



An  
Bord  
Pleanála

## Inspector's Report ABP-302189-18

### Development

The construction of 1 no. part one storey / part two storey 3 bed dwelling. The development will include provision of a new vehicular entrance from Stepside Lane, landscaping and boundary treatment, and all associated site development works.

### Location

Lands adjacent to Cloughlea, Stepside Lane, Stepside, D18 A073.

### Planning Authority

Dún Laoghaire Rathdown County Council

### Planning Authority Reg. Ref.

D18A/0441

### Applicant(s)

Edmond Cannon

### Type of Application

Permission

### Planning Authority Decision

Refusal

### Type of Appeal

First Party v. Decision

### Appellant(s)

Edmond Cannon

### Observer(s)

None.

**Date of Site Inspection**

30<sup>th</sup> October, 2018

**Inspector**

Robert Speer

## 1.0 Site Location and Description

1.1. The proposed development site is located along the western side of Stepside Lane on lands adjacent to an existing dwelling house known as 'Cloughlea', approximately 300m south / southwest of the junction of Kilgobbin Road / the R117 Regional Road in the centre of Stepside village, where it occupies an elevated position in the foothills of Three Rock Mountain overlooking the lower-lying lands to the northeast with views towards Ballyogan and beyond. Whilst the immediate site surrounds are generally characterised by a steeply rising rural landscape dominated by the Wicklow Mountains to the west / southwest, there is a considerable concentration of one-off residential development located along roadways in the wider area. Indeed, the approach to the application site on travelling southwards from the village of Stepside has already been subjected to various piecemeal development. The site itself has a stated site area of 0.4 hectares, is irregularly shaped, and presently forms part of a larger agricultural field, which rises steeply south-westwards over the public road, that is positioned between two existing dwelling houses, including the applicant's family home.

## 2.0 Proposed Development

- 2.1. The proposed development consists of the construction of a contemporarily designed, two-storey, split-level dwelling house based on an irregular building footprint with a stated floor area 206m<sup>2</sup> and a ridge height of 6.79m. The overall design has sought to utilise the contours of the site by employing a flat-roofed, stepped construction and includes an integral undercroft garage with bedroom accommodation on the lower floor and kitchen / dining / living space on the upper level. External finishes will include white self-coloured render, white clay facing, reconstituted stone (for the parapet detail), and the feature use of 'blue engineering brick' and coursed rubble stone walling.
- 2.2. Access to the site will be obtained directly from the adjacent public road (Stepside Lane) to the immediate east via a new entrance arrangement and an elongated driveway. Water and wastewater services are available via connection to the public mains.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. On 3<sup>rd</sup> July, 2018 the Planning Authority issued a notification of a decision to refuse permission for the proposed development for the following 2 No. reasons:

- The site of the proposed development is located in an area zoned 'Objective B': 'To protect and or improve rural amenity and provide for the development of agriculture' under the County Development Plan 2016-2022. It is not considered from the documentation submitted that the applicant has clearly demonstrated compliance with Section 2.1.4.1 Policy RES16: Management of One-off Housing and Section 8.2.3.6 of the Dún Laoghaire Rathdown County Development Plan 2016-2022, in terms of demonstrating a genuine need for housing in the area.
- The proposed house would sit in a prominent elevated position and would appear visually incongruous in relation to the surrounding landscape and existing vernacular form, contrary to the Appendix 11 'Rural Design Guide' of the Dún Laoghaire Rathdown County Development Plan 2016-2022.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports:

Details the site context, including the applicable planning policy considerations, and states that the provisions of Sections 2.1.4 & 8.2.3.6 of the Development Plan are applicable in this instance given the site location in a rural area on lands zoned as 'B' with the stated land use zoning objective '*To protect and / or improve rural amenity and to provide for the development of agriculture*'. The report proceeds to consider the submitted particulars as regards the applicant's compliance with the relevant rural housing eligibility criteria and, whilst acknowledging that he has some connections to this rural area, it concludes that he has not established a genuine need to reside within same pursuant to the requirements of the County Development Plan. With regard to the overall design and layout of the proposal, the report states that the proposed dwelling will have a significant visual impact on the landscape by virtue of its contemporary form, prominent elevated position, and the largely

traditional / vernacular pattern of development in the immediate locality. It is also noted that further details are required in respect of a number of issues, including the proposed entrance arrangement and the adequacy of the available sightlines. The report thus concludes by recommending a refusal of permission.

### 3.2.2. Other Technical Reports:

*Drainage Planning, Municipal Services:* Refers to the on-site disposal of surface water runoff and also states that all the proposed parking surfaces / hardstanding areas should be finished in permeable asphalt or with a specialised system of permeable paving stones in order to allow the local infiltration of stormwater.

*Transportation Planning:* Recommends that further information be sought in respect of a number of items including the implications of the proposed development as regards the road reservation required for the 'Stepaside Bypass' long-term roads objective, the design of the proposed entrance & access roadway, and the required sightlines.

### 3.3. **Prescribed Bodies**

*Irish Water:* No objection, subject to conditions.

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

None.

## 4.0 **Planning History**

### 4.1. On Site:

None.

### 4.2. On Adjacent Sites:

PA Ref. No. D09A/0436. Was granted on 30<sup>th</sup> March, 2010 permitting Maureen Canon permission to retain the deposition on site of 10,000 cubic metres of clean excavated material over a site area of 5,600 sq.m. to a maximum height of 2.1m at Cloughlea, Stepaside Lane, Stepaside Village, Dublin 18.

#### 4.3. Other Relevant Files:

PA Ref. No. D09A/0606 / ABP Ref. No. PL06D.235242. Was granted on appeal on 18<sup>th</sup> March, 2010 permitting Derek Mulvey permission for the erection of a new house, utility shed and proprietary wastewater treatment unit on site of old cottage ruins with existing entrance at Boranaraltry Lane, Ballybrack Road, Glencullen, Kiltarnan, Co. Dublin.

## 5.0 **Policy Context**

### 5.1. **National and Regional Policy**

- 5.1.1. The ‘*Sustainable Rural Housing, Guidelines for Planning Authorities*’, 2005 promote the development of appropriate rural housing for various categories of individual as a means of ensuring the sustainable development of rural areas and communities. Notably, the proposed development site is located in an ‘*Area under Strong Urban Influence*’ as indicatively identified by the Guidelines.

### 5.2. **Development Plan**

#### 5.2.1. **Dún Laoghaire Rathdown County Development Plan, 2016-2022:**

##### Land Use Zoning:

The proposed development site is located in an area zoned as ‘B’ with the stated land use zoning objective ‘*To protect and improve rural amenity and to provide for the development of agriculture*’.

*N.B.* Table 8.3.5 of the Plan states that ‘*Residential*’ development is ‘*Open for Consideration*’ within this land use zoning objective in accordance with the applicable policy as regards residential development in rural areas.

##### Other Relevant Sections / Policies:

*Chapter 2: Sustainable Communities Strategy:*

*Section 2.1: Residential Development:*

*Section 2.1.4: Rural Housing:*

The policies of the '*Sustainable Rural Housing Guidelines for Planning Authorities*' (2005) are fully recognised and embodied within the Council's own policies and approach to one-off houses in its rural areas. (Refer also to Section 8.2).

Urban-generated one-off housing which is not directly linked to the rural area can create unsustainable travel patterns, over-dependence on the private car, negative impact on the landscape, increased urban footprint and pressure on the environment and infrastructure. All of these elements can increase carbon footprint.

In order to protect the rural character of the countryside and foster sustainable development it is necessary to restrict the growth of what is generally described as urban-generated 'one-off' housing and only facilitate genuine and bona fide cases for new residential development within the County's rural areas. Development proposals will be evaluated in accordance with the following criteria:

#### *Rural Amenity Zoning 'B'*

Within areas designated with zoning Objective 'B' ("*to protect and improve rural amenity*") dwellings will only be permitted on suitable sites where:

- Applicants can establish to the satisfaction of the Planning Authority a genuine need to reside in proximity to their employment (such employment being related to the rural community), or
- Applicants can establish to the satisfaction of the Planning Authority a genuine need for an additional dwelling in the rural area and who are native to the area due to having spent substantial periods of their lives living in the area as members of the rural community and have close family ties with the rural community (in accordance with Section 3.2.3 'Rural Generated Housing' of the '*Sustainable Rural Housing Guidelines for Planning Authorities*' (2005)).

#### *Policy RES16: Management of One-off Housing:*

- It is Council policy to restrict the spread of one-off housing into the rural countryside and to accommodate local growth into identified small villages subject to the availability of necessary services. It is recognised that much of the demand for one-off housing is urban-generated and this can result in an unsustainable pattern of development, placing excessive strain on the environment, services and infrastructure. However, it is recognised that one-

off housing may be acceptable where it is clearly shown that it is not urban-generated, will not place excessive strain on services and infrastructure, or have a serious negative impact on the landscape and where there is a genuine local need to reside in a rural area due to locationally-specific employment or local social needs (subject to compliance with the specific zoning objectives).

Section 2.2: *Sustainable Travel and Transportation:*

Section 2.2.10: *Roads:*

*Policy ST25: Roads:*

- It is Council policy, in conjunction and co-operation with other transport bodies and authorities such as the TII and the NTA, to secure improvements to the County road network – including improved pedestrian and cycle facilities.

Table 2.2.6: *Long Term Road Objectives: ‘Stepaside Bypass’.*

Chapter 4: *Green County Strategy:*

Section 4.1.2: *Landscape:*

*Policy LHB6: Views and Prospects:*

- It is Council policy to protect and encourage the enjoyment of views and prospects of special amenity value or special interests.

Chapter 8: *Principles of Development:*

Section 8.2.3: *Residential Development:*

Section 8.2.3.6: *Rural Housing:*

The Council’s policy position in respect of the management of ‘one-off’ housing in the rural parts of the County is clearly set out under Policy RES17, Section 2.1.4.1. The Council generally seeks to protect the rural character of the countryside and foster sustainable development. In pursuance of these objectives the Council’s position in relation to ‘one-off’ houses is essentially restrictive and precautionary.

Development proposals will be evaluated in accordance with the following criteria:

Within areas designated with zoning Objective ‘B’ -



*“To protect and improve rural amenity and to provide for the development of agriculture”*, dwellings will only be permitted on suitable sites where:

- Applicants can establish to the satisfaction of the Planning Authority a genuine need to reside in proximity to their employment (such employment being related to the rural community), or
- Applicants can establish to the satisfaction of the Planning Authority a genuine need for an additional dwelling in the rural area and who are native to the area due to having spent substantial periods of their lives living in the area as members of the rural community and have close family ties with the rural community (in accordance with Section 3.2.3 ‘Rural Generated Housing’ of the ‘Sustainable Rural Housing Guidelines for Planning Authorities’ 2005).

### **5.3. Natural Heritage Designations**

5.3.1. The following Natura 2000 sites are located in the general vicinity of the proposed development site:

- The Wicklow Mountains Special Area of Conservation (Site Code: 002122), approximately 4.3km southwest of the site.
- The Knocksink Wood Special Area of Conservation (Site Code: 000725), approximately 4.4km south of the site.
- The Wicklow Mountains Special Protection Area (Site Code: 004040), approximately 4.6km southwest of the site.
- The Ballyman Glen Special Area of Conservation (Site Code: 000713), approximately 5.8km southeast of the site.

*N.B.* This list is not intended to be exhaustive as there are a notable number of other Natura 2000 sites in excess of the aforementioned distances yet within a 15km radius of the application site.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- The Planning Authority has not taken a balanced view on the issue of rural housing and has failed to have due regard to the *‘Sustainable Rural Housing, Guidelines for Planning Authorities’* and the Ministerial Direction given in Circular PL2/2017.
- The applicant satisfies the eligibility requirements set out in the *‘Sustainable Rural Housing, Guidelines for Planning Authorities’* in that he is an *‘intrinsic part of the rural community’* and accords with the following category:

*‘ . . . sons and daughters of families living in rural areas who have grown up in rural areas and are perhaps seeking to build their first home near their family place of residence’.*

- The supporting documentation supplied with the planning application serves to demonstrate the applicant’s ties to the area.
- The applicant does not own any property in the area and there are no other family lands available for the construction of a new dwelling.
- The applicant needs to make preparations for a dwelling of his own in his native area as the family home is occupied by his elderly mother and will be disposed off upon her death in accordance with the terms of her will.
- The Planning Authority’s assessment of the subject proposal has failed to have adequate regard to the provisions of the *‘Sustainable Rural Housing, Guidelines for Planning Authorities’*, with specific reference to Section 3.2.3 which sets out the different types of ‘rural housing need’ and defines *‘persons who are an intrinsic part of the rural community’* as follows:

*‘Such persons will normally have 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. Examples in this regard might include sons and daughters of families living in rural areas*

*who have grown up in rural areas and are perhaps seeking to build their first home near their family place of residence. Returning emigrants who lived for substantial parts of their lives in rural areas, then moved abroad and who now wish to return to reside near other family members, to work locally, to care for elderly family members, or to retire should be also be accommodated’.*

Within this category there is no necessity for prospective applicants to be working in the immediate rural area in order to satisfy the ‘rural need’ eligibility criteria. Instead, the applicant complies with Section 3.2.3 of the Guidelines on the basis that:

- He is an established member of the Stepside community;
  - He has lived all his life at the subject site;
  - He is intending to construct his first home; and
  - He can trace his family roots in the locality back to 1911.
- The imposition of an additional requirement whereby *‘persons who are an intrinsic part of the rural community’* should be employed in the rural area does not accord with either the spirit or intent of the *‘Sustainable Rural Housing, Guidelines for Planning Authorities’*.
  - Given that the applicant is seeking permission to develop a dwelling house for his own use on his native lands, it is unreasonable for the Planning Authority to conclude that simply because the wider Stepside area is developing that the applicant should be directed to residential development in those locations.
  - The development of a ‘family flat’ as an alternative to the proposed dwelling house is not a credible option.
  - By way of precedent, the Board is referred to its previous determination of PA Ref. No. D09A/0606 / ABP Ref. No. PL06D.235242. In that instance the Planning Authority had refused permission for the construction of a new dwelling house on lands at Ballybrack Road, Glencullen, as the applicant in question had not demonstrated a genuine need for housing in the area or a genuine need to reside in proximity to their place of

employment (as a mechanic). However, this decision was subsequently overturned on appeal on the basis that the applicant:

*‘complies with the criteria for rural generated housing in an area regarded in the ‘Sustainable Rural Housing, Guidelines for Planning Authorities’ issued by the Department of the Environment, Heritage and Local Government in April, 2005 as being under strong urban influence, as he is a native of the area, is building on family lands and is an intrinsic member of the local community’.*

Accordingly, it is considered that the approach adopted by the Board in its determination of ABP Ref. No. PL06D.235242 is directly relevant to the subject appeal and thus it should follow that the applicant complies with the *‘Sustainable Rural Housing, Guidelines for Planning Authorities’*.

- The design team has made a concerted effort to demonstrate that the proposed dwelling house can be successfully assimilated into the surrounding landscape.
- The subject proposal effectively amounts to an infill development along Stepside Lane and is not located in the wider rural hinterland.
- The overall building design has followed a best practice contemporary approach which has resulted in a split-level dwelling which serves to minimise the visual impact.
- Contrary to the Planner’s Report, the proposed dwelling house has been designed to respond to the site and takes due cognisance of the Council’s rural housing guidelines.

## 6.2. Planning Authority Response

- In reference to the Board’s previous determination of ABP Ref. No. PL06D.235242, it is submitted that a key difference between that appeal and the subject application is that in the case of the former it was confirmed that the *‘applicant provided continuous support by assisting on the family farm and maintaining machinery thanks to his mechanical experience’*. In the subject case, no such genuine need has been demonstrated and, therefore, the

submitted proposal is contrary to Section 2.1.4 of the Dún Laoghaire Rathdown County Development Plan, 2016 and the provisions of the National Planning Framework 2040.

### 6.3. **Observations**

None.

### 6.4. **Further Responses**

None.

## 7.0 **Assessment**

7.1. From my reading of the file, inspection of the site and assessment of the relevant local, regional and national policies, I conclude that the key issues raised by the appeal are:

- The principle of the proposed development / rural housing policy
- Overall design / visual impact
- Traffic implications
- Infrastructural / servicing arrangements
- Appropriate assessment
- Environmental impact assessment (screening)

These are assessed as follows:

### 7.2. **The Principle of the Proposed Development / Rural Housing Policy:**

7.2.1. The proposed development site is located in an 'Area under Strong Urban Influence' as indicatively identified by the 'Sustainable Rural Housing, Guidelines for Planning Authorities, 2005'. These Guidelines state that such areas will exhibit characteristics such as their proximity to the immediate environs or the close commuting catchments of large cities and towns (i.e. Dublin City) and will generally be under considerable pressure for the development of housing due to their proximity to these urban centres or the major transport corridors accessing same. Notably, within these

*'areas under urban influence'*, the National Planning Framework (*'Project Ireland 2040: Building Ireland's Future'*) further states that it will be necessary for applicants to demonstrate *'a functional economic or social requirement for housing need'* (with National Policy Objective No. 19 stating that the provision of single housing in rural areas under urban influence is to be based on the core consideration of a demonstrable economic or social need to live in a rural area and the siting and design criteria for rural housing contained in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements). The Guidelines also state that the housing requirements of persons with roots or links in rural areas are to be facilitated and that planning policies should be tailored to local circumstances.

7.2.2. In addition to the foregoing, it is of relevance to note that the proposed development site is located on lands zoned as *'B'* in the Dún Laoghaire Rathdown County Development Plan, 2016-2022 with the stated land use zoning objective *'To protect and improve rural amenity and to provide for the development of agriculture'* wherein proposals for residential development are deemed to be *'open for consideration'* pursuant to the rural housing policy of the Plan. In this regard it is apparent from a review of Section 2.1.4: *'Rural Housing'* of the Development Plan that in order to protect the rural character of the countryside and to foster sustainable development, the Planning Authority has adopted a restrictive approach as regards the eligibility of prospective applicants for rural housing with only *'genuine and bona fide cases for new residential development within the County's rural areas'* to be facilitated. This is elaborated in Policy RES16: *'Management of One-off Housing'* which states that it is the policy of the Council *'to restrict the spread of one-off housing into the rural countryside and to accommodate local growth into identified small villages subject to the availability of necessary services'*. This policy objective also states that much of the demand for such housing is urban-generated before acknowledging that *'one-off housing may be acceptable where it is clearly shown that it is not urban-generated, will not place excessive strain on services and infrastructure, or have a serious negative impact on the landscape and where there is a genuine local need to reside in a rural area due to locationally-specific employment or local social needs (subject to compliance with the specific zoning objectives)'*.

7.2.3. Sections 2.1.4 & 8.2.3.6 of the Development Plan subsequently state that within areas zoned as *'B'* with the land use zoning objective *'To protect and improve rural*

*amenity and to provide for the development of agriculture*', the development of new dwelling houses will only be permitted on suitable sites where:

- Applicants can establish to the satisfaction of the Planning Authority a genuine need to reside in proximity to their employment (such employment being related to the rural community), or
- Applicants can establish to the satisfaction of the Planning Authority a genuine need for an additional dwelling in the rural area and who are native to the area due to having spent substantial periods of their lives living in the area as members of the rural community and have close family ties with the rural community (in accordance with Section 3.2.3 '*Rural Generated Housing*' of the '*Sustainable Rural Housing Guidelines for Planning Authorities*' (2005)).

7.2.4. From a review of the available information, with particular reference to the supporting correspondence which has accompanied the planning application and the grounds of appeal, it is clear that the applicant is of the opinion that he satisfies the eligibility criteria set out in the second part of Section 8.2.3.6 on the basis that he presently resides with his elderly mother in the family home on the landholding where he has lived all his life. It has also been submitted that the applicant has an ancestral connection to the area, attended school locally (in Sandyford), was employed in the Dún Laoghaire Rathdown area for 21 No. years, and is now an employer in the county. Accordingly, it has been asserted that he forms '*an intrinsic part of the rural community*' and thus satisfies the relevant provisions of both the Development Plan and the Guidelines. In further support of his housing need, it has been indicated that the applicant does not own any property in the area and has a need to develop a dwelling house for his own use given that the family home will be sold upon the death of his mother in accordance with the terms of her will and as part of the division of her estate. In addition, the applicant has confirmed that he is amenable to the imposition of an occupancy condition and thus it can be assured that the proposed dwelling house is intended for his own use as a principle and permanent place of residence.

7.2.5. On the basis of the available information, it would appear that the applicant has both familial and residency ties to this particular rural area and thus would seem to satisfy the eligibility criteria set out in the second category of qualifying persons contained in

Sections 2.1.4 & 8.2.3.6 of the Development Plan (i.e. his being a native of the area who has spent his entire life living there with family ties to the rural community), although it is regrettable that no further supporting documentation / correspondence such as utility bills, invoices, receipts etc. have been provided to definitively establish the applicant's continued residency in the area. However, in my opinion, it is apparent that an applicant must also establish a '*genuine need*' for an additional rural dwelling house in order to fully comply with the policy requirements of the Development Plan. In this respect I would advise the Board that there are effectively two clear and distinct aspects to the qualifying criteria set out in the aforementioned (second) category of potentially eligible persons which are cumulative in nature with the result that an applicant must establish both a connection to the rural area and a 'genuine' need for an additional dwelling house. Therefore, although the applicant would seem to have intrinsic links to this particular rural area and thus may satisfy certain aspects of the eligibility criteria set out in both the Development Plan and the '*Sustainable Rural Housing, Guidelines for Planning Authorities*', there is nevertheless a specific requirement to demonstrate a genuine rural-generated need to reside at the location proposed.

- 7.2.6. Whilst the applicant has asserted that he wishes to build a dwelling house for his own use (as the family home will ultimately be disposed of in accordance with the terms of his mother's will), I would have reservations as regards the placing of an undue reliance on the disposal of an existing dwelling house from within the wider family's ownership in order to justify the construction of an additional dwelling on adjacent lands given the site location in an area under strong influence and in such close proximity to surrounding urban settlements, including the village of Stepside. It is also notable that the applicant has only indicated that he does not own any property 'in the area' which would seem to raise the question that he may own property elsewhere, although I would concede that this would involve a degree of speculation. Furthermore, no specific details have been provided of the applicant's employment which serve to support a locational or functional need to reside at this particular site (*N.B.* It is unclear if the applicant's employment would necessitate his residence within this rural area outside of any designated settlement area e.g. by reason of farming / agricultural activities).



7.2.7. Having regard to the site location on an approach road to the village of Stepside, and in view of the sites proximity to zoned and serviced lands within that settlement, I would consider it necessary to exercise greater control over rural housing provision in the area in order to avoid a proliferation of same with a consequential loss of definition between the village and the surrounding rural area. Indeed, the piecemeal and haphazard development of rural areas close to settlements including smaller villages can cause problems as these settlements grow and develop. Therefore, on the basis of the submitted information, and in light of the rural housing policy and settlement strategy of the County Development Plan, in addition to the provisions of the '*Sustainable Rural Housing, Guidelines for Planning Authorities, 2005*', I am not satisfied that the applicant has established either a genuine or functional housing need to reside in this rural area immediately beyond the built-up confines of Stepside. In the absence of any clear justification for an additional dwelling house on the family landholding in this area which is under considerable strong urban influence, it is my opinion that the proposed development would contribute to unnecessary sprawl and should instead be accommodated on zoned and serviced lands within identified settlement centres in the wider area given its well-developed structure of local towns and villages.

### 7.3. **Overall Design / Visual Impact:**

7.3.1. The proposed development site is located in the foothills of Three Rock Mountain where it occupies a relatively prominent and elevated position to the south of the village of Stepside overlooking the lower-lying lands to the northeast with views towards Ballyogan and beyond. It is characterised by a steep slope that rises south-westwards over the public road and in this respect the design of the proposed dwelling house has sought to utilise the contours of the site by employing a stepped construction into the hillside in an effort to reduce the amount of cut and fill required whilst also seeking to limit the overall height and visibility of the proposal. With regard to the actual site selection and the recessed positioning of the proposed dwelling house back from the public road, it is notable that the subject site will occupy an increasingly elevated location relative to neighbouring properties and effectively comprises part of an open field which is poorly screened by existing boundary treatment. Moreover, the siting of the proposed development does not follow the established building line or the pattern of roadside development and would

also appear to result in the creation of a potential infill site between it and the neighbouring dwelling house to the immediate north / northeast. This 'infill' site is located in a moderately less elevated position than the application site and would appear to form part of the same landholding (*N.B.* At this point I would advise the Board that the full extent of the applicant's mother's landholding (of which the subject site forms part) would not appear to have been accurately detailed in the submitted particulars on the basis that it does not include for the existing family home and, perhaps more notably, does not accord with the landholding previously identified in PA Ref. No. D09A/0436).

7.3.2. In relation to the overall design and visual impact of the proposed development, whilst I would acknowledge the concerns of the Planning Authority as regards the contemporary design of the proposed dwelling house given the prevailing pattern of development which is characterised by more vernacular / conventional housing designs, the Rural Design Guide contained in Appendix 11 of the Development Plan does permit consideration of more contemporary design responses, although this will likely be dependent on the specifics of the site context and the quality of the actual design proposal.

7.3.3. In the subject instance, I am inclined to suggest that whilst a modern design could perhaps be accommodated given the proximity of the site to the built-up area of Stepside village and the differing housing styles / architectural treatments prevalent along the approach to same, in my opinion, the principle concern is the overt visibility of the proposed development in a wider context. In this respect, I would have serious reservations as regards the prominence of the proposed development when viewed from a number of vantage points within the surrounding rural landscape, with particular reference to positions along a considerable length of Burrow Road to the northwest of the application site (as evidenced in part by 'Scene 02' of the Visual Impact Assessment provided with the application which serves to demonstrate the lack of screening to the north / northwest of the site). The absence of any significant intervening features or topography between the site and the more northerly stretches of Burrow Road will offer clear views of the dwelling house with the result that it will appear as a disjointed and piecemeal form of development on an elevated and exposed site that stands apart from the village. Furthermore, although the proposed development will be screened to some extent from other viewpoints in the wider area

by existing buildings and roadside hedging etc. its elevated position will serve to heighten its overall visibility (such as when viewed from the site entrance onto Stepside Lane).

- 7.3.4. Therefore, on balance, I would concur with the assessment of the Planning Authority that the proposed development, by reason of its elevated and exposed location, will be unduly prominent in the rural landscape and thus will detract from the visual amenity of the surrounding area.

7.4. **Traffic Implications:**

- 7.4.1. The proposed development will be accessed via a new entrance arrangement onto the adjacent local road (Stepside Lane) to the immediate east, which is subject to a speed limit of 50kph, and in this respect I would refer the Board to Drg. No. C01 Rev. F which details that due to the horizontal alignment of the roadway at this location, it will be necessary to undertake certain works to either side of the proposed entrance, including the cutting back of the roadside boundary hedgerow on the adjacent lands to the south, in order to achieve sightlines of approximately 50m in each direction from the new entrance onto the main carriageway.
- 7.4.2. Having reviewed the available information, and following a site inspection, it is clear that the overall horizontal and vertical alignment of this section of roadway gives rise to a number of difficulties as regards the adequacy of the proposed access arrangements. In the first instance, given the siting of the new entrance between two bends in the roadway, it is apparent that the sightlines shown on Drg. No. C01 Rev. F are only achievable if the adjacent roadside boundary hedging to the immediate south is cut back, however, this is reliant on the carrying out of works on third party lands outside of the applicant's ownership and for which no written consent has been provided (*N.B.* Whilst I would concede that the adjacent lands may be in the ownership of the applicant's mother, they have not been included in the landholding mapping provided with the subject application or that which accompanied PA Ref. No. D09A/0436). Furthermore, notwithstanding the site location along a stretch of roadway which is subject to a speed limit of 50kph, it was noted during the course of my site inspection that vehicles travelling downhill towards the village of Stepside have a tendency to pass the proposed site entrance at speed. Accordingly, I would

have reservations as regards the ability of the applicant to achieve adequate sightlines from the proposed entrance onto the public road.

- 7.4.3. In addition to the foregoing, due to the positioning of the proposed entrance and the alignment of the public road to either side of same, traffic safety concerns would also arise as regards any vehicles waiting on the roadway to turn into the site as a result of the limited forward visibility / stopping sight distance for traffic approaching the site from both the north and south.
- 7.4.4. Therefore, I am inclined to conclude that the applicant has failed to satisfactorily demonstrate the availability of adequate sight distance with regard to the proposed entrance and that the proposal as submitted would serve to endanger public safety by reason of traffic hazard.
- 7.4.5. By way of further comment, I would also draw the Board's attention to the report of the Transportation Planning Dept. which has recommended that the applicant consult with the Road Design Section of the Local Authority with a view to ascertaining any updated requirement as regards the road reservation corridor for the future construction of the 'Stepaside Bypass' (Table 2.2.6: 'Long Term Road Objectives' of the Development Plan).

#### 7.5. **Infrastructural / Servicing Arrangements:**

##### 7.5.1. Water Supply:

No objections have been raised by the Local Authority or Irish Water to the proposal to connect to the existing public watermain located within the public road to the immediate east of the site.

##### 7.5.2. Foul and Surface Water Drainage:

The proposal to connect to the existing public mains foul sewer is acceptable in principle.

With regard to the collection and disposal of surface water runoff, whilst the subject proposal has included for the attenuation of runoff on site prior to the discharge of same to the public mains storm water sewer, the report of the Drainage Division has indicated a preference that all surface water runoff be disposed on site by way of suitably designed soakaways etc.

## 7.6. **Appropriate Assessment:**

- 7.6.1. Having regard to the nature and scale of the proposed development, the nature of the receiving environment, the availability of public services, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

## 7.7. **Environmental Impact Assessment (Screening):**

- 7.7.1. Having regard to the nature and scale of the development proposed, the site location outside of any protected site and the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 8.0 **Recommendation**

- 8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be refused for the proposed development for the reasons and considerations set out below:

## 9.0 **Reasons and Considerations**

1. Having regard to the location of the site within an “Area Under Strong Urban Influence” as identified in the ‘Sustainable Rural Housing, Guidelines for Planning Authorities’ issued by the Department of the Environment, Heritage and Local Government in April 2005, on lands zoned as ‘B’ with the stated land use zoning objective ‘To protect and improve rural amenity and to provide for the development of agriculture’, where housing is restricted to persons demonstrating a genuine rural-generated need in accordance with the current Dún Laoghaire-Rathdown County Development Plan, the Board is not satisfied that the applicant has demonstrated a genuine rural housing

need as set out in the Guidelines or the Development Plan for a house at this location. The proposed development, in the absence of any identified locally based need for the house, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the topography of the site, the elevated and exposed positioning of the proposed dwelling, and the nature and extent of the works concerned, it is considered that the proposed development would form a discordant and obtrusive feature on the landscape at this location, would seriously injure the visual amenities of the area, would fail to be adequately absorbed and integrated into the landscape, would militate against the preservation of the rural environment and would set an undesirable precedent for other such prominently located development in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Robert Speer  
Planning Inspector

19<sup>th</sup> November, 2018