



An  
Bord  
Pleanála

## Inspector's Report

### ABP-314756-22

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<b>Development</b>	Demolition of the existing garage and the construction of a part single, part two storey dwelling.
<b>Location</b>	The Muddies, Whitechurch Road, Rathfarnham, Dublin 16, D16Y7R0.
<b>Planning Authority</b>	South Dublin County Council.
<b>Planning Authority Reg. Ref.</b>	SD22A/0304.
<b>Applicant</b>	John and Sheila Murphy.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refusal of Permission.
<b>Type of Appeal</b>	First Party against Refusal of Permission
<b>Appellant</b>	John and Sheila Murphy.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	22/03/2023.
<b>Inspector</b>	Enda Duignan

## **1.0 Site Location and Description**

- 1.1.** The address of the appeal site is The Muddies, Whitechurch Road, Rathfarnham, Dublin 1. The site is located to the west of Whitechurch Road, and is accessed via an existing laneway which serves the appeal site and a total of 3 no. additional detached properties and what would appear to be a veterinary clinic. The appeal site comprises a double storey, detached dwelling with a detached garage on its southern side. The site is served by a large area of amenity space to its side and rear and access to the site is via an existing vehicular entrance at the south-eastern end of the front (north) boundary. The appeal site has a stated area of c. 0.245ha.
- 1.2.** In terms of the site surrounds, detached dwellings set on generously sized sites are located to the immediate south, west and east. Whitechurch National School is located to the north of the appeal site on the opposite side of the existing laneway. Edmondstown Golf Club is located further to the west of the site and Marlay Park is located to the east of the site on the opposite side of Whitechurch Road.

## **2.0 Proposed Development**

- 2.1.** Planning permission is sought for the demolition of the existing garage (21sq.m.), the subdivision of the existing site and the construction of a part single/part double storey detached dwelling within the existing dwelling's side amenity area. The dwelling has a stated floor area of c. 197sq.m. and shall comprise an entrance hall, cloakroom, WC, kitchen/living/dining area, plant room, linen room, master bedroom and living room at ground floor level with 2 no. ensuite bedrooms at first floor level.
- 2.2.** The proposal seeks to retain the existing vehicular entrance for the proposed dwelling and provide a new entrance for the existing dwelling which is to be located at the north-western end of the site's front boundary. Car parking is provided within the dwelling's front setback within 2 no. designated off-street car parking spaces identified on the submitted Site Layout Plan.
- 2.3.** The dwelling will be served by an area of amenity space to its rear which will be directly accessible from the ground floor kitchen/living/dining area. A new wastewater

treatment system and percolation area is proposed to be installed on site to serve the new dwelling within its rear amenity space.

- 2.4. The proposal also includes works to the existing dwelling comprising the application of external insulation.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

- 3.1.1. The Planning Authority refused planning permission for the following 1 no. reason:
1. This proposal provides for additional traffic movements on a substandard laneway off Whitechurch Road, which lacks pedestrian and lighting facilities, and would set an undesirable precedent for further similar developments in the area. The proposed development would represent an intensification of use of the substandard road network and would endanger public safety by reason of traffic hazard. Due to said endangerment to public safety and traffic hazard, the development would contravene the 'RES' land-use zoning objective for the area under the South Dublin County Development Plan 2022 - 2028, which reads, 'To protect and/or improve residential amenity.' Thus, the proposed development would contravene the proper planning and sustainable development of the area.

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

##### **3.2.1. Planning Reports**

The South Dublin County Council Planning Report form the basis of the decision. The report provides a description of the site and the subject proposal, it sets out the planning history of the site and provides an overview of the planning policy at local through to national level that is relevant to the consideration of the application.

In terms of overcoming the previous reasons for refusal (Ref. SD21A/0303), the Planning Authority note the revised proposal responds to some of the comments contained in the previous Planner's Report and the formal reasons for refusal. It is stated that some design details have been changed, and more detail regarding environmental servicing of the site has been provided. However, concerns are raised

with respect to the adequacy of the laneway which serves the appeal site. It is stated that sections of laneway which are necessary to access this site are very narrow and visibility is poor. It is also noted that there are no pedestrian footpaths and there is no public lighting in the area. A refusal of permission was therefore recommended as it was considered that the proposal would result in an increased traffic hazard.

### 3.2.2. Other Technical Reports

Environmental Services: Report received stating no objection.

Parks and Public Realm: Report received requesting additional information.

Roads department: Report received recommending a refusal of planning permission.

### 3.3. Prescribed Bodies

Irish Water: Report received stating no objection.

### 3.4. Third Party Observations

None.

## 4.0 Planning History

### 4.1. Appeal Site

**SD21A/0303**: Planning permission refused by the Planning Authority in January 2022 for the demolition of the existing garage and construction of a part single, part two storey 3-bedroom detached dwelling in side garden of existing dwelling; associated rooflights; new vehicular entrance with new pillar and gate; all ancillary site and landscaping works. The application was refused for the following 3 no. reasons:

1. This proposal provides for additional traffic movements on a substandard private laneway off Whitechurch Road and would set an undesirable precedent for further similar developments in the area. The proposed development would represent an intensification of use of the substandard road network and would endanger public safety by reason of traffic hazard. Due to said endangerment to public safety and traffic hazard, the development would contravene the 'RES' land-use zoning objective for the area under the South Dublin County

Development Plan 2016 - 2022, which reads, 'To protect and/or improve residential amenity.' Furthermore, the Planning Authority is not satisfied that the proposed vehicular access is safe, and is likely to give rise to traffic hazard.

2. The subject site is proposed to be serviced by an onsite treatment system. The application does not include information required under article 22 (c) of the Planning and Development Regulations 2001 as amended, on the on-site treatment system proposed and evidence as to the suitability of the site for the system proposed, where it is proposed to dispose of wastewater other than to a public sewer. In addition, the provision of an individual treatment system at this location is contrary to Section 11.6.1 which outlines that new developments will be required to utilise and connect to the public wastewater infrastructure, where practicable. There is therefore a risk of water pollution arising from the disposal of waste water on the site, and a grant of permission at this time would be prejudicial to public health, contrary to the Development Plan and the proper planning and sustainable of the area.
3. The application does not include information on the proposed layout of watermains on the site and as such, the proposed development is contrary to proper planning and sustainable development of the area.

## **5.0 Policy Context**

### **5.1. Project Ireland 2040 National Planning Framework (NPF) Local Policy**

- 5.1.1. The first National Strategic Outcome expected of the National Planning Framework is compact growth. Effective densities and consolidation of urban areas is required to minimise urban sprawl and is a top priority. 40% of future housing delivery is to be within the existing footprint of built up areas (National Policy Objective 3a).
- 5.1.2. National Policy Objective 35 of the NPF seeks to “Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”.

### **5.2. Design Manual for Urban Roads and Streets (DMURS), 2019.**

5.3. **Geometric Design of Junctions, DN-GEO-03060, TII, 2017.**

5.4. **Quality Housing for Sustainable Communities, 2007 (Department of the Environment, Heritage and Local Government).**

5.5. **South Dublin County Development Plan, 2022 -2028 (CDP)**

5.5.1. The site is within an area zoned 'RES' of the current CDP, which seeks "To protect and/or improve residential amenity". All lands within the immediate surrounds of the subject site are also zoned 'RES'.

5.5.2. Section 6.8 (Residential Consolidation in Urban Areas) of the current CDP is relevant to the development proposal which includes the following policies and objectives of note:

- **Policy H13:** Residential Consolidation Promote and support residential consolidation and sustainable intensification at appropriate locations, to support ongoing viability of social and physical infrastructure and services and meet the future housing needs of the County
- **H13 Objective 3:** To favourably consider proposals for the development of corner or wide garden sites within the curtilage of existing houses in established residential areas, subject to appropriate safeguards and standards identified in Chapter 12: Implementation and Monitoring.

5.5.3. With respect to infill development Section 12.6.8 (Residential Consolidation) of the current CDP notes that development on infill sites should meet the following relevant criteria:

- "Be guided by the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities DEHLG, 2009 and the companion Urban Design Manual.
- A site analysis that addresses the scale, siting and layout of new development taking account of the local context should accompany all proposals for infill development. On smaller sites of approximately 0.5 hectares or less a degree of integration with the surrounding built form will be required, through density, features such as roof forms, fenestration patterns and materials and finishes...

- ...It should be ensured that residential amenity is not adversely impacted as a result of the proposed development...”

5.5.4. With respect to corner/side garden sites, Section 12.6.8 of the current CDP also notes that “Development on corner and / or side garden sites should be innovative in design appropriate to its context and should meet the following criteria:

- In line with the provisions of Section 6.8 Residential Consolidation in Urban Areas the site should be of sufficient size to accommodate an additional dwelling(s) and an appropriate set back should be maintained from adjacent dwellings ensuring no adverse impacts occur on the residential amenity of adjoining dwellings;
- Corner development should provide a dual frontage in order to avoid blank facades and maximise passive surveillance of the public domain;
- The dwelling(s) should generally be designed and sited to match the front building line and respond to the roof profile of adjoining dwellings where possible.
- Proposals for buildings which project forward or behind the prevailing front building line, should incorporate transitional elements into the design to promote a sense of integration with adjoining buildings;
- The architectural language of the development (including boundary treatments) should generally respond to the character of adjacent dwellings and create a sense of harmony. Contemporary and innovative proposals that respond to the local context are encouraged, particularly on larger sites which can accommodate multiple dwellings;
- A relaxation in the quantum of private open space may be considered on a case-by-case basis whereby a reduction of up to a maximum of 10% is allowed, where a development proposal meets all other relevant standards and can demonstrate how the proposed open space provision is of a high standard, for example, an advantageous orientation, shape and functionality;
- Any provision of open space to the side of dwellings will only be considered as part of the overall private open space provision where it is useable, good quality space. Narrow strips of open space to side of dwellings shall not be considered as private amenity space.

5.5.5. Proposals to widen driveways to accommodate in-curtilage parking will be considered having regard to the following:

- A width of 3.5m between gate pillars shall not normally be exceeded. This is for reasons of pedestrian safety and visual amenity and to retain on-street parking spaces.
- Proposals to widen driveways that would result in the removal of, or damage to, a street tree will not generally be permitted and where permitted must be mitigated.
- Where a hard surface is proposed to accommodate parking in a front garden area, permeable paving shall be used, in the interest of sustainable drainage.

5.5.6. Other policies relevant to the development proposal include:

- E2 Objective 9: To ensure that all new developments in areas served by a public foul sewerage network connect to the public sewerage system.
- IE2 Objective 10: To require all development proposals to provide a separate foul and surface water drainage system – where practicable.

## **5.6. Natural Heritage Designations**

5.6.1. The nearest designated sites are the Wicklow Mountains Special Area of Conservation (SAC) (Site Code: 002122) and the Wicklow Mountains Special Protection Area (SPA) (Site Code: 004040), both of which are located c. 3.65km to the south of the appeal site.

## **5.7. EIA Screening**

5.7.1. Having regard to the nature and scale the development, which consists of the construction of a new dwelling in an un-serviced suburban location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.



## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The First Party appeal has been prepared and submitted on behalf of the Applicant. The appeal submission provides a description of the site and surrounds, the nature and extent of the proposed development and overview of the policy that is relevant to the development proposal, and how the development is compliant with same. The grounds of appeal can be summarised as follows:

- In support of the appeal and as an alternative solution to the sightlines at the entrance into the new dwelling, a drawing has been submitted with a revised front boundary wall at the entrance which further improves the sightline in a north-easterly direction. It is stated that this provides a net planning gain in terms of access onto the private laneway in terms of traffic safety.
- It is respectfully submitted that the reason and rationale for the refusal must be considered both in its entirety as well as being broken down to its different elements. Firstly, the Planning Authority claimed that the laneway lacks any lighting facilities. It is stated that this is factually incorrect as demonstrated in the submitted photo. This photo shows a light located approximately halfway along the laneway, between the entrance into Glenwood (south of site) and the application site. This is only a distance of 55m from the junction with Whitechurch Road. It is noted that there are also lights at the entrance to Glenwood. It is respectfully submitted that there is more than adequate lighting along the laneway, and this does not warrant it being cited as a reason for refusal in this instance.
- In terms of the lack of pedestrian facilities, it is stated that this laneway now and in the future will only be subject to low levels of traffic. The laneway is only used to access three homes currently, and its surface and forward visibility ensures that cars usually travel at speeds of no greater than 20kmph along the narrowest part of the laneway. It is stated that its width allows for a car to pass a pedestrian in a safe manner along the narrowest 45m, with the driveway to Neadog (dwelling to the north-east) providing an even safer passing area. The laneway is in active daily use by the occupants of the dwelling, and they are unaware of any incidents along the laneway in the past. It is contended that the

lack of pedestrian facilities along this laneway has not previously, and will not if permission is granted, result in a traffic hazard.

- The existing laneway is bound by planting on either side but is generally wide enough to facilitate two cars to pass with passing areas clearly defined within the laneway. The laneway is surfaced in compacted gravel, and with its dimensions, ensures that it limits speed along the stretch of roadway. Vehicles moving along this laneway do so at such a low speed as to safeguard any cyclists or pedestrians using the laneway. Furthermore, it is noted that with the improvement to the sightlines proposed under this appeal, and as was suggested under the application, there will be a net planning gain as the access nearest the narrowest part of the laneway will now have more than adequate sightlines in accordance with DMURS.
- The Board's attention is drawn to the fact that the existing laneway has been in active use for a significant number of years and there is no evidence or history of any accidents or near misses along the laneway. It is also noticeable that the narrowest stretch of the laneway is only 45m in length. At a point c. 25m from the eastern end there is an existing access which will serve to act as a pull in area for cars. If cars were to meet along this 25m stretch, then the maximum length of reversing that would be required, is c. 10m in either direction, with clear visibility in both directions.
- Given the low level of traffic on the laneway now, and that would be in the future, there is no potential for it to set an undesirable precedent for the future intensification of the use of the laneway.
- The appeal submission refers the Board to the Technical Note that was submitted with the application, and this should be read in full in association with this appeal. This focuses on the sightlines at the entrance to the new house, and at the access onto Whitechurch Road. It is stated that the proposal will not generate significant levels of traffic on the laneway which could not reasonably be deemed as an 'intensification' of use. The Technical Node states that the required visibility splay at the two proposed entrance points is 2m x 14m, although with the low front boundary wall, and the realignment of the front boundary wall will achieve even greater visibility splays.

- It is submitted that the proposed development is fully in accordance with the RES zoning of the site and the proper planning and sustainable development of the area. The reference to precedent in the refusal reason arises from the Roads Departmental Report, which is referenced in the Planner's Report. It is stated that there are no similar private laneways within the surrounds, where a side garden type development such as this, could be enacted upon, apart from the neighbouring house to the west. The laneway does not offer the ability to access such lands and should not be considered as somehow setting any form of unacceptable precedent.

## **6.2. Planning Authority Response**

None.

## **6.3. Observations**

None.

## **6.4. Further Responses**

None.

## **7.0 Assessment**

The main issues are those raised in the Planning Report, the consequent refusal reason and the Appellant's grounds for appeal. Overall, I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development & Design
- Vehicular Access
- Wastewater Treatment
- Appropriate Assessment

### **7.1. Principle of Development & Design**

- 7.1.1. The proposal seeks planning consent for the construction of a new double storey detached dwelling within the side amenity space of the existing property. The proposed dwelling will be accessed via the existing vehicular entrance and a new

entrance at the northern end of the front boundary will serve the existing dwelling on site. Within their assessment of the planning application, the Planning Authority have noted that the site is located outside the Dublin City and Suburbs settlement. Having reviewed Figure 5.1 of the current CDP (MASP Boundary), it would appear that the appeal site borders the Dublin City and Suburbs settlement boundary, and I would not necessarily agree with the Planning Authority's description of the area as having a rural character. Notwithstanding this, I note the appeal site is located on lands zoned 'RES' of the current CDP, the objective of which seeks 'To protect and/or improve residential amenity'. Residential development is identified as a permitted in principle use on lands zoned 'RES'. Given the overall size of the site and applicable zoning objective that applies to the lands, I am satisfied that the proposed development would represent a more efficient use of the site. This is particularly relevant in the context of Section 2.6 (Securing Compact and Sustainable Growth) of the National Planning Framework (NPF) which highlights that the preferred approach to development would be compact development that focuses on reusing previously developed, 'brownfield' land, building up infill sites, which may not have been built on before and either reusing or redeveloping existing sites and buildings. I consider this to be directly applicable to the development proposal and the proposal to provide an additional dwelling at this location would represent a more efficient and sustainable use of the site. In this regard, I am satisfied that the principle of the proposed development is acceptable at this location.

In terms of design, the Planning Authority have noted that the design approach of the new dwelling is more distinctly different from that previously proposed (i.e. Ref. SD21A/030), and the proposed ridge level has been lowered so as not to compete, in design terms, with the existing house. The proposed part single/part double storey dwelling has a contemporary architectural expression with materials and finishes comprising a combination of brick, render and timber cladding for the principal elevations. The double storey element of the dwelling has a gable fronted, pitched roof form with a single storey flat roof element extending to its side and rear. The dwelling shall be served by an open space area to its rear (south-west) which will be directly accessible from the ground floor kitchen/living room area. Overall, I am satisfied that the dwelling is designed to a high standard and will complement the established

character of the surrounding area. The dwelling is subservient in scale to the existing dwelling on site and I am satisfied that the site is of an adequate size that can readily absorb a dwelling of this scale. Given the overall scale of the dwelling and its siting relative to the existing dwelling on site and neighbouring properties, I am satisfied that the proposal will not adversely impact the residential amenity of properties within the vicinity by reason of overlooking, overshadowing or by being visually overbearing. The proposed development is therefore considered to be acceptable having regard to the residential and visual amenity of the site and surrounds. In terms of the existing dwelling, the proposal includes the application of external insulation which I consider to be acceptable in this instance and I note that the Planning Authority has raised no concerns with respect to this element of the proposal.

## **7.2. Vehicular Access**

- 7.2.1. Planning permission was refused by the Planning Authority for the proposed development as it was considered that the proposal would provide for additional traffic movements on a substandard laneway off Whitechurch Road, which lacks pedestrian and lighting facilities, and would therefore set an undesirable precedent for further similar developments in the area. Within the Roads Department report on the planning file, it was noted that they had previously recommended a refusal of planning permission on this site (Ref: SD21A/0303) for a similar reason. It is stated within this report that sections of the laneway which are necessary to access this site are very narrow and visibility is poor and the revised proposals have not adequately addressed the previous concerns. The Planning Authority concurred with this recommendation and a refusal of permission was recommended.
- 7.2.2. In support of the application and appeal, the Applicant has submitted a Technical Note to demonstrate that safe and suitable access can be achieved for additional residential development on the site. To support the Technical Note, an Automatic Traffic Counter (ATC) was installed proximate to the junction of Whitechurch Road and average 12-hour traffic volumes of 798 vehicles northbound and 897 vehicles southbound were recorded. The recorded vehicle speeds were 41.58kph northbound and 42.3kph southbound. In terms of the junction of the laneway with Whitechurch Road, the Technical Note demonstrates that sightlines are achieved in a northerly and southerly

direction that comply with the requirements of Design Manual for Urban Roads and Streets (DMURS), on the basis of the recorded road speeds (85<sup>th</sup> percentile). Notwithstanding this, I note that the Roads Department considered the visibility standards set out in DMURS to be unsuitable in this case as Whitechurch Road is more rural in nature and as a result, Table 5.5 of the TII Geometric Design of Junctions (DN-GEO-03060) would be a more suitable standard to work off. As per Table 5.5, I note that sightlines of 50m should be applied on roads with a design speed of 42kmph. Notwithstanding the concerns of the Planning Authority, I note that the appeal site straddles a suburban area and I also observed there to be a low ambient road speed along this section of Whitechurch Road. I would agree with the appellant that the junction is capable of catering to the additional traffic associated with the provision of 1 no. additional dwelling and I am satisfied that a proposal of this nature would not result in an increased traffic hazard.

- 7.2.3. In terms of the access to the appeal site, the Technical Note envisages that vehicle speeds along this section of the laneway would be low (not exceeding 20kph) and a sightline requirement of 14m would apply as per the requirements of DMURS. Recommendations are included within the Technical Note (as per Figure 4.5) that the existing walls will need to be repositioned or reduced in height so that these sightlines can be achieved. In response to the reason for refusal, the appellant has submitted a revised site layout plan in support of the appeal which now proposes to remove a section of the front boundary wall to improve sightlines in a north-easterly direction from the proposed dwelling's entrance. It is also proposed to provide a new setback boundary wall so that these improved sightlines can be maintained. I note that the Planning Authority have confirmed that the existing laneway is not taken in charge. Notwithstanding this, I observed the laneway to be in a good state of repair and comprised compacted gravel. The laneway has a varying width of between c. 5m and c. 6m and the entrance to the proposed dwelling is located c. 60m from the junction with Whitechurch Road. The laneway serves 3 no. existing dwellings and what appears to be an animal health centre which is located to the north-west of the appeal site. Although there are no pedestrian footpaths along the laneway, I am conscious of the relatively short distance between the site and its junction with Whitechurch Road, which has pedestrian facilities. In addition, I can confirm that flood lighting along this

section of the laneway was in place upon my inspection of the site, a point which is confirmed in the appeal submission. Further to this, I observed there to be a very low ambient road speed along this section of the laneway due to its alignment. Given the scale of the proposed development (i.e. 1 no. 3 bedroom dwelling), I do not consider the proposal to constitute an over intensification of the existing laneway, having regard to the limited number of additional traffic movements that would be generated by a dwelling of this size. Given the revisions to the proposed entrance and the achievement of adequate sightlines in a north-easterly direction from the entrance, I am satisfied that the proposed development is acceptable and would not constitute a traffic hazard. For this reason, I consider the proposal to be in accordance with the proper planning and sustainable development of the area and I recommend that planning permission be granted for the proposed development.

### **7.3. Wastewater Treatment**

- 7.3.1. Planning permission is sought for the installation of a wastewater treatment system (WWTS) and percolation area which is to be located within the south-eastern portion of the site, to the rear of the proposed dwelling. I note that E2 Objective 9 of the current CDP seeks 'To ensure that all new developments in areas served by a public foul sewerage network connect to the public sewerage system'. Notwithstanding this, the Applicant has noted that there is no public sewerage system in the area, or within feasible connection distance to the site, and therefore the provision of a wastewater treatment system, as proposed, is the only viable option in this instance. I am therefore satisfied that the principle of disposing wastewater on site is acceptable in this instance. It is policy of the current CDP seeks to ensure that domestic effluent treatment plants and percolation areas shall comply with the requirements of the EPA's Code of Practice for Domestic Wastewater Treatment Systems (Population Equivalent  $\leq 10$ ), 2021. Such details should be included with applications for new or replacement houses and extensions to existing dwellings where there would be an increase in demand on the treatment capacity of any existing wastewater treatment system. The appeal site is located in an area with a poor aquifer of high vulnerability. The Site Characterisation Form submitted with the application notes that groundwater was not encountered in the 2.4m deep trial hole. Bedrock was also not encountered at a depth of 2.4m. The soil was loam in the upper 200mm, clay with few cobbles to

1.1m and gravely clay with few small boulders between 1.2m and 2.4m. I note that the Site Characterisation Form identifies a Groundwater Response of R1, i.e. 'Acceptable subject to normal good practice (i.e. system selection, construction, operation and maintenance in accordance with this CoP)'.

- 7.3.2. The T-test (sub-surface) result was 19.50. A P-test (surface) was also carried out giving the same result of 19.50. I consider the results to be generally consistent with the ground conditions observed on site. Section 3.1 of the Site Characterisation Form states the ground condition was dry at the time of inspection. The site comprises the side garden of the existing dwelling with no indication of, for example, outcrops, rushes etc, that would suggest reduced drainage. Section 4.0 (Conclusion of Site Characterisation) of the Site Characterisation form states that the site is suitable for development including a septic tank system, a secondary treatment system and a tertiary treatment system, all of which are discharging to ground water. I note the proposal in this instance seeks to install a secondary treatment system and percolation area. Having regard to the information on file and having inspected the appeal site, I am satisfied that the Applicant's proposals for the disposal and treatment of wastewater are acceptable. I would recommend the inclusion of a condition which shall require the design and installation of the proposed WWTS to comply with the EPA's Code of Practice for Domestic Wastewater Treatment Systems (Population Equivalent  $\leq 10$ ), 2021).

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

- 7.4.1. I note the un-serviced nature the site which means that the site does not benefit from access to public mains drainage. Despite this, I am nonetheless of the opinion that taking into consideration the modest nature, extent and scope of the proposed development and based on best scientific information which includes a Site Characterisation Report, that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

### **8.0 Recommendation**

- 8.1. Grant of permission is recommended.



## 9.0 Reasons and Considerations

9.1. Having regard to Project Ireland 2040: The National Planning Framework, and its relevant objectives which seek to consolidate residential growth in urban areas, and the provisions of the South Dublin County Development Plan, 2022-2028, including the 'RES' zoning objective for the site, the specific characteristics of the site and the pattern of development in the surrounds, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not endanger public safety by reason of a traffic hazard and would constitute an acceptable form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The proposed development shall comply with the plans and particulars lodged with the application submitted, and as amended at appeal stage as received by the Board on 4<sup>th</sup> October 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>Prior to commencement of development, the Applicant shall submit to the Planning Authority for written agreement, details, including samples, of the materials, colours and textures of all the external finishes to the proposed dwelling. The Applicant shall also submit details of all existing and proposed boundary treatments, including the front boundary wall, as modified by the plans submitted with the appeal dated 4<sup>th</sup> October 2022.</p>

	<b>Reason:</b> In the interest of completeness and visual amenity.
3.	<p>Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In the interest of public health.</p>
4.	<p>Prior to commencement of development, the developer shall enter into water connection agreement with Irish Water.</p> <p><b>Reason:</b> In the interest of public health.</p>
5.	<p>Site development and building works shall be carried out only between the hours of 8am to 7pm Mondays to Fridays inclusive, between 9am to 2pm hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
6.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Enda Duignan  
Planning Inspector

05/04/2023