

Comhairle Chontae Atha Cliath Theas

PR/0635/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0084 **Application Date:** 25-Mar-2022
Submission Type: New Application **Registration Date:** 25-Mar-2022
Correspondence Name and Address: Brendan McDonagh Jnr. McDonaghs Lane,
Glenaraneen, Brittas, Co. Dublin
Proposed Development: Retention of construction of a single storey timber
residential structure.
Location: McDonaghs Lane, Glenaraneen, Brittas, Co. Dublin
Applicant Name: Brendan McDonagh Jnr.
Application Type: Retention

(CS)

Description of Site and Surroundings:

Site Area: 0.26202 Hectares

Site Description:

The site is located on the northern side of McDonaghs Lane, Brittas. McDonaghs Lane is a narrow rural county road with a relatively steep gradient at the point of access to the site. The subject site sloped in a north-south direction. The site contains a detached single storey residential dwelling in the centre of the site, a steel clad storage shed located in the north-western corner of the site and the single storey timber structure in use as a dwelling located to the south west of the site adjacent to the front boundary which is seeking retention permission. The roadside boundary of the site is defined by tall mature deciduous trees and hedgerow. There are detached dwellings located on lands adjoining the site to the east and west. There is an objective to Protect and Preserve Significant Views to the north and south of Mc Donagh's Lane where the dwelling seeking retention permission is located.

Proposal:

- Retention permission for single storey two-bedroom residential timber dwelling (57sq.m).
- Private Open Space c.66sq.m. (as stated).

It is noted that a similar/same application for retention was previously refused permission for retention as per **SD17A/0347 & ABP-300459-17.**

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Zoning:

The application site is zoned Objective *HA-DM*, which seeks 'To protect and enhance the outstanding natural character of the Dublin Mountains Area'

It is noted that there is an objective to Protect and Preserve Significant Views to the north and south of Mc Donagh's Lane.

Consultations:

Roads Section – **Refusal** Recommended

Environmental Health Officer – **Additional Information** recommended.

An Taisce – Objection to the application expressed.

Surface Water Drainage – No objection subject to **conditions**

Irish Water – No objection subject to **conditions**. (Foul referred to EHO).

Parks Department – No comments following review of application.

SEA Sensitivity Screening

Indicates overlap with the following layers;

- High Amenity- Dublin Mountain 'HA-DM'
- Sites of Geological Interest 2016.

Submissions/Observations /Representations

None received.

Relevant Planning History

SD17A/0347 & ABP-300459-17: Construction of a single storey timber residential structure.

Decision: **REFUSE PERMISSION FOR RETENTION.**

Retention permission refused by SDCC and Refused by An Bord Pleanala.

SD17A/0347: Reasons For Refusal

1. Having regard to:

(i) Zoning Objective HA-DM which seeks 'To protect and enhance the outstanding natural character of the Dublin Mountains Area' as set out in South Dublin County Council Development Plan 2016-2022.

(ii) Policy H23 Objective 1 relating to rural housing policy where it is the policy that dwellings will only be permitted on suitable sites on lands zoned Objective HA-DM where,

(a) the applicant is a native of the area and,

(b) the applicant can demonstrate a genuine need for housing in that particular area and,

(c) 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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(d) the development would not prejudice the environmental capacity of the area, and that it would be in keeping with the character of the mountain area.

The applicant has not demonstrated compliance with the criteria detailed in Policy H23 and has failed to demonstrate a genuine need for housing in this particular area; and therefore the development to be retained would materially contravene the zoning objective for the area and the proper planning and sustainable development of the area.

2. The site is located in an area designated as part of the strategic Green Belt and Rural Hinterland of the Dublin Metropolitan Area under the Regional Planning Guidelines for the Greater Dublin Area 2010-2022. The settlement strategy for the Greater Dublin Area supports the delivery of a settlement hierarchy through the continuity of the policy for metropolitan and hinterland areas within the GDA. This focuses new housing within the existing footprint of the metropolitan areas and planning expansion of the footprint in conjunction with new high quality public transport investment; designation of multi-modal transport corridors providing enhanced public transport linkages serving key towns and linked investment in developing these designated towns in the hinterland area separated from each other by extensive areas of strategic green belt. The Dublin Mountains are recognised for their amenity potential and facilities, both public and private, serving and capitalising on the opportunities from the large population areas adjacent. The designation as long term strategic green belt lands serves avoid loss of amenity and their future coalescence and loss of definition between rural and urban places. The proposed development would represent the proliferation of further one-off housing in the designated strategic Green Belt and Rural Hinterland of the Dublin Metropolitan Area under the Regional Planning Guidelines for the Greater Dublin Area 2010-2022 which could prejudice the sustainable achievement of the approved Regional Settlement Strategy for the Greater Dublin Area.

3. The development to be retained would lead to a demand for uneconomic provision of services and would set an undesirable precedent for other similar developments, which would in themselves and cumulatively be harmful to the outstanding natural character and visual amenity of the surrounding Dublin Mountain area. The proposal would not be in accordance with Policy H27 Objective 1 of the South Dublin County Development Plan 2016-2022 in that it would exacerbate ribbon or haphazard forms of development and thereby would be contrary to the proper planning and sustainable development of the area.

4. The development to be retained would give rise to traffic hazard resulting from additional traffic on McDonagh's Lane from the proposed residential unit.

5. The development to be retained is located in the Athgoe and Saggart Hills landscape area, which has been designated as an area with a medium/high landscape value and sensitivity and a Landscape Capacity which is negligible; meaning that the key characteristics of the

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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 be contrary to 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' and would be contrary to the proper planning and sustainable development of the area.

6.The gravelled hard surface and parking surfaces located adjacent to the dwelling to be retained cumulatively fragments and results in the 'loss of ecologically sensitive areas of the Green Infrastructure network to artificial surfaces' which is not in accordance with Policy G4 Objective 7 of the South Dublin County Development Plan 2016-2022.

ABP-300459-17: Reasons For Refusal

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Reasons and Considerations

1. The site is located in an area with the zoning objective HA-DM "To protect and enhance the outstanding natural character of the Dublin Mountain Area", as set out in the South Dublin County Development Plan 2016-2022 where it is the policy of the planning authority to restrict residential development, and also identified as being under urban influence in the Regional Planning Guidelines for the Greater Dublin Area 2010-2022. It is considered that the applicant does not come within the scope of exceptional circumstances outlined in Policy H23 Objective 1, as set out in the Development Plan for a house at this rural location. The development for which retention is sought would, therefore, materially contravene the zoning objective for the area and be contrary to the proper planning and sustainable development of the area.
2. It is considered that the development for which retention is sought would endanger public safety by reason of a traffic hazard because of the additional turning movements the development would generate on a substandard road at a point where sightlines are restricted in a westerly direction.

SD14B/0091& PL06S.243497: Retention of the erection of a steel clad storage shed of floor area approx. 112sq.m and all associated site works.

Decision: **GRANT PERMISSION FOR RETENTION.**

Retention permission granted by SDCC and Granted by An Bord Pleanala.

Relevant Enforcement History

S7830- Live case remains open.

Enforcement file relating to construction of a wooden structure for residential habitation.

S7841- Live case remains open.

Enforcement file relating to construction of structure.

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Pre-Planning Consultation

None.

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

Policy H22 Rural Housing in RU Zone

Policy H23 Rural Housing in HA – Dublin Mountains Zone

Section 2.5.5 Rural Housing In HA – Liffey Valley and HA – Dodder Valley

Policy H24 Rural Housing in HA – Liffey Valley and Dodder Valley

Section 2.5.6 Replacement Rural Dwellings

Policy H25 Replacement Dwellings in Rural and High Amenity Areas

Section 2.5.7 Rural Dwelling Occupancy

Policy H26 Occupancy Condition

Section 2.5.8 Rural House & Extension Design

Policy H27 Rural House & Extension Design

Section 11.3.4 Rural Housing

Section 11.3.4 (i) Housing Need

Section 11.3.4 (ii) Rural Housing Design

Section 11.3.4 (iii) Wastewater Treatment

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

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 7.8.1 Casement Aerodrome

Policy IE8 Casement Aerodrome

Section 7.8.2 Weston Aerodrome

Policy IE9 Weston Aerodrome

Section 9.7.0 Sites of Geological Interest

Table 9.6 County Geological Sites for Protection

Policy HCL19 Geological Sites

Section 11.7.2 Energy Performance in New Buildings

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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Relevant Government Policy & Guidelines

Sustainable Rural Housing Guidelines for Planning Authorities DoEHLG (2005)

Wastewater Treatment and Disposal Systems Serving Single Houses Environmental Protection Agency (November 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 DoEHLG (2009)

Circular SP 5/08 – Conformity with Articles 43 and 56 of European Community Treaty (Freedom of Establishment and Free Movement of Capital) DEHLG September 2008

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

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

Circular PL 2/2017 – Sustainable Rural Housing Guidelines for Planning Authorities 2005 – Local Needs Criteria in Development Plans

Assessment

The main issues for consideration relate to:

- Zoning & Council Policy
- Legal Interest
- Rural Housing Policy
- Regional, Spatial & Economic Strategy 2020-2032 (RSES)
- Landscape & Visual Impact
- Siting
- Access & Parking
- Environmental Health
- An Taisce
- Services & Drainage
- Overcoming Previous Reasons for Refusal
- Screening for Appropriate Assessment (AA).

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- Screening for Environmental Impact Assessment (EIAR).

Zoning & Council Policy

The site is zoned *Objective HA-DM*, which seeks 'To protect and enhance the outstanding natural character of the Dublin Mountains Area'

Residential development that accords with Council policy for development in rural areas is listed as **open for consideration** under the 'HA-DM' zoning objective for the application site. Therefore, such proposals may be permitted only if they do not conflict with the policies and objectives of the Development Plan (including housing needs criteria) and if they are consistent with the principles of proper planning and development and relevant Ministerial guidelines.

Residential Development is Open For Consideration in the 'HA-DM' zoning objective if it is in accordance with Council policy for residential development in rural areas and it is not permitted above 350m contour. It is noted that the SDCC Development Plan 2016-2022 Maps show that the subject site is not above the 350m contour.

The proposal is assessed against this context below.

Legal Interest

A letter of consent was submitted from the applicant's father (Brendan McDonagh Senior) for the submission of this retention application.

Rural Housing Policy

The South Dublin County Development Plan 2016 – 2022 (H23 Objective 1-Rural Housing in HA-Dublin Mountain Zone) states:

*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 Mountains Area) new or replacement dwellings will be **only be considered in exceptional circumstances**. To consider new or replacement dwellings within areas designated with Zoning Objective 'HA-Dublin Mountains' (to protect and enhance the outstanding natural character of the Dublin Mountains Area) where all of the following criteria are met*

- *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 would be in keeping with the character of the mountain area.*

These criteria are in accordance with the Sustainable Rural Housing Guidelines (2005), having regard to the outstanding character of the area and the need to preserve the environmental and landscape quality of this area.

The applicant has submitted a cover letter and relevant documentation in an attempt to demonstrate compliance with the Rural Housing Policy and H23 Objective 1 of the SDCC Development Plan 2016-2022. The applicant has submitted the following documentation:

- Letter of attendance for Brendan McDonagh from St. Martins National School, Brittas Co. Dublin (1984-1992).
- Birth Certificate for Brendan McDonagh stating address of birth as Glenaraneen, Brittas, Co. Dublin.
- Letter of attendance for Mia McDonagh (father Brendan McDonagh) from Brittas Early Years Service (St. Martins National School, Brittas) where Mia has been attending since September.
- Letter outlining applicant's Local Need Criteria (attached below).

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Local Needs.

Brendan McDonagh Jnr has been born and raised in Glenaraneen Brittas Co Dublin on the family landholding where the timber structure is located.
Letters from the local primary school have been submitted on the application.

Brendan has two very young children and are continuing on the same childhood path as Brendan, by attending the same schools and community events.

The lane is named as McDonaghs Lane is called after Brendan's family and Brendan is the 3rd generation of the McDonagh Family.
The name McDonaghs Lane is recognised and stated on Google Maps

On the policy H23 states and complies with 3 of the objectives

- The applicant is a native of the area;
- • The applicant can demonstrate a genuine need to live in that area;
- • The development is related directly to the area's amenity potential or its use for agriculture, mountain or hill farming,
- • The development would not prejudice the environmental capacity of the area, and that it would be in keeping with the character of the area.
-

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 of replacement dwellings will only be permitted in exceptional circumstances.

An Bord Plenala report states;

'Development is carefully sited, designed and of appropriate scale, existing site features such as specimen trees, stands of mature trees, hedgerows, rock outcrops and water features are properly identified and retained, as appropriate and new planting or other landscaping should be appropriate to the area, and significant on-site natural features shall influence the layout of new development.'

Brendan is rearing his young family with his finance and residing in the timber structure with his children, Mia aged 6 and Colin aged 3.
Mia is attending St Martin's National School in Brittas and Colin is registered to attend the school also at school going age and has his name registered.

Brendan is intrinsic to the area as all his family are surrounding and supporting Brendan. Brendan's father is of a pensionable age of 70 and Brendan's mother who also resides in the family home has experienced failing health with a hip replacement and another scheduled hip replacement in the future, Brendan's mother does not drive and of poor hearing and Brendan has become a carer for his parents and strongly urge the SDCC to take these matters into serious consideration when assessing this application and to put forward a further information recommendation if needed to obtain further information for the criteria of exceptional circumstances.

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- Letter outlining how the application would not prejudice the environmental capacity of the area, and that it would be in keeping with the character of the mountain area (attached below).

Rural Housing in HA-DM Zone

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 permitted in exceptional circumstances.

There are no European sites located in the vicinity of the site as stated in An Bord Pleanála Report ABP 300459-17

An Bord Pleanála Report ABP 300 459 -17 STATES THE FOLLOWING

Visual Impact

The scale of the proposed dwelling respects adjoining residential development and the site is large and has the capacity to visually absorb another dwelling which does not dominate existing dwellings.

The proposed dwelling is well set back from the street line with existing dwellings and has no adverse visual impact on adjoining dwellings or on the character of the local area.

In terms of its overall height, shape, scale and massing the timber structure is very similar to structures in the Chianti Park development..

The site is located in an area designated in the Development Plan 'to protect and enhance the outstanding natural character of the Dublin Mountain Area'. It is also located in Landscape Character Area no. 3 'Athgoe and Saggart Hills'. I would note that this section of McDonaghs Lane has a number of dwellings located along the northern side of the Lane. I am satisfied that the existing site which already accommodates a house, vehicular entrance and driveway, **has the capacity to absorb the proposed development.** I am of the opinion that the visual impact of the existing structure and gravel area on the landscape is overstated by the planning authority, and I do not concur that the proposed development will have a negative impact on the landscape.

No further details are attached relating to the applicant development being directly related to the area's amenity potential or to its use for agriculture, mountain or hill farming. All of the criteria in Policy H23 must be satisfied. As the applicant has not addressed all of the required criteria for new or replacement dwellings within the Zoning Objective 'HA-Dublin Mountains' (to protect and enhance the outstanding natural character of the Dublin Mountains Area) the

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proposed development would be contrary to Policy H23 Objective 1-Rural Housing in HA-Dublin Mountain Zone.

It is noted that the application site is located within c.5 kilometres from the edge of the built-up area of Tallaght. Rural dwellings proliferate in the vicinity of the application site.

On the basis of the documentation submitted with this planning application, the applicant has not demonstrated compliance with the Rural Housing Policy. The proposed development would further erode the rural character of the area and lead to demands for the provision of further public services and community facilities and would, therefore, be contrary to the proper planning and sustainable development of the area.

The application for retention would be contrary to Policy H20 where it is the policy '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.'

Therefore, in accordance with Policy H20, the proposed development would further contribute to a pattern of unsustainable ribbon development along McDonagh's Lane, would further erode the rural character of the area, would not be justified under Policy H23, and would set a precedent for future developments of a similar nature and would therefore be contrary to the proper planning and sustainable development of the rural area.

Permission for Retention should therefore be **refused**.

Regional, Spatial & Economic Strategy 2020-2032 (RSES)

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

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consolidation of the town and village network to ensure that development proceeds sustainably and at an appropriate scale, level and pace in line with the core strategies of the County Development Plans. The proposed development would represent the proliferation of further one-off housing in the Dublin Metropolitan Area and would, by itself and by the precedent it would create, prejudice the achievement of regional settlement strategy policy for the Eastern & Midlands Region. Permission for Retention should therefore be **refused**.

Having regard to the location of the dwelling to be retained, within c. 5km of the built up area of Tallaght it is considered that the retention of the dwelling would be contrary to the objective of the Regional, Spatial & Economic Strategy 2020-2032 (RSES), and would exacerbate urban sprawl and the dispersal of population outside the urban footprint of the Dublin Metropolitan Area.

Permission for Retention should therefore be **refused**.

Landscape & Visual Impact

It is an Objective of the South Dublin County Council Development Plan 2016-2022 (HCL7-2)

'to ensure that development is assessed against Landscape Character, Landscape Values and Landscape Sensitivity as identified in the Landscape Character Assessment for South Dublin County (2015)...

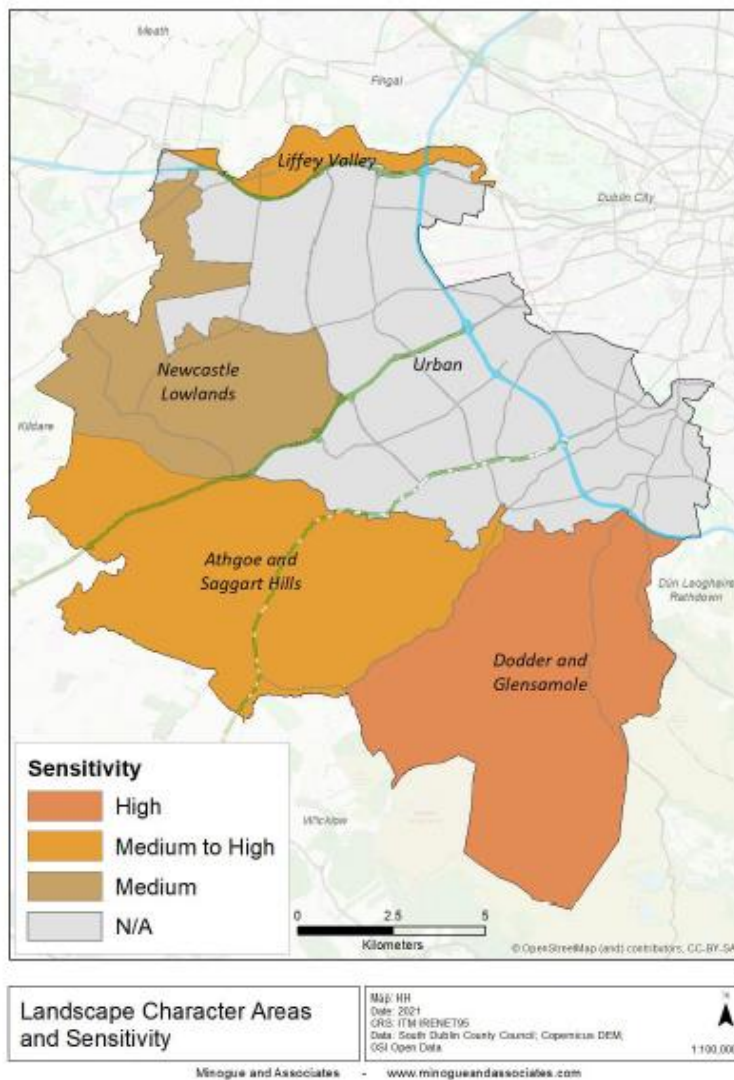
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6.2.1 LANDSCAPE CHARACTER AREAS- SENSITIVITY AND PRINCIPLES FOR DEVELOPMENT

Figure 37 LCA Sensitivity Map



The proposed development is located in the Athgoe and Saggart Hills landscape area (see map above), which has been designated as an area with a medium/high landscape value and sensitivity and a Landscape Capacity which is negligible; meaning that the key characteristics of the landscape are highly vulnerable to development and that development would result in a

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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 be contrary to Policy (HCL7)** (see attached below). '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...' and would be **contrary to the proper planning and sustainable development of the area.**

HERITAGE, CONSERVATION AND LANDSCAPES (HCL) Policy 7 Landscapes

It is the policy of the Council 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 and to ensure that landscape considerations are an important factor in the management of development.

HCL7 Objective 1:

To protect and enhance the landscape character of the County by ensuring that development retains, protects and, where necessary, enhances the appearance and character of the landscape, taking full cognisance of the Landscape Character Assessment of South Dublin County (2015).

HCL7 Objective 2:

To ensure that development is assessed against Landscape Character, Landscape Values and Landscape Sensitivity as identified in the Landscape Character Assessment for South Dublin County (2015) in accordance with Government guidance on Landscape Character Assessment and the National Landscape Strategy.

The SDCC County Development Plan Maps 2016-2022 show that there is an objective to Protect and Preserve Significant Views to the north and south of Mc Donagh's Lane where the dwelling seeking retention permission is located. The application for retention would be contrary to HCL Policy 8 of the SDCC Development Plan (see attached below).

Permission for Retention should therefore be **refused**.

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HERITAGE, CONSERVATION AND LANDSCAPES (HCL) Policy 8 Views and Prospects
It is the policy of the Council to preserve Views and Prospects and the amenities of places and features of natural beauty or interest including those located within and outside the County.
HCL8 Objective 1: To protect, preserve and improve Views and Prospects of special amenity, historic or cultural value or interest including rural, river valley, mountain, hill, coastal, upland and urban views and prospects that are visible from prominent public places.
HCL8 SLO 1: To seek to develop the area at the top of Esker Hill as a viewing location for views over Lucan Village and the Liffey Valley.
HCL8 SLO2: To facilitate provision of both a viewing area and more attractive backdrop to St. Johns Bridge in Griffeen Valley Park.

Siting

The timber dwelling structure seeking retention permission is located to the south west of an existing dwelling within the overall landholding. The site is relatively level but slopes slightly in a north-south direction. The dwelling is located in an area of gravel hardstanding with gravel entrance and parking area located to the north.

The timber structure is a single storey detached dwelling with pitched roof at a max ridge height of 3.67m and with an eaves height of c.2.43m. The dwelling is c.7m in width and c.8.5m in length. Notwithstanding the mature trees and hedges bounding the site, the dwelling is visible from the public road.

Policy **H27** Objective 1 of the South Dublin County Development Plan 2016-2022 states:

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):

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- *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.*

Having regard to the location of the dwelling and the surrounding development it is considered that the dwelling to be retained would exacerbate ribbon or haphazard forms of development in the area and would set an undesirable precedent for similar forms of development. The Dublin Mountains area is the prime natural asset of South Dublin County. Having regard to the location of the site on lands zoned Objective 'HA- DM' 'To protect and enhance the outstanding natural character of the Dublin Mountains Area', where environmental and visual sensitivity is at its highest, it is considered that the location of the dwelling within this existing landholding is inappropriate. The proposal is not in accordance with Policy H27 Objective 1 of the South Dublin County Development Plan 2016-2022.

Permission for Retention should therefore be **refused**.

Access & Parking

The Roads Department recommends **refusal**. An extract taken from the Roads report states the following:

Prior to commencement of any works in the public domain, and in order to comply with The Roads Act 1993 Section 13 Paragraph 10, a Road Opening Licence must be secured from South Dublin County Council, Roads Maintenance Department.

Description:

Retention of a single storey timber residential structure.

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The sight visibility at the entrance to this property is very poor due to the location close to the bend in McDonagh's Lane, the presence of hedgerows either side of the entrance and the height of the splayed walls at the entrance to the property. These road issues were noted for a previous application for retention of the structure under Planning Reference SD17A/0347.

The applicant has proposed to "cut back the existing hedgerow facing westerly to achieve the sightlines required to prevent a traffic hazard". The Roads Department considers this to be an insufficient measure to achieve the required sightlines for exiting safely.

The Roads Department have concerns about any increase in traffic using this entrance as a result of the residential structure.

*Roads recommend refusal based on the **traffic hazard** resulting from additional traffic on McDonagh's Lane from the residential unit.*

*Roads recommend **refusal**.*

As the application for retention would endanger public safety by reason of a traffic hazard the application should therefore be **refused**.

Environmental Health

A report issued from the Environmental Health Officer recommends **Additional Information** be requested.

Development Summary: *The development proposes the retention of a chalet style two bedroom single storey domestic residence. The applicant his wife and two children are resident here. The site is part of the original family home. The applicants parents still live here. The domestic residence is serviced by mains water supply. The premises subject to retention permission shares the septic tank and surface water soakaway of the original family home. Pollution control may have a comment to make with respect to this however our main observation would be that the maps provided with the allocation do not show separation distances for the septic tank. The septic tank is located adjacent to the soakaway and **nothing has been provided that the requisite 5 meter separation between the two has been achieved.***

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Decision:

Additional Information with respect to the following is required:

1. *A map verifiably indicating the appropriate separation distances for the existing septic tank must be provided to properly assess this plan.*

Notwithstanding the report from the EHO, due to insufficient information submitted regarding the requisite 5 metre separation between the septic tank and the surface water soakaway the Planning Authority is not satisfied that the development seeking retention would not be prejudicial to public health.

It is therefore considered that permission should be **refused**.

An Taisce

An Taisce have issued a letter expressing concerns and objection to the application. An extract taken from the An Taisce letter states the following:

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Dear Sir

We are in receipt of your letter of 21st April 2022 referring the above application to us. We have examined the file and wish to object to this application for the following reason:-

1/ This application is exactly the same as the previous application for Retention (SD17A/0347) which was emphatically refused by the County Council for 6 reasons and was also refused by An Bord Pleanála on appeal for the following reasons namely

1/ The site is located in an area with the zoning objective HA-DM "To protect and enhance the outstanding natural character of the Dublin Mountain Area" as set out in the South Dublin County Development Plan 2016-2022 where it is the Policy of the planning authority to resist residential development, and also identified as being under urban influence in the Regional Planning Guidelines for the Greater Dublin Area 2010-2022. It is considered that the applicant does not come within the scope of exceptional circumstances outlined in Policy H23 Objective 1, as set out in the Development Plan for a house in this rural location. The development for which retention is sought would, therefore, materially contravene the zoning objective for the area and be contrary to the proper planning and sustainable development of the area.

2/ It is considered that the development for which retention is sought would endanger public safety by reason of a traffic hazard because of the additional turning movements the development would generate on a substandard road at a point where the sightlines are restricted in a Westerly direction.

We therefore submit that this application be refused.

The concerns raised from An Taisce are noted and The Planning Authority agrees with the concerns raised.

Services & Drainage

Both Irish Water and Surface Water Drainage have issued reports recommending no objections subject to **conditions**. An extract taken from the Irish Water report states the following:

IW Recommendation:

No Objection

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1 Water

All development shall be carried out in compliance with Irish Water Standards codes and practices.

Reason: In the interest of public health and to ensure adequate water facilities.

2 Foul (Referred to EHO)

An extract taken from the Surface Water Drainage report states the following:

Surface Water Report: No Objection Subject to:

Flood Risk No Objection:

The Developer shall ensure that there is complete separation of the foul and surface water drainage for the proposed development.

All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.

Water Report: Referred to IW

Foul Drainage Report: Referred to EHO

Surface Water Drainage recommend no objection to the proposed development to be retained which proposes to continue utilising the existing septic tank and soakaway initially development for the existing family home located to the north of the subject site. Notwithstanding this, considering the concerns and recommendations of the EHO report and having regard to the recommendations for refusal above it is considered that permissions should be **refused**.

Overcoming Previous Reasons for Refusal

The applicant has not demonstrated that previous reasons for refusal have been overcome as per reg. ref. SD17A/0347 & ABP-300459-17. The application for retention should therefore be **refused**.

Previous Reasons for Refusal SD17A/0347

1. Having regard to:

(i) Zoning Objective HA-DM which seeks 'To protect and enhance the outstanding natural character of the Dublin Mountains Area' as set out in South Dublin County Council Development Plan 2016-2022.

(ii) Policy H23 Objective 1 relating to rural housing policy where it is the policy that dwellings will only be permitted on suitable sites on lands zoned Objective HA-DM where,

(a) the applicant is a native of the area and,

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*(b) the applicant can demonstrate a genuine need for housing in that particular area and,
(c) the development is related directly to the area's amenity potential or to its use for agriculture, mountain or hill farming and,*

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

The applicant has not demonstrated compliance with the criteria detailed in Policy H23 and has failed to demonstrate a genuine need for housing in this particular area; and therefore the development to be retained would materially contravene the zoning objective for the area and the proper planning and sustainable development of the area.

2. The site is located in an area designated as part of the strategic Green Belt and Rural Hinterland of the Dublin Metropolitan Area under the Regional Planning Guidelines for the Greater Dublin Area 2010-2022. The settlement strategy for the Greater Dublin Area supports the delivery of a settlement hierarchy through the continuity of the policy for metropolitan and hinterland areas within the GDA. This focuses new housing within the existing footprint of the metropolitan areas and planning expansion of the footprint in conjunction with new high quality public transport investment; designation of multi-modal transport corridors providing enhanced public transport linkages serving key towns and linked investment in developing these designated towns in the hinterland area separated from each other by extensive areas of strategic green belt. The Dublin Mountains are recognised for their amenity potential and facilities, both public and private, serving and capitalising on the opportunities from the large population areas adjacent. The designation as long term strategic green belt lands serves avoid loss of amenity and their future coalescence and loss of definition between rural and urban places. The proposed development would represent the proliferation of further one-off housing in the designated strategic Green Belt and Rural Hinterland of the Dublin Metropolitan Area under the Regional Planning Guidelines for the Greater Dublin Area 2010-2022 which could prejudice the sustainable achievement of the approved Regional Settlement Strategy for the Greater Dublin Area.

3. The development to be retained would lead to a demand for uneconomic provision of services and would set an undesirable precedent for other similar developments, which would in themselves and cumulatively be harmful to the outstanding natural character and visual amenity of the surrounding Dublin Mountain area. The proposal would not be accordance with Policy H27 Objective 1 of the South Dublin County Development Plan 2016-2022 in that it would exacerbate ribbon or haphazard forms of development and thereby would be contrary to the proper planning and sustainable development of the area.

4. The development to be retained would give rise to traffic hazard resulting from additional traffic on McDonagh's Lane from the proposed residential unit.

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5. The development to be retained is located in the Athgoe and Saggart Hills landscape area, which has been designated as an area with a medium/high landscape value and sensitivity and a Landscape Capacity which is negligible; 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 be contrary to 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' and would be contrary to the proper planning and sustainable development of the area.

6. The gravelled hard surface and parking surfaces located adjacent to the dwelling to be retained cumulatively fragments and results in the 'loss of ecologically sensitive areas of the Green Infrastructure network to artificial surfaces' which is not in accordance with Policy G4 Objective 7 of the South Dublin County Development Plan 2016-2022.

Previous Reasons for Refusal ABP-300459-17

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Reasons and Considerations

1. The site is located in an area with the zoning objective HA-DM "To protect and enhance the outstanding natural character of the Dublin Mountain Area", as set out in the South Dublin County Development Plan 2016-2022 where it is the policy of the planning authority to restrict residential development, and also identified as being under urban influence in the Regional Planning Guidelines for the Greater Dublin Area 2010-2022. It is considered that the applicant does not come within the scope of exceptional circumstances outlined in Policy H23 Objective 1, as set out in the Development Plan for a house at this rural location. The development for which retention is sought would, therefore, materially contravene the zoning objective for the area and be contrary to the proper planning and sustainable development of the area.
2. It is considered that the development for which retention is sought would endanger public safety by reason of a traffic hazard because of the additional turning movements the development would generate on a substandard road at a point where sightlines are restricted in a westerly direction.

The Planning Authority considers that this application for retention permission has not satisfactorily overcome the previous reasons for refusal for a similar/same development.

Screening for Appropriate Assessment (AA)

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 a serviced urban area, and
- the consequent absence of a pathway to the European site,

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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.

Screening for Environmental Impact Assessment (EIAR)

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

Having regard to:

- The failure of the applicant to demonstrate compliance with the criteria detailed in Policy H23 of the South Dublin County Council Development Plan 2016-2022 and failure to demonstrate a genuine need for housing in this particular area.
- Pursuant to the policies, objective and standards pertaining to rural housing development as set out in the 2016-2022 South Dublin County Council Development Plan, and in particular Policy H20, the County's Core Strategy and Rural Settlement Strategy, it is considered that the proposed development would undermine the Local Authority's policies to focus housing into existing settlements, reinforce and consolidate urban settlements, and restrict housing in rural zoned areas.
- With reference to the policies contained within the National Planning Framework and the County Development Plan, the proposed development is located in an area that is under pressure for urban generated housing. Pursuant to policy H23, it is not considered in this instance that the applicant has demonstrated justification that would warrant the setting aside of Policy H20 where it is the policy '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.'
- The non-compliance of the proposed development to be retained with Policy H27 Objective 1 of the South Dublin County Development Plan 2016-2022 in that it would exacerbate ribbon or haphazard forms of development
- The location of the development to be retained in the Athgoe and Saggart Hills landscape area, which has been designated as an area with a medium/high landscape value and sensitivity and a Landscape Capacity which is negligible where 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 be contrary to Policy (HCL7) 'to preserve and enhance the character of the County's landscapes

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- The development to be retained would increase in traffic using McDonagh's Lane and would result in traffic hazard resulting from additional traffic on McDonagh's Lane from the proposed residential unit.
- Considering the 'HA-DM' zoning objective, the Landscape Character Assessment and the precedent that would be established by this development in the area, it is considered that the application for retention would by itself and cumulatively, constitute the proliferation of housing in a rural area. This would further erode the rural character, compromise the landscape, lead to the demand for the uneconomic and unsustainable provision of public services and community facilities and would therefore contravene the 'HA-DM' zoning objective, the policies and objectives of the South Dublin County Development Plan 2016-2022, the National Planning Framework, and the Regional Spatial and Economic Strategy 2019 – 2031, and would therefore be contrary to the proper planning and sustainable development of the area.
- The provision of an additional dwelling in this location would result in an increase in the dwelling density of a rural area, promote ribbon development, promote undesirable site layout and design, and endanger public safety due to the generation of additional traffic movements on a substandard rural road network.
- Due to insufficient information submitted regarding the requisite 5 metre separation between the septic tank and the surface water soakaway the Planning Authority cannot be satisfied that the development seeking retention would not be prejudicial to public health.
- The SDCC County Development Plan Maps 2016-2022 show that there is an objective to Protect and Preserve Significant Views to the north and south of Mc Donagh's Lane where the dwelling seeking retention permission is located. The application for retention would be contrary to HCL Policy 8 of the SDCC Development Plan.

The proposal would not be in accordance with the South Dublin County Development Plan 2016-2022 or the Regional Spatial and Economic Strategy 2019 – 2031 and would be contrary to the proper planning and sustainable development of the area. Permission should, therefore, be **refused**.

Recommendation

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

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SCHEDULE

REASON(S)

1. Having regard to:
 - (i) Zoning Objective HA-DM which seeks 'To protect and enhance the outstanding natural character of the Dublin Mountains Area' as set out in South Dublin County Council Development Plan 2016-2022,
 - (ii) Policy H23 Objective 1 relating to rural housing policy where it is the policy that dwellings will only be permitted on suitable sites on lands zoned Objective HA-DM where,
 - (a) the applicant is a native of the area and,
 - (b) the applicant can demonstrate a genuine need for housing in that particular area and,
 - (c) the development is related directly to the area's amenity potential or to its use for agriculture, mountain or hill farming and,
 - (d) the development would not prejudice the environmental capacity of the area, and that it would be in keeping with the character of the mountain area,

the applicant has not demonstrated compliance with the criteria detailed in Policy H23 and has failed to demonstrate a genuine need for housing in this particular area and therefore the development to be retained would materially contravene the zoning objective for the area and the proper planning and sustainable development of the area. The application for retention has not overcome previous reasons for refusal as per Reg. Ref SD17A/0347 and ABP-300459-17 for a similar development.
2. The development to be retained would lead to a demand for uneconomic provision of services and would set an undesirable precedent for other similar developments, which would in themselves and cumulatively be harmful to the outstanding natural character and visual amenity of the surrounding Dublin Mountain area. The proposal would not accord with Policy H27 Objective 1 of the South Dublin County Development Plan 2016-2022 in that it would exacerbate ribbon or haphazard forms of development and thereby would be contrary to the proper planning and sustainable development of the area.
3. The development to be retained would endanger public safety by reason of a traffic hazard resulting from additional traffic on McDonagh's Lane from the proposed residential unit.
4. (a) The development to be retained is located in the Athgoe and Saggart Hills landscape area, which has been designated as an area with a medium/high landscape value and sensitivity and a Landscape Capacity which is negligible; meaning that the key characteristics of the landscape are highly vulnerable to development and that

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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 be contrary to 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' and would be contrary to the proper planning and sustainable development of the area.

(b) The SDCC County Development Plan Maps 2016-2022 show that there is an objective to Protect and Preserve Significant Views to the north and south of Mc Donagh's Lane where the dwelling seeking retention permission is located. The application for retention would be contrary to HCL Policy 8 of the SDCC Development Plan.

5. Considering the 'HA-DM' zoning objective, the Landscape Character Assessment and the precedent that would be established by this development in the area, it is considered that the application for retention would by itself and cumulatively, constitute the proliferation of housing in a rural area. This would further erode the rural character, compromise the landscape, lead to the demand for the uneconomic and unsustainable provision of public services and community facilities and would therefore contravene the 'HA-DM' zoning objective, the policies and objectives of the South Dublin County Development Plan 2016-2022, the National Planning Framework, and the Regional Spatial and Economic Strategy 2019 – 2031, and would therefore be contrary to the proper planning and sustainable development of the area.
6. Due to insufficient information submitted regarding the requisite 5 metre separation between the septic tank and the surface water soakaway the Planning Authority is not satisfied that the development seeking retention would not be prejudicial to public health.

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REG. REF. SD22A/0084

LOCATION: McDonaghs Lane, Glenaraneen, Brittas, 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 Retention for the above proposal for the reasons set out above is hereby made.

Date:

19/5/22



Eoin Burke, Senior Planner