

# Comhairle Chontae Atha Cliath Theas

**PR/0512/22**

## Record of Executive Business and Chief Executive's Order

**Reg. Reference:** SD22A/0070      **Application Date:** 25-Feb-2022  
**Submission Type:** New Application      **Registration Date:** 25-Feb-2022  
**Correspondence Name and Address:** Declan Kearns & Associates Tullywest, Kildare, Co. Kildare  
**Proposed Development:** Two storey house; detached one storey domestic garage; effluent treatment system and polishing filter; recessed entrance and all associated site works.  
**Location:** Coolmine Saggart Co. Dublin  
**Applicant Name:** Will Lynch  
**Application Type:** Permission

(AOCM)

### **Description of Site and Surroundings:**

Site Area: stated as 0.4167 hectares.

### **Site Description:**

The application site comprises part of an open field, bounded by mature hedgerow, forming part of the grounds of the Coolmine Equestrian Club. The area is characterised by open countryside and rural dwellings with ad hoc rural businesses also located in the vicinity. The site is located approximately 1.5km south of Rathcoole and 2km south west of Saggart.

### **Site visited:**

5 April 2022

### **Proposal:**

Permission is sought for the following:

- Two-storey, hipped roof 5-bedroom detached house with single storey pitched roof wing (310.9 sq.m)
- Detached pitched roof garage (45 sq.m)
- Effluent treatment system and polishing filter;
- Recessed entrance and all associated site works.

### **Zoning:**

The site is subject to zoning objective 'RU' - *'To protect and improve rural amenity and to provide for the development of agriculture'*.

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### **Consultations:**

SDCC Heritage Officer – No response received to date

Public Realm – No objection, **conditions** recommended

Roads – **Refusal** recommended

Surface Water Drainage – **Additional information** recommended

Irish Water – No objection

Environmental Health Officer – No objection, **conditions** recommended

### **SEA Sensitivity Screening**

Overlap with Rural 2016

### **Submissions/Observations /Representations**

Submission expiry date – 31/03/2022

1 submission received from Councillor S. O'Hara stating support for the application.

### **Relevant Planning History**

**SD11A/0176:** 4-bedroom, detached dormer dwelling (200 sq.m), site works, waste treatment plant & well. **Outline permission granted.**

An extension of duration for this permission was refused under **SD11A/0176/EP** as it was determined that applications to extend the duration of outline permission cannot be made.

Other planning history at the site all relates to the equestrian use and would not be considered relevant in the assessment of this application.

Coolmine Equestrian Centre Lands (located north east of the subject site)

**S95A/0105:** Managers residence. **Permission refused**

### *Relevant Reasons for Refusal*

1. The site of the proposed development is located in an area where it is an objective of the planning authority as set out in the 1993 Dublin County Development Plan 'to protect and provide for the development of agriculture.' It is the policy of the Council to restrict housing development in this area to applicants with a genuine need to reside in proximity to their employment where related to the rural community. As there is already a house on this land-holding and permission granted for a large extension to same it is considered that a further dwelling house would be contrary to the proper planning and development of the area.
2. The proposed development would endanger public safety by reason of traffic hazard because the road network in the area is sub-standard in terms of width, alignment and surfacing and lacks public footpaths, lighting and drainage.

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3. The proposed development constitutes undesirable ribbon development which will lead to a demand for the uneconomic provision of services and would set an undesirable precedent for further similar developments in the area and would, therefore, be contrary to the proper planning and development of the area.

### Nearby Sites

**SD18A/0248:** Construction of a 3-bed bungalow, new waste water treatment system with percolation area, new well, new internal gated entrance off the existing shared access road, landscaping and all ancillary site works. The dwelling will be accessed from the main road via the existing entrance. **Permission refused**

### *Relevant Reasons for Refusal*

- 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 that would warrant the setting aside of the objectives of Policy H20 in this instance, particularly having regard to the proximity of the site to such existing settlements. As such, the proposed development would materially contravene the objectives of the Development Plan and would lead to the exacerbation of ribbon development and demands for the uneconomic provision of further public services and facilities in this rural area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
- The proposed site is located in an area zoned Objective 'RU' in the South Dublin County Development Plan 2016 – 2022 which seeks 'to protect and improve Rural Amenity and to provide for the development of Agriculture'. It is considered that the site of the proposed development is situated in an area under strong urban influence and therefore, pursuant to the national policies contained within 'Project Ireland 2040, National Planning Framework'; and the Core Strategy and Rural Settlement Strategy outlined in the South Dublin County Council Development Plan, the proposed development would by itself and cumulatively, constitute the proliferation of rural housing in an area under strong urban influence. This would hinder the achievement of the policies and objectives of the National Planning Framework to consolidate existing urban settlements and to contribute to compact growth within the Dublin Region. It is therefore considered that the proposed development would be contrary to national policy as set out in 'Project Ireland 2040, National Planning Framework' and local policy as set out in the South Dublin County Council Development Plan 2016 – 2022 and that it would materially contravene the zoning objective for the area and, as such would be contrary to the proper planning and sustainable development of the area.

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- The proposal constitutes undesirable ribbon development on a substandard rural road with a steep gradient, and would lead to demand for the uneconomic provision of services and would set an undesirable precedent for further similar developments in the area. In addition, the proposed development would be contrary to the Sustainable Rural Housing Guidelines for Planning Authorities, 2005 (Ministerial Guidelines issued to Planning Authorities under section 28) which recommend against the creation of such ribbon development on the basis of (inter alia) road safety, future demands for the provision of public infrastructure, and visual impact.
- The proposed development would set an undesirable precedent for other similar developments which would in themselves and cumulatively, be harmful to the rural amenities of the area and would be contrary to the proper planning and sustainable development of the area.

**SD17A/0204:** Detached single storey, three-bedroom dwelling with sedum roof with photovoltaic panel above and a north facing balcony: with a combined vehicular access off the public road with the existing dwelling on site: biocycle waste water treatment system: a well and all associated ancillary drainage, landscaping and site development works necessary to facilitate the development. Permission is also sought for a replacement biocycle waste water treatment system to serve the existing dwelling on site. **Permission refused by SDCC and An Bord Pleanála.**

**SD16A/0455:** Construction of split level 3 bed bungalow. Lower level of the dwelling has garage, tack room, dog room and store. New waste water treatment system, new well, internal access road and internal gate entrance and associated landscaping works. Dwelling will be accessed via the existing entrance. **Permission refused**

### **Relevant Enforcement History**

None recorded for subject site.

### **Pre-Planning Consultation**

None recorded for subject site.

### **Relevant Policy in South Dublin County Council Development Plan 2016-2022**

*Section 2.5.0 Rural Housing*

*Policy H20 Management of Single Dwellings in 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 and to focus such housing into existing settlements.*

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### *Policy H21 Rural Housing Policies and Local Need Criteria*

*It is the policy of the Council that in accordance with the Sustainable Rural Housing Guidelines DEHLG (2005) and Circular SP 5/08 Rural Housing Policies and Local Need Criteria in Development Plans: Conformity with Articles 43 and 56 (Freedom of Establishment and Free Movement of Capital) of the European Community Treaty, 'persons who are an intrinsic part of the rural community' or 'persons 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 (2005) shall be favourably considered in relation to rural housing.*

### *Policy H22 Rural Housing in RU Zone*

*It is the policy of the Council that within areas designated with Zoning Objective 'RU' (to protect and improve rural amenity and to provide for the development of agriculture) new or replacement dwellings will only be permitted in exceptional circumstances.*

### *H22 Objective 1:*

*To consider new or replacement dwellings within areas designated with Zoning Objective 'RU' (to protect and improve rural amenity and to provide for the development of agriculture) where:*

- The applicant can establish a genuine need to reside in proximity to their employment (such employment being related to the rural community) OR*
- The applicant has close family ties with the rural community.*

### *Section 2.5.7 Rural Dwelling Occupancy*

#### *Policy H26 Occupancy Condition*

*It is the policy of the Council that conditions attached to the grants of permission for housing in Rural (RU), Dublin Mountain (HA-DM), Liffey Valley (HA-LV) and Dodder Valley (HA-DV) areas will include the stipulation that the house must be first occupied as a place of permanent residence by the applicant and/or by members of his/her immediate family, for a minimum period of seven years or such other longer period of time as is considered appropriate.*

### *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.*

### *H27 Objective 1:*

*Ensure that all new rural housing and extensions within areas designated with Zoning Objective 'RU' (to protect and improve Rural Amenity and to provide for the development of*

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*Agriculture), Zoning Objective 'HA-DM' (to protect and enhance the outstanding natural character of the Dublin Mountains Area), Zoning Objective 'HA-LV' (to protect and enhance the outstanding character and amenity of the Liffey Valley) and Zoning Objective 'HA-DV' (to protect and enhance the outstanding character and amenity of the Dodder Valley):*

- *Is designed and sited to minimise impact on the landscape including views and prospects of natural beauty or interest or on the amenities of places and features of natural beauty or interest including natural and built heritage features; and*
- *Will not have a negative impact on the environment including flora, fauna, soil, water (including ground water) and human beings; and*
- *Is designed and sited to minimise impact on the site's natural contours and natural drainage features; and*
- *Retains and reinstates traditional roadside and field boundaries; and*
- *Is designed and sited to circumvent the need for intrusive engineered solutions such as cut and filled platforms, embankments or retaining walls; and*
- *Would comply with Code of Practice Wastewater Treatment Systems Serving Single Houses, EPA (2009) or other superseding standards; and*
- *Would not create or exacerbate ribbon or haphazard forms of development.*

### *Section 11.3.4 Rural Housing*

#### **11.3.4 Rural Housing**

##### *(i) Housing Need*

*The Rural Settlement Strategy outlined in Chapter 2 Housing sets out the requirements to meet housing need that will be considered for housing on lands that are designated with Zoning Objective 'RU', 'HA-DM', 'HA-LV' and 'HA-DV'. For the purpose of assessing local rural housing needs criteria, the division between the High Amenity Dublin Mountain 'HA-DM' Zone and the High Amenity Dodder Valley 'HA-DV' Zone occurs at Fort Bridge, Bohernabreena with the 'HA-DM' Zone occurring to the south of the bridge and the 'HA-DV' Zone occurring to the north of the bridge.*

##### *(ii) Rural Housing Design*

*A comprehensive site analysis and character appraisal should be submitted with all applications for houses and extensions in rural and high amenity zones (see also Section 11.5.5 (i) Ecological Protection and (ii) High Amenity and Sensitive Landscapes). The analysis and appraisal should provide a rationale for the design and siting of the proposed development including form, building finishes, height, and massing based on the local and natural context. Such development should generally be low rise. The shape and form of residential development*

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*in rural and high amenity areas, including roof structures, should be compact and simple with external building finishes that reflect the local character of the area including vernacular buildings and traditional building materials. Dormer extensions should be minimised and should not obscure the main features of a roof.*

*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 road in a manner that creates ribbon development should be avoided. Dwellings and extensions should not be located on a ridgeline or in an elevated position in the landscape. The natural slope and landcover of sites should be retained, with an appropriate tree and hedgerow planting scheme that utilises and augments indigenous planting. Traditional field and roadside boundaries, including old stone boundary walls and hedgerows, should be retained or reinstated as much as possible. Sustainable Urban Drainage measures should also be incorporated.*

*Driveway and parking areas should be minimised and should follow the natural slope and contours of the site with appropriate permeable materials. Modern gateways, piers and boundary walls should be avoided with the exception of the retention and reinstatement of traditional stone boundary walls.*

### *(iii) Wastewater Treatment*

*Domestic effluent treatment plants and percolation areas serving rural houses or extensions shall comply with the requirements of the Code of Practice Wastewater Treatment Systems Serving Single Houses, EPA (2009) or other superseding standards. Such details should be included with applications for new or replacement houses and extensions to existing dwellings where there would be an increase in demand on the treatment capacity of any existing wastewater treatment system.*

*Policy HCL1 Heritage, Conservation and Landscapes*

*Policy HCL2 Archaeological Heritage*

*Section 9.2.0 Landscapes*

*Policy HCL7 Landscapes*

*Section 8.1.0 Green Infrastructure Network*

*Policy G2 Green Infrastructure Network*

*Section 8.2.0 Watercourses Network*

*Policy G3 Watercourses Network*

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*Section 9.2.1 Views and Prospects*

*Table 9.2: Prospects to be Preserved and Protected*

*Policy HCL8 Views and Prospects*

*HCL8 Objective 1*

*Section 9.2.3 Dublin Mountains*

*Policy HCL9 Dublin Mountains*

*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*

*Policy HCL15 Non-Designated Areas*

*HCL15 Objective 1*

*HCL15 Objective 2*

*HCL15 Objective 3*

*Section 9.4.0 Public Rights of Way and Permissive Access Routes*

*Policy HCL16 Public Rights of Way and Permissive Access Routes*

*Section 11.7.2 Energy Performance in New Buildings*

*Section 11.8.2 Appropriate Assessment*

*Schedule 1: Record of Monuments and Places*

*Landscape Character Assessment of South Dublin County (2015)*

### **Relevant Government Guidelines**

***Project Ireland 2040 National Planning Framework***, Government of Ireland (2018).

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

***Rebuilding Ireland: Action Plan for Housing and Homelessness***, Government of Ireland (2016).



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*Quality Housing for Sustainable Communities-Best Practice Guidelines*, Department of the Environment, Heritage and Local Government, (2007).

*Sustainable Rural Housing Guidelines for Planning Authorities*, Department of Housing, Local Government and Heritage, (2005)

*Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities*, Department of the Environment, Heritage and Local Government, (2009).

*OPR Practice Note PN01 Appropriate Assessment Screening for Development Management*, Office of the Planning Regulator (OPR), (March 2021)

### **Assessment**

The main issues for assessment concern the following:

- Zoning and Council policy
- Residential and visual amenity
- Roads
- Public Realm
- Services, Drainage and the Environment
- Environmental Health Officer
- Appropriate Assessment
- Environmental Impact Assessment

### **Zoning and Council Policy**

The site is subject to zoning objective 'RU' - '*To protect and improve rural amenity and to provide for the development of agriculture*'. Residential development is 'Open for Consideration' under this zoning objective, in accordance with Council policy for residential development in rural areas.

Policy H21 Rural Housing Policies and Local Need Criteria states:

*It is the policy of the Council that in accordance with the Sustainable Rural Housing Guidelines DEHLG (2005) and Circular SP 5/08 Rural Housing Policies and Local Need Criteria in Development Plans: Conformity with Articles 43 and 56 (Freedom of Establishment and Free Movement of Capital) of the European Community Treaty, "persons who are an intrinsic part of the rural community" or "persons 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 (2005) shall be favourably considered in relation to rural housing.*

Section 11.3.4 of the Development Plan states a requirement for applicants in rural areas to prove a housing need on lands zoned 'RU'. Policy H22 of the Development Plan states new dwellings will only be permitted in the 'RU' zone in exceptional circumstances. H22 Objective

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1 lists the criteria that must be met to qualify for consideration of construction of a dwelling in the 'RU' zone. H22 Objective 1 states as follows:

*To consider new or replacement dwellings within areas designated with Zoning Objective "RU" (to protect and improve rural amenity and to provide for the development of agriculture) where:*

- *The applicant can establish a genuine need to reside in proximity to their employment (such employment being related to the rural community) – The applicant has provided evidence that one of the applicants currently work at Coolmine Equestrian Centre, a business that is run by the applicant's father on land that has been farmed by the family for three generations. The applicant has provided supporting information from the 2011 outline application, which would no longer be considered up to date, and a supporting cover letter from 2022.*

The cover letter states a need to have accommodation on site to ensure the individual and agricultural safety of visiting groups. The applicant states the intention to retain the family business and continue work into the future, with the level of commitment and responsibility requiring direct proximity to the centre. One of the applicants has a hybrid work style that does not appear linked to the area.

The applicant has not provided detailed information on their current accommodation and why this inadequate. It is noted that there is an existing dwelling in the family that is located on the lands associated with the Equestrian Centre.

- **OR**

- *The applicant has close family ties with the rural community – The applicant has submitted letters of support from his father and the Rathcoole Saggart Community Alert Committee. In addition, Councillor Shirley O'Hara has submitted a letter in support of the development. The applicant has stated his family live within 1km of the development site, and it is their intention to remain in the area to support family members as they age.*

Based on the above, the applicant has provided evidence supporting employment and close family ties to the area, however, information from 2011 and relying on the expired outline permission are not considered sufficient to support this application given the passage of time.

On the information provided, it is not considered that adequate information has been provided to prove exceptional circumstances requiring development at this site. Council Policy H20 states *'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 and to*

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*focus such housing into existing settlements.* It is not considered that the applicant has provided satisfactory information to confirm the requirement for a property at this location, an area under urban pressure, within close proximity to Rathcoole (1.5km) and Saggart (2km). The applicant should be requested to submit additional information confirming an exceptional need to live at this location as **additional information**. It should be noted by the applicant that information and supporting documentation should be recent and supporting letters from 2011 are no longer considered current. In this regard, information that was provided in 2011 is out of date for the purpose of this application. The applicant needs to provide information to confirm their ongoing and current employment at the Coolmine Equestrian Centre, details/documentation establishing the applicant's current place of residence and a map detailing the location of any other residential properties owned by the applicant or their family within the vicinity of the Equestrian Centre.

### **Residential and Visual Amenity**

The proposal includes construction of a two-storey detached house with single storey detached garage on a greenfield site.

#### House

##### *Internal Accommodation*

The dwelling would be 310.9 sq.m, with 5 bedrooms, all en-suite, extensive living areas and a home office. While the Development Plan and Quality Housing for Sustainable Communities-Best Practice Guidelines do not provide target gross floor areas for 5-bedroom dwellings, the target gross floor area for a two-storey, 4-bedroom (7 person) house is 110 sq.m, as per the Guidelines. On this basis, the 310.9 sq.m proposed is considered excessive and without justification. The applicant should be requested to reduce the scale of internal accommodation, by way of **additional information**, to a more modest scale, appropriate to its rural location, with reference to the relevant Guidelines. It is noted that SD11A/0176 granted outline permission for a 4-bedroom dormer bungalow c.200 sq.m. A dwelling of this size and scale would be considered more appropriate at this location.

##### *External Appearance*

Section 2.5.8 of the Development Plan states that, in rural areas, *'dwellings should be designed to be inconspicuous and compact in design particularly in areas of high visual amenity and with a steep topography'*.

Section 11.3.4 (ii) provides rural housing design criteria, against which proposals shall be assessed. The criteria are as follows:

- *A comprehensive site analysis and character appraisal should be submitted with all applications for houses and extensions in rural and high amenity zones (see also Section 11.5.5 (i) Ecological Protection and (ii) High Amenity and Sensitive*

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*Landscapes). The analysis and appraisal should provide a rationale for the design and siting of the proposed development including form, building finishes, height, and massing based on the local and natural context. Such development should generally be low rise. The shape and form of residential development in rural and high amenity areas, including roof structures, should be compact and simple with external building finishes that reflect the local character of the area including vernacular buildings and traditional building materials. Dormer extensions should be minimised and should not obscure the main features of a roof – A rationale for the design and siting of the house has not been provided. This should be requested as **additional information**. It is not considered that the design of the house complies with the requirement to be ‘compact and simple’, nor is it considered that the style of the dwelling reflects the character of vernacular buildings or traditional buildings. The property is two storeys with a hipped roof and could not be considered ‘low rise’. In this regard the applicant should be requested to address these concerns and reduce the scale of the proposed dwelling, with greater reference to the vernacular style.*

- *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 road in a manner that creates ribbon development should be avoided – the subject site would have approximately 67m road frontage. The dwelling would be located on a rural road with several private dwellings and it is considered that it could contribute to ribbon development. On this basis the development is not acceptable and should be **refused**.*
- *Dwellings and extensions should not be located on a ridgeline or in an elevated position in the landscape. The natural slope and landcover of sites should be retained, with an appropriate tree and hedgerow planting scheme that utilises and augments indigenous planting. Traditional field and roadside boundaries, including old stone boundary walls and hedgerows, should be retained or reinstated as much as possible. Sustainable Urban Drainage measures should also be incorporated – The garage is located at the high point of the site. This is assessed later; however, it should be noted that the location of the garage is not considered acceptable, and it should be relocated within the site. The siting of the main dwelling suggests a lower finished floor level than the existing levels of the site by approximately 1m. This suggests that the natural slope of the site would be affected by the development. The applicant should be requested to submit **additional information** clearly showing existing and proposed site levels, and sections to demonstrate how the proposal relates to the natural slope of the site. Roadside hedgerow would be removed and replaced to achieve sightlines from the entrance. The removal of extensive roadside hedgerow is not considered acceptable. The applicant should be requested to submit a revised scheme retaining the roadside hedgerow, as well as providing a detailed analysis of sightlines from the site, undertaken by a transport consultant/engineer. This should be submitted as **additional information**.*

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- *Driveway and parking areas should be minimised and should follow the natural slope and contours of the site with appropriate permeable materials. Modern gateways, piers and boundary walls should be avoided with the exception of the retention and reinstatement of traditional stone boundary walls* – It is considered that the proposed driveway and parking area is excessive. This should be reduced by way of **additional information**. Proposed boundary elevations have not been provided and should be requested by way of **additional information**.

It is considered that the current design of the property does not comply with the requirements of Section 11.3.4 of the Development Plan and should be altered by way of **additional information**. In the absence of a request for additional information, the application should be **refused**.

### *H27 Objective 1*

H27 Objective 1 provides criteria against which housing in the 'RU' zone is to be assessed against. The criteria are as follows:

- *Is designed and sited to minimise impact on the landscape including views and prospects of natural beauty or interest or on the amenities of places and features of natural beauty or interest including natural and built heritage features* – the proposed dwelling is a large, detached 5-bedroom home over two-storeys. A detached garage at the high point of the site is proposed. Given the scale of the dwelling and siting of the garage, it is not considered that the house has been designed to minimise impacts on the landscape. The applicant should be requested to submit revised proposals for the house, reducing its scale and with reference to Section 2.5.8 and Section 11.3.4 of the Development Plan. This should be sought by way of **additional information**.
- *Will not have a negative impact on the environment including flora, fauna, soil, water (including ground water) and human beings* – An Appropriate Assessment Screening Report, prepared by Faith Wilson, has been provided with the application. This Report states that there is no likelihood of significant effects to the Natura 2000 sites proximate to the site or other sites of conservation importance. It is noted that a significant portion of existing roadside hedgerow would be removed to facilitate the development. The removal of the full extent of roadside hedgerow is not considered acceptable. In addition, the Drainage Department have recommended **additional information** in relation to soil percolation tests, discussed below.
- *Is designed and sited to minimise impact on the site's natural contours and natural drainage features* – the finished floor levels shown on the floor plans suggests that ground floor of the property will be approximately 1m lower than the existing level of the land. In this regard the design does not respond to, or reflect, the site's natural contours. The applicant should be requested to address this criterion by way of **additional information**.

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- *Retains and reinstates traditional roadside and field boundaries* – The applicant has stated that the existing hedgerow roadside boundary would be removed, to be replaced by a native hedgerow and post and wire fence, setback from the roadside to achieve the required sightlines. In this regard the scheme does not meet this criterion.
- *Is designed and sited to circumvent the need for intrusive engineered solutions such as cut and filled platforms, embankments or retaining walls* – It is not clear from drawings what works might be required to facilitate the dwelling. It was noted from a site visit that the property has a sloped gradient, falling from south to north by a maximum of approximately 4m. The applicant should be requested to submit **additional information** comprising detailed existing and proposed site sections, to confirm how the property will sit within the landscape and what works might be required to facilitate its construction.
- *Would comply with Code of Practice Wastewater Treatment Systems Serving Single Houses, EPA (2009) or other superseding standards* – The EHO has recommended a **condition** requiring the development would comply with the Code of Practice on Wastewater Treatment and Disposal Systems serving Single Houses issued by Environmental Protection Agency 2009.
- *Would not create or exacerbate ribbon or haphazard forms of development* – the site is located along a rural road which is proliferated with several rural dwellings and ad-hoc businesses. On the north side of the road, where the property is proposed, the closest property located approximately 32m to the south. On the south side of the road, a house and agricultural buildings are located within 25m of the proposed site entrance. To the northeast, the closest property is located within 375m. In this regard, the development would be considered to exacerbate ribbon development and would not be acceptable.

It is considered that the current design of the property does not comply with the requirements of H27 Objective 1 and the application should be **refused**.

### Garage

A 45 sq.m garage would be located within 4.2 m of the south western site boundary. The garage would have a pitched roof with garage doors located on the western elevation, accessed via a large driveway, with a door and 2 windows located on the 'side' eastern elevation and a window on the 'front' eastern.

The garage would be located at the high point of the site, approximately 2m higher than the location of the main house. There would be a concern about the levelling of this area and the extensive area of driveway required to provide access to the garage. The applicant should be requested to revise the location of the garage, so it is at a less prominent position within the site and would not require such an excess of driveway. A revised site layout, and other relevant drawings, should be submitted as **additional information**. It is noted that there are

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discrepancies between the site layout plan and the landscaping plan, with the landscaping showing a reduced driveway and not including the garage. The applicant should be requested to submit a revised landscape plan that includes all elements of the proposal, accurately located, as **additional information**.

### **Roads**

The Roads department has reviewed the application and have recommended **refusal** for the following reason:

*On the grounds that the proposed development would front onto a substandard rural road network which lacks public footpath, public lighting and drainage facilities, and would be situated in an area that 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 and as such, the proposed development would be contrary to the proper planning and sustainable development of the area.*

As stated elsewhere in this Report, the Planning Authority is of the opinion that the proposal would exacerbate unsustainable ribbon development. The Roads department have also raised concerns about the sub-standard quality of the existing road network, with additional development increasing resulting in the endangerment of public safety by way of traffic hazard. For these reasons, the development should be **refused**.

### **Public Realm**

The Public Realm department has reviewed the application. Their Report states that the submitted landscape plan is acceptable in principle. Their Report states the following concerns:

*The Public Realm Section has concerns regarding the proposed removal of the roadside hedgerow along the southern boundary of the site. Every effort should be made by the applicant to retain as much of this hedgerow as possible from an ecology and biodiversity perspective however if the hedgerow must be removed to facilitate sightlines then significant replacement/mitigation planting should be proposed with the landscape proposals.*

Their Report recommends the following **conditions** in the event of a grant:

1. *The submitted Landscape Masterplan (Dwg. No. 21-099-100) shall be implemented in full, within the first planting season following completion of the development.*
  - a) *All hard and soft landscape works shall be completed in full accordance with the approved Landscape Masterplan.*
  - b) *All trees, shrubs and hedge plants supplied shall comply with the requirements of BS: 3936, Specification for Nursery Stock. All pre-planting site*

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- preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of BS : 4428 (1989) Code of Practice for General Landscape Operations (excluding hard surfaces).*
- c) All new tree plantings shall be positioned in accordance with the requirements of Table 3 of BS 5837: 2012 "Trees in Relation to Design, Demolition and Construction – Recommendations".*
  - d) Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within three years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.*
  - e) A completion certificate is to be signed off by the Landscape Consultant when all works are completed and in line with the submitted landscape masterplan.*
2. *No development shall take place until a Sustainable Drainage Strategy and associated detailed design, management and maintenance plan of surface water drainage for the site using SuDS methods has been submitted to and approved in writing by the Planning Authority. The SUDS shall be an integrated multi-disciplinary approach which locally addresses water quality, water quantity, and provides for amenity and biodiversity enhancement which meets the objectives of South Dublin County Council Development Plan 2016-2022. The applicant shall show natural SuDS features for the development such as Green roofs, grass areas, tree pits, channel rills, swales, permeable paving and other such SuDS and show what attenuation capacity is provided by such SuDS.*

These **conditions** are considered appropriate in the event of a grant to ensure the protection of landscape features at the site and the suitable provision of SuDS measures.

#### **Services, Drainage and the Environment**

Water Services have reviewed the application and have recommended the following **additional information**:

- 1.1 Submit a report showing percolation test results for proposed soakaway as per BRE Digest 365 Standards. Infiltration rate test results shall be shown in metres per second as per BRE Digest 365 Standards.*
- 1.1 Submit a drawing in plan and cross sectional view showing design details of proposed sakaway as per BRE Digest 365 Standards*

It is considered appropriate to request the above by way of **additional information** to ensure adequate provision of SuDS measures.

Irish Water have reviewed the application and have stated no objection, referring to the Environmental Health Officer



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### **Environmental Health Officer**

The Environmental Health Officer (EHO) has reviewed the application and stated no objection. Their report recommends the following **conditions**:

#### ***Wastewater Treatment System***

- 1. The proposed wastewater treatment system shall be located, installed and operated in accordance with the details submitted to the Planning Authority and in accordance with the requirements of the Code of Practice on Wastewater Treatment and Disposal Systems serving Single Houses issued by Environmental Protection Agency 2009.*
- 2. A maintenance contract for the lifetime of the treatment system shall be entered into with the suppliers of the wastewater treatment system or with an appropriate maintenance firm. Documentary evidence of an on-going maintenance agreement shall be submitted to the Planning Authority within 4 weeks of the installation of the wastewater treatment system.*
- 3. Within three months of the first occupation of the house, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the wastewater treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner, and that the polishing filter and/or percolation area is constructed in accordance with the requirements of the Code of Practice on Wastewater Treatment and Disposal Systems serving Single Houses issued by Environmental Protection Agency 2009.*

#### ***Construction phase***

##### ***Noise***

- 4. To control, limit and prevent the generation of Environmental Noise Pollution from occurring the Environmental Health Department of South Dublin County Council, hereby informs you that:  
The use of machinery, plant, or equipment (which includes pneumatic drills, generators and the movement on and off the site of construction vehicles) is NOT PERMITTED outside the following hours*
  - Before 07.00 hours on weekdays, Monday to Friday*
  - Before 09.00 hours on Saturdays.*
  - After 19.00 hours on weekdays, Monday to Friday.*
  - After 13.00 hours on Saturdays.*
  - Not permitted at any time on Sundays, Bank Holidays or Public Holidays.*

##### ***Air Quality***

- 5. During the construction / demolition phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of*

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*pavements or other public areas, and any other precautions necessary to prevent dust nuisances.*

These **conditions** are considered appropriate in the event of a grant to ensure public health.

### **Screening for Appropriate Assessment**

The applicant has submitted an Appropriate Assessment Screening Report prepared by Faith Wilson, Ecological Consultant. This report concludes that *'there is no likelihood of significant effects on any of the Natura 2000 sites or on any other sites of conservation importance from the development of a private residential dwelling at Coolmine.'*

The subject site is not located within nor within close proximity to a European site. The proposed development is located within an established residential area and comprises of a house extension.

Having regard to:

- the small scale and domestic nature of the development,
- the location of the development in an area with existing rural residences, 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 modest nature of the proposed development, and the distance of the site from nearby sensitive receptors, 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**

It is considered that the current scheme does not meet or comply with all the requirements of the policies and objectives of the Development Plan 2016 – 2022. There are concerns regarding the scale and siting of the development, the removal of existing roadside hedgerow and the location of the development, on a substandard rural road, contributing to the exacerbation of ribbon development in the area. In addition, it is not considered that sufficient information has been provided by the applicant to address the exceptional need for development at this location, an area under strong urban pressure, and in particular given the close proximity of Rathcoole and Saggart. Based on this, and with particular reference to the concerns of the Roads Department, the application would represent unsustainable development in an area not supported by necessary services and would therefore not be in the interests of the proper

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planning and sustainable development of the area. For these reasons, the development should be **refused**.

### **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. 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 that would warrant the setting aside of the objectives of Policy H20 in this instance, particularly having regard to the proximity of the site to such existing settlements. As such, the proposed development would materially contravene the objectives of the Development Plan and would lead to the exacerbation of ribbon development and demands for the uneconomic provision of further public services and facilities in this rural area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
2. The proposed site is located in an area zoned Objective 'RU' in the South Dublin County Development Plan 2016 – 2022 which seeks 'to protect and improve Rural Amenity and to provide for the development of Agriculture'. The site of the proposed development is situated in an area under strong urban influence and therefore, pursuant to the national policies contained within 'Project Ireland 2040, National Planning Framework'; and the Core Strategy and Rural Settlement Strategy outlined in the South Dublin County Council Development Plan, the proposed development would by itself and cumulatively, constitute the proliferation of rural housing in an area under strong urban influence. This would hinder the achievement of the policies and objectives of the National Planning Framework to consolidate existing urban settlements and to contribute to compact growth within the Dublin Region. It is therefore considered that the proposed development would be contrary to national policy as set out in 'Project Ireland 2040, National Planning Framework' and local policy as set out in the South Dublin County Council Development Plan 2016 – 2022 and that it would materially contravene the zoning objective for the area and, as such would be contrary to the proper planning and sustainable development of the area.

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3. The design, scale and siting of the dwelling do not comply with Sections 2.5.8 that 'dwellings should be designed to be inconspicuous and compact in design particularly in areas of high visual amenity and with a steep topography'. In addition, the criteria contained in Policy H27 Objective 1 and specified in Section 11.3.4(ii) have not been met in that the house has not been designed to minimise impact on the landscape or natural contours of the site, does not retain or reinstate traditional roadside boundaries (proposing the full removal of the existing hedgerow), a comprehensive site analysis and character appraisal has not been submitted, the proposal would contribute to ribbon development, parts of the development are located at an elevated location within the site and the natural slope of the site would not be retained, intrusive engineered solutions may be required, the driveway and parking area is considered excessive. In this regard the proposal would be contrary to the recommendations of the Development Plan and would not represent the proper planning and sustainable development of the area.
4. The proposed development would front onto a substandard rural road network which lacks public footpath, public lighting and drainage facilities, and would be situated in an area that 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 and as such, the proposed development would be contrary to the proper planning and sustainable development of the area.


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**REG. REF. SD22A/0070**

**LOCATION: Coolmine Saggart Co. Dublin**

  
\_\_\_\_\_  
**Jim Johnston,**  
**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:**

21/4/22

  
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**Eoin Burke, Senior Planner**