

# Comhairle Chontae Atha Cliath Theas

PR/0532/22

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

**Reg. Reference:** SD22B/0098      **Application Date:** 03-Mar-2022  
**Submission Type:** New Application      **Registration Date:** 03-Mar-2022  
**Correspondence Name and Address:** Essential Services Ltd. 1, Carrigmore Gardens,  
Citywest, Saggart, Dublin 24  
**Proposed Development:** Permission for the construction of a single storey  
extension to the south side of the house, internal  
alteration, waste water treatment unit and all  
ancillary works. Retention permission is sought for a  
ground floor extension to the west side of the house,  
1.5 storey extension to the south side of the house,  
attic rooms over the original house and approved  
extension to the north and roof windows to the front  
and rear.  
**Location:** Glenaraneen, Brittas, Co. Dublin  
**Applicant Name:** Joseph and Jean Justice  
**Application Type:** Permission and Retention

(COS)

### Description of Site and Surroundings

Site Area: stated as 0.58 Hectares on the application.

Site Visit: 23<sup>rd</sup> of March 2022.

### Site Description

The site accommodates a detached dwelling, located within the Dublin Mountains in a rural area. There is varying topography across the site and also mature landscaping/vegetation surrounding the site. It is noted that there are some other isolated dwellings in the area.

### Proposal

Permission for the following works:

- construction of a single storey extension to the south side of the house,
- internal alteration,
- waste water treatment unit and all ancillary works.

Retention permission is sought for the following works:

- a ground floor extension to the west side of the house,

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- 1.5 storey extension to the south side of the house,
- attic rooms over the original house and
- approved extension to the north and roof windows to the front and rear.

### Unsolicited Further Information

Unsolicited further information was received on the 5<sup>th</sup> of April 2022 in the form of a quote and sketch for the waste water treatment unit. This has been taken into consideration in the assessment of the application.

### Zoning

The subject site is subject to zoning objective 'HA-DM': *'To protect and enhance the outstanding natural character of the Dublin Mountains Area'* under the South Dublin County Development Plan 2016-2022.

### Consultations

Water Services – further information requested.

Irish Water – refer to EHO.

Roads Department – no objections.

Public Realm – further information requested.

Heritage Officer – no report received.

Planning Enforcement – no report received.

H.S.E. Environmental Health Officer – further information requested.

An Taisce – object to proposal.

Inland Fisheries – no report received.

SEA Sensitivity Screening – the site is within the following layers:

- High Amenity Dublin Mountains
- Site of Geological Interest Code: SD003 Brittas Gravel Complex

### Submissions/Observations /Representations

No third party submissions received.

An Taisce has submitted a letter stating that they object to the proposal for the following reasons:

*1. The area of the proposed extension together with the extensions for which retention is requested amounts to approximately 236sq.m. whereas the area of the original house and the extension for which permission was granted in 1997 amounts to approximately 197sq.m. This*

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*more than doubling of the floor area on a house in an area zoned Objective "HA/DM" is not acceptable.*

*2. To grant permission for this proposal involving a new extension and retention of previous extensions would create a very undesirable precedent for others.*

This observation is noted and has been taken into consideration in the assessment of the proposed development.

### **Relevant Planning History**

#### ***Subject site***

**SD21B/0100 – refuse permission and refuse retention**

The proposed development comprised the following:

- Subdivision of existing site (overall site area .6168 ha app.) with new site boundaries (site A .3682 ha, site B .2486 ha);
- Subdivision of existing residential unit into two separate residential units;
- Retention for sunroom/lounge to rear of existing dwelling;
- Retention for gable extension to existing dwelling on south end (ground floor and attic space);
- Single storey extension to side and rear of existing dwelling (west side) with an area of 92sq.m;
- Internal modifications to existing dwelling;
- Provision of extended parking area to front of dwelling;
- Upgrade of existing septic tank and percolation area to full wastewater treatment system and new percolation area (site A);
- Provision of new waste water treatment system and new percolation area (site B);
- Entrance area modifications to include new gates, piers, low boundary walls etc;
- Retention of 'Velux' roof lights to front of existing dwelling and all associated site works.

**Refuse permission and refuse retention** for 10 reasons in summary:

1. Materially contravene Housing Policy H20 'Management of Single Dwellings in Rural Areas'.
2. Does not comply with the criteria for housing in this area outlined under Policy H23 Objective 1 and would therefore be contrary to the Zoning Objective.
3. Proliferation of further one-off housing and prejudice the achievement of the regional settlement strategy policy.
4. Does not comply with all criteria for housing in this area outlined under Policy H27 Objective 1.

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5. Does not comply with criteria for housing in this area outlined under Policy H19 / Paragraph 11.3.3 (ii).
6. Not demonstrated the impact upon the important non-designated features, such as hedges, trees and woodlands, in accordance with Policy HCL15.
7. Result in the encroachment of ad hoc housing within a landscape area of High Amenity.
8. Undesirable ribbon development on a substandard rural road network.
9. The application site does not have the required road frontage.
10. Insufficient information relating to access, parking and surface water drainage.

S97B/0234

Single storey extension to side of bungalow. **Permission granted.**

### *Adjacent and surrounding sites*

SD07A/0461

Construction of new detached dwelling house, detached stables/store, effluent treatment system, well and associated site works including new vehicular access to public road. **Permission refused.**

SD07A/0004

Dormer bungalow with Envirocare sewage treatment unit, percolation area & access driveway utilising the existing entrance for the abandoned quarry. **Permission refused.**

SD04A/0445

Construction of new detached dwelling house, detached stables/store, lap pool, effluent treatment system, well and associated site works including new vehicular access to public road at Brittas Grange. **Permission refused.**

S94A/0142

Bungalow with dormer floor, double garage and septic tank. **Permission refused.**

### Relevant Enforcement History

None identified in APAS.

### Pre-Planning Consultation

PP110/21

Retention permission for: extension at the rear; extension to the south west side; attic conversions and permission for new extension to south west side.

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### **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*

*Policy H21 Rural Housing Policies and Local Need Criteria*

*Section 2.5.4 Rural Housing in HA-Dublin Mountains Zone*

*Policy H23 Rural Housing in HA-Dublin Mountains Zone*

*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 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*

*Section 11.3.4 (i) Housing Need*

*Section 11.3.4 (ii) Rural Housing Design*

*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*

*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*

*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 11.3.4 (iii) Wastewater Treatment*

*Section 11.7.1 Energy Performance in Existing Buildings*

*Section 11.8.1 Environmental Impact Assessment*

*Section 11.8.2 Appropriate Assessment*

*Schedule 1: Record of Monuments and Places*

*Schedule 4: Restricted Areas for Development Glenasmole Bohernabreena*

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### South Dublin County Council House Extension Design Guide (2010)

The House Extension design guide contains the following guidance on house extensions, including rear extensions, side extensions and attic conversions and dormer windows.

Elements of Good Extension Design

- *Respect the appearance and character of the house and local area;*
- *Provide comfortable internal space and useful outside space;*
- *Do not overlook, overshadow or have an overbearing affect on properties next door;*
- *Consider the type of extension that is appropriate and how to integrate it; and*
- *Incorporate energy efficient measures where possible.*

Side extensions:

- *Respect the style of the house and the amount of space available between it and the neighbouring property, for example:*
  - *if there is a large gap to the side of the house, and the style of house lends itself to it, a seamless extension may be appropriate;*
  - *if there is not much space to the side of the house and any extension is likely to be close to the boundary, an ancillary style of extension set back from the building line is more appropriate;*
  - *if the house is detached or on a large site or in a prominent location such as the corner of a street, it may be appropriate to consider making a strong architectural statement with the extension.*
- *Match or complement the style, materials and details of the main house unless there are good architectural reasons for doing otherwise. Where the style and materials do not seamlessly match the main house, it is best to recess a side extension by at least 50cm to mark the change.*
- *Match the roof shape and slope of the existing house. In the case of houses with hipped roofs it can be particularly difficult to continue the ridge line and roof shape; however it is more visually pleasing to do so if this will not result in a terracing effect with the adjoining house.*
- *Do not include a flat roof to a prominent extension unless there is good design or an architectural reason for doing so.*
- *Do not incorporate blank gable walls where extensions face onto public footpaths and roads.*
- *The use of a 'false' roof to hide a flat roofed extension is rarely successful, particularly if visible from the side.*
- *Avoid locating unsightly pipework on side elevations that are visible from public view. Consider disguising or recessing the pipework if possible.*
- *Avoid the use of prominent parapet walls to the top of side extensions*

Rear extensions:

- *Match or complement the style, materials and details of the main house unless there are good architectural reasons for doing otherwise.*

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- *Match the shape and slope of the roof of the existing house, although flat roofed single storey extensions may be acceptable if not prominent from a nearby public road or area.*
- *Make sure enough rear garden is retained*
- *Do not create a higher ridge level than the roof of the main house.*
- *The roofline of large extensions to the rear of single storey bungalows should not be visible from public view to the front or to the side of the bungalow.*

Attic conversions and dormer windows:

- *Use materials to match the existing wall or roof materials of the main house.*
- *Meet Building Regulation requirements relating to fire safety and stairs in terms of headroom on stairs and means of escape.*
- *Locate dormer windows below the ridge of the roof, even if the roof has a shallow pitch.*
- *Locate dormer windows as far back as possible from the eaves line (at least three tile courses).*
- *Relate dormer windows to the windows and doors below in alignment, proportion and character.*
- *In the case of a dormer window extension to a hipped roof, ensure it sits below the ridgelines of the existing roof and matches the materials used in the main house.*
- *Do not obscure the main ridge and eaves features of the roof, particularly in the case of an extension to the side of a hipped roof.*
- *Avoid extending the full width of the roof or right up to the gable ends – two small dormers on the same elevation can often be a suitable alternative to one large dormer.*
- *Avoid dormer windows that are overdominant in appearance or give the appearance of a flat roof.*
- *Avoid the use of flat-roofed dormer window extensions*

### **Relevant Government Policy & Guidelines**

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

*Regional Spatial & Economic Strategy 2019 - 2031, Eastern & Midlands Regional Assembly, (2019).*

*Sustainable Rural Housing Guidelines for Planning Authorities, DoEHLG, 2005.*

*Wastewater Treatment and Disposal Systems Serving Single Houses, Environmental Protection Agency, 2009.*

*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, Department of the Environment, Heritage and Local Government, (2009).*

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



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### Relevant National Policy Objectives in National Planning Framework

#### *National Policy Objective (NPO) 2a*

*A target of half (50%) of future population and employment growth will be focused in the existing five cities and their suburbs.*

#### NPO 15

*Support the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of areas that are under strong urban influence to avoid over-development, while sustaining vibrant rural communities.*

#### NPO 19

*Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large town and centres of employment, and elsewhere:*

- *In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.*

#### NPO 20

*Project the need for single housing in the countryside through the local authority's overall Housing Need Demand Assessment (HNDA) tool and county development plan core strategy processes.*

### Relevant policy and Regional Policy Objectives in Regional Spatial & Economic Strategy

#### Section 4.3: Defining a Settlement Typology

*For 'Towns, Villages and Rural Areas', the following policy response is stated:*

*Consolidation coupled with targeted rural housing and investment policies where required to improve local employment, services and sustainable transport options and to become more self-sustaining.*

*Align Population, Employment and Housing Growth – Divergence between the places people live and work leads to long-distance commuting and congestion, which is having a negative impact on quality of life. To address this, promote sustainable growth in the right locations and 'catch up' investment and consolidation in local services, amenities and employment in areas that have experienced large scale commuter driven housing development.*

*Compact Sustainable Growth – Promote compact, sequential and sustainable development of urban areas from large to small to realise targets of at least 50% of all new homes to be built,*

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*to be within or contiguous to the existing built up area of Dublin city and suburbs, and a target of at least 30% for other urban areas. Support co-ordination across local authorities and agencies to promote active land management and better use of under-utilised, brownfield and public lands.*

*Climate Action – to accelerate a transition to a greener, low carbon and climate resilient region with focus on energy transition, carbon sequestration and reduced travel demand through the promotion of sustainable settlement patterns. Support the Climate Action Regional Offices and local authorities in their implementation of climate strategies.*

### Section 4.8 – Rural Places: Towns, Villages and the Countryside

*The National Planning Framework and RSES make a distinction between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and rural areas outside these catchments.*

*Core strategies for county development plans shall identify areas under strong urban influence in the hinterlands of settlements and set the appropriate rural housing policy response to avoid ribbon and over spill development from urban areas, support revitalised towns and villages, achieve sustainable compact growth targets, sustainably address rural decline and protect the rural resource for rural communities.*

### Regional Policy Objective (RPO) 4.78

*Development plans should support the development of a ‘New Homes in Small Towns and Villages’ initiative which would augment the delivery of actions by local authorities, Irish Water, communities and other stakeholders in the provision of services and serviced sites to create ‘build your own home’ opportunities within the existing footprint of rural settlements to provide new homes to meet housing demand.*

### RPO 4.79

*Local authorities shall identify and provide policies that recognise the contribution that small towns, villages and rural areas contribute to social and economic wellbeing. As part of this policy provision 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 agri-business, renewable energy, tourism and forestry enterprise is supported.*

### RPO 4.80

*Local authorities shall manage urban generated growth in Rural Areas Under Strong Urban Influence (i.e. the commuter catchment of Dublin, large towns and centres of employment) and*

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*Stronger Rural Areas 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.*

### RPO 4.81

*In rural areas outside the Rural Areas Under Strong Urban Influence local authorities shall encourage sustainable growth in areas that have experienced decline or stagnation, facilitate the provision of single houses in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.*

### Section 5: Dublin Metropolitan Area Strategic Plan

#### RPO 5.5

*Future residential development supporting the right housing and tenure mix within the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, and the development of Key Metropolitan Towns, as set out in the Metropolitan Area Strategic Plan (MASP) and in line with the overall Settlement Strategy for the RSES. Identification of suitable residential development sites shall be supported by a quality site selection process that addresses environmental concerns.*

#### RPO 5.7 – MASP Green Infrastructure

*Co-ordinate across local authority boundaries to identify, manage, develop and protect regional Green Infrastructure, to enhance strategic connections and develop a Green Infrastructure policy in the Dublin Metropolitan Area.*

### Assessment

The main issues for assessment relate to:

- Planning History
- Zoning and Council Policy;
- Visual and Residential Amenity;
- Landscape and Environment;
- Access and Parking;
- Drainage;
- Environmental Health;
- Environmental Impact Assessment; and
- Appropriate Assessment.

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### *Planning History*

The subject site has previously been refused retention permission and permission under Reg. Ref. SD21B/0100 for the following works:

- Subdivision of existing site and existing dwelling into two separate dwellings.
- Retention of rear and side extensions and rooflights.
- Construction of a further side and rear extension.
- Internal modifications.
- Extended parking area and modifications to vehicular entrance.
- Upgrade of existing septic tank and percolation area to full wastewater treatment system for one site and provision of a new wastewater treatment system for the other site.

The application that is the subject of this assessment differs from the previous application in that:

- The description of development does not include the subdivision of the site and dwelling for use as two dwellings.
- Only one new wastewater treatment system is proposed.
- No changes are proposed to parking areas and the vehicular entrance.
- The layout of the proposed development is largely similar to that previously proposed. The main difference between the two layouts is that the side (southern) extension is different slightly in shape and that a pitched roof is proposed to the rear part of this when it was previously proposed as flat.

Given the recent planning history and similarity between the two applications it is relevant to assess the subject application against the previous reasons for refusal (10 no.) under Reg. Ref. SD21B/0100. An assessment against these is provided as follows:

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 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*

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*substandard 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.*

While the proposal no longer includes the subdivision of the house to use as separate dwellings, the Planning Authority is concerned that it would still be used as such. This is given the layout of the existing dwelling, in combination with the extensions for retention and permission. The existing dwelling appears to already be used as two separate dwelling units (for which planning permission does not appear to have been sought). The proposed extension also appears to provide for a third dwelling unit.

There is currently more than one entrance to the house. The proposed side extension would also add another entrance. The applicant states it is proposed to block up the front door of the south extension and also the front door of the original part of the house which is no longer used. However, this is not reflected on the drawings. The drawings show there would be 3 entrances to the front of the house. There would also be 3 living and kitchen areas and separate stairwells to 3 first floor areas of bedrooms. Although there would be internal doors incorporating the dwelling together, the layout makes it appear as separate dwelling units.

Given the above it would be relevant to assess the subject application against policy relating to the provision of rural housing, as was done with the previous application. Insufficient justification has been provided which would warrant the setting aside of the objectives of Policy H20. **It is therefore considered that this reason for refusal has not been overcome.**

2. *The site is located on lands zoned 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) new or replacement dwellings will only be considered in exceptional circumstances in accordance with both Policy H23 -Rural Housing in HA – Dublin Mountains Zone. It is Council policy only to allow housing in the Dublin Mountain Area where:*
  - *the applicant is a native of the area; and*
  - *the applicant can demonstrate a genuine need for housing in that particular area; and*
  - *the development is related directly to the area's amenity potential or to its use for agriculture, mountain or hill farming; and*

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- *the development would not prejudice the environmental capacity of the area, and that it be in keeping with the character of the mountain area.*

*On the basis of the information submitted, the proposed development does not comply with all of the above criteria for housing in this area outlined under Policy H23 Objective 1 and would therefore be contrary to the Zoning Objective set out in the South Dublin County Council Development Plan 2016-2022 and would be contrary to the proper planning and sustainable development of the area.*

As stated above although the applicant has not applied for the subdivision of dwelling units the Planning Authority is concerned that they would be used as such. The proposal is therefore assessed as such. In accordance with Policy H23 the onus is on the applicant to provide comprehensive evidence to justify the setting aside of this policy to permit a new dwelling house(s). The Planning Authority is not satisfied that sufficient information has been provided to this effect. **It is therefore considered that this reason for refusal has not been overcome.**

- 3. 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 could prejudice the achievement of regional settlement strategy policy for the Eastern & Midlands Region and if granted would be contrary to regional policy and to the proper planning and sustainable development of the area.*

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Under the RSES the subject site is located within a *Rural Area Under Strong Urban Influence* as set out in Regional Policy Objective 4.80. 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. Insufficient information has been provided in relation to this. **It is therefore considered that this reason for refusal has not been overcome.**

4. *The site is located on lands zoned 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) proposals for dwellings and extensions should be assessed under Policy H27 -Rural House and Extension Design. It is Council policy only to allow housing in the Dublin Mountain Area where:*

- *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.*

*On the basis of the information submitted, the proposed development does not comply with all of the above criteria for housing in this area outlined under Policy H27 Objective 1 and is contrary to the proper planning and sustainable development of the area.*

The application is assessed against this criteria as follows:

- The proposed development would extend the existing dwelling. There is varying topography across the site, however, it is noted that there is a significant level of mature screening at the site at present, which means that it would not generally be visible from public view points. However, overall, it is not considered that the information provided is sufficient to judge the impact on visual amenity. Due to the sensitive location,

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photomontages and cross sections, indicating surrounding landscaping, existing or proposed retaining structures. Overall, insufficient information has been provided in this regard.

- Details on the impact on the environment, in particular existing trees and vegetation, have not been provided. Insufficient information has therefore been submitted to determine this.
- The applicant states that the location of the proposed extension is more or less level with the ground around the existing house and will not require any cut and fill. It is unclear if any cut and fill was required for the extensions for retention. No existing site layout plan has been provided showing the changes in site levels. Insufficient information has therefore been submitted to determine this.
- The proposed development would not have an unacceptable impact on traditional roadside and field boundaries.
- As stated above insufficient information has been provided in relation to any cut and fill required.
- The H.S.E. Environmental Health Officer requires further information in relation to the proposed wastewater treatment system. The application is therefore deficit.
- The proposed development in its current form would result in ribbon development through the creation of individual dwelling units.

**It is therefore considered that this reason for refusal has not been overcome.**

5. *In accordance with Policy H19, the requirements of paragraph 11.3.3 (ii) should be met. These are:*

*(1) The applicant shall be required to demonstrate that there is a genuine need for the family flat.*

*(2) The overall area of a family flat should not exceed 50% of the floor area of the main dwelling house.*

*(3) The family flat should be directly accessible from the main dwelling via an internal access door; and*

*(4) The design criteria for dwelling extensions will be applied.*

*On the basis of the information submitted, the proposed development does not comply with all of the above criteria for housing in this area outlined under Policy H19 / Paragraph 11.3.3 (ii) and would therefore be contrary to the objectives set out in the South Dublin County Council Development Plan 2016-2022 and would be contrary to the proper planning and sustainable development of the area.*



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It is noted that **a family flat has not been applied for**. The applicant states that the proposed extension is required to cater for a family member and their family for medical reasons. However, a family flat has not been applied for and therefore information to address the above criteria has not been provided. **It is therefore considered that this reason for refusal has not been overcome.**

- 6. The proposed development is located in the Athgoe and Saggart Hills landscape area, which has been designated under the South Dublin County Council Development Plan 2016 - 2022 following a Landscape Character Assessment of South Dublin County undertaken in 2015 as an area with a high landscape value and sensitivity and a Landscape Capacity which is negligible to low; meaning that the key characteristics of the landscape are highly vulnerable to development and that development would result in a significant change in landscape character and should be avoided if possible. Any increase in development in this area will have a negative impact on both the landscape value and sensitivity of this area and would therefore materially contravene the South Dublin County Council Development Plan 2016 - 2022 Policy (HCL7) 'to preserve and enhance the character of the County's landscapes particularly areas that have been deemed to have a medium to high Landscape Value or medium to high Landscape Sensitivity'. The proposal has also not demonstrated the impact upon the important non-designated features, such as hedges, trees and woodlands, in accordance with Policy HCL15 and would be contrary to the proper planning and sustainable development of the area.*

The application does not include an assessment of the impact on the landscape. The subject proposal would be of a similar scale to the previously refused proposal. As such, the Planning Authority would still have concerns regarding the impact of the development on the sensitive landscape it is located within. Considering that the site is located within a High Amenity-Dublin Mountains (HA-DM) zoned area and identified as having a high landscape sensitivity and is highly sensitive to change, any proposal should have full regard to impact on visual and landscape amenity. The subject application has not demonstrated this impact. **It is therefore considered that this reason for refusal has not been overcome.**

- 7. With regard to Policy HCL9 - Dublin Mountains, the proposed development would result in the encroachment of ad hoc housing within a landscape area of High Amenity as set out in the South Dublin County Development Plan 2016 - 2022, where it is an objective to protect and preserve significant views. Having regard to the location of the proposed development within a visually vulnerable landscape which is under strong development pressure, taken in conjunction with the existing development in the general*

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*vicinity, the proposed development and development to be retained would be a further addition of suburban-like ad hoc development, would be visually obtrusive, would adversely affect these significant views, would adversely affect the character and amenity of the landscape, and would detract to an undue degree from the rural character and scenic amenities of the area and the lower slopes of the Dublin Mountains. Thus, the proposed development and development to be retained would seriously injure the amenities of property in the vicinity, would contravene the zoning objective of the area, and would be contrary to the proper planning and sustainable development of the area.*

As with the previous application, the subject application has not demonstrated how the proposed development complies with Policy HCL9 and protects and enhances the visual, recreational, environmental, ecological, geological, archaeological and amenity value of the Dublin Mountains. **It is therefore considered that this reason for refusal has not been overcome.**

8. *The proposal constitutes undesirable ribbon type development on a substandard rural road network, 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.*

The proposed development in its current form would result in ribbon development through the creation of individual dwelling units. **It is therefore considered that this reason for refusal has not been overcome.**

9. *The South Dublin County Council Development Plan (2016-2022) sets out standards for houses in the rural area and 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 road in a manner that creates ribbon development should be avoided'. The application site does not have the required road frontage and therefore contravenes Council policy and would be contrary to the proper planning and sustainable development of the area.*

It is noted that description of development does not include the subdivision of the site. It is therefore considered that this reason for refusal is not applicable in this instance. However, as noted above the Planning Authority does have concerns that the dwelling is currently and would be used as separate dwellings.

10. *The applicant has submitted insufficient information regarding:*
  - *visibility splays*

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- *parking*
- *access and egress/manoeuvrability*
- *surface water drainage*

*to enable the planning authority to adequately assess the impact of the proposed development on High Amenity – Dublin Mountain area. The proposed development would therefore be contrary to the proper planning and development of the area. Furthermore, if granted the development would be deficient in clarity.*

Unlike the previous application the subject application does not include any alterations to car parking and access. The Roads Department have reviewed the proposed development and have no objections. Water Services have reviewed the proposed development and have concerns that the existing soakaway is undersized to cater for the proposed development. **It is therefore not considered that this reason for refusal has been fully overcome.**

Overall, given the above, it is not considered that the subject application has sufficiently addressed the previous reasons for refusal. **It is therefore recommended that the application is refused.**

### ***Zoning and Council Policy***

The subject site is zoned 'HA-DM': '*To protect and enhance the outstanding natural character of the Dublin Mountains Area*'. Residential development is listed as 'Open for Consideration' under this zoning objective subject to accordance with Council policy for development in rural areas, and not being located above the 350m contour. It is noted that the site is not located above the 350m contour.

The proposed development would provide for the extension of an existing dwelling. The principle of this is acceptable in principle are subject to consideration under Policy H27 of the County Development Plan. Consideration should also be had to the SDCC House Extension Design Guide (2010). However, given the layout and design of the proposal it would appear that more than one dwelling unit (up to 3 no.) is to be provided for.

Proposals for rural houses 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. As outlined above the proposed development would not achieve this and **therefore should be refused permission.**

It is noted under the South Dublin County Council Development Plan 2016-2022 Policies Maps that the subject site is not located within an area where it is an objective under the County

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Development Plan to protect and preserve significant views, however the remainder of the surrounding area is.

### *Visual and Residential Amenity*

**Retention permission** is being sought for the following works:

- a ground floor extension to the west (rear) of the house,
- 1.5 storey extension to the south (side) of the house,
- attic rooms over the original house and
- approved extension to the north and roof windows to the front and rear.

The rear extension consists of a lounge room and has a pitched roof. This extension sits at approx. 4.8m in overall height. It extends approx. 7.3m from the rear building line of the original dwelling. The side extension also provides for a lounge. This extension extends approx. 6.1m from the side of the original dwelling.

There are 3 separate stairwells leading up to attic areas comprised of bedrooms. It is not clear whether the dwelling was increased in height to provide for these first floor areas. The bedrooms meet the minimum floorspace requirements of the County Development Plan. The floor to ceiling height at attic level is largely approx. 2.4m in height.

The proposal also includes **permission** for the following works:

- construction of a further single storey extension to the south (side) of the house, and
- internal alterations to the existing dwelling.

The further side extension would extend approx. 7.3m from the side and approx. 5.4m from the rear of the southern wing of the dwelling. The roof form of this extension is pitched, and it would not sit higher than the existing dwelling. This extension would consist of a living room, dining, kitchen, utility, bedroom and bathroom.

In terms of other alterations the proposed ground floor plan shows the door to the previously permitted extension to be reopened. It is noted that this door is shown on the existing ground floor plan. The existing front door to the original dwelling is proposed for removal. Although it is noted a door to a hall/lounge in the original dwelling would remain.

The extensions are well setback from the site boundaries and surrounding residential properties. It would therefore not result in any unacceptable overlooking, overshadowing or overbearing impacts. The extensions are of a similar form and design to the existing dwelling and would appear visually coherent. However, overall, it is not considered that the information provided is

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sufficient to judge the impact on visual amenity. Due to the sensitive location, existing and proposed photomontages and cross sections, indicating the impact on visual and landscape amenity should be provided. Given the insufficient information submitted **the application should be refused.**

### *Landscape and Environment*

The Public Realm Section has reviewed the proposed development and requests further information:

*The Public Realm Section would have concerns as to the potential impacts of this proposed development on the existing trees along the western boundary of the subject site. The applicant is requested to provide a tree survey, arboricultural impact assessment and tree protection plan.*

### *Arboricultural Impact*

*The applicant has not provided any information as to the impacts of the proposed development on the existing trees within the development area. The applicant should submit a tree survey report for the trees within the proposed development area. This tree survey should be undertaken by a suitably qualified arborist. The report should provide detailed information on the condition and health of the existing trees and should also provide an arboricultural impact assessment.*

*The Public Realm Section has assessed the proposed development in accordance with the policies and objectives of the County Development Plan 2016-2022 and with best practice guidelines and recommends the following:*

#### *1. Tree Survey*

*The applicant is requested to submit a comprehensive Tree Report to the SDCC Public Realm Section. This shall comprise of a detailed Tree Survey and Arboricultural Impact Assessment, Tree Constraints Plan, Tree Protection Plan and Arboricultural Method Statement, all in accordance with, BS 5837: 2012 Trees in relation to design, demolition and construction – recommendations.*

*REASON: To provide for the retention and protection of existing trees in the interests of visual amenity and biodiversity, in accordance with policy G2 Objective 9, G4 Objective 5, G2 Objective 13, G6 Objective 1, HCL15 Objective 3 of the CDP 2016-2022.*

It is considered that inadequate information has been provided to allow for a full assessment on the impact on existing natural features and proposed landscaping and, consequently, **the application should be refused on this basis.**

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### *Access and Parking*

The proposed development does not involve any changes to the existing parking and vehicular access. The Roads Department has reviewed the proposed development and has no objections. This report is noted.

### *Drainage*

Water Services has reviewed the proposed development and requests further information: *South Dublin County Council Water and Drainage Section is concerned that the existing soakaway may be undersized to cater for the development.*

*1.1 The applicant is required to submit a report showing site specific soil percolation test results and design calculations for a proposed soakaway in accordance with BRE Digest 365 – Soakaway Design. The soakaway shall be sized to cater for all hardstanding areas on site.*

*1.2 The applicant is required to submit a revised drawing showing plan and cross-sectional views, dimensions, and location of proposed soakaway. Any proposed soakaway shall be located fully within the curtilage of the property and shall be:*

- i) At least 5m from any building, public sewer, road boundary or structure.*
- ii) Generally, not within 3m of the boundary of the adjoining property.*
- iii) Not in such a position that the ground below foundations is likely to be adversely affected.*
- iv) 10m from any sewage treatment percolation area and from any watercourse / floodplain.*
- v) Soakaways must include an overflow connection to the surface water drainage network.*

*1.3 The applicant is required to consider incorporating other additional SuDS (Sustainable Drainage Systems) features for the development such as rain planter boxes, water butts, green roofs and rain gardens*

Inadequate information has been provided to allow for a full assessment in relation to surface water drainage and, consequently, **the application should be refused on this basis.**

### *Environmental Health*

Permission is also being sought for a waste water treatment system. The H.S.E. Environmental Health Officer has reviewed the proposed development and request further information:

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*A site suitability test which comments on the suitability of the site to accept a new sewage treatment system and which also comments on the condition of the current waste water treatment system for this site must be provided to properly assess this plan.*

Inadequate information has been provided to allow for a full assessment in relation to the proposed wastewater treatment system. The Planning Authority can therefore not confirm that the proposed development would not be prejudicial to public health. **The application should be refused on this basis.**

### *Screening for 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 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.

### *Screening for Appropriate Assessment*

The applicant has not provided information to assist the screening for Appropriate Assessment. The subject site is not located within nor within close proximity to a European site. The development involved changes to an existing dwelling.

Having regard to:

- the scale and domestic nature of the development,
- the location of the development, 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.

### Conclusion

Although the subdivision of the dwelling is not being applied for under the subject application, due to the layout of the proposed development the Planning Authority has concerns that it is currently used as 2 dwelling units with the proposal providing for a third. The subject and recently refused applications are also largely similar in terms of layout and information submitted. It is therefore considered that the majority of the reasons for refusal under the previous application have not been overcome.

The Planning Authority would have concerns with the provision of more than one dwelling at this location given its sensitive location and lack of suitable infrastructure. If the intention is to provide a family flat this has not been addressed in the submitted application and therefore the

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Planning Authority have not assessed it as such. Insufficient information has also been provided to ensure that the extensions for retention and permission have addressed Policy H27 and would not have an unacceptable impact the site's topography, landscape and natural features. **It is therefore considered that the proposed development should be refused retention permission and permission.**

### **Recommendation**

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

### **SCHEDULE**

#### **REASON(S)**

1. The site is located on lands zoned 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) proposals for dwellings and extensions should be assessed under Policy H27 -Rural House and Extension Design. It is Council policy only to allow housing in the Dublin Mountain Area where:
  - 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.On the basis of the information submitted, the proposed development does not comply with all of the above criteria for housing in this area outlined under Policy H27 Objective 1 and is contrary to the proper planning and sustainable development of the area.
2. In accordance with Policy H19, the requirements of paragraph 11.3.3 (ii) should be met. These are:
  - (1) The applicant shall be required to demonstrate that there is a genuine need for the



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family flat.

(2) The overall area of a family flat should not exceed 50% of the floor area of the main dwelling house.

(3) The family flat should be directly accessible from the main dwelling via an internal access door; and

(4) The design criteria for dwelling extensions will be applied.

On the basis of the information submitted, the proposed development does not comply with all of the above criteria for housing in this area outlined under Policy H19 / Paragraph 11.3.3 (ii) and would therefore be contrary to the objectives set out in the South Dublin County Council Development Plan 2016-2022 and would be contrary to the proper planning and sustainable development of the area.

3. The proposed development is located in the Athgoe and Saggart Hills landscape area, which has been designated under the South Dublin County Council Development Plan 2016 - 2022 following a Landscape Character Assessment of South Dublin County undertaken in 2015 as an area with a high landscape value and sensitivity and a Landscape Capacity which is negligible to low; meaning that the key characteristics of the landscape are highly vulnerable to development and that development would result in a significant change in landscape character and should be avoided if possible. Any increase in development in this area will have a negative impact on both the landscape value and sensitivity of this area and would therefore materially contravene the South Dublin County Council Development Plan 2016 - 2022 Policy (HCL7) 'to preserve and enhance the character of the County's landscapes particularly areas that have been deemed to have a medium to high Landscape Value or medium to high Landscape Sensitivity'. The proposal has also not demonstrated the impact upon the important non-designated features, such as hedges, trees and woodlands, in accordance with Policy HCL15 and would be contrary to the proper planning and sustainable development of the area.
4. With regard to Policy HCL9 - Dublin Mountains, the proposed development would result in the encroachment of ad hoc housing within a landscape area of High Amenity as set out in the South Dublin County Development Plan 2016 - 2022, where it is an objective to protect and preserve significant views. Having regard to the location of the proposed development within a visually vulnerable landscape which is under strong development pressure, taken in conjunction with the existing development in the general vicinity, the proposed development and development to be retained would be a further addition of suburban-like ad hoc development, would be visually obtrusive, would adversely affect these significant views, would adversely affect the character and amenity of the landscape, and would detract to an undue degree from the rural character and scenic amenities of the area and the lower slopes of the Dublin Mountains. Thus, the proposed development and development to be retained would seriously injure the amenities of property in the vicinity, would contravene the zoning objective of the area, and would be contrary to the

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proper planning and sustainable development of the area.

5. The applicant has submitted insufficient information regarding surface water drainage, wastewater treatment, landscaping and existing trees to enable the planning authority to adequately assess the impact of the proposed development on the High Amenity – Dublin Mountain area. The proposed development would therefore be contrary to the proper planning and development of the area. Furthermore, if granted the development would be deficient in clarity and prejudicial to public health.

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**REG. REF. SD22B/0098**


**LOCATION: Glenaraneen, Brittas, Co. Dublin**

*Johnston*  
**Jim Johnston,**  
**Senior Executive Planner**

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

**Date:**

25/4/22

  
**Eoin Burke, Senior Planner**