



An
Bord
Pleanála

Inspector's Report ABP 302590-18.

Development	Dormer bungalow and effluent treatment system.
Location	Rock Lodge, Slate Cabin, Sandyford, Dublin 18.
Planning Authority	Dún Laoghaire-Rathdown Co. Council
Planning Authority Reg. Ref.	D18A/0643
Applicants	Ciaran and Roisin Greenan
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellants	Ciaran and Roisin Greenan
Observers	None
Date of Site Inspection	7/12/18
Inspector	Siobhan Carroll

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1.0 Site Location and Description

- 1.1. The appeal site is located in a rural area to the west of Sandyford, Co. Dublin. It is situated on the southern side of Slate Cabin Lane c.185m south of Sandyford village. Slate Cabin Lane is very narrow with many bends as it rises towards Woodside Road. The road features a number of speed tables. Sandyford Pitch and Putt Club is located to the east. The area is rural in nature and there are a number of one-off dwellings in the locality.
- 1.2. The site itself is stated as being 0.162 Hectares, roughly rectangular in shape. It comprises the front garden of an existing bungalow 'Rock Lodge' owned by the applicant's mother which is located to the south of the site. The site is served by a splayed vehicular entrance.
- 1.3. There is substantial mature trees, hedge and shrubs around the site. The northern site boundary with Slate Cabin Lane is defined by a low stone wall and mature trees. There is a 38kV overhead power line in the north-western corner of the site. The western site boundary which adjoins a private lane is defined by mature hedgerow.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of a new adapted 3 no. bedroom dormer bungalow, garage and sensory garden with new waste water treatment system, new boundary fence and new entrance for existing house to adjoining private lane.
- 2.2. Proposed dormer dwelling has a floor area of 279sq m and a ridge height of 6.5m. The proposed garage has a floor area of 60sq m and a ridge height of 5.5m.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse permission for two reasons.

1. The proposed development materially contravenes County Development Plan objective B to protect and improve rural amenity and to provide for the development of agriculture as it does not accord fully with Development Plan provisions for rural housing as set out in RES 16 Rural Housing and Section

8.2.3.6 Rural Housing and could be used as a precedent for similar developments on lands zoned for rural amenity and for the development of agriculture.

2. The proposed development would interfere with the character of the landscape which it is necessary to preserve and is contrary to related County Development Plan provisions Section 8.2.3.6 (vii) Road Frontage and Section 8.2.3.6 (ii) Design and by precedent could lead to further interference with the character of the landscape in the vicinity of the subject site.

Note: The submitted details do not adequately demonstrate that the proposed new vehicular entrance and related laneway can provide for the safe access and egress of vehicles to Rock Lodge and as such could result in the creation of a traffic hazard.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- It was concluded that the submitted details do not show a genuine need to reside in proximity to their employment. The applicant Mr. Greenan's business is not location dependent. The proposal does not meet the local need criterion for a dwelling in the rural area. The narrative that the applicant's mother's house is not suitable for the provision of a family flat by way of an extension and /or alterations is not accepted. The proposal would result in a house with less than 60m of road frontage to Slate Cabin Lane which is contrary to Section 8.2.3.6 (vii) of the County Development Plan.

3.2.2. Other Technical Reports

EHO – No objection subject to conditions

Drainage Planning Section – No objection subject to conditions

Transportation Planning Section – Further information sought in relation to the provision of revised drawings indicating sightlines of 45m to the south-west and north-east to the road centreline. Reduced sightlines may be acceptable if the applicant can demonstrate that existing traffic speeds are low by submitting a speed survey. Indicate on a detailed plan layout and cross sectional drawing the existing

Little Woodside Lane from the Slate Cabin Lane road edge to the southern side of the proposed new vehicular entrance for the existing dwelling designed to meet DRL Co. Council 'Taking -in Charge', requirements as per 'Taking -in Charge Policy Document'. Submit detailed plan and elevational drawings of the proposed new vehicular entrance to accommodate the existing dwelling 'Rock Lodge' with a 45° splayed side boundary treatment to ensure adequate visibility.

3.3. **Prescribed Bodies**

Irish Water – No objection subject to conditions

3.4. **Third Party Observations**

- None received

4.0 **Planning History**

None

5.0 **Policy Context**

5.1. **Dún Laoghaire-Rathdown County Development Plan 2016-2022**

- 5.1.1. 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'.
- 5.1.2. Section 2.1.4 – refers to Rural Housing
- 5.1.3. 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).
- 5.1.4. 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.

5.1.5. 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:

5.1.6. Rural Amenity Zoning 'B'

5.1.7. 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).

5.1.8. Section 8.2.3.6 – refers to Rural Housing

5.1.9. Appendix 11 – Rural Design Guide

5.2. Sustainable Rural Housing Guidelines for Planning Authorities

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

5.3. Code of Practice: Wastewater Treatment Systems for Single Houses 2009

- 5.3.1. Sets out guidance on the design, operation and maintenance of on-site wastewater treatment systems for single houses.

5.4. Natural Heritage Designations

- 5.4.1. The nearest Natura 2000 sites are;
- Wicklow Mountains SAC is located 4.5km to the south-west of the site.
 - Wicklow Mountains SPA is located 4.7 km to the south-west of the site.
 - Knocksink Wood SAC is located 5.9km to the south.
 - South Dublin Bay and River Tolka Estuary SPA is located 5.8km to the north-east.
 - South Dublin Bay SAC is located 5.8km to the north-east.

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal has been submitted by BPS Planning Consultants on behalf of the applicants Ciaran and Roisin Greenan. The main issues raised concern the following;

- It is submitted that the starting point of the Council's assessment that it is a wholly rural site is inaccurate.

- It is noted that there are no technical objections to the application from the Environmental Health Officer, Irish Water or the Drainage Planning Section. The Transportation Planning Section sought further information and did not recommend a refusal of planning permission.
- No third party concerns were raised.
- Revised drawings have been submitted with the appeal to address the issues raised in the report of the Transportation Department. Drawing no: RL-CG-18-08 illustrates 'Sightline to existing Rock Lodge entrance' and possible sightline improvements'. It is proposed to reinstall the speed ramp adjoining 'Rock Lodge'. Sightlines of 48m and 84m can be achieved at the existing entrance by lowering the wall and cutting back existing planting.
- Should the Board require that the entrance be revised to improve sightlines the matter can be addressed by means of condition.
- It is submitted that the assessment by the Planning Authority of the application under rural housing policy requires to be reviewed. It is stated that the Planning Authority did not adequately consider Section 4.3 'Assessing Housing Circumstances' of the 'Sustainable Rural Housing Guidelines for Planning Authorities' (2005).
- Section 4.3 of the Guidelines makes clear that exceptional health circumstances is a valid planning issue to be considered in the assessment of a rural housing planning application.
- It is submitted that the applicants' son Oisin's exceptional health circumstances require him to live in this particular environment close to family support which is provided by the Greenan family.
- Oisin suffers from severe quadriplegic cerebral palsy, epilepsy with seizures, acute scoliosis and osteoporosis. He has profound brain injury is visually impaired and non-verbal. He requires 24/7 care with medical doses injected three times daily, requires regular suction to avoid infection and he sleeps with CPAP and additional oxygen fee aid. It is important that his parents' bedroom is beside his as he suffers from nightly seizures which are highly

distressing for him and an inability to return to sleep means that one parent needs to stay with him until he settles.

- Oisín has low muscle tone and he is unable to support himself. Therefore, moving him in and out of his wheelchair is difficult. He requires daily physiotherapy, stretching and exercise and the equipment necessary for this is bulky and occupies a lot of space.
- When Oisín is hospitalised for either scheduled appointments or due to emergency hospital visits it is necessary that one parent is with him at all times. Typically, when Oisín has been hospitalised with pneumonia it is for 1-2 weeks. It is at these times when local family, friends and neighbours are hugely supportive in ensuring that the applicants' other son Eoghan can attend school and his sporting activities and be able to stay at home. The importance of the proximity of local family and friends is highlighted and in particular Patricia Greenan the applicant's mother who is one of the few people who is able to take care of Oisín.
- The family spend a disproportional amount of time in the house and therefore having adequate space is highly important.
- The report of the Planning Authority did not address the services which Oisín requires, however it did state that the applicants should consider a family flat.
- The applicants current home is 'Yavina' where they have lived for the past five years. The property is owned by the applicant's aunt and is currently on the market. Once a sale is agreed the applicants and their family will be required to move out. They currently have nowhere suitable identified.
- The applicants are seeking to build a suitably adapted house on family land.
- It is set out in the report of the Planning Authority that policy RES9 which refers to development or adaptation of existing dwellings to the need of older people and people with disabilities excludes lands zoned for rural/agricultural purposes.
- There is no reference in the policy or in Section 2.1.3.9 of the Development Plan to exclude rural/agricultural zoned areas.

- It is submitted that the Sustainable Rural Housing Guidelines and policy RES9 of the Development Plan are clear that exceptional health circumstances is a valid planning issue to be considered in the assessment of rural house planning applications.
- The report of the Planning Authority places emphasis on a determination of whether the proposed infill dwelling is rural or urban generated. It is contended that as the application falls under Section 4.3 of the Sustainable Rural Housing Guidelines that the distinction between rural and urban should not be the deciding factor.
- The location of the proposed development arises as the property is owned by the applicant's mother and she has offered to allow her property to be subdivided to allow them to build.
- Policy RES 16 of the Development Plan refers to Rural Housing, this policy and the Sustainable Rural Housing Guidelines recognise that one off housing may be acceptable where it is not urban generated, will not place excessive strain on services and infrastructure, where it will have no impact on the landscape and where there is a genuine local need to reside in a rural area due to local social needs.
- Section 8.2.3.6 of the Development Plan is raised in the report of the Planning Authority and it refers to the business owned by the applicant Ciaran Greenan. It should be noted that his place of business is not the primary factor in proposing the dwelling at this location. The location was chosen as it is in family ownership, there is sufficient area to build, it is close to family support and falls within the catchment area for services needed to support Oisin.
- Policy RES9 of the Development Plan refers to 'Housing for All' it states, It is Council policy to support the concept of independent and/or assisted living for older people and people with disabilities/mental health issues. In this regard the Council will support provision of specific purpose-built accommodation.

- The location is the critical reason why the applicants are proposing the house adapted to the needs of Oisín which is close to family, friends and support services.
- The proposed dwelling is fully designed to meet Oisín's needs and those of his family. It is fully compliant with Part M and the principles of universal design.
- Regarding the matter of a family flat raised in the report of the Planning Authority, the application is for Ciarán and Roisín Greenan and their sons Eoghan and Oisín. The application is not about providing new accommodation for the applicant's mother Patricia Greenan.
- It is not clear why it would be acceptable to try to fit two households into one house with an adjoining family flat but that a new dwelling would be unacceptable.
- A family flat would not fulfil the requirements of Oisín Greenan due to limited floor space and bedrooms. A family flat for Patricia Greenan is not being sought. It is the family house where she is happy to live and where other family members visit and stay.
- The report of the Planning Authority considered the applicant's links to the rural area. It was noted in the report that it would appear that Ciarán Greenan is native to the local rural area, that he and his family have resided in the local area for at least four years and dwellings in the local area are related to the applicants' extended family. However, the Planning Authority were not satisfied with the information submitted in relation to the applicant's qualification under Rural housing policy.
- The Planning Authority was also not satisfied that the applicant Ciarán Greenan complies with Rural housing policy as it relates to employment. His business is involved with design and drafting services for local steel fabrication and construction companies. It is intended that the registered business address would be at the new house. It would be the base of the business with some travel also required. Mr. Greenan working at the home address ensures that he is available as a back-up carer for Oisín.

- It is clarified that the farm work carried out by Ciaran Greenan is part time and that he assists his uncle who runs Woodside farm. The farm work includes documentation activities, feeding, bedding, loading and unloading livestock, repair and maintenance of equipment, hay making and transportation. There is also out of hours on call work.
- It is submitted that while it is not the primary basis for the application, Mr. Greenan's local farming works should be taken into account in assessing the proposal.
- In relation to the matter of road frontage it is stated that the road frontage is already serving the existing dwelling and if permission was granted the road frontage would continue to serve a rural dwelling.
- Regarding the matter of ribbon development, it is submitted that the proposed development is infill development to the front of an existing property and therefore it would not constitute ribbon development.
- The particular circumstances of the application mean that it would not cause "*any precedent to justify the proliferation of further once off-housing*" as stated in the report of the Planning Officer.
- The report of the Planning Officer states that the proposed development would "*interfere with the character of the landscape.*" The proposed dwelling would be inserted into an existing residential site which is well screened from the road. Therefore, it is considered that there would be minimal, if any landscape impact.
- It is requested that the Board overturn the decision of the Planning Authority and grant permission for the reasons set out in the appeal.

6.2. Planning Authority Response

- The Planning Authority refer the Board to the Planner's Report and state that they consider that the grounds of appeal do not raise any new matters which would justify a change of attitude to the proposed development.

7.0 Assessment

The main issues in this appeal are those raised in the grounds of appeal. It is also considered however, that the matter of on-site effluent treatment should be assessed. Appropriate Assessment and Environmental Impact Assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Rural Housing policy
- Design and visual amenity
- Vehicular Access
- Effluent Treatment
- Appropriate Assessment
- Environmental Impact Assessment

7.1. Rural Housing policy

- 7.1.1. With regard to compliance with rural housing policy the proposal should be in accordance with the provisions of the Sustainable Rural Housing Guidelines and the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016 – 2022, as it relates to settlement in rural areas. The appeal site is located in an area identified as an Area Under Strong Urban Influence on Map No.1 – Indicative Outline of NSS Rural Area Types in the Sustainable Rural Housing Guidelines. These areas are typically close to larger urban centres which are under pressure for housing in the countryside and have road networks which are heavily trafficked. The guidelines suggest that certain classes of persons e.g. those occupied full time or part-time in agriculture, forestry, those who are an intrinsic part of the rural community, sons/daughters of farmers and returning emigrants, may be considered for housing in the countryside.
- 7.1.2. The National Planning Framework ('Project Ireland 2040: Building Ireland's Future') 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).

- 7.1.3. The subject site of the proposed development is located on lands zoned objective 'B' in the Dún Laoghaire Rathdown County Development Plan, 2016-2022. It is 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' subject to the rural housing policy of the Plan.
- 7.1.4. Section 2.1.4 of the Development Plan refers to 'Rural Housing' it sets out 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.
- 7.1.5. Policy RES16 of the Development Plan refers to 'Management of One-off Housing' it 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 sets out that much of the demand for such housing is urban-generated and 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)'.
- 7.1.6. Development Plan policy as set out in Sections 2.1.4 & 8.2.3.6 states that within areas zoned as 'B' 'To protect and improve rural amenity and to provide for the development of agriculture', the development of dwellings will only be permitted on suitable sites where:

- 7.1.7. 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
- 7.1.8. 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)).
- 7.1.9. The applicants Ciaran and Roisin Greenan and their two sons Oisín and Eoghan live at 'Yavina' a detached dwelling which they rent located on Slate Cabin Lane immediately to the west of the appeal site. They have lived there for the past five years. The property is owned by the applicant's aunt and is currently on the market. It is stated that once the property is sold the applicants and their family will be required to move out. The proposed site comprises the front garden of Mr. Greenan's mother's house 'Rock Lodge'. This is the family home of Ciaran Greenan.
- 7.1.10. In this regard it is set out in the appeal that the site was chosen as it is in family ownership, there is sufficient area to build, it is close to family support and falls within the catchment area for services needed to support their son Oisín. The applicant Mr. Ciaran Greenan is self-employed. He runs a business involved with design and drafting services for local steel fabrication and construction companies. It is detailed in the appeal that it is Mr. Greenan's intention to have his registered business address at the proposed new house. In relation to the specific nature of the business, I note that it would not require to be located within the rural area.
- 7.1.11. The first party appeal also refers to the fact that Mr. Greenan carries out part-time work on his uncle's farm, Woodside farm. The farm work which Mr. Greenan undertakes includes administrative work, feeding, bedding, loading and unloading livestock, repair and maintenance of equipment, hay making and transportation. Notwithstanding the details provided in relation to Mr. Greenan's business which is his full-time employment and the part-time work which he undertakes on his uncle's

farm these do not in my opinion constitute a rural generated housing need as set out under Section 2.1.4.1 of the Development Plan.

- 7.1.12. The applicants have also requested that the Board consider their case on the basis of their family circumstances with reference to Section 4.3 'Assessing Housing Circumstances' of the 'Sustainable Rural Housing Guidelines for Planning Authorities' (2005). This Section of the Guidelines refers to exceptional health circumstances and states that 'In particular, planning authorities should recognise that exceptional health circumstances – supported by relevant documentation from a registered medical practitioner and a disability organisation – may require a person to live in a particular environment or close to family support.'
- 7.1.13. The applicant's son Oisín suffers from severe quadriplegic cerebral palsy, epilepsy with seizures, acute scoliosis and osteoporosis. He has profound brain injury is visually impaired and non-verbal. Oisín requires 24/7 care with medical doses injected three times daily, requires regular suction to avoid infection and he sleeps with CPAP and additional oxygen feed. It is noted that it is important that his parents' bedroom is beside his as he suffers from nightly seizures which are highly distressing for him and an inability to return to sleep means that one parent needs to stay with him until he settles.
- 7.1.14. The appeal refers to the requirement for the family to live close to other family members, friends and neighbours who provide support when Oisín has been hospitalised in order that their son Eoghan can attend school, his sporting activities and that he can stay at home. The importance of the proximity to the applicant's mother Patricia Greenan to the family is highlighted as she is one of the few people who is able to take care of Oisín. It is submitted the appeal that a new dwelling is required which would be specifically designed and adapted to suit Oisín.
- 7.1.15. The report of the Planning Officer in their assessment of the application makes reference to section 8.2.3.5 (vi) of the Development Plan which relates to 'Family Member/Granny' Flat – Rural. It is suggested in the report that applicants should consider a family flat built onto the existing dwelling 'Rock Lodge'. The matter is responded to in the first party appeal. It is stated that the nature of a family flat including its size and layout would make it unsuitable for the family to live in. Furthermore, it was stated that it is not intended nor feasible that the applicant's

mother Mrs. Greenan would move from the family home into a family member/granny flat.

- 7.1.16. The dwelling where the applicants and their family live is located beside the appeal site and also beside family, friends and neighbours. The house is owned by a family member the applicant's aunt. While it is set out in the appeal that the property is currently on the market, there is no discussion in the appeal as to whether the applicants have considered purchasing the dwelling where they currently live and where they have lived for the past five years.
- 7.1.17. Accordingly, although the applicant Mr. Ciaran Greenan 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 proposed location.
- 7.1.18. It is also notable that the applicant is not involved in full-time farming and the nature of his employment his design and drafting services business does not have a locational or functional need to be at this particular site. Notwithstanding the detailed and substantive documentation provided in relation to the applicants' son Oisin, I would note that the application and appeal did not explore the matter of other suitable accommodation within the urban/suburban area close to the site or the potential to purchase the property which they currently rent, and which is currently on the market.
- 7.1.19. In conclusion, based on the documentation submitted as part of the application and appeal, including the nature of the applicant's employment, I am not satisfied that the applicants have demonstrated that they come within the scope of the rural-generated housing need criteria for a house in this rural location, having regard to the provisions of the Sustainable Rural Housing Guidelines for Planning Authorities, issued by the Department of the Environment, Heritage and Local Government in April 2005, wherein it is indicated that it is policy to distinguish between rural-generated housing need and urban-generated housing need in Areas under Strong Urban Influence (such as applies in this instance) and accordingly considered that the proposed development would represent urban-generated rural housing.

7.2. **Design and visual amenity**

- 7.2.1. The second refusal reason issued by the Planning Authority stated that the proposed development would interfere with the character of the landscape which it is necessary to preserve and that the proposal would be contrary to the provisions of Section 8.2.3.6 (ii) and 8.2.3.6 (vii) Design of the Development Plan. Section 8.2.3.6 (ii) refers to design or rural dwellings. It is set out that suburban-type and/or ribbon development is not acceptable in rural areas. The Planning Authority will generally require new dwellings to be set well back from the road. The building line will be determined by local topography and existing and natural features. Section 8.2.3.6 (vii) refers to Road Frontage. It requires that minimum road frontage length for individual new houses should generally be at least 60 metres in order to preserve the rural or high amenity quality of the area.
- 7.2.2. The development of the proposed dwelling within the front garden of the existing property 'Rock Lodge' would result in the loss of road frontage of that dwelling. The proposed building line is setback a minimum distance of 8m from the roadside boundary. The neighbouring dwelling 'Barley Well' to the east is setback circa 28m from the roadside boundary. 'Yavina' to the adjacent dwelling to the west of the site is setback a minimum of 9m from the roadside boundary.
- 7.2.3. The proposed dwelling has a floor area of 279sq m and is dormer with a ridge height of 6.4m. A garage with an area of 60sq m and a ridge height of 5.5m is proposed to the south-east of the dwelling. There are mature trees and hedgerow along the northern roadside boundary with Slate Cabin Lane and along the western boundary with the private lane. This provides screening of the existing property and if maintained would screen the proposed development.

7.3. **Vehicular Access**

- 7.3.1. It is proposed to use the existing vehicular entrance off Slate Cabin Lane to serve the new dwelling. A new vehicular entrance is proposed off the private lane to the west of the site to serve the existing dwelling 'Rock Lodge'.
- 7.3.2. The report of the Transportation Planning Section requested that further information be sought in regarding the provision of revised drawings indicating sightlines of 45m to the south-west and north-east to the road centreline. It was further advised that reduced sightline may be acceptable if the applicant can demonstrate that existing

traffic speeds are low by submitting a speed survey. Revised drawings of the proposed new vehicular entrance to serve the existing dwelling 'Rock Lodge' were also sought with a 45° splayed entrance to ensure adequate visibility.

- 7.3.3. In response to the matter the first party submitted revised drawings with the appeal. Drawing No: RL-CG-18-08 indicates Sightline to existing 'Rock Lodge' entrance and possible sightline improvement'. The drawing illustrates 48m sightlines to the east and west at the entrance which is in accordance with the requirements of the Transportation Planning Section. The sightline at the junction of the private lane and Slate Cabin Lane is indicated on Drawing No: RL-CG-18-09-Rev b. The sightlines at the junction of the private lane and Slate Cabin Lane is restricted to the east. It is proposed to lower the existing vegetation and use a convex mirror to provide a sightline of 45m to the east. I note that the submitted drawings do not indicate a splayed vehicular entrance design to the proposed new entrance onto the private lane, however this matter could be addressed by means of condition.

7.4. Effluent Treatment

- 7.4.1. It is proposed to install an Oakstown BAF secondary wastewater treatment system and sand polishing filter. It is proposed to locate the treatment plant circa 7m to the south of the dwelling and the percolation area is located on the layout plan 10.2m to the south of the dwelling. It is proposed to connect to the public watermains. Table 6.1 of the EPA Manual – Treatment Systems for Single Houses sets out the minimum separation distances, the minimum distance from a watercourse or stream to a percolation area is stated as 10m and the minimum distance from a road to the percolation area is stated as 4m. There is a stream located 35m to the north of the percolation area. Bedrock and the water table was not encountered up to a depth of 1.8m below ground level during the site testing. The groundwater protection response for the area is R2¹ which means the site is suitable for an on-site system subject to normal good practice. However, where domestic water supplies are located nearby particular attention should be given to the depth of subsoil over bedrock.
- 7.4.2. The site suitability assessment indicates that a T value of 44.03 was recorded on site. Table 6.3 of the EPA Manual – Treatment Systems for Single Houses sets out the interpretation of percolation test results. A T value which is less than greater than

3 and less than 50 means that the site is suitable for the development of a septic tank system or a secondary treatment system discharging to ground water.

7.4.3. P tests were also carried out and a P value of 30.97 was recorded. Table 6.3 of the EPA Manual advises that where the P value is greater than 3 and less than 75 then the site is suitable for a secondary treatment system with polishing filter at ground surface or overground. It is proposed to construct a sand polishing filter with an area of 20sq m and 0.3m of unsaturated subsoil. The top of the polishing filter is to be a minimum of 850mm above the existing ground level. It is proposed to discharge the treated effluent to ground water. The report of the Environmental Health Officer had no objection to the proposed on-site effluent treatment system subject the attachment of a condition requiring that the installation of the system is certified and that there is an annual maintenance contract.

7.4.4. Having regard to the information submitted including the site characterisation report, reports of the EHO and the proposal to install a secondary treatment system with sand polishing filter, I consider that site is suitable for the proposed on-site secondary effluent treatment system subject to the system being constructed and maintained in accordance with the details submitted.

7.5. Appropriate Assessment

7.5.1. Having regard to the nature and scale of the development and its location relative to European sites, I consider it is reasonable to conclude, on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on a European Site.

7.6. Environmental Impact Assessment

7.6.1. Having regard to the nature and scale of the proposed development and the nature of the receiving environment 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. I recommend a refusal of permission for the reasons and considerations as set out below.

9.0 Reasons and Considerations

1. The site of the proposed development is located within an “Area Under Strong Urban Influence” as set out in the “Sustainable Rural Housing Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in April, 2005 and in an area where housing is restricted to persons demonstrating a genuine requirement for housing in accordance with policy RES16 and land use objective ‘B’ “To protect and improve rural amenity and to provide for the development of agriculture” of the Dún Laoghaire-Rathdown County Development Plan 2016-2022. Furthermore, the subject site is located in a rural area that is under urban influence, where it is national policy, as set out in National Policy Objective 19 of the National Planning Framework, to facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area. Having regard to the proximity of existing settlements to the subject site and having regard to the documentation submitted with the application and appeal, the Board is not satisfied that the applicants have a demonstrable economic or social need to live in this rural area. It is considered, therefore, that the applicants do not come within the scope of the housing need criteria as set out in the Guidelines and in national policy for a house at this location. The proposed development would, therefore, be contrary to the Ministerial Guidelines and to the overarching national policy, and the provisions of the current Dún Laoghaire-Rathdown Development Plan, and would, be contrary to the proper planning and sustainable development of the area.

Siobhan Carroll
Planning Inspector

17th January 2019