

Comhairle Chontae Atha Cliath Theas

PR/1182/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22B/0175 **Application Date:** 26-Apr-2022
Submission Type: Additional **Registration Date:** 23-Aug-2022
Information

Correspondence Name and Address: John Loney Brooklands, Barrettstown Road,
Newbridge, Co. Kildare

Proposed Development: Extend over existing linear cottage to create a two storey house; extend to the front (east) with a two storey residential wing; re-model existing stables and erect small hay and fodder storage shed within an enclosed courtyard; up-grade existing septic tank to a proprietary waste water treatment system and all ancillary site works.

Location: Ballymaice House, Ballymaice, Bohernabreena, D24 TV70

Applicant Name: Joe Costello

Application Type: Permission

(NM)

Description of Site and Surroundings:

Site Area: 6.44 Hectares.

Site Description:

The application site is located in the rural area of Ballymaice near Bohernabreena off the R114. It is situated at the end of a rural lane and consists of a detached bungalow with a pitched roof and various agricultural outbuildings.

The road servicing the site is a narrow one laneway rural road with grass verges. The site itself is bounded by mature trees and indigenous hedgerows and has a road frontage of approximately 238m. It is a relatively uniform square shaped site of approximately 6.44 hectares with a slight gradient.

The site is located in the Dublin Mountains with views of the Bohernabreena Valley and also within close proximity to Tallaght town centre at approximately 3.5km.

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Proposal:

- Extend over existing linear cottage to create a two-storey house,
- Extend to the front (east) with a two-storey residential wing,
- Re-model existing stables and erect small hay and fodder storage shed within an enclosed courtyard,
- Up-grade existing septic tank to a proprietary wastewater treatment system and all ancillary site works.
- Total area of works 350sqm

Zoning:

The subject site is subject to zoning objective 'HA-DM' - 'To protect and enhance the outstanding natural character and amenity of the Dublin Mountains area'.

Consultations:

Surface Water Drainage – No report received.

Irish Water – No report received.

Environmental Health – No objection subject to conditions.

Roads – Further information required.

Heritage Officer – No report received.

Parks – No objection subject to conditions.

An Taisce – No objection subject to conditions.

SEA Sensitivity Screening:

- Overlap identified with High Amenity Dublin Mountains 2016.

Submissions/Observations /Representations:

None.

Relevant Planning History:

Subject

None

Adjacent

SD20B/0477 - Rosevale, Ballymaice, Bohernabreena, Co. Dublin – **Permission and Retention Granted** for retention of 1 new rear single storey bathroom and utility extension; new rear single storey dining room extension; new single storey domestic garage to front. Permission for replacement of existing septic tank with a new mechanical wastewater treatment system and percolation area and for a new surface water soakaway.

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SD12A/0211 - Ballymaice, Bohernabreena, Dublin 24 – **Permission Refused** for the erection of a fully serviced single storey dwelling house and all associated site works.

SD06B/0170 - Old Belgard Schoolhouse, Ballymaice, Co. Dublin – **Permission Granted** to extend existing single storey 2 bed dwelling to provide 4 bed two storey split level dwelling with new pitched gable ended roof together with relocation and upgrading of effluent treatment system, providing new Biocycle system and relocation of existing well, together with ancillary works and site services.

Relevant Enforcement History

None traced.

Pre-Planning Consultation

None.

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

Section 9.2.0 Landscapes,

Sets out that a Landscape Character Assessment of South Dublin County (2015) has been prepared in conjunction with the review of the County Development Plan. The Landscape Character Assessment of South Dublin County, 2015 is a separate document to be read in parallel with this Plan.

Landscape Character Assessment of South Dublin County (2015).

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.

Housing (H) Policy 27: 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

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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 2.0 Rural Housing

Policy 16 Steep or Varying Topography Sites

It is the policy of the Council to ensure that development on lands with a steep and/or varying topography is designed and sited to minimise impacts on the natural slope of the site.

Section 2.5.0 Rural Housing

Policy 27 Rural House & Extension Design

It is the 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.

Policy H20 Management of Single Dwellings in Rural Areas

Policy H21 Rural Housing Policies and Local Need Criteria

Policy H23 Rural Housing in HA – Dublin Mountains Zone

Section 2.5.7 Rural Dwelling Occupancy

Policy H26 Occupancy Condition

Section 2.5.8 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

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*Policy HCL1 Heritage, Conservation and Landscapes
Policy HCL2 Archaeological Heritage*

*Section 8.1.0 Green Infrastructure Network
Policy G2 Green Infrastructure Network*

*Section 8.2.0 Watercourses Network
Policy G3 Watercourses Network*

*Section 2.4.1 Residential Extensions
Policy H18 Residential Extensions*

It is the policy of the Council to support the extension of existing dwellings subject to the protection of residential and visual amenities.

Policy H18 Objective 2:

To favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 11 Implementation and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines).

*Section 11.3.1 Residential
Section 11.3.1 (iv) Dwelling Standards
Section 11.3.1 (v) Privacy*

Section 11.3.3(i) Additional Accommodation - Extensions.

The design of residential extensions should accord with the South Dublin County Council House Extension Guide (2010) or any superseding standards.

The House Extension Design Guide, Section 4:

- *Outside space*
- *Do not overlook, overshadow, or have an overbearing impact on neighbouring properties*
- *Rear extension*

*Section 11.4.2 Car Parking Standards
Table 11.24 Maximum Parking Rates (Residential Development)
Section 11.4.4 Car Parking Design and Layout
Section 11.7.2 Energy Performance in New Buildings
Section 11.8.2 Appropriate Assessment*

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South Dublin County Council House Extension Design Guide (2010)

Relevant Government Guidelines

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

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)

Assessment

The main issues for consideration are:

- Zoning and Council policy,
- Assessment of Application Type as an Extension, Replacement or New Dwelling
- Site Notices
- Residential and Visual Amenity,
- Drainage,
- Parks,
- Environmental Health Officer,
- Roads,
- An Taisce
- Screening for Appropriate Assessment,
- Screening for Environmental Impact Assessment.

Zoning and Council Policy

The site is zoned objective 'HA-DM' - 'To protect and enhance the outstanding natural character of the Dublin Mountains Area'. A development consisting of a residential extension, remodelling existing and erecting new agricultural outbuildings and the upgrading of a wastewater treatment system is open for consideration subject to its accordance with the relevant provisions of the South Dublin County Development Plan 2016-2022 for residential development in rural areas but is not permitted above 350m contour (subject site below 350m) with specific reference to Section 2.5.0 Rural Housing which relates to Rural House &

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Extension Design, Section 2.4.1 which relates to Residential Extensions and also the Councils House Extension Design Guide (2010). The site is not above the 350m contour.

Policy H27 relates to rural houses and extensions to same to minimise visual impact on the character and visual setting of the surrounding landscape. More specifically Policy H27 Objective 1 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):

- *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*

The application site is surrounded by natural indigenous hedgerows and mature trees that provide coverage for the proposed development.

- *Will not have a negative impact on the environment including flora, fauna, soil, water (including ground water) and human beings; and*

The proposed development requires the removal of indigenous hedgerows and mature trees and as such **will have a negative impact on the environment.**

- *Is designed and sited to minimise impact on the site's natural contours and natural drainage features; and*

The proposed development is located on a relatively flat area with the runoff potentially from Southwest to North East and therefore complies with this criterion.

- *Retains and reinstates traditional roadside and field boundaries; and*

The drawings submitted show the removal of certain mature trees etc which was not noted on the application and as such cannot be assessed as part of the application. In any event there are **concerns with this removal.**

- *Is designed and sited to circumvent the need for intrusive engineered solutions such as cut and filled platforms, embankments or retaining walls; and*

Given the slight gradient of the site, it would not appear that the proposed development would require any substantial intrusive engineered solutions and would comply with this criterion.

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- *Would comply with Code of Practice Wastewater Treatment Systems Serving Single Houses, EPA (2009) or other superseding standards; and*

A report was submitted as part of the application pertaining to the treatment of wastewater which will be assessed as part of this report.

- *Would not create or exacerbate ribbon or haphazard forms of development.*

The proposed development **would not exacerbate ribbon or haphazard forms of development as it is located at the site of an existing residential unit.**

Nature of the development - Extension, Replacement or New Dwelling

Extension

The proposed works are described as an extension to the existing 144sqm linear cottage dwelling. Whilst the existing dwelling is sizable, the cover letter attached with the application suggests that the building will be completely rebuilt on the same site as the existing. The cover letter states:

The property has been neglected and it is the intention to rebuild in the same positions as is there at the moment.

This would indicate the application is for a new build/replacement rather than an extension of the existing property as has been applied for. The existing building is also derelict on inspection and would be required to be rebuilt.

The proposed development will potentially triple the size of the building. A further storey is intended at 1st floor level, effectively doubling the area to 288sqm on the existing footprint with a further approximately 240sqm over two floors attached at the north end of the existing dwelling. This will result in a total of approximately 384sqm of additional residential space rendering the original dwelling as subservient to the new dwelling. Having regard to the above, **it is considered that the proposal is a new/replacement dwelling rather than an extension.**

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Replacement Dwelling

If the proposal is to be assessed as a replacement dwelling it must meet the criteria as set out under 2.5.6 Replacement Rural Dwellings: HOUSING (H) Policy 25 Replacement Dwellings in Rural and High Amenity Areas. The following criteria apply:

*There is a **genuine need for replacement or refurbishment of the structure;***

The applicant has bought this recently in order to renovate and upgrade the property, outbuildings, and the site in general. It is noted that the property appears to be in quite poor condition/dilapidated and would be required to be rebuilt. Therefore, proposal complies with this criterion.

The roof, internal walls, and external walls of the structure on site are substantially intact;

The structure appears to be substantially intact, but access was not possible to the cottage and as such confirmation should be sought.

The structure on site is a habitable dwelling and its use as a habitable dwelling has not been abandoned (for a period that exceeds 5 years);

It would appear that the dwelling has been abandoned for a period that exceeds 5 years, but confirmation should be sought. **It may be that this criterion is not met.**

The structure on site is of limited value in terms of built heritage, character, and visual amenity; and

The existing dwelling is a linear pebble dashed bungalow style dwelling with a pitched roof and would not appear to have any significant heritage or architectural value. Proposal complies with this criterion.

The replacement dwelling would largely occupy the same footprint, scale, and location of the dwelling to be replaced, save in exceptional circumstances where the Planning Authority agrees a more favourable position in the context of the development management criteria outlined in Chapter 11 Implementation.

The **proposed development is significantly larger than the existing property** in terms of size and scale and would not comply with this criterion.

Having regard to the above, it is considered that the proposed development does not meet all the criteria and should be assessed as a new dwelling.

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New Dwelling

Policy H23 Objective 1 Rural housing in HA- Dublin Mountains states the following:

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***

This property appears to have been bought by the applicant recently and no additional information has been provided that would confirm that the applicant is native to the area. Evidence of the applicant's eligibility should be requested.

*The applicant can demonstrate a genuine need for housing in that particular area; **and***

The applicant has not submitted any documentation to satisfy the above requirement and as such, evidence should be requested.

*The development is related directly to the area's amenity potential or to its use for agriculture, mountain, or hill farming; **and***

The applicant has not submitted any documentation to satisfy the above requirement, but the application does include the building of new agricultural out buildings, a revised entrance to allow for a tractor and trailer which would indicate the intention to fulfil this requirement.

*The development would not prejudice the environmental capacity of the area, **and***

Complies with this criterion as no objection from EHO.

That it would be in keeping with the character of the mountain area.

The area can be characterised by dwellings of varying architectural design and scale. The mature hedgerow and trees provide coverage in the site context but overall, the developments overbearing nature would not be considered proper planning or sustainable development and **does not comply with this criterion.**

Having regard to the above, the applicant has provided no information to satisfy these requirements and therefore **further information** is required.

Site Notices

The planning Authority has noted that the description of the development on the site notice does not correlate with the submitted drawings.

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It should be noted that the applicant has listed several items requiring planning permission on the drawings submitted which were omitted from the development description and as such cannot be considered in this assessment such as:

- Alterations to the vehicular access and laneway
- Removal of mature trees and hedgerow
- A new well
- Demolition of existing buildings

Having regard to the above, the applicant is required to readvertise the application with a revised site notice and newspaper advertisement with the entirety of the proposal included required for assessment. This should be requested as **further information**.

Residential and Visual Amenity

Extending over existing linear cottage to create a two-storey house and extending to the front (east) with a two-storey residential wing

Residential

The existing dwelling is a single storey bungalow on a large site with a pitched gable roof. This proposal calls for a doubling of the size of the existing dwelling by adding a 2nd storey. Approximately 240sqm of additional residential space will be added over two floors attached to the northwest of the existing dwelling. The area of the site is adequate to accommodate the size of development whilst leaving an appropriate amount of private outside amenity space. The access to the site is off a narrow single lane rural road and although treatments to widen the access to the site were included on the plans, it was not included in the application description or site notices as discussed above and **further information** is required.

Having regard to the above the proposed development would not adversely impact residential amenity.

Visual

The proposed residential development of this site is considered **overbearing in the context of the area**. The ridge height of the proposed two storey element replacing the existing will be 7.6m whereas the ridge height of the new part of the dwelling abutting the existing is 8.575m. Whilst the mature trees provide some coverage to the site and the relatively low positioning and slight gradient of the site offer some concealment, two storey dwellings are uncommon in the immediate vicinity and the excessive height and scale of the dwelling and extensive roof profile, which would be visually obtrusive; at variance with the Development Plan criteria on rural housing and; would further interfere with the upland rural setting and character of the landscape including protected views of natural beauty. Some materials used to include the standing seam zinc roofing would not be acceptable either in the site context. Overall, **the**

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proposed development would seriously injure the visual amenity of the area. However **further information should be sought on this issue.**

Re-model existing stables and erect small hay and fodder storage shed within an enclosed courtyard

The applicant has indicated that four existing outbuildings including an existing garage, a hayshed, and two separate low roof shed buildings are to be demolished. It is intended that one of the low roofed shed buildings is to be rebuilt as five loose boxes (stables) and a tack room in a similar location to the existing on the site. The loose boxes building will have a ridge height of 5.05m on the eastern elevation dropping to 4.65m on the western elevation due to the slope of the site which will require some cutting with an overall area of approximately 88sqm. It shall have a plastered finish with a pitched corrugated green roof.

A new hayshed will also be built to the north of the site with a ridge height of 5.775m on the northern elevation and 5.5m on the southern elevation, again requiring a small cut due to the slope of the site with an overall area of 105sqm. It will also have a plastered finish with a barrel style corrugated green roof.

Having regard to the above, the proposed buildings are in line with the agricultural uses proposed for the site. They will require some cutting but would not require any substantial intrusive engineered solution and would not seriously injure the visual or residential amenity of the area.

Drainage

Water Services

No report received. Standard conditions will apply.

Irish Water

No report received. Standard conditions will apply.

Parks

The following was received from the Public Realm Section:

In general terms the Public Realm Section has no objections in principle to the proposed development, but wish to make the following comments:

Landscape Plan

Ideally a landscape scheme shall be provided as part of the development proposals which helps to integrate the development into the local landscape and through suitable boundary planting provides visual screening, mitigation of negative visual effects and which improves local

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biodiversity and green infrastructure links. The Landscape Plan should be prepared by a suitably qualified landscape consultant/designer. The landscape Plan shall include details of hard and soft landscaping, in addition the applicant is requested to submit a fully detailed Planting Plan for the development.

SUDS

There is a lack of SuDS (Sustainable Drainage Systems) shown for the proposed development. Natural SUDS features shall be incorporated into the proposed drainage system. The SUDS shall be an integrated multi-disciplinary approach which locally addresses water quality, water quantity, and provides for amenity and biodiversity enhancement which meets the objectives of South Dublin County Council Development Plan 2016-2022.

The 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:

Conditions

1. Landscape Plan

Prior to the commencement of Development, a landscape plan and associated planting plan shall be submitted to the Planning Authority. The Landscape Plan shall include details of hard and soft landscaping. The Landscape Plan shall be implemented in full, within the first planting season following completion of the development. The Landscape Plan to include a detailed Planting Plan and Planting Schedule stating species/varieties, indicative quantities, sizes, rootball presentation and spacings. Planting mixes should contain pollinator-friendly native species (in accordance with the All-Ireland Pollinator Plan 2015-2020).

2. Sustainable Drainage System (SuDS)

The applicant has not proposed any SuDS (Sustainable Drainage Systems) features for the proposed development. The applicant shall submit a drawing in plan and cross-sectional views clearly showing proposed Sustainable Drainage Systems (SuDS) features for the development. Sample SuDS devices include green roofs, water butts, tree pits, rain gardens, filter strips and permeable paving amongst others. The applicant is referred to the recently published SDCC SuDS Design Guide for further information and guidance.

REASON: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies under Section 8.4.0 Sustainable Urban Drainage Systems of the CDP 2016-22 in particular G5 Objective 1.

Conclusion

The Public Realm Section have no objection to the proposed development subject to the above conditions. These shall be requested as further information.

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Environmental Health

The following was received from the Environmental Health Officer:

The above development is acceptable to this office subject to the following conditions:

Noise

1. To control, limit and prevent the generation of Environmental Noise Pollution from occurring the Environmental Health Department of South Dublin County Council, hereby informs you that:

The use of machinery, plant, or equipment (which includes pneumatic drills, generators, and the movement on and off the site of construction vehicles) is NOT PERMITTED outside the following hours

- Before 07.00 hours on weekdays, Monday to Friday
- Before 09.00 hours on Saturdays.
- After 19.00 hours on weekdays, Monday to Friday.
- After 13.00 hours on Saturdays.
- Not permitted at any time on Sundays, Bank Holidays or Public Holidays.

Reason: In the interest of public health by the prevention of unacceptable levels of noise pollution which could interfere with normal sleep and rest patterns and/or when people could reasonably expect a level of quietness, the proper planning and sustainable development of the area and to uphold the Council's amenity policies set out in the South Dublin County Council Development Plan.

Air Quality

2. During the demolition and construction phases of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances.

Reason: To contain dust arising from demolition and construction in the interests of public health and to prevent nuisance being caused to occupiers of buildings in the vicinity.

Wastewater Treatment

3. The proposed wastewater treatment systems shall be located, installed, and operated in accordance with the details submitted to the Planning Authority on 26/04/2022 and in accordance with the requirements of the Code of Practice on Wastewater Treatment and Disposal Systems serving Single Houses issued by Environmental Protection Agency 2009.

Reason: In the interest of public health.

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4. A maintenance contract for the lifetime of the treatment system shall be entered into with the suppliers of the wastewater treatment system or with an appropriate maintenance firm. Documentary evidence of an on-going maintenance agreement shall be submitted to the Planning Authority within 4 weeks of the installation of the wastewater treatment system.

Reason: In the interest of public health in order to ensure adequate drainage provision.

5. Within three months of the first occupation of the house, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the wastewater treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner, and that the polishing filter and/or percolation area is constructed in accordance with the requirements of the Code of Practice on Wastewater Treatment and Disposal Systems serving Single Houses issued by Environmental Protection Agency 2009.

Reason: In the interest of public health in order to ensure adequate drainage provision.

6. The existing septic tank must be fully decommissioned and removed from use.

Reason: In the interest of public health

Conclusion

The report from the Environmental Health Officer is noted and could be dealt with by way of **conditions**.

Roads

The following was received from the Roads Department:

Roads recommend that additional information be requested from the applicant:

1. The applicant is requested to submit a revised layout of not less than 1:100 scale, showing accurate visibility splay with a 2 metre set back, at a 1.05 metre height from ground level and 160 metres sight lines in both directions from the entrance. Sightlines should be to the near side edge of the road to the right-hand side of entrance and to the centreline of the road to the left-hand side of the entrance (when exiting).

Conclusion

The application submitted did not reference the change to the entrance etc as has been noted in the report and as such cannot be reviewed as part of this application. Notwithstanding this, it would be unacceptable to South Dublin County Council planning department to remove this much hedgerow and indigenous vegetation that would be required to satisfy the requirements of the Roads Department.

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An Taisce

The following was submitted by An Taise:

We have examined the file, visited the site and wish to state that this application should be assessed with regard to impact on the amenity of the area and the relevant provisions of the South Dublin County Council Development Plan.

It is a pity that four of the trees adjoining the extension have to be removed. Perhaps the extension might not need to be so large. The standing seem zinc roof will be somewhat out of keeping in this area.

Conclusion

The above is noted and has been reflected in the report.

Appropriate Assessment

The subject site is not located within nor within close proximity to a European site. The proposed development is located within a rural area and comprises of a two storey extensions new hay shed and stables and wastewater treatment facility.

Having regard to:

- the 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.

Environmental Impact Assessment

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

Other Considerations

Development Contributions

Residential Extension: 350 sq.m.

Assessable area: 350 sqm

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SEA Monitoring

Building Use Type Proposed: Residential extension.

Floor Area: 350 sq.m

Land Type: Brownfield

Site Area: 6.44 Hectares.

Conclusion

Having regard to the Development Plan policies and the design and scale of the proposed extension, the Planning Authority considers that the proposed development constitutes an excessive extension in size and scale of the existing dwelling and is contrary to the Development Plan provisions and as such set an undesirable precedent for similar type of development.

This is considered to be a new dwelling and not a replacement dwelling and further consideration would require compliance with the Rural Housing Policy for the HA-DM zone outlined in Housing Policy 23 of the Development Plan. The following further information is required:

- Evidence to confirm compliance with Policy H23 Objective 1 Rural housing in HA-Dublin Mountains:
- Readvertise the application including a new site notice outlining the full extent of the application including reference to the following:
 - Alterations to the vehicular access and laneway
 - Removal of mature trees and hedgerow
 - A new well
 - Demolition of existing buildings
- Landscape plan
- Sustainable Drainage Systems (SuDS) features

Recommendation

Further Information requested on 29th July 2022.

Further Information received on 15th August 2022.

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Consultations

Irish Water – no report received at time of writing.

Water Services – Clarification of Further Information required.

Roads – Refuse Permission.

Parks – Grant with Conditions.

County Development Plan 2022-2028

Since the request for additional information was made, the South Dublin County Council has adopted a new County Development Plan and this application will now be assessed under this.

Assessment of Further Information

Item 1:

Readvertise the application including a new site notice outlining the full extent of the application including reference to the following:

- *Alterations to the vehicular access and laneway*
- *Removal of mature trees and hedgerow*
- *A new well*
- *Demolition of existing buildings*

The following was received by the applicant by way of confirmation that the development had been readvertised:

- Copy of the Site Notice
- Copy of the advertisement

Both the advertisement and site notice were dated as of the 18th of August 2022. It was deemed that this is significant Additional Information, and the applicant was informed that the site notice and advertisement were therefore incorrect on the 9th of September. The information on the site notice and advertisement as resubmitted was correct and included all the additional items required to fully assess this application and is therefore **acceptable**.

The additional items that could not be reviewed as part of the initial application as they were not advertised included the following:

1. Alterations To the Vehicular Access and Laneway

The Roads Department recommend a **refusal of permission** and the following was received:

Roads Recommend Refusal.

The proposed development would be located on a substandard rural road network which is narrow in width, has poor vertical and horizontal alignment, lacks pedestrian, public lighting and drainage facilities and is saturated with one-off houses. Having regard to this, the

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proposed development would endanger public safety by reason of traffic hazard. The road network in the area is incapable of catering for the continuation of ribbon development and as such, the proposed development would be contrary to the proper planning and sustainable development of the area.

Further to the information received from the Roads Department, it is considered that a **refusal of permission** is appropriate.

1. Removal of Mature Trees and Hedgerow

Not acceptable as highlighted under Item 2 below.

2. A New Well

The new well is considered **acceptable** as it is replacing an existing well.

3. Demolition of Existing Buildings.

The buildings highlighted for demolition are derelict and it is considered appropriate that they are demolished as part of the proposed development and is therefore considered **acceptable**.

Item 2:

Landscape Plan

The following was received from the applicant in reference to the Landscape Plan requirement:

- Cover letter
- Sheet No: 22159-LP-01 – Landscape Plan

The Parks Department recommend a **Grant with Conditions** and the following report was received:

Main Concerns:

- *lack of SuDS (Sustainable Drainage System) shown for the proposed development*
- *lack of information in relation to the existing vegetation on site including trees and hedgerows, in addition the applicant is proposing to remove 8 no. large mature trees to accommodate the proposed development.*
- *The landscape mitigation scheme proposed is not acceptable to the Public Realm Section.*

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STATUTORY LOCAL POLICY

SOUTH DUBLIN COUNTY DEVELOPMENT PLAN, 2022-2028

SECTION 3.3.6 PROTECTION OF TREES AND HEDGEROWS

Policy NCBH11

SECTION 3.4.3 LANDSCAPES

Policy NCBH14

SECTION 4.0.1 GI AND CLIMATE ACTION

Policy GI1: Overarching

SECTION 4.2.1. BIODIVERSITY

Policy GI2: Biodiversity

SECTION 4.2.2. SUSTAINABLE WATER MANAGEMENT

Policy GI3: Sustainable Water Management

Policy GI4: Sustainable Drainage Systems

POLICY GI5: Climate Resilience

SECTION 4.2.4 RECREATION AND AMENITY (HUMAN HEALTH AND WELLBEING)

Policy GI6

SECTION 4.2.5 LANDSCAPE, NATURAL, CULTURAL AND BUILT HERITAGE

Policy GI7

SECTION 8.7.1 PRINCIPLES GUIDING PUBLIC OPEN SPACE PROVISION

Policy COS5: Parks and Public Open Space – Overarching

SECTION 8.7.4 DELIVERY OF PUBLIC OPEN SPACE AND CONTRIBUTIONS IN LIEU

SECTION 8.7.5 QUALITY OF PUBLIC OPEN SPACE

SECTION 8.7.6 PLAY FACILITIES

SECTION 12.4.3 RIPARIAN CORRIDORS

Public Realm Comments:

In relation to the above proposed development, this section has reviewed the application and has the following comments:

Landscape Plan

The submitted landscape proposals are not acceptable to the Public Realm Section and lack sufficient information. The applicant has not provided a landscape plan, landscape design rationale or an outline landscape and visual impact assessment. The applicant is requested to provide a landscape plan and a fully detailed planting plan that accords with the specifications and requirements of the Council's Public Realm Section. The landscape Plan should seek to integrate the development into the local landscape and through suitable planting provides visual screening, mitigation of negative visual effects and which improves local biodiversity and green infrastructure links. The applicant should propose native species where possible to

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encourage biodiversity and support pollinators within the landscape. The landscape plan and associated planting plan should be prepared by a suitable qualified landscape architect.

Impact of Development on Existing Trees and Hedgerows

*There are concerns with the lack of information submitted in relation to existing trees and hedgerows within the subject site. In addition, the applicant is proposing to remove eight large mature trees to accommodate the proposed development and due to light; this is contrary to **NCBH11 Objective 3 of the CDP and NCBH11 Objective 5**. The applicant is requested to submit a detailed tree survey report for the trees within and adjacent to the proposed development area. This tree survey shall be undertaken by a suitably qualified arborist. The report shall provide detailed information on the condition and health of the existing trees, and it shall also clearly detail what impacts the development will have on the trees but also potentially the tree roots.*

SuDS

A SuDS strategy should be developed for the proposed development which takes account of quantity, quality, and amenity issues. The design of SuDS features is required to be of high quality to achieve a multifunctional space for amenity, biodiversity and surface water management. The proposed SuDs features should aid the maintenance of the existing greenfield runoff rates or potentially reduce the amount of surface water entering the piped surface water system.

Development proposals should provide suitable drainage measures in compliance with the South Dublin County Council's Sustainable Drainage Systems (SuDS) Explanatory, Design and Evaluation Guide, 2022.

- *The maximum permitted surface water outflow from any new development should not exceed the existing situation, and on greenfield lands, that of a greenfield site before any development took place;*
- *All new development must take account of the 'precautionary principle' in relation to climate change;*
- *Development proposals should not give rise to the pollution of ground or surface waters either during construction phases or subsequent operation. This will be achieved through adherence to best practice in the design, installation and management of systems for the interception, collection and appropriate disposal or treatment of all surface water and effluents*
- *Sustainable Drainage Systems include devices such as swales, permeable pavements, filter drains, storage ponds, constructed wetlands, soakways and green roofs;*

Specific Policies in the CDP 2022-2028 which relate to Sustainable Water Management include:

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GI4 Objective 1: *To limit surface water run-off from new developments through the use of Sustainable Drainage Systems (SuDS) using surface water and nature-based solutions and ensure that SuDS is integrated into all new development in the County and designed in accordance with South Dublin County Council's Sustainable Drainage Explanatory Design and Evaluation Guide, 2022.*

GI4 Objective 2: *To incorporate a SuDS management train during the design stage whereby surface water is managed locally in small sub-catchments rather than being conveyed to and managed in large systems further down the catchment.*

GI4 Objective 3: *To require multifunctional open space provision within new developments to include provision for ecology and sustainable water management.*

GI4 Objective 4: *To require that all SuDS measures are completed to a taking in charge standard.*

GI4 Objective 5: *To promote SuDS features as part of the greening of urban and rural streets to restrict or delay runoff from streets entering the storm drainage network.*

Green Infrastructure

The applicant is requested to further develop green infrastructure proposals and a green infrastructure plan that will mitigate and compensate for the impact of the proposed development on this existing site and also show connections through the site and connections to wider GI network.

The applicant is required to demonstrate how the plans contribute to the protection or enhancement of Green Infrastructure in the County through the provision of green infrastructure elements as part of the application submission, having regard to the following:

- i. In the case of small-scale developments this may consist of a simple landscape plan which includes objectives to protect or restore existing on site GI assets, provides for connection to local or primary GI corridors or includes elements which allow the site to act as a local stepping stone;*
- ii. All development proposals shall be accompanied by a Green Infrastructure Plan, which will normally be submitted as part of the suite of Landscape Plans that are required for a development. Plans shall include the following:*
 - o Site location plan showing the development site in the context of the wider GI as shown on the Council's GI Plan for the County;*
 - o Site survey and analysis, identifying existing GI Infrastructure and key assets within the site;*
 - o Indicate how the development proposals link to and enhance the wider GI Network of the County;*
 - o Proposed GI protection, enhancement and restoration proposals as part of the landscape plan, where appropriate, for the site.*

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The Public Realm Section has assessed the proposed development in accordance with the policies and objectives of the County Development Plan 2022-2028 and with best practice guidelines and recommends the following:

1. Landscape Plan

Prior to the commencement of Development, a fully detailed landscape plan shall be submitted and agreed with the Public Realm Section, with full works specification, that accords with the specifications and requirements of the Council's Public Realm Section. The landscape Plan shall include details of hard and soft landscaping including levels, sections and elevations in addition the applicant is requested to submit a fully detailed Planting Plan for boundary planting/hedgerows for the development. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion of the development, whichever is the sooner. Details shall include:

- 1) a scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted;*
- 2) a schedule detailing sizes and numbers/densities of all proposed trees/plants;*
- 3) specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and*
- 4) types and dimensions of all boundary treatments*

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with relevant policies in the CDP 2022-2028.

2. Tree Survey

No work shall be commenced on site until a detailed tree survey of the site comprising a plan and schedule indicating the precise location, species, spread, height and condition of each tree accurately plotted and showing those trees to be retained and those to be felled with a reason for felling has been submitted to and approved in writing by the Planning Authority. The following are required by the Public Realm Section and shall be contained within the Tree Survey Report submitted by the applicant:

- i. Tree Survey should be carried out in accordance with BS 5837: 2012*
- ii. Tree Survey must be undertaken by a qualified arboriculturist;*
- iii. Plans should be at 1:500, 1:200 or lower scale;*
- iv. A 1:200 or 1:500 scale plan(s) showing the location of all existing trees on or adjacent to the site (both tree trunk and extent of crown spread), along with all existing*

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- hedgerows, prominent shrubs and woodland (plotted with at least boundary trees shown). Trees should be individually numbered (e.g., T1, T2, etc).*
- v. *Details of tree specifications: species, age range, health/ condition, height, diameter at 1.5m above ground level (DBH) and existing ground level at the base of the tree;*
 - vi. *The desirability for retention (including the landscape potential), from an arboricultural point of view, of each tree, or group of trees, designated as per the requirements of BS 5837 (1991) Section 5.2.2, and any tree surgery that would need to be undertaken.*

In ADDITION, the applicant shall the following information in accordance with the requirements of BS 5837:2005 in relation to tree retention and protection as follows:

- *Tree survey detailing works required;*
- *Trees to be retained;*
- *Tree retention protection Plan;*
- *Tree constraints plan;*
- *Arboricultural implication assessment;*

REASON: To provide for the retention and protection of existing trees in the interests of visual amenity and biodiversity, in accordance with relevant objectives and policies of the CDP 2022-2028.

3. Tree Protection Measures

No development shall take place until a scheme for the protection during construction of the trees on the site, in accordance with BS 5837:2012 - Trees in relation to construction - Recommendations, has been lodged with the Planning Authority for agreement by the Public Realm Section. The scheme shall show the extent of root protection areas and details of ground protection measures and fencing to be erected around the trees, including the type and position of these. The protective measures contained with the scheme shall be implemented prior to the commencement of any development, site works or clearance in accordance with the approved details and shall be maintained and retained until the development is completed. Within the root protection areas, the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas, they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

Reason - To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies of the CDP 2022-2028.

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3. Tree Bond

A maximum of two weeks from the date of the Commencement Notice and prior to the commencement of works on site, a Bond or bank draft to the value of €5,000.00 (Five Thousand Euros) shall be lodged with South Dublin County Council as a security for the protection of the existing trees and hedgerows on site which are to be retained, as per the submitted Arborists Report.

The release of the bond will only be considered a minimum twelve months after the completion of all site works once it has been ascertained that all trees/hedgerows specified for retention have been preserved in their prior condition and have suffered no damage and the developer has complied with the requirements of the Planning Authority in relation to tree and hedgerow protection. If the trees/hedgerows show any deterioration twelve months after completion of development, the Council reserves the right to partially or fully sequester this bond in order to undertake compensatory planting elsewhere in the vicinity of this site, based on the Councils inspection and estimation of the damage caused.

Reason: In the interest of tree protection and the proper planning and sustainable development of the area.

5. Green Infrastructure

Prior to the commencement of Development, the applicant, owner or developer shall have lodged with the Planning Authority for agreement by Public Realm a Green Infrastructure Plan and shall include the following information:

- i) Site location plan showing the development site in the context of the wider GI as shown on the Council's GI Plan for the County;*
- ii) Site survey and analysis, identifying existing GI Infrastructure and key assets within the site;*
- iii) Indicate how the development proposals link to and enhance the wider GI Network of the County;*
- iv) Proposed GI protection, enhancement and restoration proposals as part of the landscape plan, where appropriate, for the site.*

REASON: In the interest of the proper planning and sustainable development of the area, and the maintenance of the county's green infrastructure in accordance with relevant objectives and policies of the CDP 2022-2028.

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5. SUDS

No development shall take place until details of the implementation; maintenance and management of the sustainable drainage scheme have been submitted to and approved by the Planning Authority.

Those details shall include:

- i. a SuDS proposal that complies with SDCC SUDS Explanatory Design and Evaluation Guide, the Newcastle LAP and SDCC County Development Plan 2022-2028,*
- ii. a timetable for its implementation,*
- iii. a management and maintenance plan for the SUDS drainage scheme.*

REASON: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal is incorporated into the design and the build and that the principles of sustainable drainage are incorporated into this proposal and maintained for the lifetime of the proposal, in accordance with relevant policies in the CDP 2022-2028.

The report from the Parks Department is noted and the conditions to be attached in the event of a grant of permission are considered appropriate. Notwithstanding this, the applicant should be required to provide this information as **Clarification of Further Information**. Furthermore, the removal of 8 large mature trees and existing hedgerow is in contravention of the Development Plan policy NCBH11 Objective 5 which states “*To ensure that intact hedgerows / trees will be maintained above the 120m contour line within the County ensuring that the strong rural character will not be diluted, and that important heritage features and potential wildlife corridors are protected*” and therefore should be **refused**.

Item 3:

Sustainable Urban Drainage Systems

The following was received from the applicant in reference to the Sustainable Urban Drainage Systems requirement:

- Cover Letter outlining the suitability of the SuDS measures proposed
- Drawing 22-JC-01 – Surface Water Drainage Proposal

Water Services recommend **Clarification of Further Information**, and the following was received by way of reply:

1.1 *There are no soil percolation test results, design calculations or dimensions submitted for the proposed soakaway. The applicant is required to submit a report showing site specific soil percolation test results and design calculations for the proposed soakaway in accordance with BRE Digest 365 – Soakaway Design.*

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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 Should a soakaway prove not to be feasible, then the applicant shall submit the following:

- a) Soil percolation test results demonstrating a soakaway is not feasible*
- a) A revised surface water layout drainage drawing for the development showing the inclusion of alternative SuDS (Sustainable Drainage Systems) features:*

The applicant has indicated the inclusion of Water Butts and a soakaway including a storage tank with a 4000L capacity. Notwithstanding this, the applicant has not provided soil percolation test results, design calculations or dimensions submitted for the proposed soakaway. The applicant has also not shown site specific soil percolation test results and design calculations for the proposed soakaway in accordance with BRE Digest 365 and these should be sought prior to development as Clarification of Additional Information as well as a cross sectional drawing of the proposed soakaway.

Item 4:

Evidence to confirm compliance with Policy H23 Objective 1 Rural housing in HA- Dublin Mountains

The following was received from the applicant in order to satisfy the requirements of Policy H23:

- Cover Letter confirming the applicant currently lives approximately 1 mile from the application site.
- A letter from Glenasmole National School confirming that the applicant was previously a student at this school and his daughter is currently attending the school.
- A letter from Rathfarnham Equestrian Centre confirming that they are providing livery service to 5 of the applicant's horses.
- A letter from Aengus Cullen confirming that he is leasing 6.7ha of land from the applicant for the grazing of sheep.

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- A letter from At Annes GAA Club (Bohernabreena) confirming that the applicant is a long-term member, and his son is currently playing at the club.

The applicant was notified that any further information received would be reviewed under the new County Development Plan and as such, Policy H19 has subsumed Policy H23 of the South Dublin County Development Plan 2016-2022.

Policy H19: Rural Housing in HA – Dublin Mountains Zone New or replacement dwellings within areas designated Zoning Objective 'HA-DM' (to protect and enhance the outstanding natural character of the Dublin Mountains Area) will only be considered in exceptional circumstances.

*H19 Objective 1: 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) in the following exceptional circumstances where **all** of the criteria below 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*
- ***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 above criteria to be considered alongside the need to sustain and renew established rural communities and to ensure the viability of amenity, including local schools and the need to accommodate genuine rural housing needs where they arise.

The applicant has shown that they are native to the area. The land would not be used for the direct use of agriculture by the applicant as it is leased to a separate individual but notwithstanding that, they have confirmed their intention to use it in the future for their horses. Aside from this, the applicant **has not demonstrated a genuine need for housing in the area** and should provide **Clarification of Further Information** to confirm their genuine need for housing at this location. The development calls for a 350sqm dwelling over two floors with a ridge height of 8.575m two differing roof treatments including a standing seam zinc finish which would **not be in keeping with the character of the area** as highlighted throughout the initial report. The removal of existing hedgerow and 8 mature trees would also prejudice the environmental capacity of the mountain area. Therefore, the applicant has not complied with the policies and objectives of the South Dublin County Development Plan 2022-2026 and

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consequently **permission should be refused**. Furthermore, the H19 Objective 2 states “*To generally prohibit development within restricted areas identified on the Bohernabreena / Glenasmole Reservoir Restricted Areas Map contained in Appendix 5.*”

<i>Development Contributions</i>	
Planning Reference Number	SD22B/0175
Summary of permission granted & relevant notes:	Residential Development - 350sqm.
Are any exemptions applicable?	No
If yes, please specify:	
Is development commercial or residential?	Residential
Standard rate applicable to development:	104.49
% Reduction to rate, if applicable (0% if N/A)	0
Rate applicable	€104.49
Area of Development (m2)	350
Amount of Floor area, if any, exempt (m2)	0
Total area to which development contribution applies (m2)	350
Total development contribution due	€36,571.50

Conclusion

Having regard to the Development Plan policies, the Planning Authority considers that the proposed development constitutes an excessive development in size and scale which is contrary to the Development Plan provisions and not in keeping with the character of the area and as such, would set an undesirable precedent for similar types of development. The proposed development would also contravene Policy NCBH11 Objective 5. Furthermore, the proposed development is located on a substandard rural road that would endanger public safety by reason of traffic hazard and continue haphazard forms of development. Therefore, the proposed development should be **refused**.

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Recommendation

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

SCHEDULE

REASON(S)

1. The proposed site is located in an area zoned Objective HA-DM in the South Dublin County Development Plan 2022 -2028 which seeks 'To protect and enhance the outstanding natural character of the Dublin Mountain Area'. It is considered that the site of the proposed development is situated in an area under strong urban influence and therefore, constitute the proliferation of urban generated housing in a rural area and hinder the achievement of the policies and objective of the National Planning Framework to consolidate existing urban settlements and contribute to compact growth within the Dublin Region. It is therefore considered that the proposed development would be contrary to the provisions of the South Dublin County Development Plan 2022 -2028 including Policy H19 Objective 2 and would contravene the zoning objective for the area and, as such would be contrary to the proper planning and sustainable development of the area.
2. The proposed development would be located on a substandard rural road network which is narrow in width, has poor vertical and horizontal alignment, lacks pedestrian, public lighting and drainage facilities and is saturated with one-off houses. Having regard to this, the proposed development would endanger public safety by reason of traffic hazard. The road network in the area is incapable of catering for the continuation of ribbon development and as such, the proposed development would be contrary to the proper planning and sustainable development of the area.
3. The proposed development requires the removal of indigenous hedgerows and existing mature trees which is in contravention of Policy NCBH11 Objective 5 of the South Dublin County Development Plan 2022-2028 which seeks To ensure that intact hedgerows / trees will be maintained above the 120m contour line within the County ensuring that the strong rural character will not be diluted, and that important heritage features and potential wildlife corridors are protected, and, therefore would not be in accordance with the proper planning and sustainable development of the area.

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REG. REF. SD22B/0175

LOCATION: Ballymaice House, Ballymaice, Bohernabreena, D24 TV70


Colm Harte,
Senior Executive Planner

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

Date: 19/09/2022


Deirdre Kirwan,
Senior Executive Planner