



An
Bord
Pleanála

Inspector's Report ABP-302480-18.

Development

Alterations to existing single entrance layout to provide two entrances to serve two existing separate dwellings. The application proposes the set back of the existing entrance and the introduction of a second entrance. Each entrance will have piers of local stone and a simple gate design.

Location

Crockshane, Redgap, Rathcoole, Co. Dublin.

Planning Authority

South Dublin County Council.

Planning Authority Reg. Ref.

SD18B/0287.

Applicant(s)

John Kehoe.

Type of Application

Permission.

Planning Authority Decision

Refuse.

Type of Appeal

First Party.

Appellant(s)

John Kehoe

Observer(s)

None.

Date of Site Inspection

14th November, 2018.

Inspector

A. Considine.

Site Location and Description

- 1.1. The appeal site is located approximately 1.5km to the south west of Rathcoole village in a rural area. There is evidence of significant ribbon development along the public roads, and the site is located to the north of the road, known locally as Rathcoole Hill Road. This road is narrow, has no road markings and is a busy rural road.
- 1.2. The site the subject of the appeal consists of a vehicular entrance which currently serves two permitted houses. The existing entrance includes stone piers and wingwalls with metal gates and a hardcore surface and is 3.7m in width. The existing gate is set back approximately 5m from the road side boundary and there is a second entrance onto the driveway which serves the second house (referred to as the front dwelling) on the wider lands. The front boundary of the residential property to the south of the wider site comprises a painted timber fence with hedges behind.

Proposed Development

- 2.1. Permission is sought for alterations to existing single entrance layout to provide two entrances to serve two existing separate dwellings. The application proposes the set back of the existing entrance and the introduction of a second entrance. Each entrance will have piers of local stone and a simple gate design all at Crockshane, Redgap, Rathcoole, Co. Dublin.
- 2.2. The development seeks to provide a scaled entrance design which has a hierarchy of proportions which are sympathetic to the local landscape setting. The proposal seeks to provide staggered entry points to the two individual properties, 'culminating in a single access to the public road. The existing timber fencing along the public road will be removed and the area will be planted with whitethorn hedging.
- 2.3. The development will result in the provision of two vehicular entrances, both of which will have a width of 3.5m with the communal splayed width of approximately 8m.
- 2.4. Due to unforeseen technical difficulties with my camera on the date of my inspection, there is only one photo available.

Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse permission for the proposed development, for the following stated reasons:

1. **Layout**

The proposed development would involve a significant widening of the existing vehicular entrance which would constitute an unacceptable form of development which would be unsympathetic to the rural character of the area, would materially contravene the 'RU' zoning objective of the area which seeks 'to protect and improve rural amenity and to provide for the development of agriculture', and would therefore be contrary to the proper planning and sustainable development of the area.

2. **Precedent**

The proposed development would set an undesirable precedent for other similar development, which would in themselves and cumulatively, be harmful to the visual amenity of the rural area and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report considered that the proposed development would be unacceptable in principle as the proposal would be detrimental to the character of the rural area, would result in a wide set-back, which individually and collectively (due to the establishment of a precedent) would seriously injure the rural amenity of the area. The report further considers that the development would not comply with the Boards Condition 2 attached to ABP ref PL06S.243797, which required a single entrance. The report concludes recommending refusal of permission.

3.2.2. Other Technical Reports:

Roads Section: No objection subject to conditions.

3.2.3. Prescribed Bodies;

None

3.2.4. Third Party Submissions:

There were no submissions from third parties in relation to the proposed development.

Planning History

The following is the planning history associated with the subject site:

ABP ref PL06S.249106 (PA ref SD17B/0215): Permission refused by both South Dublin County Council and the Board on appeal, for the widening of existing vehicular entrance and all associated works. The reason for refusal was as follows:

1. The proposal entails the significant widening of a vehicular entrance and provision of additional structures that are unsympathetic in their design to the rural character of the area. The proposed development would have a detrimental visual impact eroding the rural character of the area as well as setting a precedent for similar visually obtrusive structures at this location. The proposed development would have an adverse visual impact at this location and would, therefore, be contrary to the proper planning and sustainable development of the area.

PA ref SD17B/0048: Permission refused for widening of existing vehicular access, reasons included impact on visual amenity, traffic hazard, drainage and setting an undesirable precedent.

ABP ref PL06S.243797 (PA ref SD14A/0130): Permission granted on appeal for retention of relocated house and biocycle unit, revised location for as built entrance (including wing walls, gates/works), internal access/layout permission for visibility splays. Condition 2 of the Boards decision stated as follows:

The works to the proposed entrance as indicated on drawing number 01 Rev.

No. 2 submitted to the Board on the 16th day of February, 2015 shall be completed within six months of the date of this order.

Reason: In the interests of amenity and traffic and pedestrian safety.

As part of this application, permission was sought to provide two separate entrances, somewhat similar to what is proposed under the current appeal although the two entrances sought were located adjacent to the public road while the current proposal seeks to set one entrance further back. The Inspector dealing with the appeal recommended refusal of permission.

The Board issued a Section 137 notice to the applicant, Mr. Frank Kehoe, advising as follows:

Having regard to:

- The permission granted under SD08A/0118 in which it was proposed to close the vehicular entrance serving the house constructed under S86A/1677 and to provide a shared single vehicular access/egress to serve both existing and proposed dwellings;
- The current proposal which involves the retention of two vehicular access/egress points to the roadway, distant from the authorised location, and where sight distances are substandard,

The Board might consider that the proposed development to be retained might comprise an excessively suburban form of development in this rural location which has resulted in an excessive loss of hedgerow, might be contrary to the provisions of Policy H42 of the County Development Plan and might, therefore, be contrary to the proper planning and sustainable development of the area.

Having regard to the foregoing the applicant is invited to submit a modified vehicular access/egress arrangement making provision for the following:

A single access/egress to serve both dwellings in the location of the subject proposal which adopts a similar 'shared access' approach to the entrance/exit permitted under SD08A/0118, i.e., a single gateway adequately set back from the roadway with a common access road that

splits internally to serve the two dwellings on site, and a gateway treatment that is more typical of a rural location.

In response to the above, the applicant submitted a modified vehicular access/egress arrangement. The Board will note that this permitted entrance has been constructed on the site, with the addition of the timber fencing along the roadside boundary of the front house, and is the subject of the current appeal.

PA ref SD14A/0005: Permission refused for the retention of relocated house and ancillary services for 3 no. reasons relating to additional traffic turning movements, road frontage issues creating a suburban type development in a rural area and the cut and filling being contrary to Policy H42 in terms of design

PA ref SD11A/0101: Permission granted for a change of house design already granted under SD10A/0021

PA ref SD10A/0021: Permission granted for amendments to a dwelling house granted planning permission under reference SD08A/0551.

PA ref SD08A/0551: Permission granted for change of house type granted under Sd08A/0118.

PA refSD08A/0118: Permission granted for a single storey three bedroomed dwelling with a floor area of 163sq.m.

PA ref SD07A/0076: Permission refused single storey detached dwelling with a treatment system on a similar site to the subject appeal.

Policy Context

5.1. Development Plan

5.1.1. The South Dublin County Development Plan 2016 – 2022 is the relevant policy document pertaining to the subject site. The site is located on lands which have an 'RU' Rural zoning. It is the stated objective of this zoning 'to protect and improve rural amenity and to provide for the development of agriculture'.

5.1.2. Section 2.5.0 of the Plan deals with Rural Housing and states that 'It is the policy of the Council to restrict the spread of dwellings into rural and high amenity areas'. The following policies are considered relevant:

Policy H27 Rural House & Extension Design:

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

H27 Objective 1:

Ensure that all new rural housing and extensions within areas designated with Zoning Objective 'RU':

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

Retains and reinstates traditional roadside and field boundaries; and

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

5.1.3. Chapter 9 of the CDP deals with Heritage, Conservation & Landscape and Section 9.2.0 identifies that South Dublin is defined by five Landscape Character Areas. The subject site is located within the Athgoe and Saggart Hills. The Landscape Character Assessment for South Dublin County (2015), identifies this area as LCA 3.

5.1.4. Landscape Character Assessment for South Dublin County (2015), concludes that 'on the northern part of this LCA, housing pressures have in some areas detracted from the landscape character with a variety of boundary treatments, housing styles and siting locations that do not reflect the former agricultural vernacular. This contrasts again with areas that have retained a more rural and intact character, for example around Stonyhill Road.'

5.1.5. The Assessment identifies that the LCA 3 has a medium-high landscape character sensitivity and a high visual sensitivity, overall landscape sensitivity and landscape value with a landscape capacity of negligible to low. This means that key characteristics of the landscape are highly vulnerable to development where development would result in a significant change in landscape character and low

where there may be limited opportunity to accommodate development without changing the landscape character. In terms of mitigation measures, the Assessment identifies 12 measures in order to protect the landscape character of the area.

5.1.6. Table 11.1 of Chapter 11 states that the objective of RU zoning is '*To protect and improve rural amenity and to provide for the development of agriculture*'. Residential development is '*Open for Consideration*' in accordance with Council policy for residential development in rural areas. Section 11.3.4 specifically refers to Rural Housing. Section 11.3.4(ii) states that '*A minimum road frontage of 60m should be provided for all new dwelling sites in rural areas and a proliferation of housing along stretches of road in a manner that creates ribbon development should be avoided*'.

5.2. Natural Heritage Designations

The subject site is not located within, or adjacent to, any designated European Site. The Glenasmole Valley SAC (Site Code 001209) is located approximately 4km to the south east of the site. In addition to the above, the following designated site are located within 15km of the appeal site:

- Wicklow Mountain SAC & SPA, Site Code 002122
- Poulaphouca Reservoir SPA & PNHA, Site Code 000731
- Red Bog SAC & PNHA, Site Code 000397.

The Appeal

6.1. Grounds of Appeal

This is a first party appeal against the decision of the Planning Authority to refuse permission for the proposed development. The grounds of appeal are summarised as follows:

- The entrance serves two dwellings in separate ownership.
- In terms of Reason for Refusal no. 1, the appeal submits as follows:

- The submitted proposal address the Boards previous reason for refusal and will not involve a ‘significant widening’ of the existing vehicular entrance.
 - The development will result in a wider gate area from the existing 3.7m to 7m for the proposed 2 gates.
 - The proposed new entrance will however, result in a reduction in the area covered by built form structures – gates and fencing – reducing from an existing width of 29.9m to the proposed c17.5m.
 - The proposed structures will be more rural in nature and will provide a positive contribution towards the character of the area and will accord with the zoning objective.
 - The proposal will greatly decrease the visual impact and improve the visual appearance of the entrance complex.
 - The use of one entrance for two dwellings is untypical of rural Ireland.
 - The proposed development has been designed in accordance with the Development Plan, the ‘RU’ zoning objective and rural housing design and layout policies.
- In terms of Reason for Refusal no. 2, the appeal submits as follows:
 - A desktop study of the area was undertaken to examine the prevailing precedent for entrances in the vicinity of the subject site and the results highlight that there are similar entrances to that proposed.
 - Contrary to the reason for refusal given by SDCC, it is submitted that the proposal will set a positive precedent, encouraging less built form structures and promoting extensive areas of native landscaping coupled with character stone walls.
 - It is considered that the proposed entrance will have less impact on the rural character of the area.

It is requested that permission for the proposed development be permitted.

6.2. Planning Authority Response

The Planning Authority has responded to this first party appeal advising that the Planning Authority confirms its decision. Issues raised in the appeal have been covered in the planner's report.

6.3. Observations

None.

Assessment

I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

1. Principle & Planning History
2. Appropriate Assessment
3. Environmental Impact Assessment

7.1. Principle & Planning History:

7.1.1. The subject site is located within a rural area which is identified as being under strong urban influence for one-off housing, as defined in the Sustainable Rural Housing Guidelines and the South Dublin County Development Plan. This is evident in the number of one-off houses in the vicinity of the subject site and is due to its proximity to the village of Rathcoole as well as being located within the commuting catchment for Dublin City.

7.1.2. In terms of compliance with policy, the Board will note that the proposed development seeks to alter an existing permitted entrance which serves two residences. The proposal seeks to provide two separate entrances for the two houses. The South Dublin County Development Plan, 2016-2022 requires a minimum road frontage of 60 metres to be provided for all new dwelling sites in rural areas. Having regard to the layout of the sites, and the existing entrance which serves both houses, it is impossible to comply with this requirement.

7.1.3. The Board will note the extensive planning history of the site, which includes similar proposals to that currently before the Board. In the past, permission was permitted by the Board which specifically provided for the as constructed layout of the entrance. In particular, I refer the Board to file ref. PL06S.243797, the details of which are provided above in section. This application proposed two separate entrances, in a similar location to the current proposal. Following the submission of further information from the applicant which specifically included a 'shared access' for the two houses, the Board included condition 2 which states:

2. The works to the proposed entrance as indicated on drawing no. 01 Rev. No. 2 submitted to the Board on February 16th, 2015 shall be completed within 6 months of the date of this order.

Reason: In the interests of amenity and traffic and pedestrian safety.

As such, I consider that if permitted, the development would materially contravene a condition of a previous Board decision as it relates to the access/egress arrangements for the two dwellings. The Board may consider this to be a new issue in terms of the current appeal.

7.1.4. In addition to the above, the Board will note a previous application to widen the existing entrance, PL06S.249106 refers which was refused. While I acknowledge that the current proposal is not as significant as that previously refused, which sought an increase from 5m to approximately 9.5 at the location of the gate including piers, and the current proposal, will widen the entrance to just under 9m but with a staggered layout and landscaping, I would not be satisfied that, if permitted, the development would not have a detrimental impact on the rural character of the area, and would set a precedent for similar developments in the area. The planning history of the site has been founded on the 'shared access', and it is clear that the Board held this view when dealing with similar proposals at this location in the recent past. As such, I consider that the proposed development is unacceptable at this location and would, if permitted represent a visually obtrusive element in the rural area.

7.2. **Appropriate Assessment**

7.2.1. The subject site is not located within, or adjacent to, any designated European Site. The Glenasmole Valley SAC (Site Code 001209) is located approximately 4km to the south east of the site.

7.2.2. Having considered the nature and minimal scale of the proposed development, together with the separation distance between same and any Natura 2000 site, it is appropriate to conclude that this project should not proceed to Stage 2 of the AA process and that an Appropriate Assessment is not necessary as there is little or no potential for significant effects to Natura 2000 sites.

7.3. **Environmental Impact Assessment**

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

Recommendation

It is recommended that planning permission be refused for the proposed development for the following reason.

Reasons and Considerations

The proposed development, if permitted, would materially contravene conditions of previous grants of permission, and in particular, condition 2 of previous Board decision, PL06S.243797 which, following a Section 137 notice to the application, required that ‘the works to the proposed entrance as indicated on drawing no. 01 Rev. No. 2 submitted to the Board on February 16th, 2015 shall be completed within 6 months of the date of this order.’ The reason for this condition stated ‘in the interests of amenity and traffic and pedestrian safety’.

It is considered therefore, that a grant of planning permission in this instance, would result in the widening of a vehicular entrance in a manner which is unsympathetic to the rural character of the area. It is considered that the development, if permitted, would have a detrimental visual impact, would contribute to the eroding the rural character of the area and would set an undesirable precedent for similar developments in the vicinity. The proposed development would have an adverse visual impact at this location and would, therefore, be contrary to the proper planning and sustainable development of the area.

A. Considine
Planning Inspector
23rd November, 2018