

An Rannóg Talamhúsáide, Pleanála agus Iompair
Land Use, Planning & Transportation Department
Telephone: 01 4149000 Fax: 01 4149104 Email: planning.dept@sdublincoco.ie

Ger Kelly Architectural Services
Ballyknockan
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Co. Wicklow

**NOTIFICATION OF DECISION TO REFUSE PERMISSION & REFUSE RETENTION
PLANNING & DEVELOPMENT ACT 2000 (as amended) AND
PLANNING REGULATIONS THEREUNDER**

Decision Order No.	0228	Date of Decision	23-Feb-2022
Register Reference	SD21A/0349	Date	21-Dec-2021

Applicant: Paddy Eustace

Development: Retention for a single storey dwelling with a vehicular access; Permission for the installation of an Oakstown Treatment Plant with sand polishing filter and all associated site works.

Location: McDonagh's Lane, Glenaraneen, Brittas, Co. Dublin

Time extension(s) up to and including:

Additional Information Requested/Received: /

Clarification of Additional Information Requested/Received: /

DECISION: Pursuant to the Planning and Development Act 2000 (as amended), dated as above a decision to **REFUSE PERMISSION & REFUSE RETENTION** is hereby made for the said development for the reason(s) set out on the Schedule hereto.

REASON(S)

1. Policy H23.
The site is located on lands subject to zoning objective HA - DM in the South Dublin County Council Development Plan 2016 – 2022. It is the policy of the Council that within areas

designated with Zoning Objective HA - DM (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 H23. The applicant has not submitted sufficient information to assist in undertaking a full assessment of the development against the criteria of H23 Objective 1 of the County Development Plan 2016 - 2022. Based on the information provided, it is not considered that the development would meet all the criteria of H23 Objective 1, due to:

(a) It is not considered clear that the development is related directly to the area's amenity potential or to its use for agriculture, mountain or hill farming.

(b) The development is not in keeping with the character of the mountain area.

(c) No details of exceptional circumstances have been provided.

(d) No details have been provided to show that the applicant meets the criteria set out in Policy H23 Objective 1.

The development therefore materially contravenes the zoning objective of HA-DM 'to protect and enhance the outstanding natural character of the Dublin Mountains Area', and H23 Objective 1 of the Development Plan.

2. Policy H20.

Housing Policy H20 'Management of Single Dwellings in Rural Areas', as set out in the South Dublin County Development Plan 2016-2022 states 'It is the policy of the Council to restrict the spread of dwellings in the rural 'RU', Dublin Mountains 'HA-DM'; Liffey Valley 'HA-LV' and Dodder Valley 'HA-DV' zones and to focus such housing into existing settlements.' Insufficient justification has been provided which would warrant the setting aside of the objectives of Policy H20 in this instance. The proposed development and development for retention would constitute urban generated housing, would contravene the objective of the planning authority and would lead to demands for the uneconomic provision of further public services and facilities in an area where these are not proposed. Taken in conjunction with existing development in the area, the proposed development would give rise to an excessive density of development in a rural area lacking certain public services and community facilities and served by a poor road network. It is an objective of the planning authority, as expressed in Policy H20 of the South Dublin County Council Development Plan 2016-2022, to channel housing into 'existing settlements'. As such, the proposed development would materially contravene this objective of the Development Plan and would therefore be contrary to the proper planning and sustainable development of the area.

3. National and Regional Policy

(a) It is considered that the applicants have not demonstrated an economic or social need to live in a rural area having regard to the viability of smaller towns and rural settlements and, therefore, the proposed development does not comply with National Policy Objective 19. The 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.

(b) The site is located in the Dublin Metropolitan Area as designated under the Regional Spatial and Economic Strategy 2019 - 2025 (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 would, by itself and by the precedent it would create, prejudice the achievement of regional settlement strategy policy for the Eastern & Midlands Region.

4. The accommodation provided does not comply with the standards of Section 11.3.1. of the South Dublin County Development Plan 2016 - 2022 and the standards recommended in Quality Housing for Sustainable Communities-Best Practice Guidelines. The development does not meet the minimum space standards for houses contained in Table 11.20 of the County Development Plan in relation to target gross floor area. In addition, the room sizes provided do not meet the recommendations of Section 5.3.2 of the 2007 Guidelines. It is therefore considered that the accommodation to be retained would be substandard in terms of residential amenity, would contravene the Development Plan and would be contrary to the proper planning and sustainable development of the area.
5. Section 11.3.4 (Rural Housing) (ii) (Rural Housing Design) of the South Dublin County Council Development Plan 2016-2022 states that a minimum road frontage of 60 metres should be provided for all new dwelling sites in rural areas and a proliferation of housing along stretches of roads in a manner that creates ribbon development should be avoided. It is the policy of the planning authority as set out in the development plan to control urban sprawl and ribbon development. The proposed development would be in conflict with this policy because, when taken in conjunction with existing development in the vicinity of the site, it would consolidate and contribute to the build-up of ribbon development in an open rural area. This would militate against the preservation of the rural environment and lead to the demands for the provision of further public services and community facilities. The development would, therefore, be contrary to the proper planning and sustainable development of the area.
6. The applicant has not provided sightline diagrams as necessary to show that unobstructed sightlines of 2 metres by 90 metres are available at the site entrance. The proposed development therefore represents a risk of traffic hazard and may, on its own and in combination with other

such developments, render the road network unsuitable to carry the increased road traffic likely to result from development.

7. The HSE Environmental Health Officer is not satisfied, due to lack of appropriate information provided, that the proposed development would not represent a risk to public health. The applicant has not provided the relevant information in relation to the existing waste water treatment or the water supply layout/details for the site. The proposed development also represents a risk of water pollution.
8. Appropriate Assessment.
The applicant has not provided information to support the screening out of Appropriate Assessment.

Please note that upon receipt of this document you are obliged to remove the planning site notice in compliance with Article 20 of the Planning and Development Regulations 2001 (as amended). Please note that any valid submissions or observations received in accordance with the provisions of the Planning and Development Regulations 2001 (as amended), have been considered in the determination of this application.

Register Reference: SD21A/0349

Signed on behalf of the South Dublin County Council.

Yours faithfully,


for **Senior Planner**

23-Feb-2022

NOTES

(A) REFUND OF FEES SUBMITTED WITH A PLANNING APPLICATION

Provision is made for a partial refund of fees in the case of certain repeat applications submitted within a period of twelve months where the full standard fee was paid in respect of the first application and where both applications related to developments of the same character or description and to the same site. An application for a refund must be made in writing to the Planning Authority and received by them within a period of two months beginning on the date of the Planning Authority's decision on the second application. For full details of fees, refunds and exemptions the Planning & Development Regulations, 2001 should be consulted.

(B) APPEALS

1. An appeal against the decision may be made to An Bord Pleanála. The applicant or ANY OTHER PERSON who made submissions or observations to the Local Authority may appeal within FOUR WEEKS beginning on the date of this decision. (N.B. Not the date on which the decision is sent or received).
2. Every appeal must be made in writing and must state the subject matter and full grounds of appeal. It must be fully complete from the start. In the case of a third party appeal it must be accompanied by the acknowledgement by the Planning Authority of receipt of the submissions/observations. Appeals should be sent to:
The Secretary, An Bord Pleanála, 64 Marlborough Street, Dublin 1.
3. An Appeal lodged by an applicant/ agent or by a third party with An Bord Pleanála will be invalid unless accompanied by the prescribed fee. A schedule of fees is at 7 below.
4. A party to an appeal making a request to An Bord Pleanála for an Oral Hearing of an appeal must, in addition to the prescribed fee, pay to An Bord Pleanála a further fee (see 7 (g) below).
5. A person who is not a party to an appeal must pay a fee to An Bord Pleanála when making submissions or observations to An Bord Pleanála in relation to an appeal.
6. If the Council makes a decision to grant permission/grant permission consequent on a grant of outline permission and there is no appeal to An Bord Pleanála against this decision, PERMISSION/PERMISSION CONSEQUENT ON A GRANT OF OUTLINE PERMISSION will be granted by the Council as soon as may be after the expiration of the period for the taking of such an appeal. If any appeal made in accordance with the Acts has been withdrawn, the Council will grant the PERMISSION/PERMISSION CONSEQUENT ON A GRANT OF OUTLINE PERMISSION/RETENTION as soon as may be after the withdrawal.
7. Fees payable to An Bord Pleanála from 10th December 2007 are as follows:
 - (a) Appeal against a decision of a Planning Authority on a planning application relating to commercial development made by the person by whom the planning application was made. where the application relates to unauthorised development.....€4,500.00 or €9,000 if an E.I.A.R. is involved
 - (b) Appeal against a decision of a planning authority on a planning application relating to commercial development made by the person by whom the planning application was made. other than an appeal mentioned at (a)..... €1,500.00 or €3,000.00 if an E.I.A.R. is involved
 - (c) Appeal made by the person by whom the planning application was made, where the application relates to unauthorised development other than an appeal mentioned at (a) or (b)..... €660.00
 - (d) Appeal other than an appeal mentioned at (a), (b), (c) or (f) €220.00
 - (e) Application for leave to appeal..... €110.00
 - (f) Appeal following a grant of leave to appeal..... €110.00
 - (g) Referral €220.00
 - (h) Reduced fee (payable by specified bodies) €110.00
 - (i) Submission or observations (by observer) €50.00
 - (j) Request from a party for an Oral Hearing..... €50.00

If in doubt regarding any of the above appeal matters, you should contact An Bord Pleanála for clarification at Telephone 01-858 8100