



An  
Bord  
Pleanála

## Inspector's Report

### ABP-305499-19

#### Development

House, Christmas tree farm, stable area, food store and forge, wastewater treatment system, new vehicular access and walls, well and landscaping and temporary retention of log cabin, septic tank and well and temporary driveway.

#### Location

McDonaghs Lane, Glenaraneen, Brittas, Co. Dublin

#### Planning Authority

South Dublin County Council

#### Planning Authority Reg. Ref.

SD19A/0211

#### Applicants

Annette Ritchie (nee McDonagh), Alan & Dylan Ritchie

#### Type of Application

Permission and permission for retention

#### Planning Authority Decision

Refuse Permission

#### Type of Appeal

First Party v Refusal

#### Appellants

Annette Ritchie (nee McDonagh), Alan & Dylan Ritchie

**Observers**

(1) An Taisce

(2) Cllr. Trevor Gilligan

**Date of Site Inspection**

29.01.2020

**Inspector**

Anthony Kelly

## **1.0 Site Location and Description**

- 1.1. The site is located on the south west of a local road known as McDonagh's Lane approx. 500 metres north west of the junction of McDonagh's Lane with the N81 road in Brittas village in the south of the South Dublin County Council area.
- 1.2. There is a substantial amount of one-off rural housing in the vicinity of the site, in particular on the opposite side of the road. The local road network is relatively narrow at this location and the ground levels of the road rise in a general south east to north westerly direction in the vicinity of the site.
- 1.3. There is a timber post and wire fence constructed along the roadside boundary with shrubs planted inside this boundary. A gravel surfaced driveway leads to the existing log cabin but the site is primarily surfaced in grass. The log cabin is in the northern area of the site with associated sheds to the side. Most of the site area is relatively flat apart from the western area which has significantly higher ground levels. Ground levels in the wider area are greatly undulating. The site is quite exposed with extensive views in a southerly direction.
- 1.4. The site has an area of 0.465 hectares.

## **2.0 Proposed Development**

- 2.1. The proposed development is for a house, Christmas tree farm, stable area, food store and forge, wastewater treatment system, new vehicular access and walls, well and landscaping and temporary retention of log cabin, septic tank and well and temporary driveway.
- 2.2. The planning application was accompanied by a cover letter and documentation relating to compliance with the rural housing policy, a Habitats Directive Screening document, detail of the wastewater treatment element of the application, an Arboricultural Assessment, a Stormwater Soakaway Report, a traffic count/speed survey, and an Ecology Report.

## 3.0 Planning Authority Decision

### 3.1. Decision

The planning authority decided to refuse permission for 8 no. reasons as follows:

1. The site is located in the Dublin Metropolitan Area as designated under the Regional Spatial and Economic Strategy 2019-2025 (RSES) and the Dublin Metropolitan Area Spatial Plan, which forms part of the RSES. The Settlement Strategy policy for the Eastern & Midlands Region supports provision of policy at local level that seeks to support and protect existing rural economies such as valuable agricultural lands to ensure sustainable food supply, to protect the value and character of open countryside and to support the diversification of rural economies to create additional jobs and maximise opportunities in emerging sectors, such as agribusiness, renewable energy, tourism and forestry enterprise. The policy further requires Local Authorities to manage urban generated growth in Rural Areas Under Strong Urban Influence by ensuring that in these areas the provision of single houses in the open countryside is based on the core consideration of demonstrable economic or social need to live in a rural area, and compliance with statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements. Finally, the settlement strategy policy supports consolidation of the town and village network to ensure that development proceeds sustainably and at an appropriate scale, level and pace in line with the core strategies of the County Development Plans.

The proposed development would represent the proliferation of further one-off housing in the Dublin Metropolitan Area and could prejudice the achievement of regional settlement strategy policy for the Eastern & Midlands region.

2. Housing Policy H20 'Management of Single Dwellings' in Rural Areas', as set out in the South Dublin County Development Plan 2016-2022 states 'It is the policy of the Council to restrict the spread of dwellings in the rural 'RU', Dublin Mountains 'HA-DM'; Liffey Valley 'HA-LV' and Dodder Valley 'HA-DV' zones and to focus such housing into existing settlements'. Insufficient justification has been provided which would warrant the setting aside of the objectives of

Policy H20 in this instance. The proposed development and development for retention would constitute urban generated housing, would contravene the objective of the planning authority and would lead to demands for the uneconomic provision of further public services and facilities in an area where these are not proposed. Taken in conjunction with existing development in the area, the proposed development would give rise to an excessive density of development in a rural area lacking certain public services and community facilities and served by a poor road network. It is an objective of the planning authority, as expressed in Policy H20 of the South Dublin County Council Development Plan 2016-2022, to channel housing into 'existing settlements'. As such, the proposed development would materially contravene this objective of the Development Plan and would therefore be contrary to proper planning and sustainable development of the area.

3. The proposed development is located in the Athgoe and Saggart Hills landscape area, which has been designated under the South Dublin County Council Development Plan 2016-2022 following a Landscape Character Assessment of South Dublin County undertaken in 2015 as an area with a high landscape value and sensitivity and a Landscape Capacity which is negligible to low; meaning that the key characteristics of the landscape are highly vulnerable to development and that development would result in a significant change in landscape character and should be avoided if possible. Any increase in development in this area will have a negative impact on both the landscape value and sensitivity of this area, and would therefore materially contravene the South Dublin County Council Development Plan 2016-2022 Policy (HCL7) 'to preserve and enhance the character of the County's landscapes particularly areas that have been deemed to have a medium to high Landscape Value or medium to high Landscape Sensitivity' and would be contrary to the proper planning and sustainable development of the area.
4. The site is located on lands zoned Objective HA-DM in the South Dublin County Council Development Plan 2016-2022. It is the policy of the Council that within areas designated with Zoning Objective HA-DM (to protect and enhance the outstanding natural character of the Dublin Mountain Area) new

or replacement dwellings will only be considered in exceptional circumstances in accordance with both Policy H23 – Rural Housing in HA – Dublin Mountains Zone. It is Council policy only to allow housing in the Dublin Mountains Area where:

- the applicant is a native of the area; and
- the applicant can demonstrate a genuine need for housing in that particular area; and
- the development is related directly to the area's amenity potential or to its use for agriculture, mountain or hill farming; and
- the development would not prejudice the environmental capacity of the area, and that it be in keeping with the character of the mountain area.

On the basis of the information submitted, the proposed development does not comply with all of the above criteria for housing in this area outlined under Policy H23 Objective 1.

With regard to Policy HCL9 – Dublin Mountains, the proposed development would result in the encroachment of ad hoc housing within a landscape area of High Amenity as set out in the South Dublin County Development Plan 2016-2022, where it is an objective to protect and preserve significant views. Having regard to the location of the proposed development within a visually vulnerable landscape which is under strong development pressure, taken in conjunction with the existing development in the general vicinity, the proposed development and development to be retained would be a further addition of suburban-like ad hoc development, would be visually obtrusive, would adversely affect these significant and protected views, would adversely affect the character and amenity of the landscape, and would detract to an undue degree from the rural character and scenic amenities of the area and the lower slopes of the Dublin Mountains. Thus, the proposed development and development to be retained would seriously injure the amenities of property in the vicinity, would materially contravene the zoning objective of the area, and would be contrary to the proper planning and sustainable development of the area.

5. The proposal constitutes undesirable ribbon type development on a substandard rural road network, which would lead to a demand for the uneconomic provision of services and would set an undesirable precedent for further similar developments in the area.
6. The South Dublin County Council Development Plan (2016-2022) sets out standards for houses in the rural area and states that 'A minimum road frontage of 60 metres 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'. The application site does not have the required road frontage and therefore contravenes Council policy.
7. Adequate sightlines cannot be achieved from either the existing entrance for temporary retention permission or the proposed permanent entrance. The hedgerows along McDonagh's Lane limit sightlines, particularly in the northerly direction from the proposed entrance location. These hedgerows are outside of the control of the applicant and therefore cannot be maintained/removed to improve sightlines. The use of the entrance at this location represents an intensification of use on the original agricultural use of the lands and the continuation of development will result in increased traffic movement on this roadway which would endanger public safety by reason of a traffic hazard.
8. No information has been provided in relation to the proposed Christmas tree farm. The commercial element of this application is of serious concern as the proposed Christmas tree farm will generate additional traffic on the substandard rural road network which would be in excess of the residential element proposed, thereby increasing traffic on the road, resulting in an additional traffic hazard.

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

3.2.1. The Planner's Report is the basis for the planning authority decision. The planning authority refused permission for the reasons as set out.

#### **3.2.2. Other Technical Reports**

**Parks & Landscape Services/Public Realm** – No objection subject to conditions.

**Roads Department** – A refusal is recommended: ribbon-type development on a substandard rural road network, does not provide the required 60 metres road frontage, adequate sightlines cannot be achieved from either the existing or proposed entrances and no information has been provided in relation to the proposed Christmas tree farm.

**Environmental Health Officer** – No objection subject to conditions.

**Water Services** – No objection subject to conditions.

### 3.3. **Prescribed Bodies**

**An Taisce** – A refusal is recommended because of the site location and non-compliance with Policy H23.

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

- 3.4.1. The Planner's Report makes reference to receipt of 1 no. submission which outlined alleged historical development on site and stated that temporary and permanent well locations have not been shown.
- 3.4.2. Representations were received from 2 no. public representatives in support of the application.

## 4.0 **Planning History**

- 4.1. There have been a number of recent relevant valid planning applications on site by Anette and Alan Ritchie. These can be synthesised as follows:
- 4.2. P.A. Reg. Ref. SD19A/0010 – Permission refused in 2019 for a three-bedroom bungalow, wastewater treatment system, vehicular access, agricultural storage for hobby farming including stable, goat area, food store and forge and permission for temporary retention refused for a two-bedroom log cabin, septic tank, vehicular driveway etc. for five reasons including proliferation of further one-off housing in the designated strategic Green Belt and Rural Hinterland of the Dublin Metropolitan Area, non-compliance with the rural housing policy, ribbon development on a



substandard road network, contrary to Policy HCL7 of the County Development Plan 2016 and further addition of suburban-like ad hoc development in a visually vulnerable landscape.

- 4.3. P.A. Reg. Ref. SD18A/0260 – Permission refused in 2018 for a three-bedroom bungalow, wastewater treatment system, vehicular access etc. and permission for temporary retention refused for a two-bedroom log cabin, septic tank, vehicular driveway etc. for six reasons including non-compliance with the rural housing policy, proliferation of further one-off housing in the designated strategic Green Belt and Rural Hinterland of the Dublin Metropolitan Area, further addition of suburban-like ad hoc development in a visually vulnerable landscape, contrary to Policy HCL7 of the County Development Plan 2016, ribbon development on a substandard road network and insufficient surface water drainage detail.
- 4.4. P.A. Reg. Ref. SD18A/0016 – Permission refused in 2018 for a three-bedroom bungalow, wastewater treatment system, vehicular access etc. and permission for retention refused for a two-bedroom log cabin, temporary septic tank, temporary vehicular driveway etc. for four reasons including non-compliance with the rural housing policy, ribbon development on a substandard road network, undue visual obtrusion within a visually vulnerable landscape, constitute urban-generated housing and excessive density of development in a rural area lacking public services and community facilities and the further proliferation of one-off housing in the designated strategic Green Belt and Rural Hinterland of the Dublin Metropolitan Area.
- 4.5. P.A. Reg. Ref. SD16A/0194, ABP Reg. Ref. PL 06S.247085 – Permission refused in 2016 for a three-bedroom bungalow, wastewater treatment system, vehicular access etc. for two reasons: non-compliance with the rural housing policy and undue visual obtrusion within a visually vulnerable landscape.

## **5.0 Policy Context**

### **5.1. Project Ireland 2040 National Planning Framework**

- 5.1.1. National Policy Objective 19 states it is an objective to ensure, in providing for the development of rural housing, that a distinction is made between areas under urban

influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere. In rural areas under urban influence, 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 and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

## **5.2. Eastern & Midlands Regional Spatial & Economic Strategy 2019-2035**

- 5.2.1. Section 4.2 (Settlement Strategy) – Support the sustainable growth of rural areas by promoting the revitalisation of rural towns and villages, including ready to go regeneration projects coupled with investment where required in local employment and services and targeted rural housing policies, to be determined by local authorities.
- 5.2.2. Section 4.8 (Rural Places: Towns, Villages and the Countryside) states, inter alia in relation to housing, that support for housing and population growth within rural towns and villages will help to act as a viable alternative to rural one-off housing.

## **5.3. Sustainable Rural Housing Guidelines for Planning Authorities, 2005**

- 5.3.1. These guidelines are relevant to the current planning application.
- 5.3.2. Circular SP 5/08 was issued subsequent to the publication of the Guidelines and this has been referenced in the grounds of appeal.

## **5.4. South Dublin County Council Development Plan 2016-2022**

- 5.4.1. The subject site is in an area zoned 'Objective HA (LV, DV, DM); To protect and enhance the outstanding natural character and amenity of the Liffey Valley, Dodder Valley and Dublin Mountains areas'. Schedule 5 (Definition of Use Classes & Zoning Matrix Table) indicates that 'residential' development is open for consideration in accordance with Council policy for residential development in rural areas and it is not permitted above the 350 metres contour. There are Specific Conservation Objectives to 'Protect and Preserve Significant Views' along both sides of McDonagh's Lane and to the west side of the N81 south east of the site.

5.4.2. The following sections of the Plan are particularly relevant:

- Section 2.5.0 (Rural Housing)
- Section 9 (Heritage, Conservation & Landscapes)
- Section 11.3.4 (Rural Housing)
- Section 11.5.5 (Landscape)

## 5.5. Natural Heritage Designations

5.5.1. The closest Natura 2000 site is Wicklow Mountains SAC approx. 5.3km to the south east. The closest heritage area is Slade of Saggart and Crooksling Glen pNHA approx. 400 metres to the east.

## 5.6. EIA Screening

5.6.1. Having regard to the nature and scale of the development and the nature of the receiving environment, there is/was no real likelihood of significant effects on the environment arising from the existing/proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination stage, and a screening determination is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The main issues raised in the grounds of appeal can be summarised as follows:

#### Policy

- Although the zoning objectives are the same under the previous and current County Development Plans, policy is different. Policy H33 (Exceptional Housing Need in Dublin Mountain Zone) in the 2010-2016 Plan is not contained in the current Plan. The planning application was made within the lifetime of the 2010 plan and the applicants were entitled to have the

application assessed under that Plan. The Planner's Report only refers to policies in the 2016 Plan.

- Circular Letter SP 5/08 ('Rural Housing Policies and Local Need Criteria in Development Plans: Conformity with Articles 43 and 56 (Freedom of Establishment and Free Movement of Capital) of the European Community Treaty') from the Dept. of Environment, Heritage and Local Government required planning authorities to ensure development plans were compatible with Articles 43 and 56 where preference would be given to applicants for permission who satisfy local need criteria including residency, bloodline links, local employment and agricultural activities. This was incorporated into Policy H23 Objective 1 of the South Dublin County Development Plan 2016 and it is contended that:
  - Annette Ritchie is a native of the area with a strong bloodline link.
  - There is a genuine need for housing in this particular area.
  - Though not related to the area's amenity potential and is not in keeping with agriculture, mountain or hill farming it complies with Policy H33 of the County Development Plan 2010-2016 which overrides this issue. Policy H33 did not receive any mention in the Manager's Order.
  - The submitted Planning Report covered environmental issues such as assimilation of the development without damaging the character of the Dublin Mountains and additional documentation was also submitted. The Environmental Health Officer had no objection.
  - Dylan Ritchie is a trainee farrier, hence the application for a forge.
  - The applicants are an intrinsic part of the rural community. Annette and Alan Ritchie commute to the nearest rural town and village for work, not the city. The Sustainable Rural Housing Guidelines, 2005, state that planning authorities will look favourably on an applicant's proposal for an individual house in a rural area where the applicant comes within the development plan definition of need. The applicants

come into this definition and it is unclear from the Manager's Order whether this was fully assessed.

### Sightlines/Traffic

- The speed limit is effectively 40kph in this area. The NRA Manual for Roads and Bridges allows for a relaxation on local minor roads and the design speed limit can be reduced to 50kph with 70 metres sightlines. The Manual does not limit the relaxation to only one access. Precedent has been set by the Roads Department seeking 70 metres sightlines in the area e.g. P.A. Reg. Ref. SD06A/0515 and P.A. Reg. Ref. SD08A/0613 and also in the wider area (other reference numbers cited).
- In relation to the Christmas tree farming and roads issues, permission was granted under P.A. Reg. Ref. SD14A/0189 where the Roads Department was lenient on road width and hedgerows outside the applicant's control.
- A detailed speed survey was submitted with the application. This detailed an average maximum speed northbound of 47.4kph and an average maximum speed southbound of 56.6kph.
- Ground levels in the area of the sightline accords with the vertical alignment requirement.
- The development will not generate additional traffic movement and traffic concerns do not merit a refusal of permission.

### Miscellaneous

- There is no evidence of various McDonagh families making demands for the uneconomic provision of services.

## **6.2. Planning Authority Response**

None received.

## **6.3. Observations**

2 no. observations have been received.

- An Taisce supports the decision of the planning authority.

- Cllr. Trevor Gilligan supports the applicants' appeal.

## 7.0 Assessment

The main issues are those raised in the planning application and the grounds of appeal and I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Compliance with Rural Housing Policy
- Visual Impact/Landscape
- Traffic Safety/Sightlines
- Appropriate Assessment
- Other Matters

### 7.1. Compliance with Rural Housing Policy

- 7.1.1. The site is in an area zoned 'Objective HA (LV, DV, DM); To protect and enhance the outstanding natural character and amenity of the Liffey Valley, Dodder Valley and Dublin Mountains areas' under the South Dublin County Council Development Plan 2016. Schedule 5 (Definition of Use Classes & Zoning Matrix Table) indicates that residential development is open for consideration in accordance with Council policy for residential development in rural areas and it is not permitted above the 350 metres contour. The planning authority decision makes reference to non-compliance with the rural housing policy while the applicants consider that they qualify under the requirements set out.
- 7.1.2. The Council's rural housing policy is set out in Section 2.5.0 of the South Dublin County Council Development Plan 2016. This takes into consideration the Sustainable Rural Housing Guidelines for Planning Authorities, 2005, and Circular Letter SP 5/08, and states that the rural areas of South Dublin County are areas under strong urban influence for housing. Housing (H) Policy 20 (Management of Single Dwellings in Rural Areas) states that it is the policy of the Council to restrict the spread of dwellings in the Dublin Mountain 'HA-DM' zone and to focus such

housing into existing settlements. Housing (H) Policy 23 (Rural Housing in HA – Dublin Mountains Zone) states new dwellings will only be considered in exceptional circumstances and Objective 1 states this is when the applicant can demonstrate that they are a native of the area, can demonstrate a genuine need for housing in that particular area, that the development is directly related to the area’s amenity potential or use for agriculture, mountain or hill farming and that the development would not prejudice the environmental capacity of the area and it is noted that these criteria are in accordance with the 2005 Guidelines.

7.1.3. The applicants have submitted a substantial amount of detail setting out their connection to this rural area and the documentation submitted is noted. Policy H23 Objective 1 states that all criteria must be adhered to in order to consider a new house in this zoned area. It should be noted that a single applicant must be able to demonstrate compliance with all four criteria in order for an application to be considered. It is not adequate for multiple applicants to collectively apply for permission with various applicants individually complying under different criteria. The application can be considered under the first three criteria as follows:

- Based on the documentation submitted, the applicant Annette Ritchie can be considered a native of this rural area. It is unclear as to whether the applicant Dylan Ritchie can be considered a native of the area based on the documentation received. There is no claim made that Alan Ritchie is a native of the area.
- The application and grounds of appeal make multiple references to Annette Ritchie’s position as an only daughter and natural carer for her parents who live in close proximity to the site. A variety of functions that this position entails is set out in the documentation. An ‘OS Map Showing Connection to Area’ has been submitted which outlines family linkages in the immediate vicinity including references to grandparents, uncles and a brother. The cover letter submitted with the application states that when Annette Ritchie previously lived in Saggart she called into the family home each evening on her way home from work to attend to their needs. It is not clear why this situation could not have been maintained. I do not consider, based on the documentation submitted, that an exceptional need for housing at this location has been demonstrated.

- Annette Ritchie works as a bank official in Blessington and Alan Ritchie works in the hospitality sector in Citywest. Neither of these positions are directly related to the area's amenity potential or to its use for agriculture, mountain or hill farming and therefore neither is consistent with this criterion. It is stated that Dylan Ritchie is a trainee farrier and will be using the land for his trade. (The application includes for permission for a forge but not the use of the site for this commercial purpose). Notwithstanding, this is not Dylan Ritchie's profession (as he is a trainee) and the definition of agriculture in the Planning & Development Act, 2000, as amended does not include this activity. Reference to horses and bloodstock under this definition only includes the training of horses and the rearing of bloodstock. I do not consider the work of a farrier to clearly come under this definition. It is also noted that the application includes for permission for a Christmas tree farm. There is no additional information apart from an area reserved for this use indicated on the site layout plan. This area is immediately adjacent to the proposed house as well as 2 no. existing houses, and on an elevated area, with no detail in relation to the number of trees, slope stability, safety concern in relation to the cutting down of trees given proximity to houses, traffic movement generated etc. Based on the documentation received I do not consider the indicated future work of a farrier, or an undetailed proposal for Christmas tree farming, to be such activities that would comply with the third criterion of H23 Objective 1 of the Plan.

The fourth criterion relates to the environmental capacity of the area and the character of the mountain area. This will be addressed under Section 7.3 (Visual Impact/Landscape).

On foot of the foregoing, I do not consider the application to be acceptable under the provisions of the South Dublin County Council Development Plan 2016 in terms of one-off rural housing.

National Policy Objective 19 of the National Planning Framework is also relevant. This states that it is policy to ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere. As the application is not considered to be appropriate under the County Development Plan 2016, it is also considered to be contrary to the provisions of the



National Planning Framework as regards one-off rural housing. Development of this type in the rural area should be directed to smaller towns and rural settlements.

## **7.2. Visual Impact/Landscape**

- 7.2.1. The fourth criterion for Policy H23 Objective 1 is that the development would not prejudice the environmental capacity of the area and that it would be in keeping with the character of the mountain area.
- 7.2.2. The proposed house type is a relatively narrow but long (approx. 27 metres) house with a slightly curved footprint, single storey in scale and with an external finish of natural stone and render. It is relatively low with a maximum indicated height of 4.279 metres. It has a mono-pitch style roof and a zinc sheeting roof finish is proposed though the Roof Plan drawing states that a grass roof will be placed on the zinc panels. The stable/forge building also has a mono-pitch roof with a maximum height of 3.4965 metres and it appears to have a render finish.
- 7.2.3. There are a number of one-off rural houses in the vicinity of the site. The site is quite exposed with significant views in a southerly direction over the surrounding countryside. The roadside boundary has been significantly altered from its previous, more natural and rural condition, (as per Google Streetview Image Capture October 2009) to a more maintained, formal boundary with a wide vehicular access and gravel surface laneway leading into the site. It is proposed to alter this driveway arrangement if permission is granted including the location of the vehicular entrance and the construction of extensive wing walls. The original field has been converted into a large grassed garden area. These works have been carried out without the benefit of planning permission and have altered the character of the mountain area along McDonagh's Lane which has a Specific Conservation Objective to 'Protect and Preserve Significant Views' along both sides of the road.
- 7.2.4. Housing (H) Policy 27 Objective 1 states that all new rural housing shall be designed and sited to, for example, minimise impact on the landscape including views or prospects of natural beauty or interest and retain and reinstate traditional roadside and field boundaries. The objective also requires that it would not create or exacerbate ribbon or haphazard forms of development. The site is located within the Athgoe and Saggart Hills Landscape Character Area of the County Development

Plan 2016. Heritage, Conservation and Landscapes (HCL) Policy 9 Dublin Mountains Objective 1 restricts development within the 'HA-DM' zoning objective area.

7.2.5. Section 11.3.4 (Rural Housing) (ii) (Rural Housing Design) states that a comprehensive site analysis and character appraisal should be submitted with all applications for houses in high amenity zones. Section 11.5.5 (Landscape) (ii) (High Amenity Areas and Sensitive Landscapes) of the Plan states that development proposals in high amenity zones and sensitive landscapes shall require a Landscape Impact Assessment to assess the visual impact of the development on the landscape. It has not been demonstrated that the visual impact of the proposed development would be limited or negligible as no relevant document has been submitted with the application apart from a basic Landscape Plan drawing. Though the proposed house footprint is approx. 60 metres from the public road it is likely that it will be quite visible from the public realm. The proposed stable/forge building is detached and is proposed to be approx. 25 metres from the house at the edge of the site, from where ground levels drop sharply, and would also likely be visible from the public road. Access within the site to this structure is unclear as there does not appear to be any access other than across the grassed garden.

7.2.6. Having regard to the foregoing I consider that the unauthorised alterations to the roadside boundary and the original field have altered the character of the mountain area in a negative manner and I do not consider that it has been adequately demonstrated that the proposed development i.e. the proposed house, detached stable/forge building and the Christmas tree farm, would not adversely affect the character of the mountain landscape area. Therefore, I consider the application to be contrary to the fourth criterion of Policy H23 Objective 1 and to the Specific Conservation Objective.

### **7.3. Traffic Safety/Sightlines**

7.3.1. Reasons 7 and 8 of the planning authority's decision related to traffic safety and sightlines. Reason 7 referenced sightlines from both the existing and proposed entrances and the intensification of the original agricultural use of the site. Reason 8 referenced the absence of information in relation to the proposed Christmas tree

farm and the generation of additional traffic as a result of this on the substandard rural road network. No detail of the operation of the proposed Christmas tree farm or the proposed forge was received, either in the original planning application or in the grounds of appeal.

- 7.3.2. It is proposed to retain the existing vehicular entrance for a temporary period and permission is also sought for a new vehicular access and walls. The proposed access point is approx. 10 metres south east of the existing access point. The road network in the vicinity is narrow, with bends, and the level of the road rises in a general south east to north west direction in the vicinity. The grounds of appeal make reference to the reasons for refusal in relation to sightlines by noting that, though the site is located in an area with an 80kph speed limit, because of the number of bends on the road, the effective speed limit is 40kph and the planning authority has previously relaxed sightline requirements to 70 metres in the wider area. However, the average maximum speeds set out in the speed survey are 47.7kph northbound and 56.6km southbound so it is clear that speeds higher than 40kph are achievable. The planning authority noted that the TII Publications Rural Road Link Design (2017) requires 90 metres sightlines on a road with a speed of 60kph.
- 7.3.3. Having regard to the TII document, the planning authority Roads Department report and the submitted speed survey I concur that the design speed of the road can be considered as 60kph and this would require sightlines of 90 metres. Sightlines are shown on a number of separate drawings. However, these drawings show the sightlines variously going outside the confines of the sheet, not drawn to scale or at incorrect scales. There is no appropriately presented or appropriately scaled drawing provided which clearly indicates that 90 metres sightlines can be achieved to both sides of either the existing or proposed access points. None of the drawings show sightlines from the existing entrance to be retained. The planning authority Roads Department estimated, based on a site inspection, that sightlines from the existing entrance are 45 metres to the north and 40 metres to the south, and significantly less from the proposed entrance (20 metres to the north and 35 metres to the south). In the absence of adequate sightline layout drawings that clearly indicate achievable sightlines I consider that it has not been demonstrated that adequate sightlines are achieved or can be achieved and therefore the development would endanger public safety by reason of traffic hazard.

#### **7.4. Appropriate Assessment**

- 7.4.1. Having regard to the nature and scale of the development and to the nature of the receiving environment, remote from any European site and with no hydrological links either within or adjacent to the site boundaries to any European site, no appropriate assessment issues arise and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

#### **7.5. Other Matters**

- Section 11.3.4 (Rural Housing) (ii) (Rural Housing Design) states that a minimum road frontage of 60 metres should be provided for all new dwelling sites in rural areas and a proliferation of housing along stretches of roads in a manner that creates ribbon development should be avoided. This was referenced in the sixth reason for refusal in the planning authority's decision. The site only has a frontage of approx. 43 metres and it is considered that the existing/proposed site/house contributes to a stretch of ribbon and piecemeal development in this rural area.
- Two separate commercial activities are referenced in the application. Negligible information has been provided in relation to either the proposed Christmas tree farm or the proposed forge. The eighth reason for refusal of the planning authority decision referenced the lack of information specifically in relation to the Christmas tree farm and also referenced the subsequent generation of additional traffic on the substandard rural road network resulting in additional traffic hazard and I consider this to be a reasonable reason for refusal.
- The grounds of appeal references Policy H33 of the County Development Plan 2010-2016. This policy was in the previous Plan but is not in the current Plan. A decision on a planning application is made based on the Plan in place at the time of the decision.

## 8.0 Recommendation

- 8.1. I recommend that the planning application be refused for the following reasons and considerations.

## 9.0 Reasons and Considerations

1. Having regard to the location of the site within an area subject to Housing (H) Policy 23 (Rural Housing in HA – Dublin Mountains Zone) Objective 1 of the South Dublin County Council Development Plan 2016-2022, National Policy Objective 19 of the National Planning Framework and the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April, 2005, it is considered that none of the applicants come within the scope of the housing need criteria as set out in the Development Plan for a house at this location. The development, in the absence of any identified locally based genuine need for the house, would contravene local and national housing policy and objectives, 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 development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The site is in an area zoned 'Objective HA (LV, DV, DM); To protect and enhance the outstanding natural character and amenity of the Liffey Valley, Dodder Valley and Dublin Mountains areas' and there are Specific Conservation Objectives to 'Protect and Preserve Significant Views' along both sides of McDonagh's Lane. It is considered that the works carried out to date have adversely affected the character of the mountain area. Therefore, it is also considered that the proposed development would adversely affect the significant views along McDonagh's Lane that it is an objective to protect and preserve and would be contrary to the proper planning and sustainable development of the area.

3. It has not been satisfactorily demonstrated that sightlines of 90 metres in both directions can be achieved from either the existing or proposed entrances. In addition, the existing entrance represents an intensification of the original agricultural use of the lands and the continuation of development, in addition to the proposed commercial use of the lands which would generate additional traffic on the substandard rural road network, would result in increased traffic movement on this roadway which would endanger public safety by reason of traffic hazard.
  
4. Section 11.3.4 (Rural Housing) (ii) (Rural Housing Design) of the South Dublin County Council Development Plan 2016-2022 states that a minimum road frontage of 60 metres should be provided for all new dwelling sites in rural areas and a proliferation of housing along stretches of roads in a manner that creates ribbon development should be avoided. It is the policy of the planning authority as set out in the current Development Plan to control urban sprawl and ribbon development. This policy is considered to be reasonable. The development would be in conflict with this policy because, when taken in conjunction with existing development in the vicinity of the site, it would consolidate and contribute to the build-up of ribbon development in an open rural area. This would militate against the preservation of the rural environment and lead to the demands for the provision of further public services and community facilities. The development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Anthony Kelly  
Planning Inspector  
06.02.2020