



An
Bord
Pleanála

Inspector's Report

ABP-311410-21

Development	Subdivision of a site and construction of a detached dwelling, modification of existing septic tank, installation of biocycle treatment unit, and a new vehicular entrance
Location	Radharc, Woodtown Way, Stocking Lane, Dublin 16, D16 WV74
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD21A/0173
Applicant(s)	Camillus and Maire Muldowney
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Camillus and Maire Muldowney
Observer(s)	None
Date of Site Inspection	12 th November 2021
Inspector	Ian Boyle

1.0 Site Location and Description

- 1.1. The subject site is at the foothills of the Dublin Mountains and forms part of a large residential property that has an address at Radharc (No. 11), Woodtown Way, Rathfarnham, Dublin 16, D16 WV74. The site stands on elevated ground and slopes downwards, from south to north, towards the front of the property, which faces onto Woodtown Way.
- 1.2. Woodtown Way is a residential cul-de-sac. It runs in a southeast – northwest direction, where it joins the R115 Regional Road (Stocking Lane) to the northwest. Stocking Lane, in turn, travels northwards until it meets the M50.
- 1.3. The Applicant currently resides in Radharc, which is a detached, split-level bungalow on the adjoining site to the east. The appeal site comprises the rear and side garden of that property. The existing driveway that serves Radharc is meandering, slopes upwards and leads to the front of the house. There is a tarmac surface for parking cars at the front of the dwelling, and a grass lawn and hard surface tennis / basketball court to the rear. Mount Venus Road runs along the rear boundary of the site, which is to the southwest. There is a large, detached dwelling located to the west of the appeal site, which is Woodtown Lodge (D16 W286).
- 1.4. The wider surrounding area is generally rural in nature and comprises low-density housing in the form of detached dwellings on large residential sites.
- 1.5. The site has a stated area of 480sqm.

2.0 Proposed Development

- 2.1. The proposed development is for the subdivision of a site and the construction of a two-storey, 2-bedroom dwelling, including modifications to an existing septic tank and percolation area, installation of a biocycle treatment unit, and a new vehicular entrance on Woodtown Way.

3.0 Planning Authority Decision

3.1. Decision

Planning permission was refused on 23rd August 2021 for the 6 no. reasons, which are summarised as follows:

- The proposed development would constitute urban generated housing, contravene Objective H20 of the County Development Plan, and would lead to demands for the uneconomic provision of further public services and facilities in an area where these are not proposed. Objective H20 states that 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.
- The proposed development would negatively impact the landscape character of the rural area and exacerbate ribbon development and would, therefore, materially contravene Policy H27, Objective 1 of the County Development Plan, which is to ensure that any new residential development in rural areas is designed and sited to minimise visual impact on the character and visual setting of the surrounding landscape.
- The Development Plan 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 that 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, if granted, would also reduce the road frontage of the existing dwelling so that it no longer complies.
- The proposed development is located on a substandard rural road network, which is narrow in width, lacks pedestrian, public lighting and drainage facilities, and would constitute undesirable ribbon development on a rural road and on a laneway that is substandard in width and alignment and without adequate facilities for pedestrians and vulnerable road users. It would, therefore, endanger public safety by reason of a traffic hazard.

- The proposed subdivision of the site to provide for 'downsizing', where no information has been submitted for inhabitants of the existing dwelling house, has the potential to create a precedent for similar development in the immediate and surrounding rural area contrary to the Development Plan. The Applicant does not comply with Policy H22, which states that it is the policy of the Council that within areas designated with Zoning Objective 'RU' (to protect and improve rural amenity and to provide for the development of agriculture) new or replacement dwellings will only be permitted in exceptional circumstances.
- Insufficient information has been submitted with the application. There are no details included; such as water supply drawings, a site assessment for the installation of the proposed biocycle treatment unit, details of the proposed wastewater treatment system, details of how the existing septic tank/percolation area would be adapted for use with the new dwelling, or an assessment that the existing wastewater treatment system can support the occupancy of the new house.

3.2. Planning Authority Reports

3.3. Planning Reports

- Having examined the application, and having considered the potential impacts of the development, and the relevant policies of the County Development Plan, the A/Senior Executive Planner recommended a Refusal for the 6 no. reasons set out in the Decision, which are above.
- Other considerations noted in the Council Planner's Report were that: further details would be required in regard to existing vegetation, and how this would be retained as part of the development; and that as the Applicant did not provide any information to assist the screening for Appropriate Assessment, it could not be concluded whether or not the proposed development would require a Stage 2 Appropriate Assessment.

3.4. Other Technical Reports

Water Services: Further information requested in relation to surface water as no details provided. No issues raised in relation to flood risk.

Roads Department: Objections raised. The Roads Department Report states that the proposed development would be located on a substandard rural road network which is narrow in width and has poor vertical and horizontal alignment. The road lacks pedestrian, public lighting and drainage facilities and is saturated with one-off houses. Having regard to this, the proposed development would endanger public safety by reason of traffic hazard. Furthermore, the generation of additional traffic on a laneway substandard in width and alignment, and without adequate facilities for pedestrians and vulnerable road users would endanger public safety by reason of a being traffic hazard.

Public Realm: No comments provided.

Environmental Health Officer: Further Information requested. The Applicant did not submit a site assessment for the installation of the proposed Biocycle treatment unit for the existing house. Council's EHO recommended that the Applicant submit a site assessment together with details of the wastewater treatment system proposed for the site. Also, no details were submitted by the Applicant on how they intend to adapt the existing septic tank/percolation area for use with the new, proposed house. (i.e., To clearly demonstrate that the existing wastewater treatment system can feasibly support the new dwelling.)

Heritage Officer: No report received.

Architectural Conservation: No report received.

3.5. Prescribed Bodies

Irish Water: Further information requested requiring the Applicant to provide water supply drawings that outline the existing and proposed water supply layout for the proposed development. The submission of a Pre-Connection Enquiry (PCE) to Irish Water would also be required to determine the feasibility of connection to the public water infrastructure and if there is sufficient capacity for the proposed development.

3.6. Third Party Observations

A Third Party Observation was made by An Taisce, which stated that the proposed development should be considered for its potential impact on the amenity of the area and against the relevant policy provisions of the *South Dublin County Council Development Plan 2016-2022*.

4.0 Planning History

Subject Site

There is no recorded planning history for the subject site.

Surrounding Area

Reg. Ref. SD19B/0144: The Planning Authority granted permission for the construction of a single storey extension, including a new entrance door at the rear of the house, and associated site works on 4th June 2019 at Woodtown Lodge, Stocking Lane, Woodtown, Dublin 16, D16 W286. The property is immediately west of the appeal site.

5.0 Policy Context

5.1. South Dublin County Council Development Plan 2016-2022

Zoning

The subject site is zoned 'RU' – *"To protect and improve rural amenity and to provide for the development of agriculture"* under the South Dublin County Council Development Plan 2016-2022. (The site is similar zoned under the Draft South Dublin County Development Plan 2022-2028: 'RU' – *'To protect and improve rural amenity and to provide for the development of agriculture'*.) The surrounding lands are also zoned 'RU'.

The proposed development comprises the construction of a new dwelling and ancillary site works. It is, therefore, a residential use, which is 'open for consideration' under the zoning, subject to being in accordance with Council policy for residential development in rural areas.

Rural Housing

Section 2.5.8 Rural House & Extension Design

Chapter 2 (Section 2.5.0 'Rural Housing') of the Development Plan sets out the criteria for proposed rural housing, including Policies H20, H21, H22, and H27, which are outlined below:

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.

H21 Rural Housing Policies and Local Need Criteria

It is the policy of the Council that in accordance with the Sustainable Rural Housing Guidelines DEHLG (2005) and Circular 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, "persons who are an intrinsic part of the rural community" or "persons working full-time or part-time in rural areas" as described under Section 3.2.3 (Rural generated housing) of the Sustainable Rural Housing Guidelines (2005) shall be favourably considered in relation to rural housing.

H22 Rural Housing in RU Zone

It is the policy of the Council that within areas designated with Zoning Objective 'RU' (to protect and improve rural amenity and to provide for the development of agriculture) new or replacement dwellings will only be permitted in exceptional circumstances.

H22 Objective 1

To consider new or replacement dwellings within areas designated with Zoning Objective "RU" (to protect and improve rural amenity and to provide for the development of agriculture) where:

- *The applicant can establish a genuine need to reside in proximity to their employment (such employment being related to the rural community) OR*
- *The applicant has close family ties with the rural community.*

Policy H27 Rural House & Extension Design

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

H27 Objective 1 seeks to ensure that all new rural housing within the RU zone is designed and sited to minimise impact on the landscape; environment; and on the natural contours and natural drainage features of the site; avoids retaining and reinstating traditional roadside and field boundaries; avoids intrusive engineered solutions; demonstrates compliance with the relevant code of practice for wastewater treatment; and avoid creating haphazard forms of development.

Section 11.3.4 (ii) 'Rural Housing'

Includes a section that requires:

- *A comprehensive site analysis and character appraisal for houses and extensions in rural and high amenity zones. The analysis and appraisal should, among other things, 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.*
- *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.*
- *Dwellings and extensions should not be located on a ridgeline or in an elevated position in the landscape and modern gateways, piers and boundary walls should be avoided with the exception of the retention and reinstatement of traditional stone boundary walls.*

Scenic Views

The southern boundary of the site, which is Mount Venus Road, is subject to the conservation objective 'Protect and Preserve Significant Views'. This is denoted by the strip of blue triangles on the relevant zoning map.

Protected Structure

There is a Protected Structure located to the north of the site, across Woodtown Way (RPS Ref. No. 364). The Development Plan RPS describes the structure as a 'New House' on 'Stocking Lane, Rathfarnham Detached Single-Storey over Basement Brick Modernist Building c.1960'.

5.2. National Policy

- *Quality Housing for Sustainable Communities – Best Practice Guidelines, 2007*
- *Design Manual for Urban Roads and Streets, 2019*
- *Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10), 2021*

5.3. Natural Heritage Designations

No designations apply to the subject site. The closest European Site is the Wicklow Mountains SPA (Site Code: 004040), which is approximately 3km to the south.

The Wicklow Mountains SAC (Site Code: 002122) is roughly 3.3km to the south. The Glenasmole Valley SAC (Site Code: 001209) is approximately 3.7km to the southwest. The Dodder Valley pNHA (Site Code: 000991) is situated to the northwest at a remove of approximately 2.8km.

5.4. EIA Screening

Having regard to the nature and small scale of the proposed development, which is for two-storey detached house and ancillary site works, and the absence of any significant environmental sensitivity in the vicinity, there is no real likelihood of significant effects on the environment arising from the proposed development. Environmental Impact Assessment is, therefore, not required.

6.0 The Appeal

6.1. Grounds of Appeal

- The Planning Authority has acknowledged that the Applicant has lived in the existing dwelling for almost 50 years and, as such, is eligible to remain and continue living in the area.
- The family home (Radharc) is too large and is becoming inaccessible for the Applicant. They have a genuine need to downsize and the new, proposed dwelling will be appropriate for that purpose.
- The purchase and development of an alternative house on a new piece of land is not practicable. However, the construction of a new house on the site is the best and least onerous option.
- A response to the relevant planning policy is included in the Applicant's 'Planning Design Report' (dated June 2021), which accompanied the original application to South Dublin County Council (SDCC).
- The Planning Authority states that the proposed house, at 197 sq m, would be too large to be considered as a 'downsized' house. In response, the Applicant submits that the large size of the house is due to the sloped gradient of the site, the requirement to comply with the Building Regulations, and the inclusion of a garage and plant area.
- The proposed development is compliant with Policy H27, which is in relation to minimising visual impact on the character and visual setting of the surrounding landscape. No trees would be removed due to the proposal.
- No third party objections were submitted to the Planning Authority.
- The Applicant will comply with any condition regarding services and drainage requirements. To save expense, the Applicant decided to avoid completing a full Site Assessment for the proposed bicycle unit.
- Woodtown Way is a small cul-de-sac accommodating only 12 no. dwelling. Therefore, there is currently very little traffic and this volume would not be increased significantly by the proposed development.

- It is accepted that the 60m requirement for road frontage is not achieved by the proposed development. Therefore, the Applicant would be willing to amend the proposed method of vehicular access to the site and accept a condition that would require the new, proposed development to be accessed via a shared right-of-way through the existing entrance for Radharc.
- Similar shared entrance arrangements exist for other sites located in the Dublin Mountains, which are also zoned 'RU'.
- The Planning Authority reasons for refusal in relation to street lighting and road safety issues are misleading. The Applicant intends to utilise external lighting on the site boundaries and pier lighting at the site access, which would not cause road safety issues.
- Woodtown Way is a private access road, for which the residents pay an annual subscription for its maintenance and upkeep. Traffic calming measures and a set-down area have been installed to assist with road safety.
- The Applicant has an association with the area and an established right to remain in this location. The new dwelling would have minimal impact on its setting and avail of infrastructure already in place on Woodtown Way.

6.2. Planning Authority Response

- The Planning Authority confirms its Decision. The issues raised in the appeal have been covered in the Planner's Report.

7.0 Assessment

The main planning considerations relevant to this appeal case are:

- Rural Zoning Policy
- Landscape Character, and Visual and Rural Amenity
- Traffic and Transport
- Services
- Appropriate Assessment

7.1. Rural Zoning Policy

- 7.1.1. The Planning Authority's first reason for refusal is that the proposed development would materially contravene the Development Plan (Policy H20), which seeks to restrict the spread of dwellings in the rural 'RU' zone. It also states that the proposed development would constitute urban generated housing, which would lead to demands for the uneconomic provision of further public services and facilities in an area where these are not proposed, and that it is an objective to channel housing into existing settlements (H20). The fifth reason for refusal is similar in that it is a policy of the Development Plan (H22) that within RU areas new dwellings will only be permitted in exceptional circumstances.
- 7.1.2. I note that the site is subject to land use zoning objective 'RU', which is to protect and improve rural amenity and to provide for the development of agriculture. The proposed development is for a new dwelling (i.e. residential development), and is, therefore, 'Open for Consideration' under this zoning. The proposal is required, however, to be assessed against the Council's rural policy on new residential development in rural areas, which is set out under Section 2.5.0 of the Council's Development Plan. I consider Policies H20, H21, H22 and H27 are particularly relevant to the proposed development.
- 7.1.3. Importantly, I note that the Applicant already resides in the local area, and lives in the adjacent house to the east (Radharc). The normal considerations that would apply to an Applicant who is seeking to build a new house and move into the area are, therefore, fundamentally different. The Applicant has stated they intend on moving out of this house and into the new house.
- 7.1.4. Policy H20 states that it is policy to restrict the spread of dwellings in the RU zone and to focus such housing into existing settlements. Policy H21 states that persons who are an intrinsic part of the rural community, or persons working full-time or part-time in rural areas, as described under Section 3.2.3 (Rural Generated Housing) of the Sustainable Rural Housing Guidelines (2005) shall be favourably considered in relation to rural housing.
- 7.1.5. I acknowledge the Applicant's stated requirement to 'downsize', that their current house is becoming increasingly inaccessible, and that it is their preference to stay in the local area, which is understandable. However, I do not consider that the

development proposed satisfies the requirements of the relevant rural housing policies. In my opinion, the proposed dwelling would not qualify as an 'exceptional circumstance', particularly where there is potential to sell the existing property (Radharc) on to a third party who may not have a genuine need to reside in this locality, or have close family ties with the rural community.

7.1.6. I note also that Woodtown Way accommodates several, other large sites which accommodate single, detached dwellings. The Planning Authority has raised concerns that the proposed development, if permitted, could set a precedent for similar, inappropriate forms of development, which could lead to a significant proliferation of new housing on this road and elsewhere in the surrounding area. Other landowners on the street could potentially also seek to 'downsize' and to construct a second house, or even third or more, through the subdivision of land.

7.1.7. In my opinion, this would be an adverse situation and potentially lead to the local area becoming more suburban in nature than rural and would not be in accordance with the envisaged zoning objective for the area ('RU'), which is to protect and improve rural amenity and to provide for the development of agriculture. The proposed development would also be contrary to Policy H20, which is to restrict the spread of dwellings in the RU zone and to focus such housing into existing settlements, and Policy H22, which states that within areas designated RU new or replacement dwellings will only be permitted in exceptional circumstances.

7.1.8. In summary, I consider that the proposed development is not in accordance with Council's rural policy in relation to new residential development in rural areas and should not be granted permission.

7.2. Landscape Character, and Visual and Rural Amenity

7.2.1. The Planning Authority's second reason for refusal is that the proposed development would negatively impact on the landscape character of the rural area and lead to an exacerbation of ribbon development, which would contravene materially Policy H27. Policy H27 requires new houses and extensions to be designed and sited to minimise visual impact on the character and visual setting of the surrounding landscape.

- 7.2.1 The site is in a sensitive, scenic rural area, which has experienced the construction of several house extensions in recent years. The new dwelling would be located near the centre of the site and setback roughly 32m from its front boundary with Woodtown Way. It would be setback by approximately 33m from its rear boundary and be positioned in the space between two existing, larger houses, Radharc and Woodtown Lodge, which are to the east and west, respectively.
- 7.2.2 The dwelling would be largely shielded from view due to the topography of the site. It would not be visually obtrusive from Stocking Lane, which is to the west of the site and would be mostly screened by existing, mature vegetation. Also, it would not be visually prominent from viewed from other locations, such as from Mount Venus Road to the south, which is subject to the conservation objective 'Protect and Preserve Significant Views', or from Killakee Road, which is upslope and further to the southwest.
- 7.2.3 I note also that the new house would be set deep into the site and be respectful of the established building line as set by the adjoining houses, Radharc and Woodtown Lodge. The existing vegetation would provide a natural form of vegetative screening that would lessen the potential for visual impact and adds to the sylvan character and streetscape along Woodtown Way. The proposed dwelling is a relatively low structure and not located on high ground.
- 7.2.4 The dwelling would be a split level and have an overall height of approximately 3.7m (excluding solar panels) at the rear part of the site, which is on higher ground. The front part of the dwelling, where the ground slopes downwards, and towards Woodtown Way, would have an overall height of 6.2m. I note, however, that the lower floor line of the house, which includes the entrance hall and plant room, would be below the line of the existing gradient. Therefore, the proposed house would sit relatively low on the land and be smaller than either of the adjoining houses, which are, by comparison, physically taller and larger in scale.
- 7.2.5 The proposed development does not include any terraces or balconies above groundfloor level, which could give rise to inappropriate overlooking of neighbouring properties or an unacceptable visual impact. In this regard, and in the event the Board consider granting permission, I recommend that, in the interests of residential

and visual amenity, a condition be attached that prevents the flat-roof of the house being used as a roof deck, terrace, or similar.

7.2.6 I note that the application does not include a landscape masterplan or arborist report. However, the topographical site survey and Proposed Site Plan (Drwg. No. 21.05.11) indicate that no trees or boundary hedgerows would be removed. The Applicant also states that a detailed landscape plan could be submitted, under condition, if the Board decides to grant permission.

7.2.7 As the retention of trees on the site is an important consideration in terms of any potential, resulting impact on the landscape, I would recommend that the Board could consider the inclusion of a further condition requiring the completion of a Tree Survey and accompanying Arboricultural Impact Study, which includes measures for the protection of trees and hedgerows.

7.2.8 In summary, I do not consider that the proposed dwelling would a significant visual impact on its receiving environment, or that it would seriously injure the visual amenity and landscape character of the area. Therefore, I consider the proposed development to be in accordance with Policy H27, and that it is has been sensitively designed and sited to minimise potential visual impact on the character and visual setting of the surrounding landscape.

7.3. Traffic and Transport

7.3.1. The Planning Authority's third and fourth reasons for refusal are in relation to traffic and transport concerns. The Roads Department states that the proposed development would endanger public safety by reason of being a traffic hazard and that it would reduce the road frontage of the existing dwelling so that it no longer complies, and that it would lead to proliferation of ribbon development along a narrow road which should be avoided.

7.3.2. The Council's Roads Department also raised concerns in that the proposed development would be located on a substandard rural road network, which is narrow in width and has poor vertical and horizontal alignment. I would share those concerns, and consider the proposed development, in its current form, could endanger public safety by causing a traffic hazard close to a busy regional road,

where Woodtown Way connects to Stocking Lane (R115). This should be avoided, in my opinion, particularly where there is a viable, alternative option available.

Furthermore, the Development Plan (Section 11.3.4(ii)) requires a minimum road frontage of 60m for new dwelling sites. The proposed development does not achieve this and would provide a new frontage of approximately 30m. The existing property (Radharc) would also have its road frontage reduced to 36m.

- 7.3.3. To address this, and other road safety concerns, the Applicant submits in their appeal that they would be willing to amend the proposed method of accessing the site by way of a revised access arrangement. The new arrangement would utilise the existing entrance and mean that both sites – being Radharc and the appeal site – would be served by a single, shared right of way from Woodtown Way. This would not require a new access and, in my view, any increase in traffic movements emanating from the proposed development would be negligible, given the proposal is for a single house.
- 7.3.4. In terms of physically accommodating the internal driveway across the land, I note that both the appeal site, and neighbouring property, accommodate existing mature trees and vegetation. However, from inspecting the site, and examining the site survey that is on file, the potential removal of any significant tree stands would be unlikely. This, however, could be confirmed by way of completing an Arboricultural Impact Study.
- 7.3.5. In relation to external lighting, I consider that a detailed lighting plan should be sufficient to address any concerns regarding potential lighting impacts, light spill or glare onto adjacent roads.
- 7.3.6. In summary, I consider the shared access option is favourable compared to having an additional, new vehicular entrance to serve the proposed development. Therefore, in the event the Board are minded to grant permission, I recommend that a condition be included that requires the construction of a shared site entrance, which utilises the existing vehicular entrance for Radharc, and that no new site entrance be created.
- 7.3.7. Subject to the inclusion of such a condition, I would have no further concerns regarding traffic, access, or potential vulnerability of road users, or that the proposed development would endanger public safety by reason of being a traffic hazard.

7.4. Services

- 7.4.1. The Planning Authority's sixth reason for refusal is in relation to insufficient information being provided by the Applicant regarding services and drainage.
- 7.4.2. I have viewed the application documentation and note that there is limited information on file confirming whether there are adequate services available to serve the proposed development. I note, also, that the Applicant states that a decision was made to omit a Site Assessment or complete a full analysis in relation to the provision of services.
- 7.4.3. The Council's Water Services Department recommended further information be provided in relation to water supply drawings, existing and proposed surface water drainage layouts, how compliance with relevant Irish Water standards would be achieved, and proof of prior engagement with Irish Water through the submission of a Pre-Connection Enquiry to determine the feasibility of connection to the public water network.
- 7.4.4. The Council's EHO also recommended further information regarding the proposed method of wastewater treatment and how the Applicant intended to comply with the EPA Code of Practice on Domestic Waste Water Treatment Systems (2021).
- 7.4.5. As further information was not requested by the Planning Authority, and instead a Notification of Decision to Refuse Permission was issued, the Applicant did not have the opportunity to provide these details. The appeal submission also did not include this information.
- 7.4.6. In this regard, I note that H27 Objective 1 of the Development Plan requires that all new rural housing within the RU zone must demonstrate compliance with the relevant code of practice for wastewater treatment. I consider that the documentation submitted with the application and appeal is deficient in this regard. Whilst I acknowledge the Applicant has stated that they would be willing to comply with all Council services and drainage requirements, including SuDS compliance and provision of a Site Assessment – if included as a condition of planning – this is not sufficient, in my view, to confirm the proposed development is in accordance with the relevant policy requirements.

7.4.7. In summary, I consider that the proposed development would be premature pending the completion and submission of the relevant information that addresses the issues relating to water supply, drainage, and wastewater disposal and treatment, and which would be necessary to clearly demonstrate compliance with Policy H27.

7.5. **Appropriate Assessment**

7.5.1. No designations apply to the subject site.

7.5.2. The closest European Site is the Wicklow Mountains SPA (Site Code: 004040), which is approximately 3km to the south. The Wicklow Mountains SAC (Site Code: 002122) is roughly 3.3km to the south. The Glenasmole Valley SAC (Site Code: 001209) is approximately 3.7km to the southwest. The European Sites are located upgradient, towards the Wicklow Mountains, and are separated from the site by Mount Venus Road and other roads beyond that.

7.5.3. Having regard to the nature and small scale of the proposed development, which is for a single dwelling, the absence of a pathway to and the distance to any European site, no Appropriate Assessment issues arise. Therefore, it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

8.0 **Recommendation**

8.1. I recommend that planning permission be refused for the reasons and considerations set out below.

9.0 **Reasons and Considerations**

9.1. The appeal site is in an area zoned 'RU' under the *South Dublin County Council Development Plan 2016-2022*, where the stated objective is to protect and improve rural amenity and to provide for the development of agriculture. This objective is considered reasonable. It is a policy of the Planning Authority, as set out in the Development Plan, to channel housing into serviced centres and to restrict development in rural areas to that necessary to serve the needs of those engaged in agriculture and other rural activities. The proposed development would contribute to

demands for the uneconomic provision of further public services and communal facilities in an area where these are not proposed and would, therefore, contravene the zoning objective for the site and be contrary to the proper planning and sustainable development of the area.

- 9.2. The proposed development would not be in accordance with Policy H20, which is to restrict the spread of dwellings in the RU zone and to focus such housing into existing settlements, and Policy H22, which states that within areas designated RU new or replacement dwellings will only be permitted in exceptional circumstances. As such, the proposed development would contravene these Development Plan objectives and would, therefore, be contrary to the proper planning and sustainable development of the area.
- 9.3. The Board is not satisfied, based on the information submitted with the application and appeal, that there is sufficient detail submitted as part of the proposed development that would enable the assessment of its potential impact on water services, surface water drainage and wastewater disposal. The proposed development would therefore contravene Policy H27 Objective 1 of the Development Plan, be prejudicial to public health and be contrary to the proper planning and development of the area.

Ian Boyle

Planning Inspector
17th December 2021