

# Comhairle Chontae Atha Cliath Theas

PR/1384/22

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

**Reg. Reference:** SD22A/0354      **Application Date:** 08-Sep-2022  
**Submission Type:** New Application      **Registration Date:** 08-Sep-2022

**Correspondence Name and Address:** James Mitchell 15, Carrs Mill, Portrane Road,  
Donabate, Co. Dublin, K36K129

**Proposed Development:** Demolition of a bedroom extension to the existing house, previously granted under Ref. SD05B/0144; Construction of a new two storey house, on family lands, beside Beechlawn; The proposed contemporary house follows the existing contours of the slope; External works include the removal of sections of existing hedging, the existing septic tank (which currently serves Beechlawn), the planting of new native species mix hedges and low fencing; The installation of two new sewerage treatment plants and associated percolation areas to serve the existing and proposed houses, provision of a soak away for surface water; A new well to supply water to the proposed house, parking for two cars, an electric car charging point and landscaped stepped terraces and associated external works; The proposed house is to be accessed via a right of way from the existing lane and through the grounds of Beechlawn.

**Location:** Beechlawn, Kilakee Road, Rathfarnham, Dublin 16

**Applicant Name:** Danielle O'Kelly

**Application Type:** Permission

(EW)

### Description of Site and Surroundings:

Site Area:  
Stated as 0.337ha

Site Description:  
On-site is a single-storey timer-clad detached dwelling with a bedroom annexe to the south side of the dwelling. The dwelling, named 'Beechlawn', is the entire site's owners and the adjacent local business named 'Timberstroke', Kilakee Road. The dwelling is accessed off a private laneway.

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The Hell Fire Club is north of the site. This landmark site is located on Montpelier Hill, overlooking Dublin city from the southwest, at an altitude of 383m (1264 ft). There are about 4.5 km of forest roads and tracks.

Massy's Wood is located to the southeast of the site. A public car park located within the Hell Fire wood to the west of the application site. The entrance from the car park leads to the main forest road, which goes around the top of the mountain. The southern slope of the hill has views of the Piperstown Gap.

To the west of the subject, the site contains Kilakee House, a detached five-bay two-storey former house originally constructed c. 1765. Kilakee House is listed in the Record of Protected Structures (reference No. 380) included in the South Dublin County Council Development Plan 2022 – 2022.

### **Planning Note**

An Bord Pleanála confirmed it had granted planning permission to South Dublin County Council to develop a visitor centre in the Dublin mountains at the Massy's Wood estate and Montpelier Hill which includes the Hell Fire club, a protected structure and national monument built around 1725.

The project, which is being developed in co-operation with Coillte and the Dublin Mountains Partnership, will ensure the "preservation of the landscape, ecology and heritage features of the unique and natural environment of the Dublin Mountains in a manner that is socially and environmentally sustainable", as stated from South Dublin Council.

### **Proposal:**

The proposal comprises:

- Demolition of a bedroom extension to the existing house, previously granted under Ref. SD05B/0144;
- Construction of a new two storey house, on family lands, beside Beechlawn; The proposed contemporary house follows the existing contours of the slope; External works include the removal of sections of existing hedging,
- the existing septic tank (which currently serves Beechlawn), the planting of new native species mix hedges and low fencing;
- The installation of two new sewerage treatment plants and associated percolation areas to serve the existing and proposed houses, provision of a soak away for surface water;
- A new well to supply water to the proposed house, parking for two cars, an electric car charging point and landscaped stepped terraces and associated external works;

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- The proposed house is to be accessed via a right of way from the existing lane and through the grounds of Beechlawn.

### **SEA Sensitivity:**

Overlap is identified with the following environmental layers:

- Rural (2016)

### **Zoning:**

The subject site is subject to zoning objective 'RU', which seeks '*To protect and improve rural amenity and to provide for the development of agriculture*' in the South Dublin County Development Plan 2022-2028.

### **Consultations:**

*Irish Water* – No report received.

*Surface Water Drainage* – Requests additional information.

*Park Department* – Requests additional information.

*Roads Department* – No Report Received

*HSE Environmental Health Officer* – No objections subject to conditions

*Heritage Officer* – No observations.

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

None Received.

### **Relevant Planning History**

*SD05B/0144 – Permission Granted* - Conversion and change of use of the existing garage to a bedroom, the construction of a conservatory to link the converted garage to the main house and the construction of a new garage to the rear of the existing garage.

*SD04B/0254 - Permission Granted* - Single storey extension to link the main house to the adjacent single storey annexe.

### **Adjacent site:**

SD08A/0411- Killakee House, Rathfarnham, Dublin 16. ***Permission Refused*** Demolition including extensions and other structures to perimeter of main house, and single storey store room to northern side of entrance gates. Construction of 2 storey glazed atrium structure to south western side and a first floor terrace to southern end of the return building to the main house which is to be used as a single dwelling unit. The works also involve conversion of the original stable buildings into 3 no. holiday home residential units, which include reconstruction of perimeter walls and the construction of a single storey over basement extension to western side. Car parking for all units will be in entrance courtyard. Protected structures.

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### Relevant Enforcement History

None traced to subject property.

### Pre-Planning Consultation

None recorded for the subject site.

### Relevant Policy in South Dublin County Council Development Plan 2022 - 2028

*Green Infrastructure:*

*GI1 Objective 4: To require development to incorporate GI as an integral part of the design and layout concept for all development in the County including but not restricted to residential, commercial and mixed use through the explicit identification of GI as part of a landscape plan, identifying environmental assets and including proposals which protect, manage and enhance GI resources providing links to local and countywide GI networks*

*GI2 Objective 2: To protect and enhance the biodiversity and ecological value of the existing GI network by protecting where feasible (and mitigating where removal is unavoidable) existing ecological features including tree stands, woodlands, hedgerows and watercourses in all new developments as an essential part of the design and construction process, such proactive approach to include provision to inspect development sites post construction to ensure hedgerow coverage has been protected as per the plan*

*Policy NCBH6: Dublin Mountains Protect and enhance the visual, environmental, ecological, geological, archaeological, recreational and amenity value of the Dublin Mountains, as a key element of the County's Green Infrastructure network.*

#### *4.2.5 Landscape, Natural, Cultural and Built Heritage*

- *Policy GI7: Landscape, Natural, Cultural and Built Heritage Protect, conserve and enhance landscape, natural, cultural and built heritage features, and support the objectives and actions of the County Heritage Plan.*
- *GI7 Objective 2: 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, in accordance with the provisions of South Dublin's Landscape Character Assessment and the provisions of Chapter 3: Natural, Cultural and Built Heritage of this Development Plan*

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#### 6.9 Rural Housing Strategy

- **Policy H16:** *Management of Single Dwellings in Rural Areas. Restrict the spread of urban generated dwellings in the Rural "RU", Dublin Mountain 'HA-DM', Liffey Valley 'HA-LV' and Dodder Valley 'HA-DV' zones and to focus such housing into existing settlements in line with the Settlement Hierarchy.*

#### 6.9.1 Rural Housing Policies and Local Need Criteria

##### *Policy H17: Rural Housing Policy and Local Need Criteria*

- **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.*

#### 6.9.2 Rural Housing in RU zone

- **Policy H18:** *Rural Housing in RU Zone 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) will only be permitted in exceptional circumstances.*
- **H18 Objective 1:** *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) will only be permitted in the following exceptional circumstances: à*
- *The applicant can establish a genuine need to reside in proximity to their employment (such employment being related to the rural community) or à*
- *The applicant has close family ties with the rural community. The above shall also be considered in line with criteria set out under Chapter 12: Implementation and Monitoring.*

#### 6.9.3 Rural Housing in HA – Dublin Mountains Zone

#### 6.9.6 Rural Dwelling Occupancy

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#### 6.9.7 Rural Housing and Extension Design

##### *Policy H23: Rural Housing and Extension Design*

- *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.*

**H23 Objective 1:** *Ensure that all new rural housing and extensions within areas designated within Zoning Objectives Rural (RU), Dublin Mountain (HA-DM), Liffey Valley (HA-LV) and Dodder Valley (HA-DV);*

- *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 (where in exceptional circumstance retention cannot be achieved) 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 the EPA's Code of Practice for Domestic Wastewater Treatment Systems (Population Equivalent less than 10) 2021 except where planning permission was granted prior to 7th June 2021 in which case the EPA's Code of Practice Wastewater Treatment Systems Serving Single Houses 2009 applies; and*
- *Would not create or exacerbate ribbon or haphazard forms of development.*

#### 12.6.9 Rural Housing

- *Documentary evidence to show how the applicant complies with rural housing policy;*
- *A map showing all existing family-owned property and lands;*
- *A rationale as to why a particular site has been chosen for development;*
- *A strong justification in relation to the need for an additional dwelling in the rural area;*
- *How their existing or proposed business contributes to and enhances the rural area supported by evidence of investment;*
- *A rationale clearly detailing why a family flat is not a suitable alternative; à*
- *A site suitability report in relation to waste treatment (See further detail below).*

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*Rural Housing Design*

*Wastewater Treatment*

*Chapter 6 Housing*

*Chapter 7 Sustainable Movement*

*Section 7.10 Car Parking*

*Policy SM7 Car Parking and EV Charging*

*SM7 Objective 1 Maximum car parking standards*

*Chapter 10 Energy*

*Section 10.2 Energy Measures*

*Policy E3 Energy Performance in Existing and New Buildings*

*Chapter 12 Implementation & Monitoring*

*Section 12.3 Natural, Cultural and Built Heritage*

*Section 12.3.1 Appropriate Assessment*

*Section 12.3.3 Environmental Impact Assessment*

*Section 12.6.7 Residential Standards*

*(i) Housing*

*Table 12.20 Minimum Standards for Housing*

*Chapter 3 Natural, Cultural and Built Heritage*

*Policy NCBH3 Natura 2000 Sites*

*NCBH3 Objective 3 (Appropriate Assessment)*

*Chapter 4 Green Infrastructure*

*Policy GI1 Overarching*

*GI1 Objective 4*

*Policy GI2 Biodiversity*

*GI2 Objective 4*

*Policy GI4 Sustainable Drainage Systems*

*GI4 Objective 1*

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### **Relevant Government Guidelines and Policy**

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

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

Section 5 – Dublin Metropolitan Area Strategic Plan, in Regional, Spatial and Economic Strategy 2019 – 2031.

**Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas**, Department of the Environment and Local Government (2009).

**Urban Design Manual**, Department of the Environment, Heritage and Local Government, (2008).

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

**Design Manual for Urban Roads and Streets** Department of the Environment, Community and Local Government and Department of Transport, Tourism and Sport (2013).

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

**The Planning System and Flood Risk Management - Guidelines for Planning Authorities**, Department of the Environment, Heritage and Local Government & OPW, (2009).

### **Assessment**

The main issues for assessment relate to:

- Zoning and Council policy;
- Rural Housing Policy;
- Design and Visual Impact;
- Residential Amenity;
- Landscape Character;
- Green Infrastructure;
- Environment;
- Environmental Health;
- Drainage;
- Roads and Access;
- SEA Sensitivity;



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- Appropriate Assessment; and
- Environmental Impact Assessment.

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

The subject site is located in an area with zoning objective RU - '*To protect and improve rural amenity and to provide for the development of agriculture*' in the South Dublin County Development Plan 2022-2028.

The use class 'Residential' is listed as 'open for consideration' under this zoning objective subject to accordance with Council policy for residential development in rural areas. 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 sustainable development and relevant Ministerial guidelines. The proposal therefore is assessed below within this context.

### ***Rural Housing Policy***

Section 6.9 Rural Housing Strategy of the South Dublin County Development Plan 2022-2028 states:

***Policy H16: Management of Single Dwellings in Rural Areas Restrict the spread of urban generated dwellings in the Rural "RU", Dublin Mountain 'HA-DM', Liffey Valley 'HA-LV' and Dodder Valley 'HA-DV' zones and to focus such housing into existing settlements in line with the Settlement Hierarchy.***

***Policy H18: Rural Housing in RU Zone 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) will only be permitted in exceptional circumstances.***

***H18 Objective 1: 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) will only be permitted in the following exceptional circumstances:***

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

*The above shall also be considered in line with criteria set out under Chapter 12: Implementation and Monitoring.*

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It is the policy of the Council to focus housing into existing settlements and restrict housing in rural zoned areas (under Council Policy H16), and the onus is on the applicant to provide comprehensive evidence of their compliance with Policy H18 Objective 1 and 12.6.9 Rural Housing.

#### *12.6.9 Rural Housing*

- *Documentary evidence to show how the applicant complies with rural housing policy;*
- *A map showing all existing family-owned property and lands;*
- *A rationale as to why a particular site has been chosen for development;*
- *A strong justification in relation to the need for an additional dwelling in the rural area;*
- *How their existing or proposed business contributes to and enhances the rural area supported by evidence of investment;*
- *A rationale clearly detailing why a family flat is not a suitable alternative;*
- *A site suitability report in relation to waste treatment (See further detail below).*

The applicants have simply stated that their daughter would like to construct a single dwelling, to reside in proximity to their employment 'Timberstrove' in the adjacent site to the North (such employment being related to the family business and community).

However, the applicant has not submitted any supporting documentation regarding the following:

- Documentary evidence to show how the applicant complies with rural housing policy.
- A strong justification in relation to the need for an additional dwelling in the rural area
- A rationale clearly detailing why a family flat is not a suitable alternative.

Thus, it is considered that the applicant has not fully satisfactorily demonstrated a need to construct a dwelling on land used and zoned for agricultural purposes. **The proposed development would therefore contravene H16 and H18 of the County Development Plan 2022-2028 and the 'RU' zoning objectives of the site and should be refused permission**

Furthermore, having regard to Policy H23, the proposed development would contribute further to a pattern of ribbon development, which would further erode the rural character of the area and would set a precedent for future similar developments of a similar nature and would therefore be contrary to the proper planning and sustainable development of the rural area.

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#### *Design and Visual Impact*

The dwelling is proposed as flat-roofed and contemporary in style and measures approx. 297.5sq.m, with a varying ridge height level of 6.8m to 8m. Balconies and glazed windows are proposed on the east and south elevations and windows only on the north and west-facing elevations adjacent to the existing parental home. The dwelling would be set back c. 9m from the front boundary edge.

The proposed dwelling design is larger in scale, size and context to the footprint of the existing dwelling and the original demolished bedroom extension on site. The proposal new dwelling is considered out of context to the overall site layout.

Having regard to the excessive mass and scale of the dwelling along the southwestern side boundary, adjoining HA-DM zoning, it is considered that the proposal would contravene the zoning objective which seeks '*to protect and enhance the outstanding natural character of the Dublin Mountains Area*' under the South Dublin County Council Development Plan 2022-2028.

Section 12.6.9 of the South Dublin County Development Plan states:

*'A minimum road frontage of 60 metres should be provided for all new dwelling sites in rural areas and a proliferation of housing along stretches of road in a manner that creates ribbon development should be avoided'*. It is noted that an existing right of way is located to the northwest of the site. The applicant states the proposed site is nestled behind 2.5m drop from the access lane behind the boundary fence. The dwelling would not achieve 60 metres of road frontage, which is not acceptable to the Planning Authority as it would contravene the Development Plan policy for the area.

The proposed development is located in a picturesque, rural location with the tourist attraction of the Hell Fire Club to the north and Kilakee House a protected structure to the west. Council Policy H23 states '*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.'*

South Dublin County Development Plan Policy H23 Objective 1 states:

**H23 Objective 1:** *Ensure that all new rural housing and extensions within areas designated within Zoning Objectives Rural (RU), Dublin Mountain (HA-DM), Liffey Valley (HA-LV) and Dodder Valley (HA-DV);*

- *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*

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- *Is designed and sited to minimise impact on the site's natural contours and natural drainage features; and*
- *Retains and reinstates (where in exceptional circumstance retention cannot be achieved) 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 the EPA's Code of Practice for Domestic Wastewater Treatment Systems (Population Equivalent less than 10) 2021 except where planning permission was granted prior to 7th June 2021 in which case the EPA's Code of Practice Wastewater Treatment Systems Serving Single Houses 2009 applies; and*
- *Would not create or exacerbate ribbon or haphazard forms of development.*

The Planning Authority consider the proposed dwelling as an overdevelopment of the applicant site, however considering the proposed development would unacceptably impact on views and prospects of natural beauty and the amenities of places and features of natural beauty.

It is noted however, the external works include the removal of sections of existing hedging; the applicant has not submitted details of proposed landscaping onsite or taken the sensitivity of the site's natural contours taken into account. Such cut-and-fill measures would significantly impact the area's rural landscape character and the local and wider region's biodiversity and Green Infrastructure network. In addition, the overall effect of the proposed development in this location would negatively impact the area's visual and rural amenities. Had the application been otherwise acceptable, further information could have been sought in this regard.

#### ***Residential Amenity***

The proposed development comprises a two-storey dwelling with four bedrooms and living areas spread over three stepped blocks into the existing landscape with terrace areas onto a plot of 0.337 ha. The proposed internal accommodation, including the bedrooms, would meet the minimum floorspace requirements of the County Development Plan and Quality Housing for Sustainable Communities-Best Practice Guidelines. Sufficient private amenity space would be provided for each dwelling.

#### ***Landscape Character***

Of principal note is that the proposed location for the development is not zoned for residential housing, but rather 'RU' zoning - 'To protect and improve Rural Amenity and to provide for the development of Agriculture'. The use class 'Residential' is listed as 'open for consideration' under this zoning objective subject to accordance with Council policy for residential development in rural areas.

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South Dublin County's rural hinterland is an important resource for the County and the Dublin Region. The rural landscape not only incorporates places of scenic and natural beauty together with popular recreational amenities, but the rural belt also provides an important green buffer between the built-up area of Dublin, rural settlements and urban centres in adjoining Counties.

The Landscape Character Assessment of South Dublin County (2021) highlights the high landscape value and sensitivity of the rural hinterland areas of the County, given the proximity to Dublin. The protection of rural landscapes and of high amenity and environmentally sensitive areas is a top priority of the Development Plan. The Landscape Character Assessment of South Dublin County (2021) highlights the high landscape value and sensitivity of the rural hinterland areas of the County, given the proximity to Dublin.

The protection of rural landscapes and of high amenity and environmentally sensitive areas is a priority of the Development Plan. South Dublin County Development Plan 2022-2028 Housing Policy H16 states that 'Restrict the spread of urban generated dwellings in the Rural "RU", Dublin Mountain 'HA-DM', Liffey Valley 'HA-LV' and Dodder Valley 'HA-DV' zones and to focus such housing into existing settlements in line with the Settlement Hierarchy.

The proposed development is located in proximity by the Hell Fire Club to the west with a public car park located within the Hell Fire wood to the west of the application site. Massy's Wood is located to the south-east of the site. 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.

The Public Realm Department have reviewed the proposed development and request additional information in relation to the protection of existing trees and hedgerows, landscape plan, green infrastructure, proposed boundary hedge planting and SUDS. This report is noted and these items are discussed further in this report.

### ***Green Infrastructure***

Policy NCBH6: Dublin Mountains Protect and enhance the visual, environmental, ecological, geological, archaeological, recreational and amenity value of the Dublin Mountains, as a key element of the County's Green Infrastructure network.

It is an GI7 Objective 2: of the South Dublin County Council Development Plan 2022-2028: 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, in accordance with the provisions of South Dublin's Landscape Character Assessment and the provisions of Chapter 3: Natural, Cultural and Built Heritage of this Development Plan

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The proposed development in this area and the removal of existing hedgerows would have a negative impact on both the landscape value and sensitivity of this area and further the degradation of the landscape character and would therefore be contrary to Policy NCBH6 and would be contrary to the proper planning and sustainable development.

No details have been provided by the applicant on Green Infrastructure or proposed landscaping plan. The proposed development would also require the permanent removal of existing mature hedgerows. The proposed development would result in the loss of vegetation which is important to the biodiversity, the Green Infrastructure network and the landscape character of the area. The current South Dublin County Development Plan 2022-2028 has adopted greater environmental and landscape protection to rural environments through Chapter 4: Green Infrastructure than previous County Development Plans due to the increasing pressures and threats arising from urban sprawl related development.

It is considered that any increase in development in this area would have a negative impact on both the landscape value and sensitivity of this area, and would therefore be contrary to preserve and enhance the character of the County's landscapes and would be contrary to GI2 Objective 2 and GI1 Objective 4 of the South Dublin County Development Plan 2022-2028 and would be contrary to the proper planning and sustainable development of the area.

### ***Environment***

It is considered that the proposed development could adversely impact on the local biodiversity and ecosystem, views and amenity area. The applicant has not submitted details of vegetation removal or an ecological assessment report of the site. It is considered that the proposed development, and in particular the removal of mature hedgerow and the need for intrusive engineered solutions such as cut and filled platforms would impact significantly upon the rural landscape character and natural heritage of the area, and on the biodiversity and Green Infrastructure network of the locality, and by consequence, the county.

It is important to highlight the importance of Green Infrastructure networks to biodiversity corridors addition to enhanced natural drainage and flood protection measures. Hedgerows act as important ecological or wildlife corridors and offer multifunctional benefits. It is considered that the proposed development would result in adverse impacts on the natural heritage and ecology, including flora, fauna, arising from the loss of vegetation and consequently biodiversity. The proposed development would therefore impact negatively on the Green Infrastructure network of the immediate area and extended lands. Had the application been considered to the acceptable, further information could have been sought in this regard.

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### *Environmental Health*

The EHO have no objections, the report states the following:

*Development Summary: The development proposes the demolition of a portion of an existing domestic residence and the partitioning of the newly enlarged site to accommodate a new second residence. An existing septic tank serving the will be removed and two separate on-site sewage treatment systems to serve the two houses. There are a number of other residences in the neighbouring properties as well as a large timber cutting business adjacent, the site is large however and proper separation distances are achieved.*

*The following conditions apply:*

### *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.*

### *Wastewater Treatment*

2 *The proposed wastewater treatment systems shall be located, installed and operated in accordance with the details submitted to the Planning Authority on 08/09/2022 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 shall be decommissioned, emptied and made safe.

*Reason: In the interest of public health and amenity.*

The recommendation of the EHO department is noted.

### **Drainage**

Environmental Services Department have reviewed the proposed development and request additional information in relation to surface water:

*1.1 Submit a report and drawing showing the surface water layout of both existing and proposed development.*

*Note a soakaway cannot be shared between two properties. Subject to meeting BRE Digest 365 Standards a Soakaway is allowed for each property separately. Submit a report showing surface water percolation tests results for proposed soakaway.*

*1.2 Submit a report and drawing showing what SuDS (Sustainable Drainage Systems) are proposed for the development. Submit a drawing in plan and cross sectional view of proposed SuDS systems/features.*

*Examples of SuDS and this is not an exhaustive list include:*

*Green roofs or blue roofs*

*Permeable Paving*

*Grasscrete*

*Swales*



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*Detention basins / green areas*

*Filter drains*

*Water butts, planter boxes.*

*Other such SuDS*

*Examples of SuDS can be found in South Dublin County Council Website at:  
sdcc-householders-guide-to-sustainable-drainage-suds-.pdf*

The report from Environmental Services Department is noted. Insufficient information has been submitted for the management of surface water for each dwelling and site to the satisfaction of Environmental Services Department. **The proposed development is therefore contrary to Policy IE3 of the County Development Plan and should be refused on this basis.**

### ***Roads and Access***

The proposed access to the new dwelling would be via the access of the existing dwelling. Although this is via a wayleave, this is not considered to be a desirable layout.

No report has been received from the Roads Department. However, in the event of a Refusal on other items of this proposal, this is not deemed necessary in this instant.

### ***SEA Sensitivity***

SEA sensitivity indicates overlap with:

- Rural Landscape Layer (2016)

No report was received from the Heritage Officer. However, in the event of a Refusal on other items of this proposal, this is not deemed necessary in this instant.

### ***Screening for Appropriate Assessment***

A screening report for Appropriate Assessment was not included with the application. 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 new dwelling.

Having regard to:

- the 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,

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.

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### *Screening for Environmental Impact Assessment*

Having regard to the modest nature of the 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**

Considering the RU zoning objective, the Landscape Character Assessment and the precedent that would be established by this development in the area, it is considered that the proposed development would by itself and cumulatively, constitute the proliferation of urban generated housing and ribbon development 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 'RU' zoning objective, the policies and objectives of the South Dublin County Development Plan 2022-2028, the National Planning Framework and the Regional Spatial & Economic Strategy and would therefore be contrary to the proper planning and sustainable development of the area.

The proposed dwelling in this rural area would contravene South Dublin County Council Development Plan policy, would not represent proper planning and sustainable development and would have negative impacts on the rural character of the area and would be visually intrusive on the rural amenities of the area. It is recommended that the proposed development be refused.

### **Recommendation:**

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

## SCHEDULE

### **REASON(S)**

1. The proposed site is located in an area zoned Objective RU in the South Dublin County Development Plan 2022 -2028; which states that '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. On the basis of the information submitted, the applicant has not provided acceptable justification for a dwelling and provided adequate evidence of 'exceptional circumstances' that require them to live in this area, external to a built-up settlement. Therefore, the proposed development would be contrary to the provisions of the South Dublin County Development Plan 2022 -2028.

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Consequently, it 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. Housing Policy H16 'Management of Single Dwellings in Rural Areas', as set out in the South Dublin County Development Plan 2022-2028, states: 'Management of Single Dwellings in Rural Areas Restrict the spread of urban-generated dwellings in the Rural 'RU', Dublin Mountain 'HA-DM', Liffey Valley 'HA-LV' and Dodder Valley' HA-DV' zones and to focus such housing into existing settlements in line with the Settlement Hierarchy'. The applicants have not provided sufficient justification for the setting aside this policy in this instance. Taken in conjunction with existing residential development in the area, the proposed dwelling would contribute to excessive development in a rural area lacking certain public services and community facilities, served by a substandard road network to accommodate increased development. As such, the proposed development would materially contravene the objectives of the County Development Plan and would lead to demands for the uneconomic provision of further public services and facilities in this rural area and would therefore be contrary to the proper planning and sustainable development of the area.
3. Regarding Policy H23 of the South Dublin County Development Plan 2022-2028, the Planning Authority considers the proposed dwelling an overdevelopment, and the proposal does not minimise the impact on the landscape at a varying height that totals 8m and over three large obtrusive blocks impacting views and prospects of natural beauty. In addition, such cut-and-fill measures would significantly impact the area's rural landscape character and the local and wider region's biodiversity and Green Infrastructure network.
4. Insufficient information has been submitted for the management of surface water for each dwelling and site to the satisfaction of SDCC's Environmental Services Department. Additionally, a soakaway cannot be shared between two properties. The proposed development is therefore contrary to Policy IE3 of the South Dublin County Development Plan 2022-2028 and the proper planning and sustainable development of the area.
5. The proposed development would contribute further to a pattern of ribbon development, which would further erode the area's rural character and set a precedent for future similar developments of a similar nature and would therefore be contrary to the proper planning and sustainable development of the rural area.

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REG. REF. SD22A/0354

LOCATION: Beechlawn, Kilakee Road, Rathfarnham, Dublin 16

  
\_\_\_\_\_  
**Caitlin O'Shea**  
**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:** 02/11/2022

  
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**Colm Harte,**  
**Senior Executive Planner**