



An  
Bord  
Pleanála

## Inspector's Report ABP-301337-18

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<b>Development</b>	Retain single storey building for use as ceramic artist's studio, ancillary buildings and upgrade an existing DWWTs
<b>Location</b>	3 Rathmichael Haven, Rathmichael, Shankill Dublin 18
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D18A/0032
<b>Applicant(s)</b>	Rebeka Kahn
<b>Type of Application</b>	Retention/Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party v Refusal
<b>Appellant(s)</b>	Rebeka Kahn
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	20 <sup>th</sup> June 2018
<b>Inspector</b>	Hugh Mannion

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## **1.0 Site Location and Description**

- 1.1. The application site is 0.5ha and is one of eight houses which access a turning circle in Rathmichael Haven off Ferndale Road, Shankill, County Dublin. The houses are on large individual plots, there is a public water supply not no public sewerage in the immediate area. The site comprises a dwelling house occupied by the applicant and four single storey buildings of varying sizes which accommodate the ceramic studio operates on site. The area is a local highpoint and the site slopes north and east with good boundary screening comprising thick shrub growth and some trees. The site and adjoining sites are linked to the wider area by public roads and footpaths. There is gravelled car parking on site which could accommodate 6 cars.
- 1.2. There is no signage on site or within the area advertising the ceramics studio.

## **2.0 Proposed Development**

- 2.1. Retain a single storey building for use as ceramic artist's studio, three associated buildings comprising a store, a kiln shed and a toilet and upgrade an existing DWWTS at 3 Rathmichael Haven, Shankill, Dublin 18.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The planning authority refused permission as follows;

The proposed development is located in an area zoned A to protect and or improve residential amenity in the Dun Laoghaire Rathdown County Development Plan 2016-2022. The proposed development comprises a commercial development which would seriously injure the amenity and depreciate the value of property in the vicinity and set an undesirable precedent for future similar development.

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

#### 3.2.1. Planning Reports

The planners report recommends refusal as provided for in the manager's order.

#### 3.2.2. Other Technical Reports:

The **Surface Water Drainage** report states that inadequate information has been submitted to allow for assessment of how the site can treat effluent arising from a workplace with 10 employees.

**Transport Planning** reported no objection subject to a condition relation to parking provision.

The **Environmental Health Officer** reported that there is insufficient information submitted with the application to determine if the proposed development complies with the EPA code of practice in relation to waste water treatment.

### 4.0 **Planning History**

There is no recent planning history on the site.

The planning authority took enforcement action in relation to the application site.

### 5.0 **Policy Context**

#### 5.1. **Development Plan**

The site is zoned A – 'to protect and or improve residential amenity' in the Dun Laoghaire Rathdown County Development Plan 2016-2022.

#### 5.2. **Natural Heritage Designations**

See Appropriate Assessment Screening below.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- The applicant makes ceramics in her home and has done so since 2007. She unsuccessfully sought alternative premises and was obliged to erect the premises the subject of this appeal.
- Finished ceramics are collected by an An Post van daily, waste is handled through a domestic sized bin. Recyclable paper and cardboard are removed to a local recycling centre.
- The ceramics studio is located on a secluded part of a large site, does not impact negatively on adjoining houses and is compatible with the overall policies and objectives of the development plan zoning.
- There are 10 employees in the studio, it has been grant aided by the planning authority's own Local Enterprise Office and supports an overall objective to encourage economic development.
- Only 3 of the staff get to work by car, the remainder come by public transport or walk.
- Rathmichael Haven was developed as individual houses on large sites served by DWWTS. Some intensification of these systems has been allowed for example at 2 Rathmichael Haven where an additional house has been permitted. Following on the reports from the planning authority a site assessment has been undertaken and is submitted demonstrating the effluent to an equivalent of 10pe can be safely disposed on site.

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

- The planning authority has no further comments to make.

### **6.3. Observations**

- There are no observations on file.

## 6.4. Further Responses

There are no further submissions.

## 7.0 Assessment

### 7.1. Development Plan Zoning

7.2. The site is zoned A 'to protect and or improve residential amenity' in the Dun Laoghaire Rathdown County Development Plan 2016-2022. Permitted in principle uses comprise assisted living accommodation, open space, public services, residential, residential institution, travellers' accommodation. The proposed development does not constitute any of the permitted in principle uses.

7.3. The 'open for consideration' category, *inter alia*, includes 'industry-light', office based industry (less than 200m<sup>2</sup>) and offices less than 200m<sup>2</sup>. The Planning and Development Regulations 2001, as amended, are relevant here in that they define a light industrial building "as an industrial building in which the processes carried on or the plant and machinery installed are such as could be carried on or installed in any residential area without detriment to the amenity of that of that area by reason of noise, vibration, smell, smoke, soot, ash, dust or grit". For the purposes of this assessment I will consider the definition of light industrial building is comparable with 'industry-light' use as set out in the county development plan and I conclude that the proposed development is open for consideration in zone A.

7.4. There are five buildings on site; the dwelling house which is not part of this application. Unit A is the main workshop and is 129m<sup>2</sup> and the plan shows the building provides work benches, a materials storage area, a photo booth and a sink. Unit B is 23m<sup>2</sup> and is used solely for storage. Unit C is 9m<sup>2</sup> and is a toilet. The last building, unit D is 27m<sup>2</sup>. This building houses the kiln and has no mechanical ventilation or air extraction machinery; I entered and inspected this building when the kiln was operational and could detect no smells or fumes arising from its operation. I conclude therefor that there are no emissions to the air which would negatively impact on adjoining residential uses. It is significant in this context that there were no objections made to the proposed development at application stage and that the appeal is accompanied by a letter from the adjoining neighbour stating that there

have been no negative impacts arising from the proposed development in terms of noise, smells, lights, vibration or traffic. As I understand the process it appears that smaller scale electric kilns are not generators of fumes/smells. I conclude that these building and the activity carried on therein do not have the capacity to seriously injure the residential amenity of the house on site or adjoining residential uses because of noise, vibration, smell, smoke, soot, ash, dust or grit.

7.5. Finally, the adjoining site wraps around the north western and north-eastern boundaries of the application site and is zoned for residential development. Having regard to the foregoing, and in particular the distance of the buildings off the boundary and the existing screening along this boundary I conclude that the proposed development will not seriously injure the amenity of future residential development on the adjoining lands.

**7.6. Traffic Impacts**

7.7. The appeal makes the point that of the ten people working in the studio that three drive to work and the remainder take public transport and/or arrive on foot. The site layout indicates on-site parking on and, although not concreted or marked out, I estimate there is parking for 6 cars. The site is served by a public road which is a cul de sac and is linked to the wider area by a network of roads and footpaths. I conclude that the proposed development will not endanger public safety by reason of traffic hazard.

**7.8. Visual Amenity**

7.9. Rathmichael Haven is located on local high point in the landscape and the topography falls away from the application site to the north and east. There is good screening on the site boundaries and this is accurately illustrated on the site plan submitted with the application. The largest building, unit A, is 3.8m high and although the walls are white I do not consider that the collection of buildings on site and on adjoining sites read as an industrial use in the wider landscape. I conclude that the proposed development will no seriously injure the amenity of the area by reason of being visually obtrusive.

**7.10. Waste Water Treatment.**

- 7.11. Both the dwelling house and the ceramics studio on site drain to a single wastewater treatment system. The planning authority's surface water drainage report and the Environmental Health Officers report refer to the unsatisfactory details concerning foul water drainage. The surface water drainage report refers to the standards set out in the EPA code of practice for single houses (2009) and the EHO refers to the standards set out in the EPA Waste Water Treatment Manual for Small Communities, Business leisure Centres, Hotels (1999).
- 7.12. The application documents are supplemented by an additional report on the disposal of surface water on site and I am satisfied the the provision of surface water drainage as set out in the reports lodged with the appeal is adequate.
- 7.13. The issue of waste water is more complex. The EPA COP for DWWTs has a limit of 10 pe. The site characterisation form accurately describes the topography of the site and the trail hole results indicated that there is good drainage on site with a deep bedrock. The T test ( $T = 55$ ) indicated that percolation on site is marginally outside the optimum percolation times set out in table 6.3 of the EPA COP where T should be in the range 3 to 50. However, the assessment is based on a pe of 9 but this appears low for a site which accommodates a substantial dwelling house and 10 employees in the ceramics studio. The EHO refers to this and suggests that the more appropriate standards are those set out in the EPA Waste Water Treatment Manual for Small Communities, Business, Leisure Centres, Hotels (1999). It is not clear from the submitted material that the polishing filter which is located centrally in the site and serves both the dwelling house and the staff toilets has been sized in accordance with the standards required in table 10.1 of the EPA COP for single houses.
- 7.14. The application must provide an evidenced based calculation of the hydraulic loading and characteristics of the expected waste water generated by all uses within the site. This will determine if the COP for single houses or the COP for small business is the appropriate standard. Following on this a WWTS should be designed which reflects the expected loadings, the standards set out in the chosen code of practice and the site characteristics. Only then can an assessment be made as to it wastewater may be disposed of on site without the risk of water pollution or to public health. A further



point arises in this context; the application should also assess the potential impact on ground water and surface water of the proposed wastewater treatment system in combination with the impacts which may arise from the other septic tanks/waste water treatment systems in the vicinity of the application site.

**7.15. Solid Waste Treatment.**

7.16. The appeal sets out details of disposal of non-recyclable and recyclable waste. In the event of permission being granted I consider that this issue is amenable to control by way of planning condition.

**7.17. Appropriate Assessment Screening**

7.18. Having regard to modest scale of the proposed development and its location remote from any European site no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

**8.0 Recommendation**

8.1. Having regard to the foregoing I recommend permission be refused for the reasons and considerations set out below.

**9.0 Reasons and Considerations**

The Board is not satisfied on the basis of the information submitted with the application and appeal that the proposed waste water treatment system is appropriately sized and located to safely treat waste water arising from the dwelling house and ceramics studio and associated toilet on site. The proposed development would, therefore, be prejudicial to public health and be contrary to the proper planning and sustainable development of the area.

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Hugh Mannion  
Planning Inspector

21<sup>st</sup> June 2018