

Planning Department,
South Dublin County Council,
County Hall,
Tallaght,
Dublin
24

17/05/2022

re: Proposed dwelling at Cruagh Lane, Rockbrook, Rathfarnham, Dublin 16

Dear Sir/Madam,

On behalf of Sarah Jane Kearney, I wish to apply for permission for the development of a new four-bedroom dwelling house of 187 square meters on two levels - ground floor and dormer attic; a new site entrance, gate, and driveway; two new wastewater treatments plants and associated percolation areas - one of which shall replace and upgrade the existing wastewater treatment system; new planting and replacement of some existing planting with native shrubs and trees; and all associated site works at Cruagh Lane, Rockbrook, Rathfarnham, Dublin 16.

In this regard we enclose: -

1. Planning Application form
2. Copy newspaper notice (2 copies)
3. Copy site notice (2 copies)
4. Letter of consent from landowners
5. Letter from applications mothers medical team
6. Letter of support from local neighbors
7. Affidavit of Sarah Jane Kearney
8. The Site Location Map (6 copies)
9. Site Plans, Plans, Sections, Elevations of the proposed scheme (6 copies of each)
10. Topographical Survey - Murphy Surveyors (6 copies)
11. The Landscape Architect's report and Landscape Plan (6 copies)
12. The Environmental Engineer's Report and Wastewater treatment design (6 copies)
13. The Ecological Report (6 copies)
14. The Architectural Statement (6 copies)
15. Documentation of the Applicant's residence at the property
16. Planning fee of €65.00

1. Introduction

The purpose of this report is to describe the planning parameters and policy context to support the proposed development as described in the plans, particulars, and documents submitted with this application. The report also addresses potential issues that were noted in the pre-planning report that we received from Colm Maguire in February 2021

Register Reference: PP120/20.

The applicants and myself have put a lot of thought and consideration into the application, carefully choosing Environmental, Landscape and Ecology consultants to develop a design that respects and protects the amenity of the sensitive natural landscape of the area.ite Location and Context

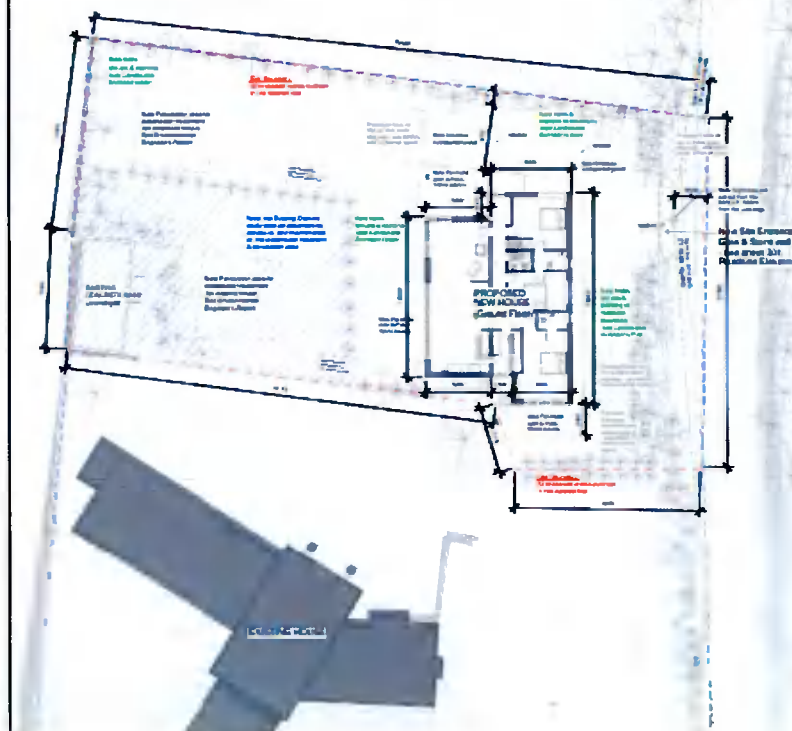
The subject site is located at Cruagh Lane, Rockbrook. The applicant's family home is located c.10m west of the site. The adjoining lands surrounding the applications family home, north, south, east, and west are undeveloped and there are no existing dwellings for some distance on the north side of the road. The surrounding lands are predominantly overgrown and unattended. The surrounding land use is reflected in the zoning of the lands in the area, with lands of the site zoned to protect and improve the outstanding natural character of the Dublin Mountain area as per the development county plan 06/12/2016 to 06/11/2022

The site, which is roughly rectangular in shape, has an area of 0.12268 hectares

The topography of the site is level in nature and sits c.2 meters above the level of the public road.

The site will need to establish an entrance, the boundary between the site and the road comprises of a disheveled wall with roadside boundary hedges which are in poor condition and dying (see landscape architects report). A landscape architects report was completed by landscape design services and is enclosed with the application. This report provides a detailed description of the landscape on the site including existing hedges as well as a description of the variety of proposed native and non-invasive planting which shall augment the biodiversity of the site.

The development has been appropriately orientated to negate both the actual and perceived issue of overlooking and, as such, this should be considered sufficient to dispel concerns regarding overlooking. All works associated are within the red dashed line and the blue dashed line shows the family boundary, the red dashed line, where the proposed works are to be carried out, is a grass lawn.



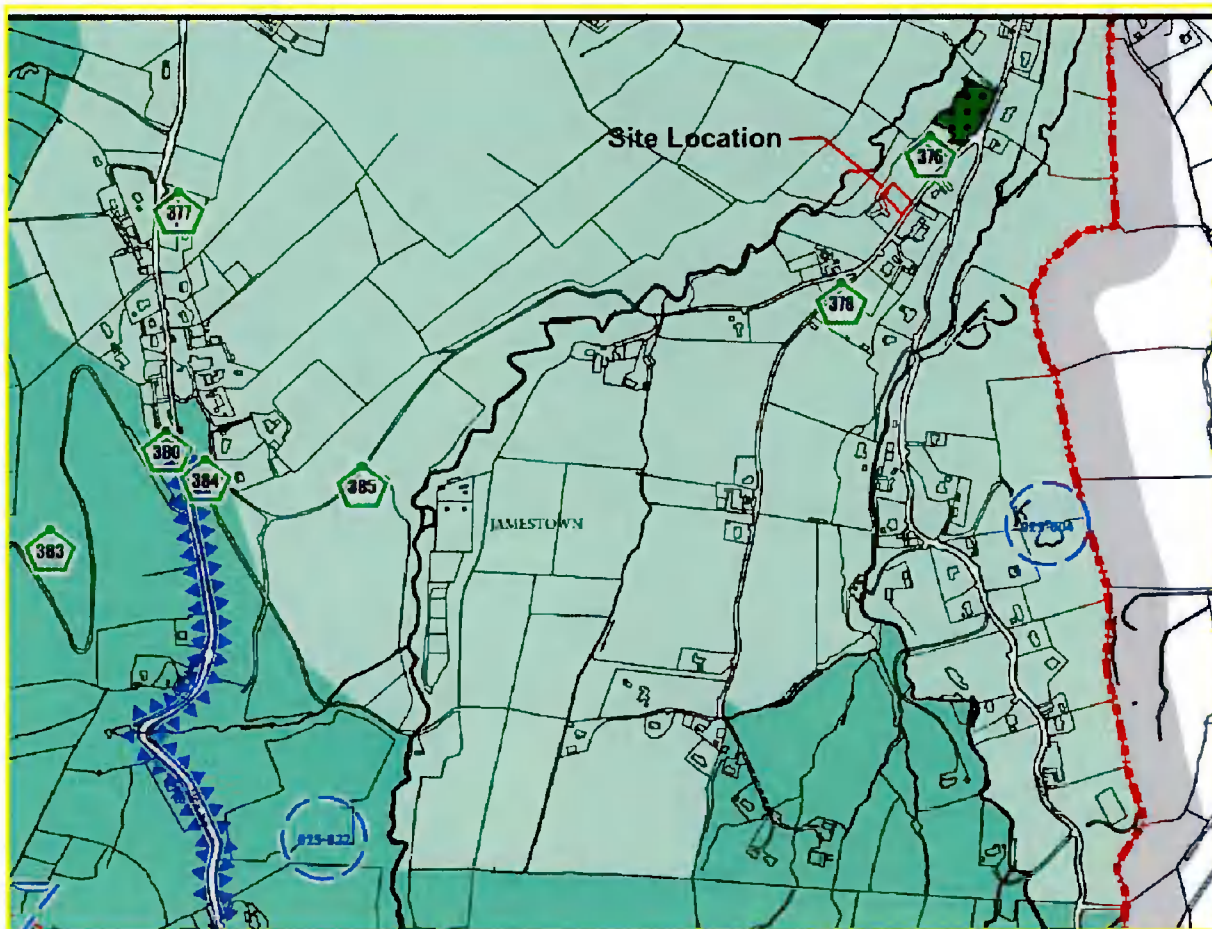
2. Development Plan Context

Land Use Zoning

The site is located in an area zoned Objective RU to protect and improve rural amenities and to provide for the development of agriculture.

Residential development is “open for consideration” under this zoning objective, in accordance with Council policy for development in rural areas 06/12/20216 to 06/11/2022.

We are aware that there is a new county development plan underway and due to be published on the 1st of July 2022 and we believe these guidelines will support the case for this proposal.



SDCC development plan map 11 (excerpt of Northeast portion)

With respect to Section 6.9.1 Rural Housing Policies and Local Need Criteria, we note that there is a New Objective under H17 Objective 2

H17 Objective 2: To consider persons for a rural house in the RU zone on the basis of their being an intrinsic part of the rural community where such persons have grown up or spent substantial periods of their lives, (12 years), living in the area or have moved away and who now wish to return to reside near to, or to care for, immediate family members and are seeking to build on the family landholding. Immediate family members are defined as mother, father, son, daughter, brother or sister.

3. Proposed Development

The proposed development comprises the construction of a modest 1 & half storey house of c.187 m² the accommodation comprises a kitchen/dining area; living room; bathrooms; a utility room and 4 no. bedrooms.

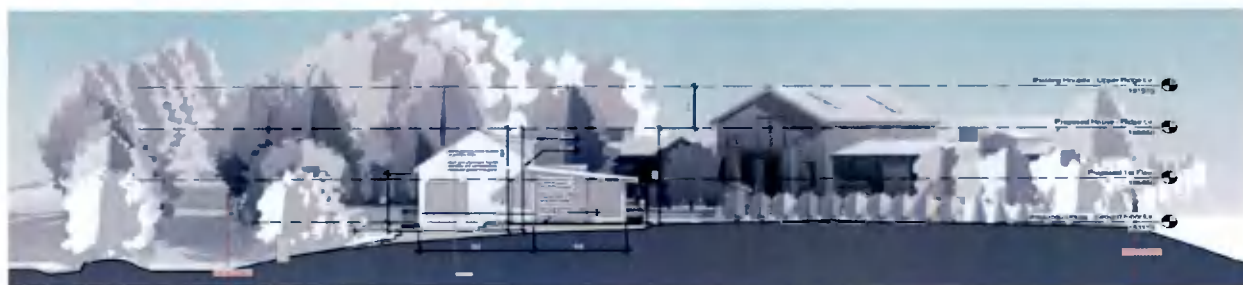
Consideration has been made regarding the sensitivity of the proposed development to the surrounding landscape. Rural design guidelines, as well as the vernacular architectural heritage of the Dublin Mountains have been carefully considered.

There has been a large amount of consideration taken when developing this application over the past 18 months to make sure the clients requirements were realized in the most sensitive manner possible.

A starting consideration was that the proposed new house would be visually subordinate to the applicant's family home, which is a dormer-style bungalow with a ridge level of 191.97m. The ridge level of the roof of the proposed house is 189.26m (2.71 meters lower). The roof form has been carefully designed to reduce any visual impact the house might have and to be formally appropriate to the surroundings.

As illustrated on the drawings accompanying this application, the proposed house is visually far less prominent than the existing. The outline for the proposed house shall be largely within that of the existing house, or obscured by the existing house - from the most important vantage points.

The proposed development's position and location sits comfortably in its setting to maximize the screening of the dwelling. The proposed design is restrained and respects the architectural language of the main house - the applicant's family home.



4. Roads and Access

The access splays at 45-degrees allowing safe access to and from the driveway. Appropriate adjustments will be made to the landscape and planting to allow lines of sight that exceed the requirement on the laneway.

The Entrance will have sightlines of over 120 meters to the Northeast, and 80 meters to the Southwest - measured from a point 2.5 meters back from the roadside. If the Roads Department requires additional existing hedgerows to be further removed a condition to that effect will be accepted and any hedgerow that is removed will be replaced with native trees inside the line of visibility.

We have taken careful consideration to the design of the proposed entrance to the new dwelling, we are looking to achieve an enhanced degree of safety and have made allowances for a turning space, in order to more safely enter and exit the site. It should be noted that Cruagh Lane is a Cul-de-sac which is a slow zone with a 30 km/h speed limit implemented.

Cruagh Lane is a public laneway leading to a private laneway, and the amount of traffic traveling along it is minimal - with mainly families traveling at low speeds.

5. Landscaping

The application is accompanied by a detailed Landscape Report and Site Layout Plan which incorporates the landscaping proposal. Note that in terms of proposed landscaping and the Architectural Site plan approximates the Landscape plan and the planting and related items shall be implemented in accordance with the Landscape Architect's Plan.

In summary, the landscape plan and rationale are simple, responding to the orthogonality of the proposed new vernacular contemporary style dwelling to settle it into the sylvan and rural local environment. The landscape design is treated at the scale of domestic housing and the palette of surrounding landscape materials (hard and soft), and in a gentle modern contemporary, and naturalistic style.

The landscape plan proposes screening the site from all sides by supplementing existing planting with the native specimen and standard and exotic semi-mature trees, an understory of whip planting which will mature in the short-term, mixed native species transplant hedgerows and planter beds planted with primarily native species perennials.

The proposal will significantly improve the site from both a visual amenity and ecological perspective. The proposal to remove a small section of poor-quality scrub hedgerow and replace it with a range of sizes of native cultivars and exotic species has been specified to support invertebrate and bird habitat, improving the biodiversity in the site which will in no way have a negative impact on the scenic amenity of the area.

6. Wastewater Treatment

A Site Suitability Assessment carried out by Michael Kehoe is enclosed with the application. The system will comply with the Code of Practice Wastewater Treatment Systems Serving Single Houses EPA (2021). The applicant's family home wastewater treatment will be upgraded to fall in line with EPA guidelines (2021). You will note that this will be under a separate application and will be carried out by Sarah Jane Kearney the applicant.

7. Qualifying Criteria for Rural Housing

My clients and I, upon commencing this project in late 2021 we believed there was a strong case for the proposal (at the time of the sketch-design and later the pre-planning - a belief which was not contradicted by the pre-planning response. Furthermore, I think it is clear that the new rural housing design guidelines, in the new county development plan due to be published on the 1st of July - further support the case for this proposed house.

8. Housing Policy 22 "Rural Housing in RU Zone" states:

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

H22 Objective 1: To consider new or replacement dwellings within areas designated with zoning Objective "RU" (to protect and improve rural amenity and to provide for the development of agriculture) where:

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

New Policies to consider regarding the new county development plan which is due to be published on the 1st of July 2022

H17 Objective 1:

- To commence a review of the Rural Housing Policy and Local Need Criteria within six months of the adoption of the Plan and to include a public consultation as part of this process.

H17 Objective 2:

- To consider persons for a rural house in the RU zone on the basis of their being an intrinsic part of the rural community where such persons have grown up or spent substantial periods of their lives, (12 years), living in the area or have moved away and who now wish to return to reside near to, or to care for, immediate family members and are seeking to build on the family landholding. Immediate family members are defined as mother, father, son, daughter, brother, or sister.

H18 Objective 2:

- To recognise that a person may have exceptional health circumstances where it is required that they live close to family support or in a particular environment. Such circumstances must be clearly supported by relevant documentation from a registered medical practitioner and a disability organisation and will be subject to criteria set out under Chapter 13 Implementation and Monitoring.

8.1 Applicant

The subject site is the only site available to Miss Sarah Jane Kearney. She grew up in this rural community and has neither the financial means nor the desire to move to an urban location. The nearest dwelling for sale (Tibradden Road) has an asking price of €1,250,000. The average asking price of current dwellings for sale with the Rathfarnham address is approx €530,000 for a 3 bed house and €867,500 for a four bed house (properties listed on Daft.ie on the 17th of May 2022).

The applicant has been searching for almost four years trying to buy a house within the surrounding area, house prices are rising at an alarming rate and unfortunately are outside of the applicant's budget.

The Kearney family has resided on Cruagh Lane for the last 25 years. The applicant was reared in the family home on Cruagh Lane.

The applicant's mother is heavily reliant on her daughter as a result of her medical condition and the applicant wishes to reside close to the family home in order to help her mother on a daily basis. The applicant's only sibling does not live in Ireland and has moved abroad with no plans to come back to Ireland. The applicant's family relies heavily on Miss Kearney as she is the only family member in Dublin. This is a valid consideration under the provisions of the Rural Housing Guidelines.

The site is located just 10m from the applicant's family home and the applicant is actively involved in the local area with horses on lands on Cruagh Lane for the past 14 years within 15m from the applicant's family home which the applicant tends to these horses twice on a daily basis. The applicant is employed, however, due to the pandemic, the applicant's employer has advised that remote working will be part of her work routine for the foreseeable future.

The applicant has arranged the following:

- A sworn declaration confirming that she has never individually or jointly previously purchased, built, or inherited a house or an apartment.
- The applicant has provided a letter in relation to her mother's health.
- The applicant has provided letters of support from her neighbors.
- Proof that she has lived within the family home for over 12 years.

HOUSING (H) Policy 26 "Occupancy Conditions" states:

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

Such a condition would be acceptable to the applicant, who has a genuine housing need and wishes to reside in the area in which she has lived all her life.

9. Settlement Strategy

Government policy on Rural Housing is outlined in the Sustainable Rural Housing Guidelines for Planning Authorities (April 2005). Section 3.2.3 of the guidelines set out criteria for defining a "rural generated housing need". Rural generated housing arises where the applicant is indigenous to the rural area or has close family links to the rural area or who works in a type of employment intrinsic to the rural economy, which requires the applicant to live in the rural area, to be close to their rural-based employment.

The guidelines describe persons who are an intrinsic part of the rural community:

Such persons will normally have spent substantial periods of their lives, living in rural areas as members of the established rural community. Examples in this regard might include **sons and daughters of families living in rural areas who have grown up in rural areas and are perhaps seeking to build their first home near their family place of residence** [our emphasis].

The applicant has demonstrated that she is indigenous to the rural area and has a genuine "rural generated housing need"

The Regional Planning Guidelines also reiterate the provisions of the Rural Housing Guidelines by stating "it is important that a differentiation is made between "urban generated housing" and "rural generated housing" (as defined in the NSS) and that rural housing strategy and policies are tailored accordingly in Development Plans. In general, urban generated rural housing needs should be directed to existing settlements, built-up areas, or identified lands (such as zoned lands). Through a plan-led process where local needs assessments criteria have been satisfied, and subject to satisfying good practices or stated requirements in relation to the site location, landscape / environmental sensitivities, design and layout, access, drainage, and impacts on soils, water table, and water quality, **"rural generated housing needs should be accommodated where they arise"** [our emphasis]

10. Relevant Planning Precedent

It is considered that the following application is a representation of Rural Housing and represents an appropriate precedent for the subject proposal: Reg. Ref. SD05A/0217, S01A/0341, SD04A/0144, S01A/0448 and SD18A/0110.

The sites above are applications of similar nature throughout the years within the local area which are located within the jurisdiction of South Dublin County Council within the zoning of the Ha-DM "To protect and enhance the outstanding natural character of the Dublin Mountains Area" and RU "To protect and enhance the outstanding natural character of the Dublin Mountains Area"

11. Summary and Request for Permission

In summary, it is requested that the Planning Authority considers the following matters in assessing the application:


- Miss Kearney has a genuine rural generated housing need which complies with Development Plan policies.
- The applicant grew up in the area and has strong family ties to the locality.
- The applicant will care for, immediate family members and are seeking to build on the family landholding
- The scale of the proposed dwelling is modest and will not detract from the visual amenities of the area.
- The proposed landscape plan will enhance the biodiversity of the site by planting new native trees and hedgerows and rejuvenating existing poor-quality hedgerows.

In conclusion, we submit that the proposed new dwelling is compliant with the policies and objectives set out in the Government policy on Rural Housing outlined in the Sustainable Rural Housing Guidelines for Planning Authorities.

It is considered that the proposal is in accordance with the proper rural design and planning principles. As such, the applicant is hopeful that you will consider the application with a favorable decision and that you could empathize with the applicant's situation.

If you have any further questions, please do not hesitate to contact me.

Yours sincerely,



Seosamh O Muircheartaigh ARB, RIBA