



An
Bord
Pleanála

Inspector's Report

ABP-318142-23

Development	Construction of a house
Location	Fuchsia Lodge, Ballyedmonduff Road, Dublin 18, D18 K5W4
Planning Authority	Dún Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D23A/0461
Applicant(s)	Stephen & Paula Flood
Type of Application	Planning permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Stephen & Paula Flood
Date of Site Inspection	10 th May 2024
Inspector	Conor Crowther

1.0 Site Location and Description

- 1.1.1. A vernacular single storey rural dwelling site of 0.28 ha at Fuschia Lodge, Ballyedmunduff Road to the southwest of Stepside village within the Local Authority area of Dún Laoghaire Rathdown County Council. The existing dwelling is a 3-bed early 20th century bungalow dwelling incrementally extended to the north, south and east over time. 2 no. outbuildings are located in the southeast of the site adjacent to a large mature tree. One of the outbuildings functions as a garage with access from the roadway. The site is traversed by a shared access road which is bounded by old stone walls.
- 1.1.2. The site is bounded to the north by a detached residential dwelling (Blackberry Hill), to the east by an informal walking trail, to the south and west by vegetation and the access road to 'Petros' (a neighbouring detached residential dwelling). The site slopes downward on a west-east axis and is serviced by a septic tank located to the east beyond the shared access road and by a covered well located within the existing garage.
- 1.1.3. The surrounds of the site are characterised by steep topography due to the mountainside location on the northeastern slope of Three Rock Mountain which provides for panoramic views of Dublin Bay. The surrounding area is characterised by one-off ribbon development, historical disused quarries, pine forest plantations and electrical pylon and sewage infrastructure interspersed by vegetated land and agricultural fields.

2.0 Proposed Development

- 2.1.1. The proposed development is described as follows:
 - Demolition of existing single storey, 3 no. bedroom bungalow dwelling and associated single storey garage.
 - Construction of a replacement 2 storey four bed detached dwelling and ancillary single storey garage to shelter an existing well and water supply.
 - All ancillary landscaping, engineering and siteworks necessary to facilitate development.

2.1.2. The application is accompanied by:

- Pre-Planning Discussions with Dún Laoghaire Rathdown County Council.
- Photomontages of the proposed development.
- Planning Application Report.
- Structural Environmental Report – Demolition Justification.
- Pre-works Schedule of Condition.
- Soakaway Design.
- Soil Test Report for Wastewater Discharge (including Site Characterisation Report).
- Conservation Report (Appeal).

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Permission was REFUSED by the Planning Authority on the 5th September 2023 for the following reasons:

- Excessive in terms of size, scale, design and layout and would materially and negatively alter the character of the receiving environment.
- Erosion of the character of views of the Dublin Mountains from locations to the north and northeast.
- Would appear dominant and incongruous on an elevated and rural site, detracting from the area in terms of visual amenity.
- Would set a poor planning precedent.
- Would result in the loss of a vernacular cottage which is identified as being of heritage value in the Historic Landscape Character Area for Barnacullia.
- Materially contravenes Policy LHB2, LHB4 and LHB5 of the now expired County Development Plan.

- 3.1.2. I note that the Executive Planner recommended a grant of permission, but this was overruled by the Senior Planner on the grounds that previous reasons for refusal had not been overcome, insufficient weight had been given to Policy LHB5 and LHB6 of the now expired County Development Plan and due to the visibility of the proposed development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- 3.2.2. The Planning Officer's Report dated 5th September 2023 determined the following:

- The principle of the proposed development and the justification for the demolition of the existing dwelling to be acceptable;
- The proposed development to be well screened from visibility and as such to be visually acceptable;
- The existing dwelling is of no particular architectural merit or heritage value;
- The applicant proposes to live in the proposed dwelling as their primary home;
- Conditioning the ground floor gable end window to be of fixed frosted/opaque glazing; and
- Conditioning the removal of proposed flat roof terraces.

3.2.3. Other Technical Reports

- 3.2.4. Parks Department – No objection, subject to a number of conditions.

- 3.2.5. Transportation Department – No objection, subject to 4 no. conditions.

- 3.2.6. Drainage Department – No objection, subject to 2 no. conditions.

- 3.2.7. Environmental Health Office – No objection, subject to 4 no. conditions.

3.3. Prescribed Bodies

- 3.3.1. None received.

3.4. Third Party Observations

3.4.1. 2 no. 3rd party observations were received by the Planning Authority in response to the application. One in favour of the proposed development and the other in opposition to it. The issues raised by the observer opposing the proposed development are summarised as follows:

- Concerns relating to the visual impact on public and private views of the Dublin Mountains in an area designated as a High Amenity Area.
- Fire safety concerns due to proximity of heavily wooded area and increasingly warmer summers.
- Overbearing impact on walkers in the locality.
- No consideration of the impact of foundations on the water table.
- Increased levels of traffic during operation and construction will create traffic risks.
- Contrary to numerous policies in the Development Plan.
- The applicants do not qualify for a rural housing need under the local needs assessment.
- The existing dwelling is worthy of protection and should not be demolished.

4.0 Planning History

Subject Site:

4.1.1. D22A/0086 – Permission REFUSED in 2022 for the demolition of extensions to the existing bungalow; renovation and restoration of the bungalow along with a split-level extension, double garage and associated wastewater treatment facilities and landscaping. Grounds for refusal include excessive size, scale, design and layout negatively altering the character of the existing dwelling and the surrounding area, visual impacts, poor precedent and material contravention of the Development Plan (Policy LHB2).

- 4.1.2. D08B/0865 – Permission GRANTED in 2009 for construction of a new living area with new entrance hall and door, and the replacement of existing glazing units to the front of the house.
- 4.1.3. I note that the Planning Authority included an additional onsite planning application in their assessment of the planning history which I do not consider to be pertinent to my assessment.

Neighbouring Sites of relevance:

- 4.1.4. D20A/0747 (ABP Ref. PL06D.310656) – Permission GRANTED in 2022 by the Board for erection of a new 32.05m multi-user telecommunications support structure enclosed within a security compound by a 2.4m high palisade fence with a 4m access gate and site works and accessed via the existing permitted access driveway at Lands at 'Petros', Carty's Green, Ballyedmonduff Road.
- 4.1.5. D19B/0434 – Permission GRANTED in 2020 for demolition of the existing porch to the front and coal shed to the rear, conversion of the existing 38 sq.m. attached garage to the side to habitable space, construction of a new 6 sq.m. single storey porch with canopy to the front, replacement of the existing flat roof over the garage, sun room & tv room with a new pitched roof, internal modifications and exterior elevational modifications along with associated site works & landscaping at Ballyedmonduff Lodge, Carthy's Green (off Ballyedmonduff Road to the southeast of the site).
- 4.1.6. 6317 – A Section 5 Exemption GRANTED in 2017 for the provision of a new vehicular driveway to Blackberry Hill via Fuschia Lodge.

5.0 Policy Context

5.1. National Planning Framework (NPF) – Project Ireland 2040, Department of Housing, Planning and Local Government (2018)

- 5.1.1. National Policy Objective 19 of the NPF is of most relevance to the proposed development; It states the following:

‘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 (2005)

- 5.2.1. These guidelines, although quite dated at the time of writing, represent the national approach towards rural housing, and are to be read in conjunction with the NPF and the Development Plan. The overarching aim of the guidelines is to ensure that people who are part of the rural community are facilitated by the planning system in all rural areas, including those under strong urban-based pressures.
- 5.2.2. The subject site is identified as being within a rural area under strong urban influence. The guidelines describe such areas as being proximate to the immediate environs or close commuting catchment of large cities and towns.

5.3. Dún Laoghaire Rathdown County Development Plan 2022-2028

- 5.3.1. The following are policies and objectives of relevance to the proposed development from the Dún Laoghaire Rathdown County Development Plan:
- Zoning Objective G – ‘To protect and improve high amenity areas’ under which residential development is permitted in principle when in accordance with Council policy for development in rural areas.
 - Section 2.4.7 Rural Settlement Strategy.
 - Policy Objective CA6: Retrofit and Reuse of Buildings – ‘It is a Policy Objective to require the retrofitting and reuse of existing buildings rather than their demolition and reconstruction where possible’.
 - Section 3.4.1.2 – ‘Priority should be given to repairing and re-using existing buildings in preference to demolition and new-build’.

- Policy Objective PHP19 – ‘Conserve and improve existing housing stock through supporting improvements and adaption of homes’.
- Policy Objective PHP23: Management of One-off Housing.
- Policy Objective GIB2: Landscape Character Areas – ‘To continue to protect, manage and plan to conserve, maintain or enhance the distinctive characteristics of the County’s landscapes, townscapes and seascapes’.
- Policy Objective GIB4: High Amenity Zones – ‘To conserve and enhance existing High Amenity Zones and to seek to manage these and other areas to absorb further recreational uses and activity without damaging their unique character’.
- Policy Objective GIB5: Historic Landscape Character Areas – ‘In assessing development proposals... to have regard to the recommendations and findings of the Historic Landscape Character Assessments (HLCA)’ - Barnacullia.
- Policy Objective GIB6: Views and Prospects – ‘To preserve, protect and encourage the enjoyment of views and prospects of special amenity value or special interests, and to prevent development, which would block or otherwise interfere with Views and/or Prospects’ (Three Rock Mountain and Two Rock Mountain from the Enniskerry Road (Sandyford-Kiltiernan area) and Sandyford Village).
- Policy Objective EI6: Sustainable Drainage Systems.
- Section 12.3.9 Demolition and Replacement Dwellings – ‘The Planning Authority has a preference for and will promote the deep retro-fit of structurally sound, habitable dwellings in good condition as opposed to demolition and replacement unless a strong justification in respect of the latter has been put forward by the applicant.... Applications for replacement dwelling within the rural area will be assessed under the provision of Section 12.3.10.4’.
- Section 12.3.10.2 Design of one-off dwellings – ‘The building line will be determined by local topography and existing and natural features.... there will generally be an emphasis on retaining existing roadside and other boundaries....a native tree planting scheme will generally be required in order

to enhance rural amenity... will not insist on the use of particular architectural styles but will generally expect visually similar/sympathetic appearance in areas where there is an accepted vernacular.... a design which is incompatible with site conditions, to the extent that it would be dominant, intrusive or incongruous in the landscape, will not be permitted.... buildings should not be located on a ridgeline or in an elevated position on a site... roof types and materials may be controlled in the interest of visual amenity.

- Section 12.3.10.4 Replacement Dwelling – Rural – where demolition has been accepted, the primary considerations will be:
 - Visual impacts on surrounding properties and landscape.
 - Impacts on the rural amenity as a result of the design, location, layout and size.
 - Appropriateness of the demolition of the existing structure.
 - Regard to the area's vernacular in terms of both existing and proposed structures.
 - Details regarding the occupancy and ownership of the applicant of the existing dwelling.
- Section 12.7.4 High Amenity Landscapes, Views and Prospects
- Section 12.10.3.1 Single dwelling domestic wastewater treatment systems
- Appendix 8 – Landscape Assessment Study & Landscape Character Areas – Barnacullia – Sensitivity/Strategy:
 - 'Any new residential development shall maintain the rural character of the area and should not be obtrusive on the horizon.
 - 'To have regard to the recommendations and findings of the Historic Landscape Character Assessment for Barnacullia'.

The site is located within the Carthy's Green area of the Barnacullia Landscape Character Area (LCA). The existing dwelling is identified as part of 'an important range of significant vernacular cottages, worthy of further study and protection'.

5.4. Natural Heritage Designations

5.4.1. The following sites are located in the surrounding area of the proposed development:

Proposed Natural Heritage Area (pNHA):

- Fitzsimons Wood (001753) - approx. 2.2km
- Ballybetagh Bog (001202) – approx. 2.7km.
- Dingle Glen (001207) - approx. 2.9km.
- Knocksink Wood (000725) - approx. 4km.
- Loughlinstown Woods (001211) – approx. 5.9km.

Special Protection Area (SPA):

- Wicklow Mountains (004040) – approx. 4km.

Special Area of Conservation (SAC):

- Wicklow Mountains (002122) – approx. 3.6km.
- Knocksink Wood (000725) – approx. 4km.

5.5. EIA Screening

5.5.1. Having regard to the limited nature and scale of the proposed development, and the location of the site at a remove from areas of environmental sensitivity, 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 stage (see Appendix 2) and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A 1st party appeal was submitted by Stephen & Paula Flood, on the 2nd October 2023 opposing the decision of the Planning Authority to REFUSE permission. The grounds of appeal are summarised as follows:

- Every effort has been made to address the issue of scale raised in a reason for refusal of a previous application.
- The footprint of the building is moved forward a meter or so due to a previous rainfall event that led to flooding of the kitchen.
- The appeal makes the case for the replacement of the existing dwelling on the basis of its poor structural condition.
- Justification for demolition is supported by reports from qualified engineering and architectural surveyors.
- The Planning Authority have not provided a reasonable justification for the refusal of the proposed development.
- The proposed development is respectful of the architectural character of the locality and has been designed in order to prevent undue impacts on existing residential amenity and landscape character, whilst ensuring a high-quality design.
- In response to the Planning Authority's conditions and ultimate refusal, an alternative design was submitted for consideration, however, it is requested that the original design is considered in the first instance. The alternative design includes the following revisions:
 - Provision of a permanently opaque ground floor window on the northern gable wall.
 - Provision of a green roof in place of the proposed outdoor terrace area on the front elevation.
 - Rebuilding of the proposed entrance wall in line with the existing entrance wall.
- The proposed development is congruous with the character of the area in terms of scale, size, design and layout.
- The proposed development is energy efficient and does not materially or negatively erode the character of views to the north and northeast.

- The Senior Planner's addendum to the Planning Officer's Report is inconsistent, contradictory to previous statements, evaluated incorrectly under the 2016-2022 County Development Plan and relies on a previous refusal reason that was based on errors of fact.
- The site is situated in a rural area which has expanded in recent years due to increased development in the area and is now comprised of scattered residential development.
- The proposed development is of an appropriate scale and size in comparison to the size and layout of the previously refused onsite development (D22A/0086) and existing surrounding development.
- The proposed development omits a new access arrangement proposed under a previous application (D22A/0086) and retains the existing access arrangement.
- The Planning Authority previously incorrectly assessed the site as being within the Kiltiernan Plain LCA and adjacent to the Glencullen Valley LCA.
- The proposed development is in accordance with the zoning for the site as residential development is open for consideration under this zoning and the long-established residential use at this location further supports this.
- A replacement dwelling will not significantly affect the High Amenity character of the area.
- The existing dwelling has been occupied for over 34 years and one of the primary occupants operates a business within 15 minutes' drive from the site, without providing any evidence to support this claim.
- The site is situated off its adjoining access road and is visually obscured by vegetation.
- Views and prospects outlined in the Development Plan will be unaffected by the proposed development as evidenced by photomontages submitted at planning application stage.

- The increased height of the proposed development is not considered to result in undue visual impact for the residents at the 'Petros' residential dwelling situated at a higher elevation to the rear of the property.
- The appellant's local housing need has previously been demonstrated and accepted under D08B/0865.
- Photos of precedent residential development in the immediate vicinity are submitted in support of the appeal.
- The existing dwelling has no architectural significance which is supported by the submission of a Conservation Report prepared by Cathal O'Neill + Company Architects with this appeal.
- The Planning Authority's Conservation Department did not comment on the architectural merit of the existing dwelling and the Parks Department did not object to the replacement of the existing dwelling.
- The existing dwelling has a low energy rating; demolition and rebuild is required to improve the energy rating to an A level. The financial costs of renovating to reach a similar standard are prohibitive.

6.2. Planning Authority Response

- 6.2.1. The Planning Authority refers the Board to the Planning Officer's Report as the grounds of appeal do not, in the opinion of the Planning Authority, raise any new matters which would justify a change of attitude to the proposed development.

7.0 Assessment

- 7.1.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the Planning Authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are solely related to the following matters:
- Landscape Context
 - Design & Layout

- Justification for Demolition
- Drainage
- Acceptability of Modifications

7.2. Landscape Context

- 7.2.1. I note that the Planning Authority's decision to refuse planning permission was based on landscape policies from the expired 2016-2022 Development Plan which was no longer in force at the time of the decision. The relevant Development Plan at the time of writing is the Dún Laoghaire Rathdown County Development Plan 2022-2028.
- 7.2.2. I note that the site is located in an area zoned 'high amenity' and is located within the Barnacullia Landscape Character Area (LCA). The strategy is to have regard to the recommendations of the Barnacullia Historical LCA which aims to maintain the rural character of the area and not to be obtrusive on the horizon. This suggests that the wider horizon must be considered when analysing the visual impact. The existing vernacular dwelling is set into the site and is of low visibility within the wider landscape and is not visible from a protected viewpoint at Stepside Village facing towards the site. Within the immediate locality, the existing dwelling is visible to the east from a walking trail to the front of the site and to the west from an access road to the rear of the site. Notwithstanding the landscape context, given that the proposed development represents a replacement dwelling, I am satisfied that the principle of residential development on this site is established and therefore accepted.

7.3. Design & Layout

- 7.3.1. Given that the proposed development is a replacement one-off dwelling, it must be assessed against the principles of Section 12.3.10.4 of the Development Plan which relates to replacement rural dwellings. The visual impacts, rural amenity, appropriateness of the demolition and the existing vernacular of the area are considered in the following sections of this report. The occupancy and the ownership of the appellant of the existing dwelling is clearly evident in the submitted material.
- 7.3.2. I note that the proposed development extends the building line up to 9m forward from the original front elevation to accommodate the extent of the proposed replacement dwelling and to allow for a wider degree of separation from the

mountainside slope and vegetation to the rear of the site. In this respect, I note that the floor area of the proposed replacement dwelling amounts to an increase in floor area of approximately 119m². Whilst this increase in floor area can technically be incorporated into a site of this size, the nature of the development is such that it is centred on the western part of the site which is elevated above the shared access roadway traversing the site from south to north. This largely confines the developed part of the site to a more visually exposed area.

- 7.3.3. The two-storey element of the proposed development extends up to 4m beyond the existing building line and retains the pitched roof design with complementary stone wall finishes to the front elevation. Notwithstanding the retention of the pitched roof design; the two-storey element, the increased floor area and the extension of the building line serves to project the proposed development further towards the shared access roadway to the east on what is an already elevated part of the site. This will, in my view, result in a visually exposed and incongruent development, particularly when compared to the single storey historically sympathetic and visually obscured existing dwelling. I am therefore of the view that the layout of the proposed development has increased visual prominence relative to the existing dwelling, by way of its mass, height and scale, and will therefore introduce a poor precedent for replacement dwellings in the area, contrary to Section 12.3.10.2 of the County Development Plan. I am generally satisfied with the proposed materials and roof design which are adequately reflective of the existing dwelling and the vernacular of the area, however, I consider the mass, height and scale of the proposed development to be unacceptable for the reasons set out above.
- 7.3.4. Given that the existing development is visually exposed within its immediate surrounds and the proposed replacement dwelling represents an almost twofold increase in height and an extension of the building line by up to 9m, I consider it likely that the proposed development will be visually exposed at multiple points to the west, east and northeast of the site where vegetation screening is not provided. I am therefore of the view that the proposed development will result in a negative visual impact on the Barnacullia LCA as a result of the height, mass and scale of the proposed development, the extension of the building line and the lack of vegetation screening to mitigate this. This will result in a visually dominant and incongruous development on the immediate locality of the Barnacullia LCA.

- 7.3.5. With regard to separation distances, I note that the existing dwelling (Blackberry Hill) lies approximately 10m to the north and that there are no directly opposing windows on this elevation. In addition to this, significant vegetation screening exists along the northern boundary of the site and the occupants of Blackberry Hill have made a submission in support of the proposed development. I am therefore satisfied that the residential amenities of neighbouring dwellings will not be materially impacted by the proposed development.
- 7.3.6. I do not consider precedent examples of 2 storey dwellings in the vicinity of the site to be a material consideration in my assessment of the visual impact of the proposed development as the location of the proposed development is at a higher elevation where it is of greater importance to limit the height of development for visual amenity purposes. The further erosion of the visual quality of this high amenity zone based on such examples, would not, in my view, be appropriate.
- 7.3.7. Although generous in the context of the needs of the applicants, I consider the internal dimensions of the proposed development to be acceptable, however, I believe that the generous dimensions serve to unnecessarily increase the scale, mass and height of the proposed development, as highlighted above.
- 7.3.8. Notwithstanding my concerns regarding the replacement dwelling, I am of the view that the proposed replacement ancillary garage appropriately reflects the form, function, scale and height of the existing garage and would therefore be acceptable.
- 7.3.9. As stated previously, the proposed development lies in an elevated area of the site which is visually exposed to the wider surrounds. Whilst there are no protected views towards the site, in the immediate vicinity, there is a protected view towards the site from Stepside Village. Having analysed the appellant's photomontage of this viewpoint and observed this viewpoint during my site visit and having regard to the height, mass and scale of the proposed replacement dwelling, the moving of the building line further forward and the significant vegetation screening available, I am satisfied that the proposed replacement dwelling would not be readily visible from the protected viewpoint.
- 7.3.10. Given the height, scale and mass of the proposed development, exposure to the wider horizon is likely. As such, I do not consider the proposed development to be in accordance with the aims of the Barnacullia HLCA and by association with the

provisions of Policy Objective GIB2 & GIB5 of the County Development Plan. This further compounds the negative visual impact of the proposed development on the landscape and does not integrate but projects it beyond its immediate surroundings. Although there are elements of the proposed development that are satisfactory, in my view, the visual impact of the proposed development on the landscape is such that the proposed development is not in compliance with the provisions of the Development Plan.

7.4. Justification for Demolition

- 7.4.1. As stated in the Barnacullia HLCA, the existing dwelling is a much-altered vernacular cottage worthy of further study and protection; however, the existing dwelling does not benefit from any architectural protections and is not listed as a protected structure.
- 7.4.2. Whilst the existing dwelling is technically habitable in its current state, the necessary upgrades and improvements required to address ongoing and persistent health and safety hazards renders the renovation of the existing dwelling prohibitive, based on the logistics and costs involved. In addition, the existing dwelling appears to have been extended multiple times over the years and this, along with intermittent temporary roof repairs, has served to diminish the architectural significance of the building to the point that there are little surviving original elements. Thus, I do not consider the existing building to be worthy of retention on the grounds of limited architectural merit and prohibitive renovation costs, and demolition is therefore justified. This is informed by my examination of the site, the Barnacullia HLCA, the Planning Authority's assessment and my review of the supporting documentation submitted by the appellant.
- 7.4.3. Whilst there is merit in replacing the existing dwelling, this is not a basis for significant further visual presence on the wider horizon by way of increased height, scale and mass, as stated above.

7.5. Drainage

- 7.5.1. The tertiary treatment system and infiltration area proposed allows for the site to be utilised for wastewater drainage due to the use of an Ecoflo coconut filter and a gravel bed at ground level. The existing onsite septic tank proposed to be decommissioned also demonstrates the feasibility for onsite wastewater drainage. I

also note that the Public Health Officer considered the proposed wastewater treatment system to be acceptable, subject to conditions. Having regard to the conclusions of the Site Characterisation Report, I consider that the site has the capacity to satisfactorily accommodate the proposed onsite wastewater treatment plant.

- 7.5.2. With regard to surface water drainage, I note that the appellant proposes the use of a soakaway. Having analysed the soakaway design and the supporting soil infiltration test, I am satisfied that the soakaway can be accommodated onsite.

7.6. Acceptability of Modifications

- 7.6.1. In response to the Planning Authority decision, certain modifications to the design of the proposed dwelling have been submitted for consideration by the Board.
- 7.6.2. In light of my observations relating to the separation distance between the proposed development and existing neighbouring dwellings in Section 7.3.5, I am not of the view that an opaque ground floor window on the northern gable wall would be required, in the event of a grant of planning permission.
- 7.6.3. With regard to the provision of a green roof in place of the proposed outdoor terraced area at the front elevation, this is not a material change to the proposed development. Rather, it is cosmetic and doesn't serve to materially change the acceptability of the proposed development in terms of visual amenity.
- 7.6.4. I consider the rebuilding and retention of the stone entrance wall in line with the existing entrance wall to be an acceptable modification, however, this does not serve to address my primary concerns with the proposed development.

7.7. Conclusion

- 7.7.1. Having regard to the foregoing, I am of the opinion that the scale, mass and height of the proposed development does not respect the landscape character of the area and will serve to set a poor precedent for such development in the area. I am therefore of the view that the proposed development is not in accordance with the provisions of the County Development Plan, particularly Policy Objectives GIB2 & GIB5 and Section 12.3.10.2 & 12.3.10.4, and the Quality Housing for Sustainable Communities Guidelines, and will result in an incongruent development that would be visual discordant on the wider horizon.

8.0 AA Screening

- 8.1.1. I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000, as amended.

The subject site is located on the northeastern slope of Three Rock Mountain within 3.6km of the Wicklow Mountains SAC.

The proposed development comprises demolition of an existing 3 bed single storey dwelling and accompanying detached garage, construction of a 4 bed two storey detached dwelling and detached garage and all associated site works.

No nature conservation concerns were raised at planning application stage or in the appeal.

- 8.1.2. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- The small-scale nature of the proposed development as a replacement for the existing dwelling.
- The location of the proposed development is well removed from any European sites with no connections to European Sites.
- The Planning Authority determined, in their assessment of the proposed development that it would not significantly impact upon a Natura 2000 site.

- 8.1.3. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

I recommend that planning permission be REFUSED for the reasons and considerations as set out below.

10.0 Reasons and Considerations

1. The site is located in an elevated position in an area designated in the current County Development Plan as an Area of High Amenity by reason of its landscape quality. It is considered that the construction of a house of the proposed mass, height and scale on the site would be detrimental to the landscape quality of the area and would, therefore, be contrary to the provisions of Policy Objectives GIB2 & GIB5 and Section 12.3.10.2 and 12.3.10.4 of the Dún Laoghaire Rathdown County Development Plan 2022-2028 and 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.

Conor Crowther
Planning Inspector

30th May 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-318142-23			
Proposed Development Summary	Construction of a house			
Development Address	Fuchsia Lodge, Ballyedmonduff Road, Dublin 18, D18 K5W4			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	✓	
		No	No further action required	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?				
Yes		Class.....	EIA Mandatory EIAR required	
No	✓		Proceed to Q.3	
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?				
		Threshold	Comment (if relevant)	Conclusion
No		N/A		No EIAR or Preliminary Examination required
Yes	✓	Class 10(b)(i) and (iv)/ min. 500 dwelling units and/or an area greater than 10 ha		Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No	✓	Preliminary Examination required
Yes		Screening Determination required

Inspector: **Conor Crowther** Date: **30th May 2024**

Appendix 2 - Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-318142-23	
Proposed Development Summary	Construction of a house	
Development Address	Fuchsia Lodge, Ballyedmonduff Road, Dublin 18, D18 K5W4	
<p>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>In light of the fact that the proposed development constitutes a replacement dwelling in an area proliferated by one-off residential developments, I do not regard the nature of the proposed development to be exceptional in the context of the existing environment.</p>	<p>No</p> <p>No</p>
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing</p>	<p>In light of the fact that the proposed development constitutes a replacement dwelling in an area proliferated by one-off residential developments, I do not regard the size of the proposed development to be exceptional in the context of the existing environment.</p>	<p>No</p>

[illegible]

Inspector: _____

Date: _____

DP/ADP:

Date:

(only where Schedule 7A information or EIAR required)