

Comhairle Chontae Atha Cliath Theas

PR/0387/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0027 **Application Date:** 01-Feb-2022
Submission Type: New Application **Registration Date:** 01-Feb-2022

Correspondence Name and Address: Nicolas Howden 17, Inchicore Terrace North,
Inchicore, Dublin 8, D08RCX5

Proposed Development: (a) Change of use of existing unused horse stables (151.34sqm.) to a two bedroom, single storey, detached private annex dwelling to the main house on the same site. The new dwelling will be used by members of the same family and be served by existing access and car parking at the main house. No changes to the footprint of the existing building are proposed. (b) Permission is also sought for associated landscaping, foul and surface water drainage and all associated site works necessary to facilitate development.

Location: 'Mattie', Windmillhill, Rathcoole, Co. Dublin, D24T267

Applicant Name: Paula and Barry Egan

Application Type: Permission

Description of Site and Surroundings:

Site Area:

2.63 Ha (entire landholding)

0.015 Ha (area subject to this Planning Application)

Site Description:

The subject site is located on the southern side of a rural road known as 'Windmillhill' and is situated approximately 450m to the southeast of the N7 and 3.2km to the southwest of Rathcoole village. The site is bound to the south by the Dublin/Kildare border, to the north by Windmillhill, to the east by a 2 No. storey dwelling on a large landholding and to the west by Steelstown Lodge and a rural access road. The site is traversed by a 240kv power line. The area surrounding the subject site is generally rural in nature, with a number of rural houses sited on agricultural lands or surrounded by grasslands.

The site is comprised of a recessed vehicular entrance off 'Windmillhill', a tarmacked driveway leading to an existing 2 storey dwelling known as 'Mattie', an ancillary garage and tarmacked

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space, a swimming pool and glass enclosure, a tennis court, agricultural grassland currently used for vegetable farming and small-scale cow grazing, a corrugated barn structure and a single storey horse stables and tack room.

The site pertaining to this Planning Application is located in the southeastern corner of the overall landholding and is comprised of a 151.34sq.m six stall horse stable and tack room, which is currently unused and vacant. The single storey structure is generally regular in shape with a maximum overall height of 3.3m and is 15.44m long and 12.73 wide.

Proposal:

The proposed development is comprised of:

- The change of use of an existing single storey 6 stall horse stable and tack room (151.34sq.m) to a 2 bedroom single storey detached private annex dwelling to the main house.
- To facilitate the proposed change of use some internal dividing walls will be demolished and the following elevational amendments will be applied:
 - **Southeast Elevation:** The provision of 3 new windows and 2 glazed sliding doors.
 - **Northeast Elevation:** Retention of the existing metal sliding door and the provision of 1 new window.
 - **Southwest Elevation:** Retention of the existing metal sliding door and the provision of 1 new window.
 - **Northwest Elevation:** Provision of 3 new windows and 1 access door providing access to the pantry/boot room.
 - **Roof:** The refurbishment of the existing tin corrugated roof and the installation of 4 rooflights.
- No changes are proposed to footprint of the existing single storey structure.
- No works are proposed to the adjacent corrugated barn building or any other existing structures on the subject site.
- All ancillary site works above and below ground, including associated landscaping and foul and surface water drainage.

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Zoning:

The application site is zoned Objective 'RU' - 'To protect and improve rural amenity and to provide for the development of agriculture.'

Consultations:

Drainage and Water Services:	Additional Information required.
Irish Water	No objection, subject to conditions.
Public Realm	No objection, subject to conditions.
Roads	Refusal recommended.
Heritage Officer:	No report received at time of writing.
Environmental Health Officer:	No report received at time of writing.
Transport Infrastructure Ireland:	No objection.
An Taisce:	No objection.

SEA Sensitivity Screening

Overlap indicated with the following SEA Sensitivity Layers:

- Rural Landscape Layer.
- Protected Structures Layer – Architectural Conservation Area.

Submissions/Observations /Representations

None received.

Relevant Planning History

Subject Site

No recent planning history recorded for the subject site.

Neighbouring Sites

No recent planning history recorded found in the vicinity of the subject site.

Relevant Enforcement History

None recorded for subject site

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Pre-Planning Consultation

None recorded for the proposed development.

Relevant Policy

South Dublin County Council Development Plan 2016 – 2022

Section 1.7.0 Settlement Strategy

Section 1.7.5 Rural Areas

Policy C5 Rural Areas

It is the policy of the Council to restrict the spread of dwellings in the Rural 'RU', Dublin Mountain 'HA-DM', Liffey Valley 'HA-LV' and Dodder Valley 'HA-DV' zones based on the criteria set out in the Rural Settlement Strategy contained in Chapter 2 Housing.

Section 2.4.2 Family Flats

A family flat refers to a temporary subdivision or extension of a single dwelling unit to provide semi-independent accommodation for an immediate family member (older parent or other dependent). The Council will consider family flat developments where an established need has been satisfactorily demonstrated.

H19 Objective 1: To favourably consider family flat development where the Council is satisfied that there is a valid need for semi-independent accommodation for an immediate family member (such as an older parent or other dependent), subject to the design criteria outlined in Chapter 11 Implementation.

Section 2.5.8 Rural House & Extension Design

Policy H27 Rural House & Extension Design

It is policy of the Council 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.

Section 7.2.0 Surface Water and Groundwater

Policy IE2 Surface Water & Groudwater

IE2 Objective 9

To protect water bodies and watercourses, including rivers, streams, associated undeveloped riparian strips, wetlands and natural floodplains, within the County from inappropriate development. This will include protection buffers in riverine and wetland areas as appropriate (see also Objective G3 Objective 2 – Biodiversity Protection Zone).

Section 8.1.0 Green Infrastructure Network

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Policy G2 Green Infrastructure Network

Section 8.2.0 Watercourses Network

Policy G3 Watercourses Network

Objective 2

To maintain a biodiversity protection zone of not less than 10 metres from the top of the bank of all watercourses in the County, with the full extent of the protection zone to be determined on a case by case basis by the Planning Authority, based on site specific characteristics and sensitivities. Strategic Green Routes and Trails identified in the South Dublin Tourism Strategy, 2015; the Greater Dublin Area Strategic Cycle Network; and other government plans or programmes will be open for consideration within the biodiversity protection zone, subject to appropriate safeguards and assessments, as these routes increase the accessibility of the Green Infrastructure network.

Policy HCL1 Heritage, Conservation and Landscapes

Policy HCL2 Archaeological Heritage

Section 9.2.0 Landscapes

Policy HCL7 Landscapes

Section 9.2.1 Views and Prospects

Table 9.2: Prospects to be Preserved and Protected

Policy HCL8 Views and Prospects

Section 9.2.3 Dublin Mountains

Policy HCL9 Dublin Mountains

Section 9.2.4 Liffey Valley and Dodder Valley

Policy HCL10 Liffey Valley and Dodder Valley

Section 9.3.0 Natural Heritage Sites

Section 9.3.1 Natura 2000 Sites

Table 9.3 Natura 2000 Sites

Policy HCL12 Natura 2000 Sites

Section 9.3.2 Natural Heritage Areas

Table 9.4 Proposed Natural Heritage Areas

Policy HCL13 Natural Heritage Areas

Section 9.3.5 Non-Designated Areas

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Policy HCL15 Non-Designated Areas

Section 9.4.0 Public Rights of Way and Permissive Access Routes
Policy HCL16 Public Rights of Way and Permissive Access Routes

Section 9.7.0 Sites of Geological Interest
Table 9.6 County Geological Sites for Protection
Policy HCL19 Geological Sites

Section 11.3.3 Additional Accommodation
(ii) Family Flat

A family flat is to provide semi-independent accommodation for an immediate family member (dependent of the main occupants of a dwelling). A family flat is not considered to represent an independent dwelling unit and as such open space and car parking standards are not independently assessed. Proposals for family flat extensions should meet the following criteria:

- The applicant shall be required to demonstrate that there is a genuine need for the family flat,
- The overall area of a family flat should not exceed 50% of the floor area of the main dwelling house,
- The family flat should be directly accessible from the main dwelling via an internal access door, and
- The design criteria for dwelling extensions will be applied.

Section 11.7.2 Energy Performance in New Buildings
Section 11.8.2 Appropriate Assessment

Relevant Government Policy & Guidelines

Project Ireland 2040 National Planning Framework, Government of Ireland, 2018.

Regional, Spatial & Economic Strategy 2020-2032 (RSES), Eastern & Midlands Regional Assembly (2019)

- Section 5 – Dublin Metropolitan Area Strategic Plan, in Regional, Spatial and Economic Strategy 2019 – 2031.

Action Plan for Rural Development, Government of Ireland, 2017.

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Sustainable Rural Housing Guidelines for Planning Authorities DoEHLG (2005)

The Planning System and Flood Risk Management - Guidelines for Planning Authorities,
Department of the Environment, Heritage and Local Government & OPW, (2009)

Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities DoEHLG (2009)

OPR Practice Note PN01 Appropriate Assessment Screening for Development Management (March 2021)

Assessment

The main issues for consideration are:

- Zoning and Council policy
- Landscape Character
- Public Realm
- Water Services
- Access, Transport and Parking
- Screening for Appropriate Assessment
- Screening for Environmental Impact

Zoning and Council Policy

The site is zoned objective 'RU' in the Development Plan 2016-2022 which seeks 'To protect and improve Rural Amenity and to provide for the development of Agriculture'. The proposed development would constitute a family flat which is ancillary to the main existing dwelling on the subject site.

The use class 'Residential' is listed as 'open for consideration' under this zoning objective subject to accordance with Council policy for development in rural areas. Therefore, such proposals may be permitted only if they do not conflict with the policies and objectives of the Development Plan (including housing needs criteria) and if they are consistent with the principles of proper planning and sustainable development and relevant Ministerial guidelines. The proposal, therefore, is assessed below within this context.

The Change of Use from an existing shed to a residential dwelling that will serve as a private annex to the existing house is considered by the Planning Authority to be a Family Flat. Section 2.4.2 of the Development Plan defines a Family Flat as follows:

'A family flat refers to a temporary subdivision or extension of a single dwelling unit to provide semi-independent accommodation for an immediate family member (older

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parent or other dependent). The Council will consider family flat developments where an established need has been satisfactorily demonstrated'.

Policy H19 Objective 1 of the Development Plan states that it is an objective of the Council to:

'To favourably consider family flat development where the Council is satisfied that there is a valid need for semi-independent accommodation for an immediate family member (such as an older parent or other dependent), subject to the design criteria outlined in Chapter 11 Implementation'.

The need for semi-independent accommodation for the Applicant's son, as outlined in the documentation accompanying the Application, is accepted by the Planning Authority. However, some concerns arise in relation to the proposed developments compliance with Section 11.3.3(ii) of the Development Plan which states that:

'A family flat is to provide semi-independent accommodation for an immediate family member (dependent of the main occupants of a dwelling). A family flat is not considered to represent an independent dwelling unit and as such open space and car parking standards are not independently assessed. Proposals for family flat extensions should meet the following criteria:

- *The applicant shall be required to demonstrate that there is a genuine need for the family flat,*
- *The overall area of a family flat should not exceed 50% of the floor area of the main dwelling house,*
- ***The family flat should be directly accessible from the main dwelling via an internal access door, and***
- *The design criteria for dwelling extensions will be applied'. [Emphasis added]*

Whilst the Planning Authority is not opposed to the provision of a family flat at the subject site for the Applicant's son, it is considered that the current design of the dwelling does not comply with Section 11.3.3.(ii) of the Development Plan, as the unit is not directly accessible from the main dwelling. As such, in its current form the proposed development is considered to be contrary to the provisions of the South Dublin County Development Plan 2016-2022 and permission should be REFUSED. The principle of a Family Flat at the subject site is accepted by the Planning Authority, however the proposal should be re-designed to demonstrate compliance with the relevant policies and objectives of the Development Plan.

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Landscape Character

The Parks and Public Realm Department has assessed the proposed development and has indicated no objection to the proposed development.

Water Services and Drainage

The Drainage and Water Services Department has indicated that the information provided by the Applicant is deficient as follows:

- There are no soil percolation test results, design calculations or dimensions submitted for the proposed soakaway. The applicant is required to submit a report showing site specific soil percolation test results and design calculations for the proposed soakaway in accordance with BRE Digest 365 – Soakaway Design.
- No drawing in plan and cross-sectional view of the proposed soakaway has been provided.

It is noted that the current application is accompanied by a report prepared by Gordon White Consulting Engineers.

It is stated that the proposed development would be connected to the existing septic tank, which serves the main dwelling house. Considering the current application would be ancillary to the main dwelling and would not comprise a new dwelling unit, this is considered to be acceptable in principle. However, any future application would need to include detailed information regarding soil percolation testing and design calculations, dimensions and drawings of the proposed soakaway.

Access, Transport and Parking

The Roads Department has provided a report in relation to the proposed development, which indicates an objection to the proposed development on the following grounds:

1. *The proposed development would be located on a substandard rural road network which is narrow in width and has poor vertical and horizontal alignment. The road lacks pedestrian, public lighting and drainage facilities and is saturated with one-off houses. Having regard to this, the proposed development would endanger public safety by reason of traffic hazard. The road network in the area is incapable of catering for the continuation of ribbon development. The proposed development would be contrary to the proper planning and sustainable development of the area.*

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1. *The generation of additional traffic on a laneway substandard in width and alignment and without adequate facilities for pedestrians and vulnerable road users would endanger public safety by reason of a traffic hazard'.*

The Planning Report provided by the Applicant states that:

'As the family member intending to move into the proposed development is currently living in the main house, we can be assured new traffic and transport concerns will not arise.'

Whilst the concerns of the Roads Department are noted, it is considered that, provided the proposed dwelling would be occupied by the applicant's son and be used as an ancillary family flat, there would be no intensification of the rural road network as the Applicant's son currently resides in the existing house.

Appropriate Assessment

The subject site is not located within nor within close proximity to a European site. The proposed development comprises the Change of Use of an existing building and will utilise the existing drainage and water services infrastructure on the subject site.

Having regard to:

- the small scale and domestic nature of the development,
- the location of the development on a serviced site, and
- the consequent absence of a pathway to the European site,

it is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

Environmental Impact Assessment

Having regard to the nature of the proposed development, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

Conclusion

Having regard to the zoning objective at the subject site, the policies and objectives of the Development Plan, specifically Sections 2.4.2 and 11.3.3(ii) regarding Family Flats and the

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separation of the proposed dwelling from the main existing house, it is considered that the Applicant has not satisfactorily demonstrated that the proposed development would comply with the policy contained within the South Dublin County Development Plan 2016-2022.

Recommendation

I recommend that a decision to Refuse Permission be made under the Planning & Development Act, 2000 (as amended) for the reasons set out in the Schedule hereto:-

SCHEDULE

REASON(S)

1. Having regard to the proposed change of use of an existing horse stables and tack room to provide a family flat dwelling in the south eastern corner of the subject site (separated from the existing main dwelling), it is considered that the proposed development would be contrary to South Dublin County Development Plan Policy 2016-2022, including Sections 2.4.2 and 11.3.3(ii) and would therefore be contrary to the proper planning and sustainable development of the area.

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REG. REF. SD22A/0027

LOCATION: 'Mattie', Windmillhill, Rathcoole, Co. Dublin, D24T267

Colm Harte

**Colm Harte,
Senior Executive Planner**

ORDER: A decision pursuant to Section 34(1) of the Planning & Development Act 2000 (as amended) to Refuse Permission for the above proposal for the reasons set out above is hereby made.

Date:

28/3/22



Eoin Burke, Senior Planner