

Comhairle Chontae Atha Cliath Theas

Record of Executive Business and Chief Executive's Order

PR/1161/21

Reg. Reference: SD21A/0076

Application Date: 08-Apr-2021

Submission Type: Additional
Information

Registration Date: 03-Aug-2021

Correspondence Name and Address: Jong Kim, AKM Design Unit 4, 2009 Orchard
Business Centre, Orchard Avenue, Citywest Business
Campus, Dublin 24

Proposed Development: Reduction of single storey rear extension;
construction of detached 2 storey house in side
garden with new access and parking arrangement in
front garden and associated works.

Location: 56, St. Johns Close, Clondalkin, Dublin 22

Applicant Name: Gary Povey

Application Type: Permission

(DF)

Description of Site and Surroundings

Site Visit: 23/04/2021

Site Area: 0.068 Hectares.

Site Description:

The proposed development is located at the end of a cul de sac in St. Johns Close in the side garden of No. 56. The surrounding properties are terraced bungalows on the eastern side of the street and predominantly two storey terraced house, with an end detached unit, on the western side of the street. All with rear gardens.

Proposal:

The proposed development comprises:

- Reduction of single storey rear extension;
- construction of detached 2 storey house in side garden with new access and parking arrangement in front garden and associated works.

Zoning:

The subject site is subject to zoning objective 'RES' - 'To protect and/or improve residential amenity'.

Consultations:

Water Services- Further Information requested

Irish Water – No objection subject to standard conditions

Roads Section – Additional Information requested

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SEA Sensitivity Screening

No overlap with layers.

Submissions/Observations/Representations

None received. Final date for submissions 13/5/21.

Relevant Planning History

Subject Site

SD13B/0134. Retention of single storey front and rear/side extension, detached single storey play room and 2m boundary wall to enclose a privately owned area of open space to St. John's Grove and associated works.

Grant permission for retention

Adjacent Site

None recorded for adjacent site.

Relevant Enforcement History

None recorded for subject site

Pre-Planning Consultation

None recorded.

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

Section 2.4.0: Residential Consolidation – Infill, Backland, Subdivision & Corner Sites

Policy H17 Residential Consolidation

Policy H17 Objective 3:

To favourably consider proposals for the development of corner or wide garden sites within the curtilage of existing houses in established residential areas, subject to appropriate safeguards and standards identified in Chapter 11 Implementation.

Section 11.2.7 Building Height

Section 11.3.1 Residential

Section 11.3.1 (iv) Dwelling Standards

Table 11.20: Minimum Space Standards for Houses

Section 11.3.1 (v) Privacy

Section 11.3.2 Residential Consolidation

Section 11.3.2 (i) Infill Sites

Development on Infill sites should meet the following criteria:

- Be guided by the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities DEHLG, 2009 and the companion Urban Design Manual.
- A site analysis that addresses the scale, siting and layout of new development taking account of the local context should accompany all proposals for infill development. On smaller sites of approximately 0.5 hectares or less a degree of architectural integration with the surrounding built form will be required, through density, features such as roof forms,

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fenestration patterns and materials and finishes. Larger sites will have more flexibility to define an independent character.

- Significant site features, such as boundary treatments, pillars, gateways and vegetation should be retained, in so far as possible, but not to the detriment of providing an active interface with the street.
- Where the proposed height is greater than that of the surrounding area a transition should be provided (see Section 11.2.7 Building Height).

Section 11.3.2 (ii) Corner/Side Garden Sites

Development on corner and/or side garden sites should meet the criteria for infill development in addition to the following criteria:

- The site should be of sufficient size to accommodate an additional dwelling(s) and an appropriate set back should be maintained from adjacent dwellings,
- The dwelling(s) should generally be designed and sited to match the building line and respond to the roof profile of adjoining dwellings,
- The architectural language of the development (including boundary treatments) should respond to the character of adjacent dwellings and create a sense of harmony. Contemporary and innovative proposals that respond to the local context are encouraged, particularly on larger sites which can accommodate multiple dwellings,
- Where proposed buildings project forward of the prevailing building line or height, transitional elements should be incorporated into the design to promote a sense of integration with adjoining buildings and
- Corner development should provide a dual frontage in order to avoid blank facades and maximise surveillance of the public domain.

Policy H13 Private and Semi-Private Open Space

It is the policy of the Council to ensure that all dwellings have access to high quality private open space (incl. semi-private open space for duplex and apartment units) and that private open space is carefully integrated into the design of new residential developments.

Policy H14 Internal Residential Accommodation

It is the policy of the Council to ensure that all new housing provides a high standard of accommodation that is flexible and adaptable, to meet the long-term needs of a variety of household types and sizes.

Policy H15 Privacy and Security

It is the policy of the Council to promote a high standard of privacy and security for existing and proposed dwellings through the design and layout of housing.

Section 6.4.4 Car Parking

Policy TM7 Car Parking

Section 11.4.2 Car Parking Standards

Table 11.24: Maximum Parking Rates (Residential Development)

Section 11.4.4 Car Parking Design and Layout

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Section 7.1.0 Water Supply & Wastewater

Policy IE1 Water & Wastewater

It is the policy of the Council to work in conjunction with Irish Water to protect existing water and drainage infrastructure and to promote investment in the water and drainage network to support environmental protection and facilitate the sustainable growth of the County.

Section 7.2.0 Surface Water & Groundwater

Policy IE2 Surface Water & Groundwater

It is the policy of the Council to manage surface water and to protect and enhance ground and surface water quality to meet the requirements of the EU Water Framework Directive.

Section 7.3.0 Flood Risk Management

Policy IE3 Flood Risk

It is the policy of the Council to continue to incorporate Flood Risk Management into the spatial planning of the County, to meet the requirements of the EU Floods Directive and the EU Water Framework Directive.

Section 8.0 Green Infrastructure

Policy G1 Overarching

Policy G1 Green Infrastructure Network

Policy G3 Watercourses Network

Policy G4 Public Open Space and Landscape Setting

Policy G5 Sustainable Urban Drainage Systems

Policy G6 New Development in Urban Areas

Section 9.3.1 Natura 2000 Sites

Policy HCL12 Natura 2000 Sites

Section 11.6.1 (i) Flood Risk Assessment

Section 11.6.1 (ii) Surface Water

Section 11.6.1 (iii) Sustainable Urban Drainage System (SUDS)

Section 11.6.1 (iv) Groundwater

Section 11.6.1 (v) Rainwater Harvesting

Section 11.6.1 (vi) Water Services

Section 11.7.2 Energy Performance in New Buildings

Section 11.8.1 Environmental Impact Assessment

Section 11.8.2 Appropriate Assessment

Relevant Government Guidelines

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

Regional, Spatial & Economic Strategy 2019 - 2031, Eastern & Midlands Regional Assembly, 2019.

Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government (2008).

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Urban Design Manual: A Best Practice Guide, A Companion Document to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 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).

Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, Building Research Establishment, (1991).

Assessment

The main issues for assessment are:

- Zoning
- Redline boundary
- Residential Amenity
- Visual Amenity
- Roads and Transport
- Water Services
- Screening for Appropriate Assessment
- Environmental Impact Assessment

Zoning

The site is subject to the land-use zoning objective, 'RES' – 'To protect and improve residential amenity'. Residential development is permitted in principle under this zoning objective.

Red line boundary

The applicant has indicated that the proposed dwelling would be accessed via a new entrance to the north of the existing entrance. However, this would mean that vehicles would have to travel over an area that is currently grassed and that is outside of the redline boundary and the applicant's control. The Roads Department has also raised this as an issue. There are concerns that the permission may not be able to be implemented as land that is outside of the applicant's control is required to facilitate the proposal.

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Residential Amenity

The proposed dwelling would be located in the side garden of the existing property with a portion of an existing extension removed to facilitate the development.

With regard to the existing property, the front and rear building line of the proposed dwelling would be level with the existing dwelling once the existing extension is removed. The proposal would reduce the amount of private amenity space to 66sq.m which is just over the minimum amount required for a two-bed house. However, internally the amount of space left would only be 67sq.m which is significantly below the minimum 80sq.m required as per Table 11.20 of the CDP. There are concerns with this aspect of the proposal.

The applicant has provided a site layout plan which shows that the distance between the proposed first floor windows and the property to the east would only be 18m. As per section 11.3.1 (v) of the CDP, separation distances of 22m are required to ensure privacy. There are concerns with this aspect of the proposal.

Standard of accommodation

The proposed dwelling would exceed the minimum internal size for a four-bedroom dwelling as per table 11.20 of the CDP in terms of internal and external space. The dwelling would also provide adequate storage. The applicant has labelled a room at first-floor level on the eastern side of the dwelling as a 'bathroom' but has shown two beds in the room. The room does not have any windows and therefore would result in a poor standard of accommodation. However, if windows were put in there would be issues of overlooking to the rear which highlights the constraints of the site.

Conclusion

Overall, there are significant concerns with the impact on residential amenity for existing, proposed and neighbouring residents.

Visual Amenity

The surrounding area is varied in nature in terms of the style, design and heights of the existing residential properties. The eastern side of the street, where the applicant site is located, consists of bungalow style properties whilst the western side of the street consists of two storey semi-detached properties and one detached property. The proposal would see the erection of a two-storey detached dwelling with a full gabled roof, front projection and front dormer window.

Section 11.3.2 (ii) of the CDP sets out a number of criteria in relation to residential development within corner/side garden sites that include:

- the size of the site and its ability to accommodate a dwelling,
- the design and building line,
- the architectural language,
- the height,
- and the inclusion of dual frontage

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With regard to the size of the site, the garden has an average width of approximately 18m which is considered capable of accommodating some form of development.

With regard to the design, the scale, mass and overall design of the roof would starkly contrast with the bungalows along the eastern part of the street. The scale of the roof would appear awkward and the varying heights proposed would make the dwelling stand out negatively rather than assimilating into the street scene. The building line would largely reflect that of the existing property in terms of the front and rear but based on the width and height proposed the dwelling would appear overly dominant in the context of the site and surrounding area.

In terms of the architectural language the proposal is not considered to respond positively to the street scene.

With regard to the height, as previously mentioned there are concerns with the roof form proposed and how dominant it would appear.

Consideration has been given to the dwelling that was granted permission at appear to the west of the site. However, the design of that dwelling fits in well with the row of semi-detached properties based on its scale, design and siting and therefore is a much different context of the application site. Overall, the proposed design, form, mass, layout and scale of the development are considered to be poor.

Roads and Transport

The Roads Department has recommended a request for additional information regarding confirmation on the ownership of the grass verge; curtilage parking for two cars; moving a light pole; and revisions to the site plan and elevation drawings. Generally, information such as this could be clarified through a request for additional information.

Water Services

Water Services has requested further information regarding surface water drainage and Flood Risk. Generally, this information would be sought as additional information.

Screening for Environmental Impact Assessment

Having regard to the modest nature of the proposed development, and the distance of the site from nearby sensitive receptors, there is no 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.

Screening for Appropriate Assessment

The applicant has not provided information to assist the screening for Appropriate Assessment. Having regard to the nature of the development, connection to public services and the distance from the Natura 2000 sites the proposed development would not require a Stage 2 Appropriate Assessment.

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Conclusion

There are significant concerns with the potential impact on neighbouring, existing and proposed residents and the visual impact of the proposal. There are also concerns about whether the proposal could be implemented properly and safely given the fact that the applicant is relying on land outside of their control. There are also concerns regarding the lack of information in relation to parking and access, surface water and flooding.

Additional information is recommended.

Recommendation

Request Further Information.

Further Information

- Further Information was requested on 02-June-2021.
- Further Information was received on 03-August-2021.

Further information requested is as follows:

Item 1: Design

The Planning Authority has concerns that the proposed development is not in compliance with County Development Plan policy regarding the design of dwellings at corner sites.

In this regard, the applicant is requested to:

(1) Redesign the northern elevation to ensure that it is provided with a strong façade to include habitable room windows at both ground and first floor. Both the northern and western elevations should be designed to provide passive surveillance. Revised elevational drawings and floor plans should be submitted.

(2) The applicant is advised that the proposed dwelling, by reason of the proximity of directly facing habitable room windows to the property to the east, the failure of the existing dwelling to meet minimum internal space standards following the reduction of the existing extension and the lack of windows for the first-floor bedroom, would result in unacceptable overlooking and loss of privacy, and an unacceptable standard of accommodation, to the detriment of the amenity of neighbouring, existing and prospective residents. The applicant is advised to address the foregoing issues by way of further information.

(3) The adjacent property is a bungalow, which is the built form along this side of the street. However, the properties on the opposite side of the street are two storey dwellings.

It is felt in this instance that a two storey dwelling is acceptable due to the end of cul de sac corner site position. However, the current roof pitch shall be reduced to be more sympathetic to the adjacent property of No. 56. A revised design is requested to address this.

Item 2: SUDS

There are no SuDS (Sustainable Drainage Systems) proposed for the development. The applicant is requested to submit a report and drawing showing what SuDS are proposed.

Examples of SuDS include, permeable paving, filter drains, tree pits and other such SuDS.

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Item 3: Entrance

The applicant is requested to confirm on a drawing the width of the entrances to both No. 56 and No. 58 and outline how they will both connect to St. Johns Close.

Item 4: Building Line

The building line is behind that of the porch of the adjacent dwelling and appears to align to the building line of the extended properties along the street. The applicant is requested to confirm on a drawing if the building line of the proposed dwelling is the same as that of the extended street.

Item 5: Land

The applicant is requested to submit details on who owns the section of land between the road edge and applicant's front boundary wall for the proposed development, and establish and submit evidence of sufficient legal interest/written consent from the relevant stakeholders to access the site.

Item 6: Lighting

The applicant is requested to submit a proposal for the relocation of the existing public street lighting pole in the verge adjacent to the proposed vehicular access at the applicant's expense. Written agreement must be obtained from the South Dublin County Council Lighting Department and submitted as additional information.

Item 7: Drawings

The applicant is requested to submit the following revised drawings as Additional Information;

-A revised plan of scale of 1:100 showing the dimensions of the boundary wall, access widths and set back dimensions. The plan shall include a dimensioned layout for two on curtilage parking spaces.

-A revised elevation drawing of a scale of 1:100 showing the dimensions and heights of any gates, pillars and boundary walls for the proposed development. The boundary wall should not exceed 900mm in height and the pillars should not exceed 1200mm in height.

Item 8: Flooding

The proposed development is in an area at risk of 1 in 1,000 year flood event as per OPW flood risk maps. The applicant is requested to submit a report to show what risk of flooding exists for the development and what mitigation measures are proposed for the development. All floor levels shall be a minimum of 500mm above the highest known flood level of proposed site.

Further Consultations:

- *Water Services. No objection subject to conditions*
- *Irish Water. No objection subject to conditions*
- *Roads. Recommend Refusal*

Assessment

In response to Items 1 to 8 the applicant has submitted a number of documents. The Planning Authority has had regard to the submitted information as part of its assessment.

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Item No. 1- Design

Assessment:

The applicant has provided the following response to Item 1:

Item no. 1 (a) Redesign of the northern elevation

This elevation has been amended to comply with the requirements of the planning authority to provide passive surveillance. Please enclosed revised plans.

Item no. 1 (b) Overlooking & Privacy

The dwelling has been substantially reduced in floor area. The proposed dwelling has been repositioned and has increased its setback to the adjoining dwellings to avoid overlooking and increase privacy. Please enclosed revised plans.

Item no. 1 (c) Design of the Roof

We have altered the design of the roof of the proposed dwelling to make it more visually sympathetic to street and to adjoining properties. The subject site is located within a cul de sac and is not visually prominent. The design of the house was amended to have regard to item no. 1(a) and 1(b). Please see enclosed revised plans.

1(a)The amended design submitted includes revised elevations and floor plans. The revised design moves the higher part of the building closer to the adjacent cottage with the lower section of the building and roof located to the north. A number of windows are now included on the northern, western, and southern elevations of the proposed dwelling as a result of the redesign. This is acceptable to the Planning Authority.

1(b) The redesign of the proposed dwelling has increased the setback from the adjacent properties to the east from 18.18m to 21.89m. This is noted and acceptable. However, the applicant has not provided any information with respect to the AI request regarding internal design requirements and the bedroom window regarding the existing dwelling. Clarification of Additional Information is required to address this.

1(c) The redesign of the dwelling has resulted in a revised roof, which is less prominent and more sympathetic to the street. This is acceptable to the Planning Authority.

The information submitted for Item 1 does not fully conform with the appropriate policies of the County Development Plan, and the House Extension Guidelines 2010 and is not yet considered acceptable to the Planning Authority. The applicant shall address the AI request regarding the existing property and internal requirements, which were part of 1(b).

Item 2- SUDS

Assessment:

In response to Item 2 the applicant has stated that permeable paving is proposed to the front, and a surface water storage chamber to the rear.

A response from Water Services outlines no objection subject the following:

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'It is unclear where and what type of SuDS will be used in proposed development. Prior to commencement of development submit a report and drawing showing where on development and what type of SuDS are proposed. Examples of SuDS include, permeable paving, filter drains, tree pits and other such SuDS.'

Irish Water outlines that there is an existing 24' asbestos pipe located 10m from the front wall of the property which needs to be protected during development and that the applicant shall enter into appropriate connection agreements with Irish Water.

The information submitted for Item 2 conforms with the appropriate policies of the County Development Plan, and the House Extension Guidelines 2010 and is considered acceptable to the Planning Authority.

Item 3- Entrance

Assessment:

In response to Item 3 the applicant has provided revised site layout plan. This outlines the entrance to the existing dwelling as 3.4m, and 3.39m to the proposed dwelling. The proposed entrance will include adding concrete over an existing grassed verge area to the front.

A report from Roads outlines that they are satisfied with the information submitted.

The information submitted for Item 3 conforms with the appropriate policies of the County Development Plan, and the House Extension Guidelines 2010 and is considered acceptable to the Planning Authority.

Item 4- Building Line

In response to Item 4 the applicant has stated that the building line of the proposed dwelling has been adjusted to align with the existing property. This is shown on the site layout plan.

The information submitted for Item 4 conforms with the appropriate policies of the County Development Plan, and the House Extension Guidelines 2010 and is considered acceptable to the Planning Authority.

Item 5-Land

In response to Item 5 the applicant has stated that they have contacted SDCC for a cross over agreement for the grassed area which is subject to the addition of concrete. The applicant advises that this is owned by SDCC but has been maintained by the applicant. The applicant must receive consent from SDCC to modify the existing grassed verge area and permit access. Clarification of Additional information can address this.

A response from the Roads Department states the 'The applicant has not acquired or submitted a written agreement with SDCC to access the subject site through the piece of land under SDCC owned public land, located to the west of the subject site. Roads department recommend refusal as the applicant does not own the piece of land to provide access to the subject site under current application.'

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The information submitted for Item 5 does not conform with the appropriate policies of the County Development Plan and is not considered acceptable to the Planning Authority. The applicant is being provided with an opportunity through Clarification of Additional Information to approach the SDCC Economic Development Department to determine if a transfer of ownership of the land in question is possible.

Item 6-Lighting

In response to Item 6 the applicant has stated that there is an existing public street light in the verge to the front and that they don't intend to interfere with this. This is shown on the site layout plan.

A report from Roads outlines that they are satisfied with the submission.

The information submitted for Item 6 conforms with the appropriate policies of the County Development Plan and is considered acceptable to the Planning Authority.

Item 7: Drawings

In response to Item 7 the applicant has stated that the boundary walls to the front will be 900mm and the pillars 1100mm. A drawing is submitted which shows this.

A report from Roads states that they are satisfied with the submission.

The information submitted for Item 7 conforms with the appropriate policies of the County Development Plan and is considered acceptable to the Planning Authority.

Item 8: Flooding

In response to Item 8 the applicant has provided a Flood Risk Assessment which states that all floor levels will be above the highest known flood level.

A report from Water Services outlines that all floor levels shall be a minimum of 500mm above the highest known flood level of proposed site. A condition will address this.

The information submitted for Item 8 conforms with the appropriate policies of the County Development Plan and is considered acceptable to the Planning Authority.

Summary

In summary, the details submitted in response to the request for additional information are not fully acceptable to the Planning Authority and a grant of permission for the proposed development is not recommended. If the applicant can obtain approval from SDCC regarding the land issue, and address the design issues with the existing property, then it is possible that permission can be granted subject to conditions.

Conclusion

Clarification of Additional is requested regarding the land issue to the front of the property, and design issues with the existing house. If the applicant can obtain approval from SDCC regarding the use/ownership of this land, then it may be possible to grant permission subject to conditions.

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Recommendation

I recommend that **CLARIFICATION OF ADDITIONAL INFORMATION** be requested from the applicant with regard to the following:

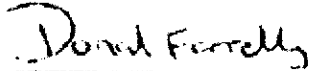
1. The applicant has not acquired or submitted, as requested, a written agreement with SDCC to access the subject site through the piece of land under SDCC owned public land, located to the west of the subject site.
The applicant is requested to submit to the Planning Authority through Clarification of Additional Information evidence of permission from the Council regarding the approval of access through the land currently in SDCC ownership. This approval must include details regarding the proposed amendments to the existing grass verge.
2. The failure of the existing dwelling to meet minimum internal space standards following the reduction of the existing extension and the lack of windows for the first-floor bedroom, would result in unacceptable overlooking and loss of privacy, and an unacceptable standard of accommodation, to the detriment of the amenity of neighbouring, existing and prospective residents. The applicant is requested to address this issue by way of clarification of further information.

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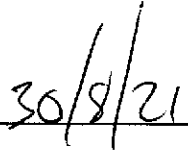
LOCATION: 56, St. Johns Close, Clondalkin, Dublin 22



**Donal Farrelly,
Executive Planner**

ORDER: I direct that **CLARIFICATION OF ADDITIONAL INFORMATION** be requested from the applicant as set out in the above report and that notice thereof be served on the applicant.

Dated:





Eoin Burke, Senior Planner