



An
Bord
Pleanála

Inspector's Report

ABP-309139-21

Development	Construction of a single storey dwelling and detached garage.
Location	Crooksling, Mount Seskin Road, Brittas, Co. Dublin.
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD20A/0267
Applicant(s)	Richard O'Neill
Type of Application	Outline Permission
Planning Authority Decision	Refuse Outline Permission
Type of Appeal	First Party
Appellant(s)	Richard O'Neill
Observer(s)	None
Date of Site Inspection	23 rd April 2021
Inspector	Phillippa Joyce

1.0 Site Location and Description

- 1.1. The appeal site is located in the townland of Crooksling, c. 2.8km southwest (by road) of Dublin's urban edge north of the N81, and c.2.6km (by road) northeast of Brittas village. The site is in an uplands rural area, at c.338m OD, located on rising lands between Verschoyle's Hill c.386m OD to the northwest and Knockannavea c.449m OD to the east.
- 1.2. The site is located on the eastern side of local tertiary road L7377, also referred to as Mount Seskin Road. The site is rectangular in configuration, with a stated area of 1.29 ha. The ground level falls in a southerly direction across the site, whilst gradually rising in an easterly direction towards Knockannavea.
- 1.3. The site is in agricultural use, surrounded by fields, with tree and hedge line boundaries, particularly dense along the eastern boundary. There is an existing vehicular gated entrance at the public road, with a gravelled driveway (indicated as a right of way) providing access into the site along its northern boundary. There is an archaeological monument, DU024-015 Barrow, located within the site.
- 1.4. In the vicinity of the site, accessing onto the L7377, are a limited number of detached rural residences of varying design and scale, and farm/ agricultural buildings.

2.0 Proposed Development

- 2.1. The proposed development is for a single storey dwelling, garage, services, boundaries and associated site works. The dwelling and garage are sited in the northeastern part of the site.
- 2.2. Proposed onsite services include a wastewater treatment plant with polishing filter, private well for water supply, and a soakaway for surface water runoff.
- 2.3. A letter of consent from the landowner, the applicant's parents, is included with the application. There is a blue line boundary indicating control by the applicant's parents of lands adjacent to the south of the site.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On 15th December 2020, the planning authority issued a Notification of Decision to Refuse Outline Permission for 8 reasons that can be summarised as follows:

1. Insufficient justification provided to warrant setting aside Policy H20 of the South Dublin County Development Plan 2016-2022 which seeks to restrict the spread of dwellings in rural areas;
2. On the basis of the information submitted, the proposed development does not comply with Objective 1 of Policy H23 which requires that new dwellings in lands zoned as HA-DM '*To protect and enhance the outstanding natural heritage of the Dublin Mountain Area*' will be only permitted in exceptional circumstances;
3. As the site is located in the Athgoe and Saggart Hills landscape area, where any increase in development would have a negative impact on the landscape value and sensitivity, the proposed development is considered to materially contravene Policy HCL7;
4. As the site is located in an area in the County with protected views along the public road (Mount Seskin Road) and of Prospect 5 and Prospect 7 in Table 9.2, the planning authority is not satisfied that the proposal would have an acceptable impact on views and prospects, and therefore is contrary to Policy HCL8;
5. Due to the close proximity to the recorded monument DU024-15, the planning authority is not satisfied that the proposal would not have an adverse impact on the monument or its setting and, therefore the proposal is contrary to Policy HCL1 and HCL2;
6. In relation to siting and landscaping, the planning authority is not satisfied that the proposed development would have an acceptable visual impact on the site and surrounding area and, therefore the proposal is contrary to Policy H27;
7. The proposed development is located on a substandard rural road, which would endanger public safety by reason of traffic hazard; and
8. The proposed development represents a proliferation of further one-off housing in the Dublin Metropolitan Area and could prejudice the achievement

of the regional settlement strategy policy for the Eastern and Midlands Region contained in the RSES, which requires that for rural areas under urban influence, the provision of single houses in the open countryside be based on the core consideration of demonstrable economic or social need to live in a rural area.

3.2. Planning Authority Reports

3.2.1. Planning Report

The planner's report is the basis for the planning authority decision. In addition to the matters cited in the refusal reasons, the report notes, inter alia:

- While the application is for outline permission and there are no elevation plans, contends that the site plans provided and description of the dwelling as single storey are limited given the site context and not in accordance with Section 11.3.4 (ii) which requires a comprehensive site analysis and character appraisal;
- The absence of a visual impact assessment, landscape plan, ecological assessment or arborist report for the proposed development are highlighted, and considered to be a significant deficiency in the application;
- There is no archaeological impact assessment or method statement in respect of the recorded monument within the appeal site; and
- Requirement for Stage 2 Appropriate Assessment is screened out.

3.2.2. Other Technical Reports

Roads: substandard rural road network with poor vertical and horizontal alignments and lacking facilities such as pedestrian footpaths and lighting; refusal recommended as proposal would endanger public safety by reason of traffic hazard.

Water Services:

- Surface Water – no objection subject to conditions.
- Flood risk – no objection subject to conditions.
- Water – referred to Environmental Health Officer.
- Foul Drainage – referred to Environmental Health Officer.

- Environmental Health Officer – planner’s report refers to no objection subject to conditions (the report was not received from the planning authority at the time of assessment – this did not prohibit the following assessment).

Parks & Landscape Services/ Public Realm: no objection subject to conditions requiring a tree survey, landscape plan, and implementation of landscaping proposals.

3.3. **Prescribed Bodies**

An Taisce

Objects to the proposed development on the following grounds:

- It constitutes a proliferation of rural housing in an area under strong urban influence which will hinder the achievement of policies in the National Planning Framework; and
- As the site is within the Athgoe and Saggart Hills landscape area and there are protected views along the road, it contravenes Policy HCL7; and
- Creates an undesirable precedent.

3.4. **Third Party Observations**

None received by the planning authority.

4.0 **Planning History**

Appeal Site

PA Ref. SD08A/0259 – permission refused to John and Marie O’Neill, the applicant’s parents for a dwelling, garage and horse stables.

5.0 **Policy Context**

5.1. **National Policy**

Sustainable Rural Housing Guidelines for Planning Authorities, 2005 and Circular SP5/08

- 5.1.1. The Rural Housing Guidelines, supplemented by the Department Circular, outlines the planning context for applicants seeking dwellings in rural areas, including those

areas under urban influence, defines ‘rural generated housing’, and identifies the different categories of persons which can demonstrate a rural housing need. Section 3.2.3 of the Guidelines refer to ‘Persons who are an intrinsic part of the rural community’ and ‘Persons working full-time or part-time in rural areas’.

- 5.1.2. For persons with a community related rural housing need, the Guidelines outline that: *‘Such persons will normally have spent substantial periods of their lives, living in rural areas as members of the established rural community. Examples would include farmers, their sons and daughters and or any persons taking over the ownership and running of farms, as well as people who have lived most of their lives in rural areas and are building their first homes. Examples in this regard might include sons and daughters of families living in rural areas who have grown up in rural areas and are perhaps seeking to build their first home near their family place of residence’.*
- 5.1.3. For persons with an employment related rural housing need, the Guidelines outline that: *‘Such circumstances will normally encompass persons involved in full-time farming, forestry, inland waterway or marine related occupations, as well as part time occupations where the predominant occupation is farming/ natural resource related. Such circumstances could also encompass persons whose work is intrinsically linked to rural areas such as teachers in rural schools or other persons whose work predominantly takes place within rural areas’.*

Project Ireland 2040: National Planning Framework, 2018

- 5.1.4. The National Planning Framework (NPF) postdates the Guidelines and Circular, and maintains the established policy that applicants for new rural dwellings in locations under urban influence demonstrate a functional economic or social requirement for housing need. The relevant National Policy Objective (NPO) is NPO 19.

NPO 19:

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;

- *In rural areas elsewhere, facilitate the provision of single housing in the countryside based on 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. Regional Policy

Regional Spatial and Economic Strategy 2019-2031: Eastern and Midland Regional Assembly, 2019

5.2.1. The regional planning context for the appeal determination is set by the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Regions. The planner's report refers to the RSES and cites same in the eighth refusal reason.

5.2.2. In the interests of clarity, the RSES is required to endorse the national planning policy context as outlined in the NPF. Regional Policy Objective (RPO) 4.80 reiterates the content and direction of NPO 19, and is as follows:

RPO 4.80

Local authorities shall manage urban generated growth in Rural Areas Under Strong Urban Influence (i.e. the commuter catchment of Dublin, large towns and centres of employment) and Stronger Rural Areas 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.

5.3. Local Policy

5.3.1. The applicable development plan is the South Dublin County Development Plan 2016-2022 (CDP), and the appeal site is located in the High Amenity Dublin Mountains 'HA-DM' zoning with the objective 'To protect and enhance the outstanding natural character of the Dublin Mountains Area'.

5.3.2. The proposed development comprises a detached dwelling with a wastewater treatment plant in a visually sensitive rural location proximate to a number of

archaeological monuments. There is a range of relevant CDP policy, which includes the policies referred to in the planning authority's refusal reasons.

- 5.3.3. Of relevance to the national policy context as per NPO 19 in the NPF, as reiterated in RPO 4.80 of the RSES, Section 1.7.5 of the CDP stipulates that HA zoned lands are under strong urban influence for housing.

Section 2.5.1: Rural Housing Introduction

- 5.3.4. The section outlines the overall rural housing strategy, including:

Policy H20 Management of Single Dwellings in Rural Areas

It is the policy of the Council to restrict the spread of dwellings in the rural 'RU', Dublin Mountain 'HA-DM', Liffey Valley 'HA-LV' and Dodder Valley 'HA-DV' zones and to focus such housing into existing settlements.

Section 2.5.4: Rural Housing in HA-Dublin Mountain Zone

- 5.3.5. Section 2.5.4 contains Policy H23 and H23 Objective 1, which are of direct relevance to the appeal case, as follows:

Policy H23: Rural Housing in HA-Dublin Mountain Zone

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 Mountains Area) new or replacement dwellings will be only be considered in exceptional circumstances.

Policy H23 Objective 1:

To consider new or replacement dwellings ... where all of the following criteria are met:

- *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 would be in keeping with the character of the mountain area.*

These criteria are in accordance with the Sustainable Rural Housing Guidelines (2005), having regard to the outstanding character of the area and the need to preserve the environmental and landscape quality of this area.

Section 2.5.8: Rural Housing and Extension Design

- 5.3.6. Section 2.5.8 relates to the design of housing in rural areas guiding that such designs should respond appropriately and sensitively to the surrounding rural, mountain and/or river valley context. This section includes Policy H27 and H27 Objective 1 as follows:

Policy H27: Rural House and 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' (to protect and improve Rural Amenity and to provide for the development of Agriculture), Zoning Objective 'HA–DM' (to protect and enhance the outstanding natural character of the Dublin Mountains Area), Zoning Objective 'HA –LV' (to protect and enhance the outstanding character and amenity of the Liffey Valley) and Zoning Objective 'HA–DV' (to protect and enhance the outstanding character and amenity of the Dodder Valley):

- 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*
- Will not have a negative impact on the environment including flora, fauna, soil, water (including ground water) and human beings; and*
- Is designed and sited to minimise impact on the site's natural contours and natural drainage features; and*
- Retains and reinstates traditional roadside and field boundaries; and*
- Is designed and sited to circumvent the need for intrusive engineered solutions such as cut and filled platforms, embankments or retaining walls; and*

- *Would comply with Code of Practice Wastewater Treatment Systems Serving Single Houses, EPA (2009) or other superseding standards; and*
- *Would not create or exacerbate ribbon or haphazard forms of development.*

Section 9.0 Heritage, Conservation and Landscapes

5.3.7. Section 9.0 comprises a number of subsections of relevance to the determination of the appeal, including archaeological heritage and landscapes. The overriding policy and applicable objective are:

Policy HCL 1: Overarching

It is the policy of the Council to protect, conserve and enhance natural, built and cultural heritage features, and to support the objectives and actions of the County Heritage Plan.

HCL1 Objective 1:

To protect, conserve and enhance natural, built and cultural heritage features and restrict development that would have a significant negative impact on these assets.

Section 9.1.1 Archaeological Heritage

5.3.8. Centrally located within the site is archaeological monument, DU024-015 Barrow, and the surrounding area features a high concentration of archaeological monuments. Section 9.1.1 includes Policy HCL2 Archaeological Heritage and HCL2 Objectives 1, 2, and 3 as follows:

Policy HCL2: Archaeological Heritage

It is the policy of the Council to manage development in a manner that protects and conserves the Archaeological Heritage of the County and avoids adverse impacts on sites, monuments, features or objects of significant historical or archaeological interest.

HCL2 Objective 1:

To favour the preservation in-situ of all sites, monuments and features of significant historical or archaeological interest in accordance with the recommendations of the Framework and Principles for the Protection of Archaeological Heritage, DAHGI (1999), or any superseding national policy document

HCL2 Objective 2:

To ensure that development is designed to avoid impacting on archaeological heritage that is of significant interest including previously unknown sites, features and objects.

HCL2 Objective 3:

To protect and enhance sites listed in the Record of Monuments and Places and ensure that development in the vicinity of a Recorded Monument or Area of Archaeological Potential does not detract from the setting of the site, monument, feature or object and is sited and designed appropriately.

Section 9.2.0 Landscapes

- 5.3.9. The site is located in the Athgoe and Saggart Hills Landscape Character Area, which in the Council's Landscape Character Assessment is afforded a landscape sensitivity of medium-high and a landscape value of high. Along the L7377/ Mount Seskin Road are 'Protect and Preserve Significant Views' designations to the northwest towards Verschoyle's Hill (Prospect 5) and to the east towards Knockannavea uplands (Prospect 7), both of which are listed in Table 9.2 Prospects to be Preserved and Protected. Policy HCL7: Landscapes, HCL7 Objective 1, and Policy HCL8: Views and Prospects, HCL8 Objective 1 are of relevance to the appeal, and are as follows:

Policy HCL7: Landscapes

It is the policy of the Council 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 to ensure that landscape considerations are an important factor in the management of development.

HCL7 Objective 1:

To protect and enhance the landscape character of the County by ensuring that development retains, protects and, where necessary, enhances the appearance and character of the landscape, taking full cognisance of the Landscape Character Assessment of South Dublin County (2015).

Policy HCL8: View and Prospects

It is the policy of the Council to preserve Views and Prospects and the amenities of places and features of natural beauty or interest including those located within and outside the County.

HCL8 Objective 1:

To protect, preserve and improve Views and Prospects of special amenity, historic or cultural value or interest including rural, river valley, mountain, hill, coastal, upland and urban views and prospects that are visible from prominent public places.

Section 11.0 Implementation Overview

5.3.10. Further related to design, landscaping, and environmental considerations for proposed dwellings in high amenity zones are Section 11.3.4 and Section 11.5.5 in the CDP, which require:

11.3.4 (ii) Rural Housing Design

- A comprehensive site analysis and character appraisal should be submitted with all applications for houses and extensions in rural and high amenity zones ... The analysis and appraisal should provide a rationale for the design and siting of the proposed development including form, building finishes, height, and massing based on the local and natural context. Such development should generally be low rise. The shape and form of residential development in rural and high amenity areas, including roof structures, should be compact and simple with external building finishes that reflect the local character of the area including vernacular buildings and traditional building materials...*

Section 11.5.5 (ii) High Amenity Areas and Sensitive Landscapes

Development proposals in high amenity zones and sensitive landscapes, including proposals that could potentially impact on designated views or prospects, shall require a Landscape Impact Assessment to assess the visual impact of the development (including any ancillary works) on the landscape and to outline mitigation measures to reduce the impact of the development. At the discretion of the Planning Authority, smaller scale works that would be unlikely to impact on the landscape, such as dwelling extensions, will not be subject to this requirement.

Development that enhances existing degraded landscapes should be supported.

Landscape design shall ensure that:

- *Development is carefully sited, designed and of an appropriate scale,*
- *Existing site features such as specimen trees, stands of mature trees, hedgerows, rock outcrops and water features are properly identified and retained, as appropriate and new planting or other landscaping should be appropriate to the character of the area, and*
- *Significant on-site natural features shall influence the layout of new development.*

5.4. Natural Heritage Designations

5.4.1. The appeal site is not located in or immediately adjacent to a European Site, a Natural Heritage Area (NHA) or a proposed NHA.

5.4.2. The European Site designations within proximity to the appeal site include the following:

- Glenasmole Valley SAC (site code 001209) is c.3.5km to the east;
- Wicklow Mountains SAC (site code 002122) is c.4.0km to the southeast; and
- Wicklow Mountains SPA (site code 004040) is c.7.4km to the southeast.

5.5. Environmental Impact Assessment Screening

5.5.1. Having regard to the nature and scale of the proposed development, there is no real likelihood of significant effects on the environment. The need for Environmental Impact Assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The following is a summary of the main issues raised in the first party grounds of appeal:

- Of the applicant's exceptional circumstances, states he resides in the family home, has all his life, and works in the family business located at the family home;

- Of the site's outstanding natural character, states that there are numerous other dwellings permitted in the area, and that the impact of the proposed development will be minimised through siting the dwelling and garage in corner of the site, away from the public road, near the existing boundary, using a 'country cottage' scale and design, with local building materials and landscaping;
- Of the archaeological monument, states that it is a slight mound, development will have no impact on the monument as the treatment plant and percolation area are 25m away, and willing to move these if required; and
- Of traffic and infrastructure, states there will be no strain on infrastructure.

6.2. Planning Authority Response

- 6.2.1. The planning authority confirms its decision stating that the issues raised in the appeal are covered in the planner's report.

6.3. Observations

- 6.3.1. None received.

6.4. Further Referrals

- 6.4.1. On lodgement of the appeal, the Board referred the case to the Heritage Council, and the Development Applications Unit, Department of Culture, Heritage and the Gaeltacht. No responses were received on the case from these bodies at the time of assessment.

7.0 Planning Assessment

- 7.1. I consider the main items in determining this appeal are as follows:

- Rural Housing Policy;
- Landscape and Visual Amenity;
- Archaeological Heritage; and
- Traffic Safety and Access.

7.2. Rural Housing Policy

- 7.2.1. The appeal site is located on lands zoned as High Amenity Dublin Mountains 'HA-DM' with the objective *'To protect and enhance the outstanding natural character of*

the Dublin Mountains Area'. In the HA-DM zoning objective matrix, residential use is 'open for consideration' subject to two caveats. Firstly, that the proposal accords with policy for residential development in rural areas and secondly, that the site is below the 350m contour. The appeal site is located at c.338m OD, is below this contour line as indicated on the zoning map and therefore, the relevant consideration is whether the proposal accords with the Planning Authority's rural housing policy.

- 7.2.2. I have identified the applicable County Development Plan (CDP) policy in Section 5.0 of this report as being Section 1.7.5, which states that HA zoned lands are under strong urban influence, Policy H20 and, in particular, Policy H23.
- 7.2.3. In the information submitted to the planning authority (PA), the applicant states he is a native of the rural area, currently resides at the family home (c.750m to the south of the appeal site), only wants to live in this rural location, cannot afford to buy in Brittas village, and needs to live close to the family business, which he runs with his father, a haulage company that is located adjacent to the home (includes yard, office, machinery storage). The agent's cover letter expands on the applicant's qualifying circumstances, stating his parents are in the process of giving him ownership of the site, and provides information on the design, scale and servicing of the proposed development. Documentary evidence includes a letter of consent from the applicant's parents, including a right of way declaration relating to the access from the public road; correspondence from St. Martin's National School in Brittas stating the applicant attended the school from 1991, citing the family home address; and correspondence from named persons in ESB Networks and a private vehicle recovery company stating that they have used the services of the applicant and the family haulage business.
- 7.2.4. In the appeal documentation, the applicant has provided a cover letter addressing the refusal reasons, which I have summarised in Section 6.0 of this report, and includes the information as initially submitted to the PA. The PA's first, second and eighth refusal reasons relate to the rural housing policy. There are no further evidential supporting documents provided in the appeal.
- 7.2.5. Policy H23 Objective 1 of the Development Plan specifies four criteria which applicants are required to satisfy to qualify for a new rural dwelling in the HA-DM zoning. In respect of the first criterion, I consider that the applicant has

demonstrated he is a native of the area through the documentary evidence provided of his school record and family ties.

- 7.2.6. In respect of the second criterion, the applicant indicates a desire to reside in this rural locality as this is where he has grown up and due to his employment in the family business which he needs to reside close to. This rural area is subject to a high level of protection through the HA-DM zoning and is under strong urban influence for new rural dwellings. While I note the applicant's supporting documentation, I do not consider that the pending ownership of the site, stated lack of affordability to purchase a dwelling in Brittas, and employment in a haulage company which is not directly linked to or dependant on serving this rural location constitute a genuine need for housing at this particular area.
- 7.2.7. In respect of the third criterion, the applicant outlines his employment source in the family haulage business, refers to an intention for future vegetable growing at the site and an environmentally sustainable way of living. No information has been provided by the applicant indicating a source of employment associated with the area's amenity potential or farming use. As such, I do not consider that the proposed development has been demonstrated to be directly related to the area's amenity potential or to its use for agriculture, mountain or hill farming.
- 7.2.8. In respect of the fourth criterion, the applicant has indicated that water services infrastructure is available and that the site is suitable to accommodate the proposed development. As is discussed in the following subsections on visual amenity and, in particular, archaeological impact, I do not consider that the applicant has satisfactorily demonstrated that the development would not prejudice the environmental capacity of the area or that it would be in keeping with the character of the mountain area.
- 7.2.9. In summary, I consider that the proposed development does not comply with the general provision of Policy H20, or come within the scope of the exceptional circumstances referred to in Policy H23 by not satisfying all four of the criteria listed in H23 Objective 1. As such, permitting the proposed development would materially contravene the HA-DM zoning objective. Furthermore, by association, I do not consider that the applicant's circumstances satisfy the qualifying criteria for rural generated housing need as outlined in Section 3.2.3 of the Rural Housing Guidelines

(in particular the employment criteria), NPO 19 of the NPF, and RPO 4.80 of the RSES. These require that permitting single houses in rural areas under urban influence, such as the appeal site, will be dependent on an economic or social need to live therein being demonstrated, and compliance with statutory guidelines and plans being demonstrated.

7.3. Landscape and Visual Amenity

- 7.3.1. The appeal site is located in the Athgoe and Saggart Hills Landscape Character Area referenced in the CDP. This area is afforded a medium-high landscape sensitivity and a high landscape value. Additionally, I note that there are map-based designations in the vicinity of or with aspects to or from the site to 'Protect and Preserve Significant Views' along the public road, and northwest towards Verschoyle's Hill (Prospect 5) and to the east towards Knockannavea uplands (Prospect 7),
- 7.3.2. The applicable CDP policies for determination of this item of the appeal include Policy H27 with H27 Objective 1, Policy HCL7 with HCL7 Objective 1, Policy HCL8 with HCL8 Objective 1, Section 11.3.4(ii), and Section 11.5.5(ii). I consider the third, fourth and sixth refusal reasons cited by the PA to be interrelated as they broadly refer injury by the proposed development to the landscape of and protected views in the area, and I propose to address the issues in turn.
- 7.3.3. In the application documentation submitted by the applicant and reiterated in the appeal response, the proposed dwelling's design is stated as being sensitive to its rural surroundings due to its positioning in the northeastern part of the site, away from the public road, close to an existing field boundary, and being single storey in design.
- 7.3.4. I have reviewed the available plans (the proposal is for outline permission so there are no detailed elevation and section drawings) and concept images in the agent's cover letter, and positively note the architectural approach taken for the design of the proposed dwelling and garage, including the single storey scale, and indicative elevational treatment and choice of external finishes. I consider the positioning of the dwelling and garage within the site to be responsive to the ground levels and existing field boundaries, and the proposed shared use of the existing vehicular

entrance to ameliorate the potential impact on the receiving landscape and rural environment from a proliferation of entrances and boundary walls.

- 7.3.5. However, the site is in an area that is afforded a high level of protection due to its landscape vulnerability. While I note the positive approach to the design, scale and siting of the development, the applicant has not undertaken the necessary comprehensive site analysis and character appraisal (as per Section 11.3.4(ii) of the CDP) and the landscape impact assessment (as per Section 11.5.5(ii)) which would outline how the proposed development would appear within the site, thereby allowing an assessment of the visual impact of the proposed development, and a determination about the capacity of the landscape to absorb the proposed development, and the effect of the proposed development on the protected views and prospects.
- 7.3.6. I consider evidence on this item to be particularly relevant with regard to views from the public road and other prospects in an easterly direction to and across the site towards the rising uplands of Knockannavea. The visual impact of the proposed development on the landscape and the effect on protected views and prospects is simply unknown, and therefore I cannot conclude from the application and appeal documentation that Policy H27, and particularly, Policy HCL7 and Policy HCL8 are satisfactorily complied with.

7.4. Archaeological Heritage

- 7.4.1. Located centrally in the northern part of the appeal site is archaeological monument, DU024-015 Barrow. This monument was visible within the site at my site inspection. The surrounding area features a high concentration of archaeological monuments, and I have calculated there to be seven recorded monuments within a c.500m radius of the centre of the site, increasing to 15 monuments in a c.1km radius.
- 7.4.2. The fifth refusal reason cited by the PA relates to the potential impact on the monument by the proposed development, and the planner's report refers to the absence of an archaeological impact assessment. In the application documentation, the applicant simply states there will be no impact on the monument; in the appeal response this position is reiterated, and the applicant indicates a willingness to relocate water services infrastructure if deemed necessary. In the appeal documentation, no additional expert analysis has been provided on the item.

7.4.3. I note the statements by the applicant, however these are made in the absence of any evidence for same. As stated above, I have identified a number of archaeological monuments in this area, including a concentration emanating in an easterly direction from the DU024-015 towards the rising uplands of Knockannavea. The impact of the proposed development on the known archaeological monument in the site and the wider archaeological heritage of the area is simply unknown, and therefore I cannot conclude from the application and appeal documentation that Policy HCL1 and, in particular, Policy HCL2 are satisfactorily complied with.

7.5. Traffic Safety and Access

- 7.5.1. In respect of vehicular access, the applicant intends to use the existing agricultural entrance serving the site for both the proposed dwelling and garage. This is a right of way at this entrance and across the northern site boundary which is evidenced in the declaration submitted with the application. In the application documentation, the applicant has indicated sightlines of 90m are available in each direction from the entrance, and commits to hedgerow cutting to maintain same.
- 7.5.2. The PA's Road section report states that the proposed development is located on a substandard road which is narrow in width, lacking facilities such as pedestrian footpaths and public lighting, and would endanger public safety by reason of traffic hazard. The report does not include an analysis or assessment of the sightlines as indicated by the applicant, nor is any evidence presented that the existing entrance proposed to be used is substandard or dangerous per se.
- 7.5.3. While I note that the public road is narrow, from my site inspection and travelling along the L7377/ Mount Seskin Road, I am of the opinion that there are sufficient sightlines north and south from the entrance, the road is trafficked at relatively slow speeds due to the conditions, and there are relatively frequent opportunities for drivers to pass each other at wider sections of the road, and at agricultural and residential entrances. While the proposed development would give rise to an intensification of use of the existing entrance, I consider this to be a matter of scale which is acceptably low. I do not concur that the proposed development is in and of itself a traffic hazard or an endangerment to public safety. I do not consider that to be a reasonable refusal reason.

8.0 **Appropriate Assessment**

8.1. **Compliance with Article 6(3) of the EU Habitats Directive**

- 8.1.1. The requirements of Article 6(3) of the EU Habitats Directive as relate to screening the need for appropriate assessment of a project under section 177U, part XAB of the Planning and Development Act 2000, as amended, are considered fully in this section.

8.2. **Screening the need for Appropriate Assessment**

- 8.2.1. The applicant has not submitted an appropriate assessment screening report or a Natura Impact Statement for the proposed development with this appeal case. Therefore, this screening assessment has been carried *de-novo*.
- 8.2.2. The appeal site is not located in or immediately adjacent to a European Site, nor is there any watercourse in the vicinity of the proposed development. With regard to groundwater and surface water environmental protection, the proposed development has demonstrated that a wastewater treatment plant and surface water soakaway can both be safely accommodated at the site. Within proximity to the appeal site, the following three European Sites have been identified for consideration in this screening examination, including Glenasmole Valley SAC, Wicklow Mountains SAC, and Wicklow Mountains SPA.
- 8.2.3. I consider that the potential of likely significant effects on the European Sites arising from the proposed development, alone or in combination effects, can be reasonably excluded due to the absence of ecological and/ or hydrological connections (source-pathway-receptor); the physical separation distances from the site; and the scale and nature of the project. As there is no pathway between the project and the European Sites screened, there is no potential for loss or disturbance of species or habitats associated with the qualifying interests of the European Sites, and therefore, no possibility of any effect on the European Sites' conservation objectives.
- 8.2.4. No measures designed or intended to avoid or reduce any potentially harmful effects of the project on a European Site have been relied upon in this screening.

8.3. **Screening Determination**

8.3.1. The project was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out screening for appropriate assessment of the project, it has been concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on the European Sites in view of the Sites' conservation objectives and qualifying interests, and that a Stage 2 appropriate assessment, and submission of a Natura Impact Statement, is not therefore required.

9.0 Recommendation

9.1. I recommend that OUTLINE PERMISSION be REFUSED for the proposed development due to the reasons and considerations set out below.

10.0 Reasons and Considerations

1.	Having regard to the definition of rural generated housing need in accordance with Section 3.2.3 of the Sustainable Rural Housing Guidelines for Planning Authorities; to the location of the site within a rural area under urban influence in accordance with the National Planning Framework where NPO 19 seeks to facilitate the provision of single housing in the countryside based on the core consideration of demonstratable economic or social need to live in a rural area; to the location of the site in an area subject to the HA-DM zoning objective which seeks 'To protect and enhance the outstanding natural character of the Dublin Mountains Area' of the South Dublin County Development Plan 2016-2022, where Policy H23 restricts new dwellings in rural areas to exceptional circumstances, the proposed development does not come within scope of the exceptional circumstances as the qualifying criteria of H23 Objective 1 have not been met. As such, the proposed development would be contrary to the provisions of the Rural Housing Guidelines, the National Planning Framework, the HA-DM zoning objective of the South Dublin County Development Plan 2016-2022, and would, therefore, be contrary to the proper planning and sustainable development of the area.
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2.	On the basis of the information submitted with the application and appeal, the Board cannot be satisfied that the proposed development would not adversely affect the archaeological heritage at the site including monument DU024-015, or the preserved and protected views to and from the site northwestwards to Verschoyle's Hill and eastwards to Knockannavea uplands. The proposed development would be contrary to Policies HCL1, HCL2, HCL7 and HCL8 of the South Dublin County Development Plan 2016-2022 and would, therefore, be contrary to the proper planning and sustainable development of the area.
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Phillippa Joyce
Senior Planning Inspector

11th May 2021