



An
Bord
Pleanála

Inspector's Report

ABP-317339-23

Development	Retention of a single storey timber residential structure
Location	McDonaghs Lane, Glenaraneen, Brittas, Co. Dublin
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD23A/0058
Applicant(s)	Brendan McDonagh Jnr.
Type of Application	Permission for Retention.
Planning Authority Decision	Refuse Permission for Retention.
Type of Appeal	First Party vs. Refusal
Appellant(s)	Brendan McDonagh Jnr.
Observer(s)	None.
Date of Site Inspection	5 th September 2023.
Inspector	David Ryan

1.0 Site Location and Description

- 1.1. The subject site is located to the west of the N81 National Secondary Road (Dublin-Blessington) approx. 8km from Tallaght, Co. Dublin and approx.9km from Blessington, Co. Wicklow. The site is located approx. 400m from Brittas village on the northern side of McDonagh's Lane.
- 1.2. The site has a stated area of 0.26 ha and slopes downwards from north to south. The site includes for a single storey timber residential structure located inside the entrance, a single storey dwelling in the centre of the site and a steel shed to the northwestern area of the site. The single storey residential structure and hardstanding area to be retained are located to the southwestern area of the site to the front of the main dwelling onsite.
- 1.3. Both dwellings are accessed by a shared entrance from McDonagh's Lane, a narrow country lane with a relatively steep gradient at the point of access. The roadside boundary of the site is defined by a hedgerow and a number of tall mature deciduous trees. There are detached dwellings on adjoining lands to the east and west.

2.0 Proposed Development

- 2.1. Permission is sought for the retention of the single storey residential structure which has a stated area of 57 sq m. The structure entails a living/dining area, kitchen, bathroom and two bedrooms.
- 2.2. The front elevation entailing the entrance door is orientated to the north with the rear of the dwelling orientated to the south and the roadside boundary. The timber structure includes for timber windows to front and side elevations with a pitched roof with a height of 3.67 metres.
- 2.3. A private amenity space of 66 sq m is located to the north with a hard gravel area to the front of the dwelling providing parking for one car. The dwelling is located approx. 20m from the existing dwelling onsite and forward of dwellings located to the east and west.
- 2.4. The structure is served by an existing septic tank and soakaway to the north.

- 2.5. A letter of consent from Brendan McDonagh Snr the father of the applicant was submitted with the application dated 26th September 2017.
- 2.6. New plans have been submitted in the appeal documentation. These changes make provision for sightlines and roadside clearance.

3.0 **Planning Authority Decision**

3.1. **Decision**

The Planning Authority decided to refuse permission for 6 reasons as follows:

1. The applicant has stated on drawings that the dwelling would provide 2-bedrooms. An assessment of the dwelling against the relevant standards of the South Dublin County Development Plan 2022 – 2028, Table 3.20, and Section 5.3.2 of the Quality Housing for Sustainable Communities Guidelines 2007 demonstrates that the dwelling, as proposed, does not meet the relevant internal accommodation standards. The house would provide 56 sq.m internal accommodation, below the 80 sq.m required by the Development Plan. Having regard to the foregoing, the proposed dwelling would provide sub-standard accommodation and would not be in the interest of the proper planning and sustainable development of the area.
2. The site is located on lands subject to zoning objective HA - DM in the South Dublin County Development Plan 2022 – 2028. Both policies H16 and H19 apply. It is the policy of the Council that within areas designated with Zoning Objective HA - DM (zoning objective - to protect and enhance the outstanding natural character of the Dublin Mountain Area) that new or replacement dwellings will only be considered in exceptional circumstances and subject to the criteria set out in Objective 1 of policy H19. On the basis of the information submitted, it has not been satisfactorily demonstrated that the proposed development would comply with all of the criteria in this policy for housing in this area and no details of exceptional circumstances have been provided. The proposed development would therefore materially contravene Policies H16 and H19 and materially contravene the zoning objective of the area and

would be contrary to the proper planning and sustainable development of the area.

3. The development to be retained would endanger public safety by reason of traffic hazard resulting from additional traffic on McDonagh's Lane from the proposed residential unit.
4. The proposed development is located in the Athgoe and Saggart Hills landscape area, which has been designated under the South Dublin County Council Development Plan 2022 - 2028 following a Landscape Character Assessment of South Dublin County undertaken in 2021 as an area with a medium to high landscape value and sensitivity and a Landscape Capacity which is negligible to low; meaning that the key characteristics of the landscape are highly vulnerable to development and that development would result in a significant change in landscape character and should be avoided if possible. Any increase in development in this area would have a negative impact on both the landscape value and sensitivity of this area, and would therefore materially contravene the South Dublin County Council Development Plan 2022 - 2028 Policy NCBH14: 'Preserve and enhance the character of the County's landscapes, particularly areas that have been deemed to have a medium to high Landscape Value or medium to high Landscape Sensitivity and to ensure that landscape considerations are an important factor in the management of development. ' Thus the proposed development would contravene the proper planning and sustainable development of the area.
5. The application site is located within an area of the County that consists of protected views and prospects as set out in the South Dublin County Development Plan 2022-2028. The planning authority is not satisfied, on the basis of the information submitted, that the proposal would have an acceptable impact on the views and prospects and therefore is considered to be contrary to Policy NCBH15: 'Preserve Views and Prospects and the amenities of places and features of natural beauty or interest including those located within and outside the County. ' Thus, the proposed development would be contrary to the proper planning and sustainable development of the area.

6. The site is located in the Dublin Metropolitan Area as designated under the Regional Spatial and Economic Strategy 2019 - 2031 (RSES) and the Dublin Metropolitan Area Spatial Plan, which forms part of the RSES. The Settlement Strategy policy for the Eastern & Midlands Region supports provision of policy at local level that seeks to support and protect existing rural economies such as valuable agricultural lands to ensure sustainable food supply, to protect the value and character of open countryside and to support the diversification of rural economies to create additional jobs and maximise opportunities in emerging sectors, such as agribusiness, renewable energy, tourism and forestry enterprise. The policy further requires Local Authorities to manage urban generated growth in Rural Areas Under Strong Urban Influence by ensuring that in these areas the provision of single houses in the open countryside is based on the core consideration of demonstrable economic or social need to live in a rural area, and compliance with statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements. Finally, the settlement strategy policy supports consolidation of the town and village network to ensure that development proceeds sustainably and at an appropriate scale, level and pace in line with the core strategies of the County Development Plans. The proposed development would represent the proliferation of further one-off housing in the Dublin Metropolitan Area and could prejudice the achievement of regional settlement strategy policy for the Eastern & Midlands Region. Thus, the proposed development would contravene the proper planning and sustainable development of the area.

3.1.1. I note the reference to material contravention in reason for refusal 2.

3.2. **Planning Authority Reports**

3.2.1. The Planning Report (18th May 2023) is the basis for the planning authority decision. The planning authority refused permission for the reasons as set out.

3.2.2. **Other Technical Reports**

Environmental Health Officer: No reply

Public Realm Department: No objection subject to conditions

Roads Department: recommends **refusal**, noting sight lines at the entrance to the development are very poor due to the proximity to the bend, high hedgerows at both sides of entrance, height of walls at the entrance, concerns on increase in traffic from site. Recommended refusal based on traffic hazard resulting from additional traffic on McDonaghs Lane from residential unit.

Water Services: recommends additional information

3.3. **Prescribed Bodies**

Irish Water: No objection subject to conditions

An Taisce: No reply

3.4. **Third Party Observations**

None

4.0 **Planning History**

4.1. **P.A Reg. Ref. SD22A/0084:** Permission **refused** in May 2022 for Retention of construction of a single storey timber residential structure by Brendan McDonagh Jnr for 6 no. reasons including non-compliance with the zoning objective and rural housing policy, contrary to Policy H27, traffic hazard, visual impact, constitute the proliferation of housing in a rural area contravening the 'HA-DM' zoning objective, National Planning Framework and the Regional Spatial and Economic Strategy, prejudicial to public health.

4.2. **P.A Reg. Ref. SD17A/0347 ABP Ref. 300459-17:** Permission **refused** for Retention of a single storey timber residential structure by B.McDonagh Junior for 2 no. reasons including non-compliance with the zoning objective and rural housing policy, traffic hazard.

4.3. It has been previously accepted by An Bord Peanala in ABP-300459-17 the applicant complies with first element of listed criteria H23 Objective 1 in previous development plan and is and continues to be native of the area.

4.4. **P.A. Reg. Ref. SD14B/0091 ABP Ref. PL06S.243497:** Permission **granted** in October 2014 for the retention of the erection of a steel clad storage shed of floor area approx. 112sqm and all associated works. This steel shed is located to the rear of the existing dwelling. Condition no. 2 is of relevance and restricted the use of the storage shed for domestic use only and not to be used for habitable purposes or separated or sub-divided from the site or property of the existing house.

4.5. **Enforcement**

4.5.1. **P.A Ref. ENF S7841:** Referenced on planning application form. Planners report states live case remains open relating to erection of a structure.

5.0 **Policy Context**

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

5.1.1. National Policy Objective 19 states it is an objective to ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere. In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

5.2. **Sustainable Rural Housing Guidelines for Planning Authorities, 2005**

5.2.1. These guidelines are relevant to the current planning application

5.2.2. The site is located in an area under strong urban influence.

5.3. **South Dublin County Development Plan 2022-2028**

5.3.1. The subject site is in an area zoned Objective HA-DM, 'To protect and enhance the outstanding natural character of the Dublin Mountains Area'. Land-Use Zoning Table

12.12 indicates that 'residential' development is open for consideration in accordance with Council policy for residential development in rural areas and it is not permitted above 350m contour. There are Specific Conservation Objectives to 'Protect and Preserve Significant Views' along both sides of McDonagh's Lane and to the west side of the N81 south east of the site.

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

- Section 6.9 (Rural Housing)

Policy H17 (Rural Housing Policy and Local Need Criteria) states it is policy to consider rural housing for persons who are "an intrinsic part of the rural community" or "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 DEHLG (2005) and Circulars.

Policy H19 (Rural Housing in HA – Dublin Mountains Zone) states new dwellings within areas designated Zoning Objective 'HA-DM' will only be considered in exceptional circumstances. H19 Objective 1 states that all of the following criteria must be met by an applicant to be considered for a dwelling:

The applicant is a native of the area; and

The applicant can demonstrate a genuine need for housing in that particular area; and

The development is related directly to the area's amenity potential or to its use for agriculture, mountain or hill farming; and

The development would not prejudice the environmental capacity of the area, and that it would be in keeping with the character of the mountain area.

- Chapter 3 (Natural, Cultural and Built Heritage)

- Section 12.6.9 (Rural Housing)

- Section 12.3 (Landscape)

5.4. Natural Heritage Designations

5.4.1. There are no European sites located in the vicinity of the site. However, the following are located within approx. 15km:

- Wicklow Mountains SAC (Site Code 002122) is located 5km to the south east.
- Wicklow Mountains SPA (Site Code 004040) is located 8.3km to the east.
- Slade of Saggart and Crooksling Glen pNHA (Site Code 000211) is located 200m to the east of the site.

5.5. EIA Screening

- 5.5.1. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal has been submitted by Adam Cullen on behalf of appellant and the main issues raised in the grounds of appeal can be summarised as follows:

Floor area of dwelling

It would be unfair to apply a floor area County Development Plan standard to an existing dwelling. Reference is made to development standards and criteria arising from CDP and purpose of standards is to ensure development occurs in an “orderly and efficient manner” and it is submitted that the dwelling, having regard to its other characteristics and the specific and exceptional circumstances of the case is “orderly and efficient” notwithstanding the deviation from the standard.

The scale and floor area of the appellant’s dwelling is demonstrative of the nature and relationship of the original family home and the current subject development which should be considered as a single family units more akin to a family flat or “granny flat” which would be normally acceptable, on temporary basis while a specific need required to be met.

Non compliance with Zoning Objective and Rural Housing Policy

Appellant's contention he does comply with rural housing policy H19 as demonstrated by documentation accompanying appeal, with reference made to submission by appellant setting out links to area, nature of work, contribution to local community.

It is noted H19 policy is contrary to policy set out in section 6.9.1 and Policy H17 which refers to consideration of rural housing for persons who are an intrinsic part of the rural community or working full time or part time in rural areas.

States it has been previously accepted by Council and An Bord Peanala in SD17A/0347 and ABP-300459-17 the applicant complies with first element of listed criteria H23 Objective 1 in previous development plan and is and continues to be native of the area.

Outlined had appellant grown up and sought dwelling in "RU" zone he would comply with rural housing policy. H17 policy objective to "consider rural housing for persons who are "an intrinsic part of the rural community" or "working full time or part time in rural areas" and appellant complies with policy H17. Appellant has no difficulty with condition restricting occupation and /or condition requiring removal of dwelling should he/family no longer require same.

Nature Of Access

It is stated appellant has acquired services of engineer to examine subject entrance and advise on cutting back of vegetation to ensure adequate sightlines can be maintained. The appropriate sightline is 65 metres and this sightline is achieved and refers to accompanying drawings. Revised plans have been submitted in appeal documents detailing sightlines.

It is noted subject dwelling is accessed via joint access to appellant's parents family home and there have been no reports of incidents which would lead one to think there is a danger to traffic hazard.

McDonaghs Lane is local lane which does not experience high volumes of traffic and it is submitted development once vegetation is appropriately managed, will be acceptable.

Visual Impact

Reference to Landscape Character Assessment highlighting sensitivity and high value of Dublin Mountain Landscape and policy set out in section 3.3 Natural Heritage. Subject dwelling and site upon which it is located indicated none of the characteristics that would render same consistent with the Dublin Mountain Zone. Dwelling and immediate area could not be classified as “sensitive” or of “high value”. While dwelling may be within Dublin Mountain Zone and be contrary to zoning objective any assessment referring to negative impact a modest dwelling would have on “protected views or prospects” is ill-informed. Proposal does not constitute material contravention of zoning objective for the land nor Development Plan generally.

Photographs accompanying demonstrate dwelling can in no way be considered to be injurious to amenities of area and local environment could not be considered to constitute landscape which is “sensitive” or of “high value”.

Policy of directing development to Urban Centres

This reason seeks to apply broad policy objectives without regard to the specifics, merits or demerits of the subject proposal. Application, with its own particular characteristics should be considered with respect to actual nature and character of receiving environment and specifics of appellants personal situation.

Appellants Personal Circumstances

The agent has also outlined the appellant circumstances. The appellant is from, living and working in local area and other options for appellant and family in relation to housing is the emergency housing list. Subject dwelling can be considered akin to family flat/granny flat on family land and appellant willing to accept reasonable conditions relating to occupancy/other restrictions.

Submitted in event permission not granted that a temporary permission be granted for period to afford sufficient time for housing crisis to ease and accommodation to become available, with appellant accepting such decision would in no way set precedent/entitlement to renewal of permission upon expiry.

6.2. **Planning Authority Response**

Confirms its decision – reference to planners report.

6.3. **Observations**

None received

7.0 **Assessment**

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

- Residential Amenity
- Compliance with Rural Housing Policy
- Traffic Safety/Sightlines
- Visual Impact/Landscape
- Impact on Ground and Surface Water
- Appropriate Assessment

7.2. **Residential Amenity**

7.2.1. Reason 1 of the planning authority's decision related to the proposed development not according with the minimum internal standards for housing in the Development Plan. The subject dwelling details a single storey timber structure with a floor area of 57 sq m. The floor plans detail 2 bedrooms. Table 12.20 of the South Dublin County Development Plan 2022-2028 sets out the Minimum Standards for Housing which stipulates a minimum house size of 80 sq m for a two bedroom unit and therefore the existing unit size amounts to a shortfall of the requisite standard. The internal area would also not be compliant with the minimum standards set out in the Quality Housing for Sustainable Communities.

- 7.2.2. The appellant in the grounds of appeal states the subject development should be considered as a single family unit more akin to a family flat or granny flat. The structure currently accommodates four people and therefore I do not consider it akin to a family flat or granny flat. I also note that the structure was not advertised as such in the public notices.
- 7.2.3. Having regard to the limited size of the structure relative to the minimum standard, I am of the opinion that the proposed development does not accord with the standards and criteria that arise out of the policies and objectives of the County Development Plan to ensure that development occurs in an orderly and efficient manner. The proposed development would amount to sub-standard accommodation giving rise to adverse impacts on the residential amenity of existing and future occupiers
- 7.2.4. I consider therefore, that the appeal should not succeed in relation to the issue of County Development Plan standards and residential amenity.

7.3. Compliance with Rural Housing Policy

- 7.3.1. The site is within an area zoned Objective 'HA-DM': 'To protect and enhance the outstanding natural character of the Dublin Mountains Area' in the South Dublin County Development Plan 2022-2028. Land-Use Zoning Table 12.12 indicates that 'residential' development is open for consideration in accordance with Council policy for residential development in rural areas and it is not permitted above 350m contour. The site is 247 O.D and is below the 350m contour. Refusal Reason no. 2 relates to non-compliance with Development Plan housing policies with the applicant of the view they meet the relevant housing policy criteria.

Rural Housing policy is set out in Section 6.9 of the South Dublin County Development Plan 2022-2028. This takes into consideration the Sustainable Rural Housing Guidelines for Planning Authorities, 2005, and Circular Letter SP 5/08. Policy H16 (Management of Single Dwellings in Rural Areas) states it is policy to restrict the spread of urban generated dwellings in the Dublin Mountain 'HA-DM' zone and to focus such housing into existing settlements. Policy H17 (Rural Housing Policy and Local Need Criteria) states it is policy to consider rural housing for persons who are "an intrinsic part of the rural community" or "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 DEHLG (2005) and Circulars. Policy H19 (Rural Housing in HA – Dublin Mountains Zone) states new dwellings within areas designated Zoning Objective 'HA-DM' will only be considered in exceptional circumstances. H19 Objective 1 states that all of the criteria must be met by an applicant to be considered for a dwelling.

- 7.3.2. The appellant has submitted details in seeking to demonstrate their compliance with the Rural Housing Policy. Correspondence from the agent outlines that the appellant has lived in the existing dwelling since 2016 and lives there with his partner and two children. Details outline the appellant grew up in the family home located adjacent the subject dwelling, his parents still live in the family home and that the appellant has strong local links to the area. It is outlined the appellant is employed as a welder/fitter and he makes an important contribution to farming and quarrying activities in the local area. Correspondence has been submitted by the appellant outlining that he has worked in the locality for 25 years and cannot afford an alternative to the existing structure.
- 7.3.3. Supporting documentation includes for correspondence from the applicants father Brendan McDonagh Snr, applicants mother Terri Bolger McDonagh, the applicants primary school, St. Martins N.S. Brittas, Co. Dublin detailing attendance, a Birth certificate, a letter of attendance for Mia McDonagh (father Brendan McDonagh) from Brittas Early Years Service and from a local constituency office. A letter of attendance from St. Martins N.S. Brittas confirming attendance/forthcoming attendance of applicant's children and correspondence from Blessington Medical Centric Health is also submitted.
- 7.3.4. In relation to the appellants employment, correspondence has been submitted from a number of companies in support of the appellant. Correspondence from NE Fabrication and Powder Coating Ltd with an address of Brittas, Co. Dublin state that Brendan McDonagh is employed by NE fabrication. Correspondence from Hudson Brothers Limited with an address of New Paddocks, Blessington, Co. Wicklow outline the applicant has worked as a subcontractor welder for the company since May 2016. Correspondence from Bryko Limited, with address of Edmondstown, Blessington, Co. Wicklow states the applicant has worked on projects for the business. A letter from John O' Donoghue, Lisheen Road, Brittas states Brendan

McDonagh has helped on the farm with general farm duties including repairing farm machinery over 30 years as a steel fabricator and welder.

- 7.3.5. Pictures have been submitted which outlines family linkages in the immediate vicinity including references to family home, brothers, uncles, cousins. Correspondence from the applicants mother Terri Bolger McDonagh outlines that the applicant attends to her needs including transportation needs.
- 7.3.6. Based on the documentation submitted, I consider the applicant complies with the first element of H19 Objective 1 and is a native of this rural area.
- 7.3.7. However, this rural area is subject to a high level of protection through the HA-DM zoning and is under strong urban influence for new rural dwellings. While the applicant has a housing need, on the basis of the supporting information submitted and the applicants employment history, I consider that an exceptional need for housing at this location has not been demonstrated. I do not consider the appellants circumstances constitute a genuine need for housing at this particular area and the appellant does not therefore comply with the second element of H19 Objective 1.
- 7.3.8. In relation to the third element of H19 Objective 1, details submitted in support of the applicant outline he is a steel fabricator and welder. This position is not directly related to the area's amenity potential or to its use for agriculture, mountain or hill farming and therefore neither is consistent with this criterion. The definition of agriculture in the Planning & Development Act 2000, as amended does not include this activity. In my opinion, having regard to the foregoing, the applicant therefore does not comply with the third element of H19 Objective 1.
- 7.3.9. The fourth criterion relates to the environmental capacity of the area and the character of the mountain area. This is addressed under Section 7.5 (Visual Impact/Landscape) below.
- 7.3.10. The appellant states that Policy H19 is contrary to Policy H17 and that he complies with policy H17. However I consider that the policy and criteria set out in H19 are in accordance with the Sustainable Rural Housing Guidelines (2005) having regard to the outstanding character of the area and need to preserve the environmental and landscape quality of this area, as set out in H19. As set out while the appellant has a housing need, he has not demonstrated a genuine need for housing in that particular area.

- 7.3.11. The appellant has also raised a ground of appeal in relation to refusal reason no.6 and the policy of directing development to urban centres. I consider that the appellant does not satisfy the qualifying criteria for a rural generated house as set out in National Policy Objective 19 of the National Planning Framework. These require that an economic or social need to live within rural areas under urban influence is demonstrated in facilitating the provision of rural dwellings. As the application is not considered to be appropriate under the County Development Plan 2022-2028, it is also considered to be contrary to the provisions of the National Planning Framework as regards one-off rural housing.
- 7.3.12. In conclusion, the applicant has not met all of the criteria as outlined in H19 Objective 1 and therefore does not come within the scope of exceptional circumstances referred to in Policy H19. The proposed development if permitted would materially contravene Zoning Objective 'HA-DM'. I therefore consider that the application would not be acceptable under the provisions of the South Dublin County Development Plan 2022-2028 in relation to the issue of rural housing policy.
- 7.3.13. I note the material contravention of the zoning objective and do not consider any criteria under Section 37 (2) (b) of the Planning and Development Act 2000, as amended apply.

7.4. Traffic Safety/Sightlines

- 7.4.1. Reason 3 of the planning authority's decision related to the proposed development giving rise to a traffic hazard. The proposed development shares an existing entrance and driveway with the family dwelling which accesses onto McDonagh Lane.
- 7.4.2. The Planning Authority Roads Department objected to the proposed development outlining that the sight lines at the entrance to the development are very poor due to the proximity to the bend in McDonaghs Lane, high hedgerows at both sides of entrance and height of walls at the entrance. Concerns were also raised in relation to an increase in traffic from the site.
- 7.4.3. On site inspection, I noted that the sightlines to the west are restricted by a bend in the road, presence of roadside vegetation and high walls at the entrance. Having regard to the above and in the absence of adequate sightlines being demonstrated, I consider that the proposed development as outlined at the application stage would

endanger public safety by reason of traffic hazard arising from additional traffic generation at this location from the scheme.

7.4.4. The appellant has sought to address the refusal reason by means of the provision of sightlines. 2 no. separate site layout plans have been submitted with the appeal. 1 no. drawing indicates sightlines of 90 metres in both directions from the entrance with a set back of 2.4 metres indicated to entrance area. The second drawing submitted indicates sightlines of 90 metres to the east and 65 metres to the west with an entrance setback of 2.4 metres indicated. The plans detail a substantial area of roadside vegetation is to be cleared along the full length of roadside boundary and to the west of the entrance to accommodate the proposed sightlines. Vegetation is also proposed to be cleared to the east of the entrance. It is noted that the setback of 2.4 metres is not clearly indicated at the centre of the of the entrance on plans and that the proposed sightlines to the west as indicated on both plans would be obstructed by the presence of the existing high entrance wall. I note no details have been submitted in relation to the removal or lowering of the entrance walls. Given the foregoing and the proximity of the entrance to a bend in the road to the west, I consider that the plans submitted therefore have not addressed the issue of the existing restricted sightlines at this location.

7.4.5. While it is noted that consents for roadside clearance within lands outside the site boundary have not been indicated from landowners to the east and west, Section 34 (13) of the Planning and Development Act 2000, as amended is noted which states a person shall not be entitled solely by reason of a permission under this section to carry out any development.

7.4.6. Notwithstanding the landownership issues and that the proposed development will not involve substantial volumes of traffic, given the restricted sightlines to the west close to a bend on the road and the height of the walls at the entrance, I consider that it has not been demonstrated adequate sightlines can be achieved and that the proposed development would endanger public safety by reason of a traffic hazard.

7.4.7. I am therefore of the opinion that reason for refusal 3 should be upheld.

7.5. Visual Impact/Landscape

7.5.1. The fourth criterion for Policy H19 Objective 1 is that the development would not prejudice the environmental capacity of the area and that it would be in keeping with

the character of the mountain area. Reasons for refusal nos. 4 and 5 relate to the landscape and visual impacts of the proposed development.

- 7.5.2. There are a number of one-off dwellings in the site vicinity with dwellings structures located to the east and west on adjoining lands. The proposed house type is single storey in scale and with an external finish of timber. It has a floor area of 57 sq m and is low with a maximum indicated height of 3.67 metres. It has a shallow A-frame roof. The structure is located inside the front roadside boundary of the site, set back approx. 16 metres from the vehicular entrance to the site and approx. 3 metres from the roadside boundary.
- 7.5.3. The subject site is in an area zoned Objective HA-DM, 'To protect and enhance the outstanding natural character of the Dublin Mountains Area'. The site is also located within the Athgoe and Saggart Hills Landscape Character Area of the County Development Plan 2022-2028 which is designated as an area with medium to high landscape sensitivity and a negligible to low landscape capacity. The subject dwelling is located to the low point of the site, to the south of the main dwelling onsite as indicated on the existing site elevation plan submitted. While I note that a landscape/visual assessment has not accompanied the application, I consider that the siting of the dwelling to the southwestern corner of the site and its screening by established roadside vegetation currently enables for its integration within the site and landscape at this location. However while this and the very modest scale of the dwelling structure and its siting are noted, the proposed development by way of additional plans submitted with the appeal is seeking the substantial clearance of the established vegetation including trees and hedgerows along the full length of the roadside boundary area of the site and to the west of the site up to a distance of approx. 36 metres to facilitate sightlines. This is in response to refusal reason no.3 which relates to a traffic hazard arising at this location. 2 no. separate site layout plans have been submitted indicating areas to be cleared which would facilitate sightlines of 65m and 90m to the west of the existing entrance.
- 7.5.4. Having regard to the open nature of the landscape to the southeast, I consider that the landscape does not have the capacity to absorb the proposed development together with the substantial clearance of established roadside screen vegetation at this location and that it would alter the character of the mountain area in a negative manner.

7.5.5. There are also Specific Conservation Objectives to 'Protect and Preserve Significant Views' along both sides of McDonagh's Lane and to the west side of the N81 south east of the site. I have viewed the site and the existing structure from the significant viewpoints and the road network in the vicinity of the site. Having regard to the extent of the proposed clearance of established roadside screen vegetation to facilitate sightlines, I am of the view that the dwelling would form a visually prominent feature when viewed from significant views on the road network and would detract from the visual amenity of the area. I therefore consider that the proposed development would be contrary to the fourth element of Policy H19 Objective 1 and the outlined Conservation Objective.

7.5.6. Having regard to the above I am of the opinion that refusal reasons relating to landscape and visual impact be upheld.

7.6. Impact on Ground and Surface Water

7.6.1. The proposed development is serviced by an existing septic tank and percolation area which also serves the existing main dwelling onsite. There is a notable level of on-site systems serving one-off housing developments in the area. The Water Services section of the planning authority requested further information in relation to the treatment percolation area/secondary treatment plant and soakaway onsite, details on distances between the septic tank and soakaway, invert levels and setback distances between treatment area/plant and the existing soakaway. Further information was also sought in relation to surface water and soakaway design.

7.6.2. On the basis that the proposed development would result in additional loading on the existing wastewater treatment system and the density of individual treatment systems in the area, I am of the opinion there is an insufficiency of detail in relation to the proposed servicing arrangements onsite and that the appellant has not demonstrated the proposed development accords with the EPA Code Of Practice 2021.

7.6.3. As this is a new issue, I am not recommending refusal on public health grounds. Were the Board however minded to grant retention permission for the dwelling, issues of public health would need to be addressed.

7.7. Appropriate Assessment

- 7.7.1. An Appropriate Assessment screening report has not been submitted for the proposed development. This screening assessment has therefore been carried out de-novo.
- 7.7.2. The site is not located within or adjacent to a European Site. The Wicklow Mountains SAC (Site Code 002122) is located 5.2km to the south east, with the Wicklow Mountains SPA (Site Code 004040) located 8.3km to the east. Having regard to the nature, scale and location of the proposed development, the absence of hydrological connections to any European site and the separation distance from the site, I consider that there has been/is no likelihood of significant effects on any European Sites during the construction or operation of the proposed development. I further consider that there are no other plans or projects that will act in combination with the proposed project to have a significant effect on European Sites.
- 7.7.3. It is therefore concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Sites, in view of the Sites qualifying interests and conservation objectives and a Stage 2 appropriate assessment, and submission of a Natura Impact Statement, is not therefore required.

8.0 Recommendation

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

9.0 Reasons and Considerations

1. Having regard to the location of the site within an area subject to Housing Policy H19 (Rural Housing in HA – Dublin Mountains Zone) Objective 1 of the South Dublin County Development Plan 2022-2028, National Policy Objective 19 of the National Planning Framework and the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April, 2005, it is considered that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines or the Development Plan for a house at this location. The proposed development, in the absence of any identified locally based genuine need for the house, would

contravene local and national housing policy and objectives, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The subject site is in an area zoned Objective HA-DM, 'To protect and enhance the outstanding natural character of the Dublin Mountains Area' and there are Specific Conservation Objectives to 'Protect and Preserve Significant Views' along both sides of McDonagh's Lane. It is considered that the proposed development to be retained and including for the clearance of established roadside vegetation would adversely affect the character of the mountain area and would adversely affect the significant views along McDonagh's Lane that it is an objective to protect and preserve. The proposed development would therefore seriously injure the visual amenities of the area and be contrary to the proper planning and sustainable development of the area.
3. Notwithstanding the revised boundary proposals submitted with the appeal, the proposed development to be retained would endanger public safety by reason of traffic hazard arising from additional traffic the development would generate on a substandard road at a point where sightlines are restricted in a westerly direction.
4. Having regard to the Minimum Standards for Housing set out in Table 12.20: Minimum Standards for Housing of the South Dublin County Development Plan 2022-2028 and the Quality Housing for Sustainable Communities Guidelines 2007, the proposed development detailing a structure of 57 sq m would not meet the required internal accommodation standards for a 2 bedroom dwelling. The proposed development would result in substandard accommodation giving rise to adverse impacts on the residential amenity of existing and future occupiers and

would, therefore, be contrary to the proper planning and sustainable development of the area.

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.

David Ryan
Planning Inspector

8th September 2023