



An  
Bord  
Pleanála

## Inspector's Report ABP-320788-24

<b>Development</b>	<i>Construction of a new detached single storey office/garage and associated site works</i>		
<b>Location</b>	<i>Keystone, Cruagh Road, Rathfarnham, Dublin 16 D16 P466</i>		
<b>Planning Authority Ref.</b>	<i>SD24B/0287</i>		
<b>Applicant(s)</b>	<i>David and Rebecca Doyle</i>		
<b>Type of Application</b>	<i>Permission</i>	<b>PA Decision</b>	<i>Grant Permission.</i>
<b>Type of Appeal</b>	<i>Third</i>	<b>Appellant</b>	<i>Frank Gorman</i>
<b>Observer(s)</b>	<i>None</i>		
<b>Date of Site Inspection</b>	<i>01/11/2024</i>	<b>Inspector</b>	<i>Andrew Hersey</i>

### Context

**1. Site Location/ and Description.** The site is located off the Cruagh Road Rathfarnham, being a rural area on the western edge of Dublin.

The character of the area is defined by detached dwellings on large rural sites.

The proposed development site is a stated area of 0.59 and comprises of a 2 storey detached dwelling connected to the public road by way of a gravelled driveway.

The site slopes up gradually from the public road and the entrance is defined by a solid gate.

**2. Description of development.** *The proposed development comprises of Permission for*

- *the construction of a detached single storey home office/gym/garage and*
- *associated site works*

The said single storey as per the drawings submitted comprises of two separate rooms one for a garage with its own separate door and which has a stated floorspace of 20sq.m. and the other room has two casement doors and a floorspace of 40sq.m. The height of the structure is just under 4.4 metres.

### **3. Planning History.**

*On Site*

- Planning Reg. Ref. SD06B/0426 - addition of 3 dormer windows to rear of existing roof
- Planning Reg. Ref. SD06B/0426/EP – Extension of Duration granted for the above

### **4. National/Regional/Local Planning Policy**

- South Dublin County Development Plan 2022-2028 is the statutory development plan in the area where the proposed development site is located.
- Within the plan the site is subject to zoning objective RU, which seeks *'to protect and improve rural amenity and provide for the development of agriculture*
- Policy H23: Rural Housing and Extension Design - Ensure that any new residential development in rural and high amenity areas, including houses and extensions are designed and sited to minimise visual impact on the character and visual setting of the surrounding landscape.

### **5. Natural Heritage Designations**

The nearest designated site is

- Wicklow Mountains SPA (Site Code 004040) which is located 1.3km metres to the south of the site and

- Wicklow Mountains SAC (Site Code 002122) which is located 1.3km to the south of the site and
- Glenasmole Valley SAC (Site Code 001209) which is located 3.0km to the west of the site

## **Development, Decision and Grounds of Appeal**

**6. PA Decision.** Permission was granted on the 15<sup>th</sup> August 2024 subject to 2 reasons. Conditions of note include for:

- Condition No, 2 (b) The detached single storey structure hereby permitted shall be for use ancillary to the enjoyment of the existing dwellinghouse and shall not be subdivided or used for any commercial purposes , and the outbuilding shall not be sold, let (including short term letting), leased or otherwise transferred or conveyed, by way of sale, letting or otherwise save as part of the single dwelling unit. No WC/Sanitary facilities shall be fitted within the detached structure hereby permitted

## **7. Submissions**

There is one submission on file as from a Frank O’Gorman (dated 24<sup>th</sup> June 2024) who raises the following issues:

- That the proposed structure should be no more than 4 metres in height
- That the proposed structure is located excessively forward of the front line of the property at 40 metres from the main dwelling and 18 metres from the adjacent road - there is land available closer to the main house
- The drawings do not show that the external appearance of the structure will match that of the main dwellinghouse and therefore does not comply with development plan policy
- That the proposed structure will be highly visible from the main road.
- That the need for the said structure has not been established
- That if permitted there is scope to split the site into two and the proposed structure will become an additional dwelling

## **8. Internal Reports**

- Roads (11<sup>th</sup> July 2024) - no objection

### **9. Third Party Appeal.**

A third party appeal was lodged by Frank O’Gorman on the 11<sup>th</sup> September 2024. The appellant raises the following issues:

- That the proposed garage/gym and its driveway are located over a percolation area as permitted for the original house in accordance with Planning Reg. Ref. S95A/58.
- That this is not allowed by the EPA (the appellant references a website)
- That an application could be made in the future to change the use into a future residence – this would impact upon farming activities in the appellant’s yard. The location of the main house on the site was chosen so as to be as far away as possible from the appellant’s farm.
- That substantial works have been carried out to the property without the benefit of planning permission.

### **11. Planning Authorities Response**

A response was received by the Planning Authority on the 7<sup>th</sup> October 2024. The response states that the Planning Authority confirms its decision

## **Environmental Screening**

### **12. EIA Screening**

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

### **13. AA Screening**

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

The subject site is located 1.3km from the Wicklow Mountains SPA (Site Code 004040) and 1.3km from Wicklow Mountains SAC (Site Code 002122) and 1.3km 3.0km from Glenasmole Valley SAC (Site Code 001209)

The proposed development comprises of domestic alterations in the form of a detached garage/gym/home office to an existing private residential property. No nature conservation concerns were raised in the planning appeal

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 minor nature of the works proposed
- The distances to the nearest Natura 2000 site and the absence of any hydrological connect from the site to the same and
- Having regard to the screening report/determination carried out by the Planning Authority

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.

## **2.0 Assessment**

### **2.1. Introduction**

2.1.1. I have examined the application details and all other documentation on file and I have inspected the site and have had regard to relevant local development plan policies and guidance.

2.1.2. I am satisfied the substantive issues arising from the grounds of this third party Appeal relate to the following matters-

- Principle of Development
- Visual Amenities

- Residential Amenities
- Impact upon an existing percolation area
- Other Issues

## 2.2. Principle of Development

- 2.2.1. The proposed development site is located within an area designated as zoning objective RU, in the South Dublin County Development Plan 2022-2028. Zoning objective RU seeks *'to protect and improve rural amenity and provide for the development of agriculture*
- 2.2.2. The proposed development comprises of a single storey detached building which is for the purposes of a home office/gym/garage
- 2.2.3. Residential related development is 'Open for Consideration' in the land use zoning matrix associated with this zoning objective
- 2.2.4. With respect of the above, it is considered that the proposed development is an acceptable form of development within this land use designation.
- 2.2.5. It is suggested in the case where the Board decide to permit this development that a condition stipulating its use be imposed to ensure that the structure is not to be used for human habitation

## 2.3. Visual Amenities

- 2.3.1. The proposed development is located to the south of the driveway which connects the main house on site and the public road.
- 2.3.2. I note that the site is well screened from the public road by a mature boundary. The house which has a stated FFL of 15.00m and which is two stories in height (ridge height not specified) is barely visible from the public road.
- 2.3.3. In this respect the proposed garage which has a FFL of 12.95m ridge height of just under 4.4 metres will not be visible from the public road.
- 2.3.4. Policy H23 of the South Dublin County Development Plan 2022-2028 refers to Rural Housing and Extension Design and seeks to *'Ensure that any new residential*

*development in rural and high amenity areas, including houses and extensions are designed and sited to minimise visual impact on the character and visual setting of the surrounding landscape'*

- 2.3.5. While this policy does not directly relate to detached garages etc, I do consider that it is relevant to all rural domestic design including the structure subject of this application.
- 2.3.6. As stated previously, I do not consider that the proposed structure within this residential site will have any undue impact upon the rural landscape, is of an inoffensive design and of a scale appropriate to the surrounding landscape and buildings therein.
- 2.3.7. With respect of the above therefore I do not consider that there will be any visual impact implications as a consequence of the proposed development

#### **2.4. Residential Amenities**

- 2.4.1. The proposed development is 30 metres from the boundary of the adjacent property to the west being the appellants property. With respect to the same I do not consider that having regard to its use and scale that there will be any impacts to the residential amenities of this property as a consequence of the proposed development.

#### **2.5. Impact upon an existing percolation area**

- 2.5.1. I note that the appellant raises concerns that the proposed structure subject of this appeal is located over an existing percolation area which was permitted as part of the existing house on the site as permitted under Planning Reg. Ref. S95A/58.
- 2.5.2. I note first off that the applicant states in the application form submitted with the application that the proposed development is proposed to be served by a new connection to the public watermain and a public sewer.
- 2.5.3. I note that the case planner does not raise any concerns with regard to services. I further note that there are no concerns raised in report on file prepared by the Environmental Health Officer. In addition, there is no report from Irish Water on the file.

- 2.5.4. I further note that the applicant has not shown any percolation area on the site layout submitted with the application. The appellant has submitted a site layout plan associated with the parent permission for the house on site showing a percolation area where the proposed garage/gym/office structure is to be located.
- 2.5.5. I note from the previous application on site i.e. Planning Reg. Ref. SD06B/0426 - which was for the addition of 3 dormer windows to rear of existing roof that the planning application form on file states that drainage is via a percolation area.
- 2.5.6. It is therefore not clear from the information submitted as to whether there is a mains sewer connection at this location, which, if there is, would make the percolation area redundant. I note from other planning applications in the area that houses are served by individual private wastewater treatment systems and percolation areas
- 2.5.7. I further note that the applicant has not submitted any response to this appeal to clarify the issue.
- 2.5.8. There are concerns therefore that the proposed development is located over a percolation area as permitted under the parent planning permission for the house as granted under Planning Reg. Ref. S95A/58.
- 2.5.9. There are therefore concerns with regard to run-off and flooding of untreated effluent as a consequence of the removal of the percolation area. This could potentially impact upon the public health of the occupants of the house or surrounding houses and could result in the contamination of surface water drains.
- 2.5.10. Until this issue is clarified then it is considered that the proposed development should be refused.

## **2.6. Other Issues**

- 2.6.1. I note that the appellant also raises issues with respect to potential unauthorised works carried out to the existing house on site. I am of the opinion that this is a matter for the enforcement section of South Dublin County Council to address and not the Board. In addition I do not consider that these works would have any impact upon the proposed development subject to this appeal.



### 3.0 Recommendation

3.1. I recommend that permission be refused for the following reasons:

1. The Board are not satisfied on the basis of the information submitted with the application that the proposed detached home office/gym/garage would not be located over a percolation area connected to a septic tank as permitted under the Planning Reg. Ref. S95A/58 which if removed could potentially have serious impacts upon public health and the receiving environment by way of surface water contamination as a consequence of potential ponding and run-off of untreated domestic effluent. On this basis the proposed development would be prejudicial to public health and 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.

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Andrew Hersey

Planning Inspector

19<sup>th</sup> December 2024