

Comhairle Chontae Atha Cliath Theas

PR/1119/23

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0367

Application Date: 23-Sep-2022

Submission Type: Additional
Information

Registration Date: 23-Aug-2023

Correspondence Name and Address:

Portal Architects Ltd Studio G12, Maynooth
Business Campus, Straffan Road, Co Kildare, W23
V9K7

Proposed Development:

Construction of a new single storey detached sheltered dwelling (108sq.m) in the existing garden; Accommodation includes 1 bedroom, bathroom, living, kitchen / dining rooms with storage and utility spaces all at one level; Adjustment to the existing landscape layout to allow for 1 additional parking space, accessed using the existing vehicle entrance; Removal of the existing on-site septic tank and the installation of 2 new proprietary wastewater treatment units and new surface water soakways.

Location:

Forgefield, Stocking Lane, Firhouse, Newtown,
Dublin 16

Applicant Name:

Frank & Roslain Norton

Application Type:

Permission

(NM)

Description of Site and Surroundings:

Site Area:

Stated as 0.34ha

Site Description:

The application site is located on Stocking Lane within close proximity to junction 12 of the M50. The area is rural which is under strong urban influence given its proximity to established and emerging residential developments. Woodtown Park Lodge (RPS 353) is located to the west of the subject site.

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The site contains a detached single storey over basement (part) bungalow with a pitched roof of differing ridge heights. The site itself is bounded by indigenous trees and hedgerows with a narrow vehicular rural lane abutting the western boundary and The Rathfarnham Golf Club including its clubhouse is located directly to the south of the site and is accessed via this laneway.

Proposal:

The proposal comprises:

- Construction of a **new** single storey **detached** sheltered **dwelling** in the existing garden; Accommodation includes 1 bedroom, bathroom, living, kitchen / dining rooms with storage and utility spaces all at one level;
- Adjustment to the existing landscape layout to allow for 1 additional parking space, accessed using the existing vehicle entrance;
- **Removal of the existing on-site septic tank and the installation of 2 new proprietary wastewater treatment units and new surface water soakaways.**
- Total area of works 108sqm

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 objection subject to conditions.

Water Services – Additional information required.

Parks Department – No report received

Roads Department – No objections.

Environmental Health Officer – No objections subject to conditions.

Submissions/Observations /Representations

None Received.

Relevant Planning History

Subject

None.

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Adjacent site:

SD21B/0367 - Hollyford, Stocking Lane, Rathfarnham, Dublin 16 – **Permission Granted** for conversion of stores to side to habitable accommodation; removal of existing pitched roof to facilitate construction of new pitched roof extension at 2nd floor level, being an additional storey, to include a dormer window to the rear and 1 no new 'Velux' window to the front; modifications to facades and internal layout; provision of a new septic system with new on-site wastewater treatment system to current EPA guidelines and all associated ancillary, landscaping and site development works.

SD15B/0074 - 16, Stocking Wood Manor, Rathfarnham, Dublin 16 - **Permission Granted** Single storey pitched tiled roof extension to the side of existing dwelling to consist of kitchen and utility room; a single storey flat roof extension to the rear of existing dwelling to consist of a lounge and dining room; internal remodelling of existing ground floor to suit proposed layouts including the incorporation of a store and playroom to the existing kitchen; relocation of existing first floor bathroom window to suit proposed roof pitch at side; all drainage structural and associated site works to be implemented.

Relevant Enforcement History

None traced to subject property.

Pre-Planning Consultation

PP001/22.

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

Green Infrastructure:

G11 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

G12 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

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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*

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:*

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- *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

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.*

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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).*

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)

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*Chapter 4 Green Infrastructure
Policy GI1 Overarching
GI1 Objective 4*

*Policy GI2 Biodiversity
GI2 Objective 4*

*Policy GI4 Sustainable Drainage Systems
GI4 Objective 1*

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.

Sustainable Rural Housing Guidelines for Planning Authorities 2005

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

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 are:

- Zoning and Council policy;
- Rural Housing Policy;
- Residential and Visual Amenity;
- Parks;
- Landscape Character
- Drainage;
- Roads;
- Environmental Health;

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- Green Infrastructure;
- 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 HI16: *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.*

HI17 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*

Policy HI18: *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.*

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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.

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 H17 Objective 2 and Policy H18 Objective 1. The applicant has provided evidence that a relation was born in the vicinity in 1874 and was still resident in the area in 1911. Furthermore, the applicant has indicated that their grandmother lived in the area up until the 1970's. It is considered that this does not demonstrate close family ties to the area as there has approximately been 50 years since a family member has lived here and furthermore, this was not an immediate family member as defined as mother, father, son, daughter, brother or sister as per H17 Objective 2. Therefore, the applicant should be given the opportunity to provide **Additional Information** that demonstrates their compliance with H17 Objective 2 and H18 Objective 1 of the County Development Plan.

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 applicant has stated that the proposed new dwelling is required for the elderly father-in-law of the applicant. The applicant has further provided evidence that their grandfather was born in the area and their grandmother lived in the area up until the 1970's.

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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.**

The applicant has not fully demonstrated a need to construct a dwelling on land zoned for agricultural purposes and this should be sought by way of **Additional Information**.

Policy H23

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*

The area is generally flat and is currently bounded by large existing trees and hedgerow which are noted as generally being retained by the applicant and therefore is **acceptable**.

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

There are trees and vegetation on the interior of the site that will be required to be removed as part of the proposed development and a landscape plan and replanting schedule should be sought as part of an **Additional Information** request.

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

The site is generally flat in nature sloping from the north on a slight gradient and is therefore **acceptable**.

- *Retains and reinstates (where in exceptional circumstance retention cannot be achieved) traditional roadside and field boundaries; and*

The boundaries are to be maintained and is therefore **acceptable**.

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

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There are no extensive intrusive engineered solutions required and is therefore **acceptable**.

- *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 EPAs Code of Practice Wastewater Treatment Systems Serving Single Houses 2009 applies; and*

The report received from the Environmental Health Officer indicates that the development is **acceptable subject to conditions**.

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

The proposed development is on the site of an existing dwelling the applicant should demonstrate that the proposed development would not exacerbate ribbon development by **Additional Information**.

Residential and Visual Amenity

Residential

The proposed development is for a one bedroomed dwelling of approximately 108sqm which meets the standards as prescribed by the Quality Housing for Sustainable Communities guidelines. There would be a separation distance of approximately 17m between opposing habitable windows of the existing dwelling and the proposed dwelling which would generally not be acceptable but given the constraints of the site, is **acceptable in this instance**. Notwithstanding this, the applicant has not demonstrated the need for a separate dwelling and should provide documentation clearly identifying how the proposed development complies with the rural housing policies and this should be sought by **Additional Information**.

A suitable level of amenity space will be achieved for both dwellings. The ridge height of 4.135m would not lead to any overshadowing of the neighbouring dwelling.

Overall, Additional Information is required.

Visual

The proposed development is a single storey development consisting of a part standing seam metal mono-pitch roof and part flat green roofed bungalow with a predominately concrete rendered finish. A large portion of the eastern corner is glazed which is appropriate. The contemporary style adopted by the applicant is welcomed as it sits sympathetically with the existing single storey over basement dwelling on site. It should be noted that given the topography of the site and coverage provided by existing trees and boundary walls, very little of the development will be visible from the street level.

Overall, the proposed development would not injure the visual amenities of the area.

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Parks

No report was received from the Parks Department at the time of writing. Notwithstanding this **Additional Information** is required regarding the appropriate treatment of SuDS, Green Infrastructure and a landscape plan including replanting scheme.

Landscape Character

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. 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 and the applicant should comprehensively demonstrate their adherence to the CDP rural housing policies via **Additional Information**.

Drainage

Irish Water have **no objections to the proposed development subject to conditions**.

The Water Services Department require **Additional Information which is appropriate** and the following report was received:

Surface Water Report:

Further Information required:

1.1 The applicant is required to propose additional Sustainable Urban Drainage (SuDS) Features. Submit a drawing and report detailing additional SuDS including cross sectional views and locations on site. Additional SuDS features could include but are not limited to:

- *Soakaways*
- *Swal*
- *Permeable Paving*
- *Green roofs*
- *Other such SuDS*

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Flood Risk:

No Objection

- *The Developer shall ensure that there is complete separation of the foul and surface water drainage for the proposed development.*
- *All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.*

Roads

The roads department have **no objections** to the proposed development. There will be no changes to the access and egress and one additional car space requirement is not considered material in nature.

Environmental Health

The Environmental Health Officer has **no objections** to the proposed development subject to conditions and provided the following report:

Decision:

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

Wastewater Treatment

1 The proposed wastewater treatment systems shall be located, installed and operated in accordance with the details submitted to the Planning Authority on 23/09/2022 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.

2 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.

3 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.

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4 The existing septic tank shall be decommissioned, emptied and made safe.

Reason: In the interest of public health and amenity

Green Infrastructure

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

The proposed development in this area along with the removal of existing trees would have a negative impact on both the landscape value and sensitivity of this area and further the degradation of the landscape character.

No details have been provided by the applicant on Green Infrastructure or a proposed landscaping plan. The proposed development would result in the loss of trees and 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 a greater emphasis on 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 appropriate that the applicant provide a Green Infrastructure Plan consistent with Chapter 4 of the South Dublin County Development Plan 2022 – 2028 and an appropriate Landscape Plan that includes an indigenous species planting scheme via **Additional Information**.

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 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

The proposed development is located in an area with a zoning objective 'RU' which is under strong urban influence and the further development of additional dwellings is discouraged as it would contribute to the demand for uneconomic and unsustainable provision of public services and community facilities and in such circumstances, settlement should be focused on established residential developments and lands with a RES zoning objective. Notwithstanding this, the applicant should provide **additional information** including providing comprehensive evidence of their compliance with Policy H17 Objective 2 and Policy H18 Objective 1 and 12.6.9 Rural Housing of the County Development Plan as well as providing a comprehensive Green Infrastructure Plan, Landscaping Plan and planting schedule.

Recommendation:

Request further information.

Further Information

- Additional Information was requested on the 15th November 2022.
- An Additional Information extension was approved by the planning authority on the 16th May 2023, which extended the period up to the 23rd August 2023.
- Additional Information was received on the 23rd August 2023.

Consultations

Water Services – No objection, subject to conditions.

Public Realm – No objection, subject to conditions.

Submissions/Observations

No further submissions/observations received.

Assessment of Additional Information

Item 1 requested:

The applicant is requested to submit comprehensive evidence of compliance with Policy 17 Objective 2 and Policy H18 Objective 1 of the South Dublin County Development Plan 2022 - 2028. The applicant is requested to provide additional documentation further demonstrating recent close family ties as defined in the CDP and social connection with this rural community. The information shall demonstrate the duration of the social and family connection to the area.

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The applicant's response to Item 1:

Reply to No. 1

The applicants requested that Portal Architects address this request.

The John Norton family has had an extended connection to the Firhouse area since the late 1800s. His grandfather (John Norton) is noted on the register of infants in Firhouse in 1874 at 2½ years old. He is also recorded on the 1911 census.

Our father, John, was raised between Firhouse and Killinenny. He, in turn, raised his family in the Ballyroan area. As children, we regularly visited with our father and mother, who still lived in Killinenny in the late 1970s.

His son, Frank, is the owner of Forge Field with his wife. Their current house has multiple levels, making an extension/granny flat form of development inefficient both in space and cost of a build. Our father remains mobile and independent despite his age and recent hip surgery. Age is not with us, and therefore, forward thinking is required.

The proposal to downsize from a full-family home to a single apartment-style living unit while allowing complete independence of living for as long as possible.

No additional support documents were available at the time of writing.

Assessment:

The applicant was requested to submit comprehensive evidence of compliance with the following;

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.*

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- *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.*

On reviewing the additional information submitted, the planning authority is not satisfied that the applicant has adequately demonstrated compliance with Policy H18, 17 Objective 2 and Policy H18 Objective 1 of the South Dublin County Development Plan 2022 -2028.

Having regard to the above, and the limited information submitted, which is imperative to the planning authority to allow a thorough assessment of the proposal against H17 Objective 2 and H18 Objective 1 of the CDP. Given the insufficient evidence produced, the extension of further information already approved, meaning the option for clarification is not available, the planning authority considers this to warrant a reason for **refusal**.

Item 2 requested:

The applicant is requested to provide evidence of how they comply with the requirements of 12.6.9 Rural Housing of the South Dublin County Development Plan 2022 -2028 including:

- *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.*

The applicant's response to Item 2:

Reply to No. 2

The applicant refers you to the reply to No 1.

Assessment:

Similarly, to the planning authority's assessment of Item 1, on reviewing the additional information submitted, the planning authority is not satisfied that the applicant has adequately demonstrated compliance with the requirements of 12.6.9 Rural Housing of the South Dublin County Development Plan 2022 -2028.

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Having regard to the above, and the limited information submitted, which is imperative to the planning authority to allow a thorough assessment of the proposal against the requirements of 12.6.9 Rural Housing of the CDP. Given the insufficient evidence produced, the extension of further information already approved, meaning the option for clarification is not available, the planning authority considers this to warrant a reason for **refusal**.

Item 3 requested:

The applicant is required to propose additional Sustainable Urban Drainage (SuDS) Features. Submit a drawing and report detailing additional SuDS including cross sectional views and locations on site.

Additional SuDS features could include but are not limited to:

- *Soakaways*
- *Swales*
- *Permeable Paving*
- *Green roofs*
- *Other such SuDS*

The applicant's response to Item 3:

Reply to No. 3

The applicants requested Trinity Green to carry out a site test in accordance with BRE Digest365. Please see Appendix B for the Trinity Green Design of Soakaway and Site Assessment Report. The results of this report have been incorporated into the site layout design as set out on Portal Architect's site drainage layout drawings in Appendix A and the submission prepared by CMK Hort + Arb – Arbourist, Appendix C and Murphy Sheanon – Horticulture & Landscape Architecture, Appendix D.

No account of the Green Roof design or of a Rain-water harvesting system has been taken into account in the Trinity Green Design. The full impact of the surfacer water soakaway requirement has met the required design standards. Further, the design has been demonstrated to have minimal impact on the existing landscape environment.

Once the Green Roof design and a Rain-water harvesting system design measures are incorporated into the project's design, it will further reduce the soakaway requirements and any potential impact on the existing landscape environment.

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Assessment:

Water Services have no objection subject to conditions:

Surface Water Report: No Objection Subject to:

1. *Rain water harvesting system is mentioned in the 'Reply to Additional Information Request'. Please supply details of rainwater harvesting system and clarify how harvested water is being used (internally for flushing toilets etc or are rain water butts proposed for external watering use). Include the volume of storage/harvested water provided.*
2. *Supply a drawings showing longitudinal sections of the surface water drainage lines from house to soakaways, and along entire soakaway. Soakaway should be less than 1m deep (from existing ground level to base of soakaway), to ensure it does not extend into winter ground water table, in which case it will not be effective. If effective depth needs to be revised, provide a drawings showing new soakaway lengths/widths.*
3. *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.*
4. *The design of soakaway seems to be based on one infiltration test. The lowest value of three tests should be used, as per BRE Digest 365. In lieu of three tests, a factor of safety would be required to reduce the infiltration rate. However, in this case, the green roof and rainwater harvesting can serve as a safety factor.*

Flood Risk No Objection

- *The Developer shall ensure that there is complete separation of the foul and surface water drainage for the proposed development.*
- *All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.*

In any event, the above **conditions** recommended by the Water Services section would be considered appropriate.

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Item 4 requested:

The applicant should submit a Green Infrastructure Plan in accordance with Chapter 4 of the South Dublin County Development Plan 2022 - 2028 that will mitigate and compensate for the impact of the proposed development on this existing site. These proposals should include planting for carbon sequestration and pollination to support the local Bat population.

The applicant should also submit a summary, in a digital format, quantifying and detailing the following:

- *tree and hedgerow removal;*
- *tree and hedgerow retention;*
- *new tree and hedgerow planting.*
-

The applicant's response to Item 4:

Reply to No. 4

The applicants requested CMK Hort + Arb – Arbourist; see their submission in Appendix C together with Murphy Sheanon – Horticulture & Landscape Architecture, see their submission in Appendix D for a full reply.

Assessment:

The Public Realm have no objection subject to conditions:

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 be applied to any proposed grant of permission:

1. Landscape Plans

The proposed landscaping scheme shown on Landscape Masterplan (Dwg. No. 503-PD_01) prepared Murphy & Sheanon shall be implemented in full, within the first planting season following completion of the development, in addition:

- a) The submitted Planting Plan (Dwg. No. 503-PD_01) shall be implemented in full by the applicant.*
- b) All hard and soft landscape works shall be completed in full accordance with the submitted plans.*
- c) All trees, shrubs and hedge plants supplied shall comply with the requirements of BS: 3936, Specification for Nursery Stock. All pre-planting site preparation, planting and*

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post-planting maintenance works shall be carried out in accordance with the requirements of BS : 4428 (1989) Code of Practice for General Landscape Operations (excluding hard surfaces).

- d) All new tree plantings shall be positioned in accordance with the requirements of Table 3 of BS 5837: 2012 "Trees in Relation to Design, Demolition and Construction – Recommendations".*
- e) Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within three years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.*
- f) The height of proposed berms/mounding shall be increased and proposed boundary planting bulked up in order to reduce the visual impact of the proposed development.*
REASON: To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area, improve amenity and reduce the visual impact of the development, in accordance with the policies and objectives contained within the CDP 2022-2028.

2. Certificate of Effective Completion

A certificate of effective completion of the agreed landscape scheme shall be submitted to the Planning Authority by the appointed landscape architect/consultant for the scheme upon completion of the landscape works, such certificate to be prepared by a qualified Landscape Architect/Consultant.

REASON: To ensure that the development achieves a high standard of design, layout and amenity and makes provision for hard and soft landscaping which contributes to the creation of a high quality, accessible, safe and attractive public realm in accordance with relevant policies in the CPD 2022-2028.

3. SUDS

a) The applicant should demonstrate compliance with the SDCC SUDS Design & Evaluation Guide 2022, and Policies GI3, GI4, GI5, IE3, SM2, SM7, and sections 4.3.1, 12.7.6, 12.11.1, and 12.11.3. of the South Dublin County Development Plan 2022 - 2028 in relation to sustainable drainage systems.

b) SUDs Management - The applicant is requested to submit a Management and Maintenance Plan for the proposed soakaway in order to demonstrate that the proposed soakaway has reduced the rate of run off into the existing surface water drainage network. A maintenance plan should also be included as a demonstration of how the system will function following implementation.

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REASON: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with relevant policies and objectives contained within the CDP 2022-2028

4. Tree Protection Plan

The submitted tree protection plan shown on Drawing No. 103 prepared by CMK Hort & Arb Ltd. shall be implemented in full by the applicant.

REASON: To protect the trees, shrubs and hedgerows specified for retention in the interest of amenity.

The planning authority is satisfied that **Item 4** has adequately been addressed. In the event of permission granted, the planning authority considers it appropriate to attach the above recommendations as **conditions**.

Item 5 requested:

The proposed development involves the subdivision of an existing residential site. The 2005 Rural Guidelines outline that in assessing individual housing proposals in rural areas planning authorities will in some circumstances need to form a view as to whether that proposal would contribute to or exacerbate ribbon development. Taking account of the dispersed nature of existing housing in many rural areas, areas characterised by ribbon development will in most cases be located on the edges of cities and towns and will exhibit characteristics such as a high density of almost continuous road frontage type development, for example where 5 or more houses exist on any one side of a given 250 metres of road frontage.

Whether a given proposal will exacerbate such ribbon development or could be considered will depend on:

- *The type of rural area and circumstances of the applicant,*
- *The degree to which the proposal might be considered infill development, and*
- *The degree to which existing ribbon development would be extended or whether distinct areas of ribbon development would coalesce as a result of the development*

Please note that Section outlines that in general a road frontage of 60m is required to offset ribbon development.

In the context of the above, the applicant is required to demonstrate that the proposed development does not exacerbate ribbon development.

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The applicant's response to Item 5:

Reply to No. 5

The applicants requested that Portal Architects address this request.



The above image is taken with the assistance of Google Maps. It clearly indicates the position and approximate distance along the R115 of the several dwelling and their entrances.

Within 257 meters, there are four entrances to the R115. Two are access roads that serve more than one dwelling. The next entrance onto the R115 (on the same side as our applicant's property) to any property to the west and South of our client property is over 500 meters, being a rear/service entrance to Woodstock Park House.

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30 m to the West from the Forge Field / Golf Club access road is the main entrance with a gate lodge to Woodstock Park House.

Moving North and East along the R115, the next entrance is the access road shared by Forge Field and Rathfarnham Golf Club.

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A further 175 meters East on the R115, past the section of stone wall with in-fill railing and the overhead power lines, is the entrance gate of Hollyford. See image below



Finally, we come to the access road entrance to Springmount 225 meters from the Forge Field and Rathfarnham Golf Club access road and 257 meters away from the entrance with a gate lodge to Woodstock Park House.

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The width of the Forge Field boundary along the R115 to the North of the property is 48 meters. However, if the open area is taken into account, lying directly under the overhead power lines adjacent to and on the East of our client site will provide over 100 meters of road frontage. This area is currently prohibited from development due to the setback required by such utility infrastructure.

The proposed development should be considered infill as the proposed house is in front of the existing building on our client's site. Further, the proposal is not Ribbon Development, which tends to extend the development line along a road to a town or city and is highly visible in nature.

Apart from the entrance gate lodge to Woodstock Park House, none of the existing dwellings are visible from the R115.

Our client's proposal seeks to maintain this position. The new dwelling is screened by the existing trees and is accessed from the existing shared access road used by Forge Field and Rathfarnham Golf Club.

Therefore, to judge the proposal as Ribbon Development is incorrect.

Assessment:

Similarly, to the planning authority's assessment of Item 1 and Item 2, on reviewing the additional information submitted, the planning authority is not satisfied that the applicant has adequately demonstrated the circumstances of the applicant.

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As previously noted in Item 5 of additional information requested, the planning authority required specific details required to form a view as to whether that proposal would contribute to or exacerbate ribbon development. Having regard to the above, and the limited information submitted, which is imperative to the planning authority to allow a thorough assessment of the proposal against the requirements set out in Item 5. As pointed out in the previous planners report, the primary concern in this instance, still remains with the lack of information provided that can adequately demonstrate compliance with Policy 18 and H18 Objective 1 of the CDP, in addition, the applicant has failed to demonstrate compliance with the overarching zoning objective 'RU', which seeks 'To protect and improve rural amenity and to provide for the development of agriculture'.

Given the insufficient evidence produced, the extension of further information already approved, meaning the option for clarification is not available, the planning authority considers this to warrant a reason for **refusal**.

Item 6 requested:

a). Landscape Design Proposals

There are concerns with the lack of information submitted in relation to the landscape scheme for the proposed development. The applicant is requested to provide detailed landscape design for the proposed development. The applicant shall provide a fully detailed landscape plan with full works specification, that accords with the specifications and requirements of the Council's Public Realm Section. The applicant shall provide the following additional information:

- i. The applicant shall submit a comprehensive Landscape Design Rationale, the objective of this report is to describe the proposed landscape and external works as part of this proposed housing development.*
- ii. The applicant is requested to submit a fully detailed Planting Plan to accompany the landscape proposals for the entire development. The applicant should propose native species where possible to encourage biodiversity and support pollinators within the landscape.*
- iii. The landscape Plan shall include hard and soft landscape details; including levels, sections and elevations, detailed design of SUDs features including swales and integrated/bio-retention tree pits.*

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b). Tree Survey

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

The applicant's response to Item 6:

Reply to No. 6

The applicants requested CMK Hort + Arb – Arbourist; see their submission in Appendix C together with Murphy Sheanon – Horticulture & Landscape Architecture, see their submission in Appendix D for a full reply.

Assessment:

The planning authority is satisfied that **Item 6** has adequately been addressed. In the event of permission granted, the planning authority considers it appropriate to attach the recommendations provided by the Public Realm section listed under Item 4 assessment as **conditions**.

Conclusion

Having regard to Policy H18, and H18 Objective 1 and the information required as per Section 12.6.9 of the South Dublin County Development Plan (2022-2028), it is considered that the applicant has not demonstrated exceptional circumstances in order to fulfil compliance with Rural Housing Policy.

Considering the 'RU' zoning objective, and the precedent that would be established by this development in this sensitive rural area, it is considered that the proposed development would, by itself and cumulatively with other developments in the area, constitute the proliferation of urban generated housing in a rural area.

This would further erode the rural character, compromise the sensitive landscape, lead to the demand for the uneconomic and unsustainable provision of public services and community facilities. The proposed development would therefore contravene the 'RU' zoning objective, the policies objectives, and standards of the 2022-2028 South Dublin County Development Plan and would therefore be contrary to the proper planning and sustainable development of the area.

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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 site is located on lands subject to zoning objective 'RU' in the South Dublin County Development Plan 2022 – 2028. Policy H18, and H18 Objective 1 apply. It is the policy of the Council that within areas designated with Zoning Objective 'RU' (zoning objective - To protect and improve rural amenity and to provide for the development of agriculture) that new or replacement dwellings will only be considered in exceptional circumstances and subject to the criteria set out in H18 Objective 1 and Section 12.6.9 of the CDP. On the basis of the information submitted, it has not been satisfactorily demonstrated that the proposed development would comply with all of the criteria in this policy for housing in this area and no details of exceptional circumstances have been provided. The proposed development would therefore materially contravene Policies H18 and H18 Objective 1 and materially contravene the zoning objective of the area and would be contrary to the proper planning and sustainable development of the area.


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REG. REF. SD22A/0367

LOCATION: Forgefield, Stocking Lane, Firhouse, Newtown, Dublin 16



Jim Johnston,
Senior Executive Planner

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

Date: 19/09/23



Gormla O'Corrain, Senior Planner

To whom the appropriate powers have been delegated by the order number DELG 13423 of the Chief Executive of South Dublin County Council*