National Planning Framework – Project Ireland 2040, DoHP&LG 2018

National Policy Objective 19 refers to the necessity to demonstrate a functional economic or social requirement for housing need in areas under urban influence, i.e. the commuter catchment of cities and large towns and centres of employment. This will also be subject to siting and design considerations.

## 5.4. Natural Heritage Designations

There are no European sites located in the vicinity of the site. However, the following are located within approx. 15km:

- Wicklow Mountains SAC (Site Code 002122) is located 5km to the south east.
- Wicklow Mountains SPA (Site Code 004040) is located 8.3km to the east.

Slade of Saggart and Crooksling Glen pNHA (Site Code 000211) is located 200m to the east of the site.



## 6.0 The Appeal

### 6.1. Grounds of Appeal

The First Party appeal submitted by Jason Walsh, Architectural and Engineering Services, on behalf of the applicant, may be summarised as follows:

#### Planning History

- Reference to the grant of permission on site by the Board for the retention of the storage shed. There are similar structures within the surrounding area, reference to the Chianti Park, Hillsbrook, Raheen, Brittas.

#### Policy H23

- The applicant is a native of the area, was born and raised on the subject site, and the existing dwelling on site is occupied by the applicant's father. Letter attached from the local school where the applicant attended.

#### Visual Impact

- The scale of the proposed dwelling respects adjoining residential development and the site is large and has the capacity to visually absorb another dwelling which does not dominate existing dwellings.
- The proposed dwelling is well set back from the street line with existing dwellings and has no adverse visual impact on adjoining dwellings or on the character of the local area.
- In terms of its overall height, shape, scale and massing the timber structure is very similar to structures in the Chianti Park development.

#### Surface Water and Foul Drainage

- The existing soak way and septic tank which the proposed development is connected to are both capable of an increase in volume of roof rainwater and foul drainage.

#### Provision of services

- The single storey timber residential structure is located in the same position as the family mobile home which was present on site dating back to 1976. This was removed in 1990 when South Dublin County Council built the existing dwelling on site for the McDonagh family in 1980. However, ducting and piping remain in place.

#### **Traffic Hazard**

- The applicant has one family car and has been a regular user of the road named McDonagh's Lane.

#### **Hardstanding Area**

- The hardstanding area is located to the left hand side of the entrance and is only a proportion of the overall green area of the site.

### **6.2. Planning Authority Response**

Confirms decision- reference to planners' report.

### **6.3. Observations**

None received.

## **7.0 Assessment**

7.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. Appropriate Assessment also needs to be considered. The issues are addressed under the following headings.

- Rural Housing Policy
- Visual Impact on the Landscape
- Access and Road Safety
- Impact on Ground and Surface Water
- Appropriate Assessment

## 7.2. Rural Housing Policy

- 7.2.1. Reasons for refusal no. 1, and 2 relate to non-compliance with Development Plan policies. Housing Policy 23 Rural Housing in HA Zone is applicable as per Section 2.5.4 of the County Development Plan. The policy states new or replacement dwellings will only be considered in exceptional circumstances. H 23 Objective 1 states that **all** of the following criteria must be met by the applicants in order to be considered positively for a dwelling in the Dublin Mountain Zone:
- The applicant is a native of the area; and
  - The applicant can demonstrate a genuine need to live in that area; and
  - The development is related directly to the area's amenity potential or its use for agriculture, mountain or hill farming, and
  - The development would not prejudice the environmental capacity of the area, and that it would be in keeping with the character of the area.
- 7.2.2. I am satisfied that development plan Policy H23, aligns generally with national policy as set out in NPO 19 of the DoHP&LG National Planning Framework. As noted above the site is also located within the Strategic Green Belt and Rural Hinterland of the Dublin Metropolitan Area under the Regional Planning Guidelines for the Greater Dublin Area 2010-2022.
- 7.2.3. With respect to development plan policy H23, I note that all of the criteria specified must be complied with. In policy terms, this sets a relatively high bar and reflects the location in a high amenity area, and in an area of urban pressure.
- 7.2.4. The supporting documentation regarding the housing qualifying criteria by the applicant includes a letter of consent from the applicant's father Brendan McDonagh Snr. and correspondence from the applicant's primary school, St. Martins N.S. Brittas, Co. Dublin.
- 7.2.5. The applicant's agent states that the single storey timber residential structure is cited in the same location as the family mobile home, which was present on site dating back to 1976. It was noted that this was removed in 1990, when South Dublin County Council built the existing dwelling on site for the McDonagh family in 1980, and that ducting and piping remain in place.

- 7.2.6. It was noted in the planners report that no further details relating to the applicants need to reside in the area, his employment, or details in relation to the development to be retained relating directly to the areas amenity potential or to its use for agriculture, mountain or hill farming were submitted. I would note also that the applicant did not avail of the opportunity to submit further information in the appeal documents either.
- 7.2.7. I consider that the applicant complies with the first element of the listed criteria of H23 Objective 1. He is and continues to be a native of the area. However, he does not comply with the second or third elements. As discussed below there are also serious concerns arising in relation to the fourth element which relate to the environmental capacity and character of the area.
- 7.3. I consider, therefore, that the appeal should not succeed in relation to the issue of rural housing policy.

#### **7.4. Visual Impact on the Landscape**

- 7.4.1. Reasons for refusal no. 3, 5 and 6 relate to the visual and landscape impacts of the proposed development. There are specific objectives in the Development Plan 'to Protect and Preserve Significant Views' from McDonaghs Lane.
- 7.4.2. The timber residential structure with a floor area of 57sqm and a ridge height of 3.67m is modest in scale and is located inside the front roadside boundary to the site. It is not considered that the siting of the structure and the extent of the hard gravel area has been designed to minimise the impact on the site. The structure is set back approx. 20 metres from the vehicular entrance to the site and by approx. 3 metres from the roadside boundary.
- 7.4.3. I can confirm from my site inspection in early March that the timber residential structure and hard gravel area was clearly visible from the wide set-back entrance into the site from McDonaghs Lane and along the Lane. I am of the opinion, however, notwithstanding the location of the structure, significantly forward of the building line established by the existing and adjoining houses, that it does not detract from the visual amenities of the area given its modest scale, height and natural finishes. The site is also well screened with mature hedgerows along this section of

McDonaghs Lane, where there are already restricted views across the site looking northwards.

- 7.4.4. The site is located in an area designated in the Development Plan 'to protect and enhance the outstanding natural character of the Dublin Mountain Area'. It is also located in Landscape Character Area no. 3 'Athgoe and Saggart Hills'. I would note that this section of McDonaghs Lane has a number of dwellings located along the northern side of the Lane. I am satisfied that the existing site which already accommodates a house, vehicular entrance and driveway, has the capacity to absorb the proposed development. I am of the opinion that the visual impact of the existing structure and gravel area on the landscape is overstated by the planning authority, and I do not concur that the proposed development will have a negative impact on the landscape.
- 7.4.5. The applicant contends that the structure is very similar to structures in the Chianti Park development, and has submitted photographs to support this claim. The development refers to a caravan park, located approx. 2km to the north east of the appeal site. I do not consider, given the nature and context of this caravan park, that any comparison to the development referenced is relevant in this instance.
- 7.4.6. I am satisfied therefore, that that the proposed development for retention does not detract from the visual amenities and landscape character of the area, to such an extent to warrant a refusal and as such reasons for refusal no.s 3, 5 and 6 should not be upheld.

## **7.5. Access and Road Safety**

- 7.5.1. The timber residential structure relies on the shared vehicular entrance and driveway from McDonagh's Lane serving the principle family dwelling to the rear. Refusal reason no. 4 refers to the proposed development giving rise to a traffic hazard.
- 7.5.2. The Planning Authority Roads section objected to the proposed development noting that sight visibility at the entrance to the property was very poor due to the location close to the bend in McDonagh's Lane, the presence of hedgerows either side of the entrance and the large entrance gates to the property.

- 7.5.3. Concerns were also raised in relation to any increase in traffic using the entrance as a result of the residential structure, and in respect of the large hardstanding/gravel area which indicates that additional vehicles will be using the property.
- 7.5.4. From my inspection of the site I can confirm that sightlines from the vehicular entrance are restricted in an westerly direction, and that the existing carriageway is very narrow. Notwithstanding the fact that the proposed development will not involve substantial volumes of traffic, I am of the opinion, that given the restricted sightlines close to the bend on the lane, that it would give rise to a traffic hazard or endanger the safety of other road users.
- 7.5.5. I am satisfied therefore, that reason for refusal no. 4 should be upheld.

## **7.6. Impact on Ground and Surface Water**

- 7.6.1. The local area is unserviced in terms of wastewater treatment, thus necessitating the use of individual effluent treatment system on the subject site. The proposed development for retention relies on the existing septic tank and percolation area servicing the existing dwelling house on site, which the applicant has referred to as being constructed by South Dublin County Council in 1980.
- 7.6.2. The Code of Practice 'Wastewater Treatment and Disposal Systems Serving Single Houses (p.e.<10) Environmental Protection Agency, 2009 require details with applications where there would be an increase in demand on the treatment capacity of any existing wastewater treatment system. The applicant claims that the existing system has the capacity to cater for the proposed development. However, I note that no details have been submitted with the current application in relation to the capacity and operation of the existing wastewater treatment system as required by the EPA Code of Practice.
- 7.6.3. While I note that no report was received from the Environmental Health Officer and that the Water Services section of the planning authority had no objection, I am not satisfied that sufficient details have been submitted to demonstrate that the proposed development complies with the EPA Code of Practice. This is particularly the case given the apparent age of the existing system, at almost 40 years and the proposed increase in loading associated with the proposed development.

7.6.4. As this is a new issue I am not recommending refusal on public health grounds. However, if the Board are minded to grant retention permission for the structure which relies on the existing treatment plant, then the issue of public health would need to be addressed.

## 7.7. **Appropriate Assessment**

7.7.1. 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**

8.1. I recommend that permission for retention be refused for the following reasons and considerations.

## 9.0 **Reasons and Considerations**

1. The site is located in an area with the zoning objective HA-DM "To protect and enhance the outstanding natural character of the Dublin Mountain Area", as set out in the South Dublin County Development Plan 2016-2022 where it is the policy of the planning authority to restrict residential development, and also identified as being under urban influence in the Regional Planning Guidelines for the Greater Dublin Area 2010-2022. It is considered that the applicant does not come within the scope of exceptional circumstances outlined in Policy H23 Objective 1 set out in the development plan for a house at this rural location. The proposed development for retention would, therefore, materially contravene the zoning objective for the area and be contrary to the proper planning and sustainable development of the area.
2. It is considered that the proposed development to be retained would endanger public safety by reason of a traffic hazard because of the additional turning movements the development would generate on a substandard road at a point where sightlines are restricted in a westerly direction.

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Susan McHugh  
Planning Inspectorate

22<sup>nd</sup> March 2018