



An
Bord
Pleanála

inspector's Report ABP-309958-21

Development	New house and wastewater treatment plant, and new wastewater treatment plant for existing house
Location	Hazelhatch Road, Newcastle, Co. Dublin
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD21A/0011
Applicants	Paula and Brian Carrigan
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellants	Paula and Brian Carrigan
Observers	None
Date of Site Inspection	7 th June 2021
Inspector	Stephen J. O'Sullivan

1.0 Site Location and Description

1.1. The site is in the vicinity of the town of Newcastle in south county Dublin. That settlement had a population of 3,093 at the 2016 census. The stated area of the site is 0.33ha. It consists of the curtilage of detached house with a stated floor area of 244m² along with a grassy area adjoining that curtilage to the north-west. It lies on the R405 Hazelhatch Road about 600m north-west of its junction with the road that forms the main street through the town. There is a line of detached houses between the site and that junction on the same side of the road, with agricultural land on the other side of the road opposite that ribbon development. There is another detached house on the neighbouring land to the north-west of the appeal site on the same side of the road. The roadside boundary of the site is marked by substantial hedgerows. It sits on the outside of a curve in the road. The carriageway in front of the site is c7.5m wide with a continuous centre line. It has a footpath on the near side of the road that continues to Newcastle. A 60km/h speed limit applies.

2.0 Proposed Development

2.1. It is proposed to build a two storey house on the north-western part of the site with a stated floor area of 233m² and a roof ridge 7.7m high. It would be served by a wastewater treatment system and percolation area in the northern corner of the site. It would have its own access to the road at the north-western end of the front boundary of the site. A new waste water treatment system and percolation area would be installed to serve the existing house to the west of that house.

3.0 Planning Authority Decision

3.1. Decision

The planning authority refused permission for 8 reasons –

Reason no. 1 stated that the proposed development would materially contravene the development plan and referred to the RU rural zoning of the site and policy H20.

Reason no. 2 said the development constitute the proliferation of urban generated housing in an area under strong urban influence zoned as rural and so would contravene the National Planning Framework and the development plan.

Reason no 3 said the development would contravene the settlement strategy set out in the RSES.

Reason no. 4 said any development in this area would materially contravene policy HCL7 to preserve the county's landscapes and referred to its designation as part the Athgoe and Saggart Hills.

Reason no. 5 said the proposed development would set a precedent for similar development that would be harmful to the rural amenities of the area

Reason no. 6 said that the development would be on a substandard rural road network saturated with houses and would endanger public safety by reason of traffic hazard and would continue ribbon development contrary to the 2005 rural housing guidelines.

Reason no. 7 said that the insufficient information had been submitted about trees and so the proposed development had not demonstrated compliance with the development plan's provisions of ecological safeguarding.

Reason no. 8 said that insufficient information had been submitted regarding water supply and drainage and so it had not been demonstrated that the proposed development would meet the Greater Dublin Regional Code of Practise for Drainage Works or the Building Regulations.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report noted that the applicants are from the area and work at home. However it was not accepted that their housing needs could not be met in the wider area.

Notwithstanding their close family ties to the area, they would not justify setting aside policy H20 to restrict the spread of housing in the rural area. The application did not include a landscape masterplan or design statement. A full screening for appropriate assessment cannot be undertaken. It was recommended that permission be refused.

3.2.2. Other Technical Reports

The Roads Department referred to the narrow width and poor alignment of the road, as well as the absence of footpaths and lighting, and stated that the proposed development would represent a traffic hazard.

The Parks Division recommended that more information be sought about trees and bats.

The Drainage Division recommended more information about the proposed soakaways car parking is not required. The proposed development would leave no space to the rear of the existing development on the site and information should be sought of the waste storage facilities for that development to ensure there is no overspill onto the adjoining lane that is in the charge of the council.

3.3. Prescribed Bodies

An Taisce said that the proposed development should be assessed in line with the provisions of the development plan.

Irish Water provided the applicant with a certificate of feasibility for connection to its water supply.

3.4. Third Party Observations

None.

4.0 Planning History

No recent relevant history

5.0 Policy Context

5.1. **The National Planning Framework 2040** includes objective NPO 15 to support the sustainable development of rural areas by inter alia managing the growth of areas under strong urban influence to avoid over development, and objective NPO 19 which is that, in rural areas under strong urban influence, policy should 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 viability of smaller towns and rural settlements.

5.2. Guidelines for Planning Apartments on Sustainable Rural Housing, 2005 – The site is in an area under strong urban influence, where the guidelines advise that the housing needs of the rural community are facilitated while urban generated housing demand is directed towards zoned and serviced land in towns and villages, according to appendix 3. Appendix 4 advises against ribbon development. Whether a proposal exacerbates ribbon development would depend on criteria including whether it would extend or coalesce the ribbon. provided for apartments that adjoin and have a functional relationship with the main living areas of the flat

5.3. Development Plan

The South Dublin Development Plan 2016-2022 applies. The site is in an area zoned under objective RU for rural amenity and agriculture. Policy H20 is to restrict the spread of dwellings in these areas. Policy H22 Objective 1 is to consider new or replacement dwellings in this zone where the applicant can establish a genuine need to reside in proximity to their employment which is related to the rural community, or has close family ties with the rural community. The development plan zones land for residential and other uses in the town of Newcastle. These zones lies c550m south - east of the current site, as does the boundary of the local area plan adopted for the town in 2012.

5.4. Natural Heritage Designations

None

6.0 The Appeal

6.1. Grounds of Appeal

- The proposed house would not be in the countryside but in the settlement of Newcastle. It is linked to the town by a footpath along the public road. The

proposed house is within the boundaries of existing house so it would not extend the area of the town in residential use.

- The proposed low density residential development would provide an appropriate transition to the rural area in line with section 5.5.4 of the local area plan.
- The county development plan allows for houses in the RU zone where the applicants have close family ties to the area. The applicants have such ties and provide documentary evidence of them. The proposed house would be within a settlement and residential development is open for consideration under the RU zoning, so the proposed development would not be a material contravention of the plan's provisions nor would it be contrary to the RSES. The applicants have established a social need to live at this location so the proposed development would be in keeping with the NPF. The proposed development would not give rise to any adverse precedent.
- All landscape features will be retained on the site apart from the removal of 2 trees. The proposed house will be screened from the public road.
- The site is on a flat public road in the 60kph speed limit zone with a public footpath and a carriageway 7.5m wide. Adequate sightlines would be available at the proposed aspect because the existing setback of the roadside hedge mitigates the impact of the horizontal alignment of the road, i.e. the bend just north of the site. The proposed development would not give rise to a traffic hazard.
- The site is not in an ecologically sensitive location.
- Adequate information was provided in relation to drainage. The Greater Dublin Drainage Strategy does not apply to the proposed development because all drainage would be on site.

6.2. Planning Authority Response

The planning authority's response stated that its previous planner's report addressed the matter raised in the appeal.

7.0 Assessment

7.1. The planning issues arising from the proposed development can be addressed under the following headings-

- Policy
- Impact on the character of the area
- Access
- Drainage
- Other issues

7.2. Policy

In relation to reasons, 1, 2 and 3 of the council's decision, the appeal argues that the proposed development should be regarded as a house within a settlement. There are substantial grounds to support this argument, namely that there is a continuum of developed land between the site and the town of Newcastle along a line of detached houses on a road that has a footpath, is subject to a 60kph speed limit and contains a public water main. However distinguishing between the urban and rural area is a key function of the plan making process carried out by councils under Part II of the planning act. The county development plan and local area plan for Newcastle unambiguously place the current site outside the town and in the countryside. There are sound reasons for this, chiefly the fact that the site does not have the benefit of the town's foul drainage. Given that the site lies towards the far end of a long ribbon of low density housing that does not have development behind it or even across the road, it is highly unlikely that the drainage system would be extended to serve development on the site. The grounds of appeal would not justify disregarding the zoning of the site and Newcastle's development boundary set out in the county development and local area plan respectively. The proposed development should therefore be assessed as a house in the countryside.

This part of the countryside is close to the city and numerous town and is under strong urban influence. The 2005 guidelines and the NPF advise that a restrictive approach be adopted to housing proposals in this type of area, as does the county

development plan. The applicants' circumstances do not support a conclusion that they have an economic need to live in the rural area that would support a relaxation of the approach otherwise required by local and national planning policy. They have established that they have social connections to the area, in that they grew up on the house on the site which remains in the ownership of their family. However the location of the site so close to the town of Newcastle, and other nearby settlements, mean that the applicants' social need to live in this area can be met without contravening local and national policy to restrict the development of houses in those parts of the countryside that are under strong urban influence. While it may appear unfortunate that the proposed development would fail to comply with local and national settlement policy either as an urban house or as one to meet social connections to the rural area, this is a consequence of the position of the site close to but outside the urban area. The heightened strictures that local and national settlement policy place on the development of houses on sites in these circumstances are intentional and seek to achieve the proper planning and sustainable development of the rural areas that have the highest demand for housing development and the least remaining capacity to accommodate that housing.

7.3. Impact on the character of the area

The site would lead to a higher density of one off housing and ribbon development close to but outside the town of Newcastle. As such it would tend to undermine the distinction between the town and countryside. It would prejudice rather than promote an appropriate transition between the urban and rural area. It would exacerbate an established pattern of ribbon development. However its impact in this respect would be significant only when considered cumulatively with the rest of the houses surrounding the town. The individual impact of the proposed house would be limited. The locality is flat. It is clear from the submitted plans that most of the established trees and hedges around the site would be retained in the development. The proposed house has a simple design. There would be houses on either side of it so the ribbon development would not be extended. Therefore the proposed house would not, in itself, have a significant negative impact on the landscape or the natural heritage of the area. Reasons 4 and 7 of the council's decision are not considered to be justified, therefore.

7.4. Access

The road serving the site has a footpath linking it to the town. It is wide and flat. It has a 60kph speed limit. The position of the site on the outside of a curve means that good visibility of oncoming traffic would be available to drivers leaving the proposed house. These circumstances provide valid grounds for the appeal to argue against reason no. 6 of the council's decision. Nevertheless the proposed development would be a traffic hazard. It would necessarily give rise to more traffic turning movements on the R405. The regional road at this location is heavily trafficked. Its generous width, flat profile, smooth surface and rural appearance lead to high traffic speeds despite the formal speed limit. This was evident at the time of inspection. The curve in the road by the site restricts the forward visibility of drivers travelling towards and past the proposed entrance. The position of the council on the issue of traffic hazard was therefore correct.

7.5. Drainage

Reason no. 8 of the council's decision stated that adequate information had not been submitted regarding the drainage of surface water and foul effluent from the site. The site is not subject to a particular risk of flooding and it is not considered that concerns on surface water drainage would justify refusing permission.

In relation to foul drainage, the site characterisation form submitted with the application indicated a Groundwater Protection Response of R1. A trial hole stated that there was a depth of soil over bedrock of 1.5m. The t-test result was 32, while the p-test gave a value of 27. A packaged wastewater treatment system with a polishing filter was recommended. The site layout plan showed how new systems for the existing house and the proposed house could be accommodated with adequate separation from houses and site boundaries. These results would indicate that the site considered in isolation could cater for the foul effluent from the proposed house. However the overall site area of 0.33ha would have to accommodate the effluent from two houses. Furthermore it is located in a ribbon of other houses that are also dependent of the treatment and disposal of domestic effluent on their sites. In these circumstances it is considered that the proposed development would be

prejudicial to public health because it would give rise to an excessive concentration of wastewater treatment systems draining to groundwater in a limited area.

7.6. Other issues

The appeal site is not in or near any Natura 2000 site. Therefore, having regard to the nature and scale of the proposed development as well as its location, it is concluded that no appropriate assessment issues arise and it would not be likely to have significant effects on any Natura 2000 site either individually or in combination with any other plan or project.

The proposed development would provide one additional house, which is well below the threshold of 500 houses set at Class 10.b.i of part 2 of Schedule 5 of the planning regulations. Other than being in the countryside in the vicinity of a town, the site is not in an especially sensitive location. Therefore, it would not have the potential to have significant effects on the environment and the requirement for an EIA can be excluded after preliminary examination.

8.0 Recommendation

8.1. I recommend that permission be refused.

9.0 Reasons and Considerations

1. The site is in an area zoned to protect rural amenity under objective RU of the South Dublin County Development Plan 2016-2022 and which is identified as under strong urban influence under the Guidelines for Planning Authorities on Sustainable Rural Housing issued in 2005. The proposed development would contravene the policies to restrict housing development in such rural areas set out in the development plan and the said guidelines and in objective NPO 19 of the National Planning Framework 2040. It would therefore be contrary to the proper planning and sustainable development of the area.
2. The proposed development would generate additional traffic turning movements on the R405 Regional Road where traffic volumes and speeds are high and where the horizontal alignment of the road restricts the forward

visibility available to drivers approaching and passing the site. The proposed development would therefore endanger public safety by reason of traffic hazard.

3. The proposed development would give rise to an excessive concentration of domestic wastewater treatment systems discharging to groundwater in a limited area. It would therefore be prejudicial to public health.

Stephen J. O'Sullivan

Planning Inspector

31st July 2021