

# Comhairle Chontae Atha Cliath Theas

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

### PR/1387/21

**Reg. Reference:** SD21A/0015      **Application Date:** 28-Jan-2021  
**Submission Type:** Additional      **Registration Date:** 23-Sep-2021  
Information

**Correspondence Name and Address:** Michael Frain, Bright Design Architects 4, Seafield Park, Booterstown, Blackrock, Co. Dublin.

**Proposed Development:** Demolition of existing converted garage structure to the side; demolition of existing garden wall to the side; construction to the side of 1 semi-detached two storey two bedroom house with home office and 1 semi-detached two storey two bedroom house with home office with bay windows to front and side; new vehicular entrances to Woodview Heights to serve existing and proposed dwellings; all associated site, boundaries, landscaping, drainage and ancillary works.

**Location:** 15, Woodview Heights, Lucan, Co. Dublin

**Applicant Name:** John Bonass

**Application Type:** Permission

(DF)

### Description of Site and Surroundings

Site Visit: 15/02/2021

Site Area: 0.0519 Hectares.

#### Site Description:

The existing corner dwelling within Woodview Heights comprises a semi-detached house with a side garden. Adjacent properties in the area are semi-detached with rear gardens. The site generally slopes from the front to rear from 0.9939 to 0.9952, with a minimal site rise towards the southern boundary.

#### Proposal:

The proposed development comprises:

- Demolition of existing converted garage structure to the side;
- demolition of existing garden wall to the side;

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- construction to the side of 1 semi-detached, two storey two-bedroom house with home office, and
- 1 semi-detached, two storey two bedroom house with home office with bay windows to front and side;
- new vehicular entrances to Woodview Heights to serve existing and proposed dwellings; all associated site, boundaries, landscaping, drainage and ancillary works.

### **Zoning:**

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

### **Consultations:**

Water Services- Additional information requested  
Irish Water – Additional information requested  
Roads Section – Additional information requested  
Parks –Additional information requested

### **SEA Sensitivity Screening**

No overlap with layers.

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

None received. Final date for submissions 3/3/21.

### **Relevant Planning History**

#### **Subject Site**

**SD19A/0386.** Demolition of existing single storey structure to the side; demolition of existing garden wall to the side; construction of 1 semi-detached, two storey house and 1 semi-detached, part single storey part two storey house to the side; new vehicular entrances to serve existing and new houses; all associated site, boundaries, landscaping, drainage and ancillary works.

Refuse Permission

The proposed development would be contrary to 'RES' land-use zoning objective 'To protect and/or improve residential amenity' under the South Dublin County Development Plan 2016 - 2002, given the following:

(a) The private amenity space proposed to the rear to serve the two proposed dwellings would be significantly less than the minimum standards set out in Table 11.20 'Minimum Space Standards for Houses' of the South Dublin County Development Plan 2016 - 2022.

The proposed development would therefore seriously injure the amenities of property in the vicinity and of future occupants, represents overdevelopment of the site and would be contrary to the proper planning and sustainable development of the area.

2. There is insufficient space provided at the southeastern dwelling for parking 2 cars on curtilage in a safe manner. In particular, car occupants will be unable to get into and out of car in the parking positions shown. When exiting the property, the angle of approach to the exit will make reversing movements very difficult. The proposal would result in a significant traffic

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hazard for pedestrians and road users. Thus, the proposed development would endanger public safety by reason of traffic hazard and be contrary to the proper planning and sustainable development of the area.

**S99A/0641.** Change of use of entire commercial premises (shop) to that for domestic use/first floor extension over and to extend with additional two-storey side extension (domestic).

AI requested

### Adjacent Site

**SD01A/0017.** Two storey house to side

Refuse Permission

### Relevant Enforcement History

None recorded for subject site

### Pre-Planning Consultation

None since previous application.

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

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- 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.***

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

*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
- Residential Amenity, Visual Impact and Layout
- Residential Amenity, Overlooking, Overshadowing
- Boundary Treatments
- Roads and Transport
- Parks
- 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. The previous reasons for refusal regarding parking and private amenity areas are addressed below.

### *Residential Amenity, Visual Impact and Layout*

#### Existing Dwelling

The existing garage is proposed to be demolished (38.37sq.m) to enable a larger site to accommodate the two proposed semi-detached units. This will enable two cars to be parked in

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the curtilage of the existing house, with the rear amenity area to meet the requirements of the CDP as outlined below. This is acceptable.

### Private Amenity Space

- The existing dwelling will have 60sq.m of rear amenity space as a result of the proposed development.
- House #1 will have 60sq.m (nearest existing dwelling) and is stated to be a two bedroom unit.
- House #2 will be provided with 50sq.m rear amenity space and is also stated to be a two bedroom unit. This is 5sq.m below the minimum requirement of 55sq.m. The applicant states that additional garden space is provided along the southern boundary of the property. The applicant also states that if the Planning Authority accept the 3 car parking spaces to the front of the proposed 2 units then the parking space to the south of unit #2 can become rear amenity space, which if accepted would increase to be in excess of 55sq.m. The planning authority will calculate rear amenity space behind the rear building line in this instance only.

The proposed development does not currently satisfy the requirements of existing policy as it does not meet the minimum standards required for rear amenity space. A solution has been offered by the applicant to provide 3 car parking spaces only for the proposed two new dwelling houses. The County Development requires a maximum of 1.5 car parking spaces per dwelling house. The applicant should be requested to submit revised layout plans clearly notating the provision of the minimum rear amenity space for all three dwellings and the omission of the rear entrance and car parking space. **Additional information** should be sought.

***\*\*Note: In the event of a grant of permission a condition to be attached to ensure the development is for two two-bedroom dwelling units with a 'home office', that is ancillary to the use of the house and not be used for trade or business. \*\****

### Proposed Houses

The proposed ridge heights of both units are 7.3m, which matches the ridge height of the existing house. The proposed housing units exceed the minimum sizes and internal room areas as per the CPD and the Quality Housing for Sustainable Communities 2007. Both housing units propose a number of windows, with two ground floor bay windows proposed for house #2-one on the south elevation and the other on the eastern elevation.

The south eastern elevation (of the south eastern-most dwelling) is not deemed to be acceptable as it does not comply with council policy on the provision of dual frontage dwellings at corner/side development sites. The applicant should be requested to submit revised proposals for a full dual frontage dwelling to comprise habitable room windows at both ground and first floor. Furthermore, boundary treatments proposed for the south-eastern boundary of the entire site should be submitted and should be a maximum height of 1.2m for the length of the proposed side elevation of the dwelling (to the rear building line). **Additional Information.**

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### Residential Amenity, Overlooking, Overshadowing

The southern eastern corner of housing unit #2 will be set back 0.933m from the southern boundary line. This is deemed acceptable in this instance. Access is still possible from either side of the amenity area if required. Access to the house is also possible along the side passageway.

The separation distance of the existing unit to the rear boundary is 10.6m. The minimum separation distance to the eastern boundary from the new houses is approximately 5.785m, with an additional 2.6m setback due to the presence of the electrical substation and public access (total setback 8.39m). Considering the geometry of the corner site and the adjacent No.14 and electrical substation, the windows on the western elevation of the proposed units face onto the front end of the driveway of No.14 and the public footpath access to the substation. This is not ideal, however taking into consideration the staggering building line of the existing street, in this instance, the proposed significant breaking of the building line can be accommodated and is acceptable.

The separation distance from the adjacent properties is acceptable. The development will not have an adverse impact on the residential amenity of the adjacent properties or the area by way of significant overlooking or overshadowing. It will not detract from the appearance of the existing dwelling and in this regard is considered to be acceptable.

### Boundary Treatments

The proposal includes a number of new boundary walls and alterations to the existing front boundary walls to accommodate driveways. Rear boundary walls which enclose the rear amenity areas shall be 2m in height, with boundary walls to the front and side of the properties to be a maximum of 1.2m in height (including any proposed piers). It is noted that the submitted drawings do not clearly show the boundary treatment for the southern/side boundary of the entire site. A full boundary treatment plan (including elevations) should be submitted through an **Additional Information Request**.

### External Finishes

The proposed external finishes shall complement those of the existing dwelling and are considered to be acceptable.

### ***Roads and Transport***

#### Car Parking

The applicant proposes the provision of 3 car parking spaces to the front of the two new dwellings, with a proposal to provide a fourth space to the rear of Dwelling number 2 in the rear garden (to the south of). Two parking spaces will be provided for the existing dwelling.

The County Development requires a maximum of 1.5 car parking spaces per 2-bed dwelling house (within Zone 1). As stated above, within the Private Amenity Space section of this report, the provision of 3 additional car parking spaces for the proposed two new dwelling houses is compliant with Development Plan policy. The applicant should be requested to submit revised



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layout plans clearly notating the provision of the minimum rear amenity space for all three dwellings and the omission of the rear entrance and car parking space.

The Roads Department has recommended a request for additional information regarding car parking spaces and entrances to the dwellings.

### *Parks/Landscaping*

Parks has requested further information regarding boundary details and trees.

In addition, the proposed development of an ecologically mature site in an established setting would result in the removal of mature trees/vegetation and the disturbance of habitat, to provide for the two dwellings and the proposed development will have a significant impact on the short-medium term of the immediate environment. To lessen the impact of this disturbance the applicant should submit mitigating proposals within an ecological report and landscaping plan. Proposals and mitigating solutions should include the greening of all infrastructural elements of the design and proposals to ensure that no net-loss of trees/vegetation occurs as a result of this proposed development. This is in the interests of climate change and adaptation, which the Council must address.

### *Water Services*

Water services has requested further information regarding surface water drainage which also incorporates climate change factors, and drawings which indicate the distance and levels between the dwelling and the surface water sewer. Irish Water have recommended further information to ensure that each dwelling has an independent connection to the public wastewater drainage system, and connection agreements are secured.

These will be requested 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.

### **Conclusion**

Additional information is requested for a number of items. Consideration has been given to the previous reasons for refusal, and subject to satisfactory additional information being submitted the proposed development is deemed to generally comply with the guidance set out in the South

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Dublin County Development Plan 2016 – 2022, and subject to compliance with conditions that would accord with the proper planning and sustainable development of the area.

### **Recommendation**

Request for Further Information.

### **Further Information**

- Further Information was requested on 24-March-2021.
- Further Information was received on 23-September-2021.

Further Information requested is as follows:

#### **Item 1: Roads**

*The Roads Department has concerns relating to car parking provision for the proposed development. The applicant is requested to submit the following:*

*A revised layout plan showing:*

- (a) Three shared car parking spaces located to the front of the two proposed dwelling units.*
- (b) A swept path analysis showing how the three cars can safely access and egress these parking spaces. Please refer to Table 11.24: Maximum Parking Rates (Residential Development).*
- (c) The omission of the rear vehicular access point and car parking space in the rear garden of Dwelling Unit 2.*
- (d) A minimum of 6 meters distance provided from the front building line of each of the dwellings to the front boundary of the site. (Alternatively, the applicant may consider utilising the northeastern access to overcome the six metre distance issue).*

*Any proposed access shall have a sufficient visibility splay in both directions.*

*Any gates shall open inwards and not out over the public domain.*

#### **Item 2 Landscape**

*(1) To lessen the impact of the disturbance of a mature established ecological setting the applicant shall submit mitigating proposals within an ecological report and landscaping plan. Proposals and mitigating solutions should include the greening of all infrastructural elements of the design and proposals to ensure that no net-loss of trees/vegetation occurs as a result of this proposed development. The mitigating measures and measures to ensure that no net-loss happens should be clearly laid out within the submitted reports.*

*(2) A detailed landscape plan should be submitted that clearly outlines any proposed tree planting, as above.*

*(3) The applicant is requested to submit and agree a comprehensive Tree Report with SDCC Public Realm Section. This should 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 should be carried out by a Professional Member of Arboricultural Association who is an independent, qualified Arborist and should include all of the following:*

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- *Tree Survey Plan: all trees and hedges on and adjacent to the subject site (i.e. within falling distance thereof) should be accurately plotted, tagged and shown on a scaled drawing of a topographical survey of the site*
  - *Tree Survey Schedule: a summary of the surveyed trees and hedges, giving a breakdown of their tag nos., species, size, age, condition and useful life expectancy.*
  - *Arboricultural Impact Assessment: a thorough, detailed and realistic analysis and assessment of the likely impacts of the proposed development on the surveyed trees and hedges; along with a summary table of the tree population and quantification of impacts/losses etc. (total number surveyed and total numbers/percentage to be retained and felled respectively).*
  - *Design Iteration- Adjustments, Revisions to Proposed Site Layout: subsequent to and arising from the Impacts Assessment, the applicant's design team [especially arborist, consulting architect(s) and engineer(s)] should demonstrate in their submission, that it has sufficiently explored and investigated layout alternatives, to achieve an optimal solution that meets South Dublin County Councils Tree Strategy and its Development Plan standards in respect of tree preservation and tree retentions, as appropriate. The design should be configured such that existing street trees are retained.*
  - *Tree Constraints Plan: a scaled site plan (1:500@A1) showing the impacts of all surveyed trees in relation to the site layout of the proposed development.*
  - *Tree Protection Plan: a scaled site plan (1:500@A1) of the proposed development, clearly showing and distinguishing (by colour coding) those trees and hedges to be retained and protected and those to be removed ; showing alignments of Tree Protection Fencing and areas to be excluded from construction activities and compound(s), site office(s), plant, equipment and materials storage. Root Protection Areas (RPAs) of all trees and hedgerows to be clearly shown on this drawing.*
  - *Arboricultural Method Statement: clear and practically-achievable measures to be used during the construction period, for the protection and management of all trees and hedges that are to be retained, as shown in the Tree Protection Plan.*
  - *Summary Table: Summary of all trees and hedgerow proposed for removal and retention to include numbers and percentages.*
  - *Pre Development Photo's: Prior to the commencement of works the applicant should submit pictures of the existing trees/hedgerows before works commence with the tree protective fencing. This should include a location map of where each picture was taken from.*
  - *Arborist's name, arboricultural qualifications and contact details.*
  - *Date that the survey was carried out (surveys > 12 months are unacceptable).*
- Should the development be approved, a bond will be required to be paid to the Council based on the results of the Tree Survey and Arboricultural Report.*

### **Item 3 Surface Water**

*The Environmental Department has concerns regarding the proposed development. The applicant is requested to submit additional information regarding the following:*

*(1) South Dublin County Council records show that there is an existing 450mm public surface water sewer to the south/south west of the site. The applicant is required to*

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*submit a drawing in plan and cross-sectional views showing the closest distance between the proposed dwellings and the existing 450mm surface water sewer. The drawings shall also show the invert levels of the existing 450mm surface water sewer and any adjacent proposed building foundations.*

*(2) The proposed surface water discharge rate is unclear for both surface water attenuation systems. The submitted Drainage Report dated 15th January 2021 states that the surface water discharge rate is set to "0.0 Litres/Second" however it is unclear how this is achieved. The applicant is required to clarify on a drawing and in drainage design report what the proposed surface water discharge rate is. Discharge rates must be predeveloped greenfield run off rates in accordance with Greater Dublin Regional Code of Practice for Drainage works.*

*(3) The applicant is requested to include a climate change allowance factor in attenuation design calculations for local Met Eireann rainfall statistics. This should be a minimum of 10% in accordance with the Greater Dublin Regional Code of Practice for Drainage Works. The applicant is requested to submit a revised surface water drainage drawing and design report which reflects this.*

*(4) Include water butts as part of Sustainable Drainage Systems (SuDS) for the proposed development.*

### **Item 4 Water**

*(1) The applicant is requested to submit revised wastewater drainage proposals which shows that each proposed dwelling has its own independent connection the public wastewater drainage network in line with Irish Water Code of Practice and Standard Detail requirements.*

*(2) It is unclear whether the applicant has engaged with Irish Water through the submission of a Pre-Connection enquiry for the proposed public Wastewater connection. In order to assess the feasibility of a connection to public waste water infrastructure further information is requested as follows; The applicant is required to engage with Irish Water through the submission of a Pre-Connection Enquiry (PCE) in order to determine the feasibility of connection to the public waste water infrastructure. The Confirmation of Feasibility (COF) must be submitted to the Planning Department as the response to this further information request. Pre-connection enquiries can be made at <https://www.water.ie/connections/get-connected/>. All works are to comply with the Irish Water Standard Details for WasteWater Infrastructure, (mandatory for all Irish Water Connection Agreement Offers is*

### **Item 5 Boundary Treatments**

*The applicant is requested to submit the following additional information, to include plans, elevations and cross sections:*

*(a) Boundary treatments proposed for the south-eastern boundary of the entire site are requested and any walls/structures proposed should be a maximum height of 1.2m for the entire length of the proposed side elevation of the south easterly located dwelling (for clarity extended from the front boundary to the rear building line of Dwelling House 2).*

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*(b) The applicant is requested to ensure that boundaries are reinstalled similar to existing and neighbouring boundaries. Item (b) is subject to item (a) above.*

### **Item 6 Dual Frontage**

*The south eastern elevation (of the south eastern-most dwelling) is not deemed to be acceptable as it does not comply with council policy on the provision of dual frontage dwellings at corner/side development sites. The applicant is requested to submit revised proposals for a full dual frontage dwelling to comprise habitable room windows at both ground and first floor.*

### **Further Consultations:**

- *Water Services. No objection subject to conditions*
- *Irish Water. No objection subject to a standard IW connection agreement*
- *Roads: Recommend a refusal*
- *Parks: Recommend a refusal*

### **Assessment**

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

### **Item No. 1- Roads**

#### **Assessment:**

In response to Item 1 the applicant has addressed the following points:

- (a) A revised site layout is submitted which shows 3 car parking spaces located to the front of the proposed dwellings. A report from Roads states that they are satisfied with the response regarding option A.*
- (b) A swept path analysis shows the movement into and out of the three spaces.*

#### Roads Response

*Proposal A: shows a swift path analysis through a 9695mm wide shared access driveway which will cause an increased traffic hazard at this location.*

*Proposal B: There is a mature tree at the left-hand side in front of the 3575mm vehicular access which will encroach on accessing this entrance as shown in the swift path analysis. The development proposes 1 number on curtilage parking spaces with no room to turn on the curtilage of the property. Reversing movements onto the public road so close to the junction constitutes a traffic hazard.*

- (c) The revised site plan shows the removal of the rear access point and parking space. This is included as option A, with an alternative option B included.*

#### Roads Response

*Roads Department is not satisfied with applicant's submission of a rear vehicular access point and a car parking space proposal as the vehicular access is encroached by an existing tree as shown in the swift path analysis, and there is inadequate space for vehicle parked in the driveway to turn within the site and exit the site in a forward*

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*direction as no vehicles to reverse onto the public roadway at any time. A continuation of development would endanger public safety by reason of a traffic hazard.*

Refusal recommended.

The Planning Department considers that the Roads Department's concerns may be overcome by omitting the rear vehicular access (permitting Layout A) and reducing the width of the shared entrance for both new dwelling houses. Furthermore, having regard to the proximity of the site to public transport and located within Zone 1 (as laid out in the County Development), where a maximum of 2 car parking spaces is to be provided, the proposed 3 car parking spaces to be shared between the two new dwellings is considered sufficient at this location.

- (d) The site plan is adjusted to allow for the 6m setback to the front building line to accommodate the parking spaces. Option B is also mentioned.

### Roads Response

*There is inadequate space for vehicle parked in the driveway to turn within the site and exit the site in a forward direction as no vehicles to reverse onto the public roadway at any time. A continuation of development would endanger public safety by reason of a traffic hazard.*

### Roads recommends a refusal for the following reasons

1. Inappropriate combined vehicular access with a width of 9695mm, which would compromise the safety and comfort of pedestrian.
2. The proposed development would intensify the use of an access which would increase the risk of a traffic accident, thereby endangering public safety by reason of a traffic hazard.

The Planning Department considers that the Roads Department's concerns may be overcome by omitting the rear vehicular access and reducing the width of the shared entrance for both new dwelling houses.

### ***Item No. 2- Landscape***

#### **Assessment:**

In response to Item 2 the applicant has submitted a number of documents to address the various points which includes the following:

- (a) A landscaping plan is submitted. This outlines the location of existing and proposed trees. The applicant has advised if required a full landscaping plan can be submitted by way of condition.
- (b) A landscape plan is submitted showing proposed planting.
- (c) The applicant submitted a Tree Report with which includes a detailed Tree Survey and Arboricultural Impact Assessment, and Arboricultural Method Statement. The design allows for tree retention and new tree planting.

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A response from the Parks Department recommends a **refusal for the additional corner dwelling** with the following comments:

*Proposed Site Layout Plan A*

*This layout proposal is not acceptable to the Public Realm as the creation of a new 9.695m wide vehicular entrance along the southern boundary would require cars driving across the root protection zone of a mature street tree. Removal of the existing grass verge and construction of a dished kerb within the root protection zone would be required. This would result in the loss of this mature street tree. The arborists report has failed to demonstrate that the existing mature street trees in the grass verge outside the site will not be impacted by the proposed development.*

The Planning Department considers that the reduction in the width of the proposed shared vehicular entrance to a maximum width of 4 metres would remove the Parks Department's concerns. This may be achieved by way of condition.

*Proposed Site Layout Plan B*

*Public Realm recommends refusal as the arborists report has failed to demonstrate that the existing mature trees in the grass verge outside the southern and eastern boundaries can be protected both during and after construction. The proposed new 3.525m wide entrance along the eastern boundary would appear to result in cars driving over the root zone of a mature street tree.'*

The information submitted for Item 2 does not conform with the appropriate policies of the County Development Plan and is not considered acceptable to the Planning Authority. Plan B is not acceptable.

### **Item No. 3- Surface Water**

#### **Assessment:**

In response to Item 3, a drainage report was submitted.

A report from Water Services outlines that all surface water to discharge into the public surface water drainage network.

The information submitted for Item 3 is deemed to be satisfactory.

### **Item No. 4- Water**

#### **Assessment:**

In response to Item 4, a drainage report was submitted. The applicant states that contact was made with Irish Water, but no response has yet been received.

A report from Irish Water outlines that a connection agreement to be signed by the applicant. This could be addressed by a planning condition in the event of a grant of permission.

The information submitted for Item 4 is generally acceptable and can be managed by way of condition.

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### *Item No. 5- Boundary Treatment*

#### **Assessment:**

In response to Item 5 the applicant has submitted revised drawings and a cover letter which addresses the following:

- a. With regard to Option A boundary walls of 0.725m and 0.95m piers in height are proposed.
- a. The applicant states that they are happy to comply with an appropriate condition in the event of a grant of permission.

The information submitted for Item 5 is generally acceptable.

### *Item No. 6- Dual Frontage*

#### **Assessment:**

In response to Item 6 the applicant has submitted revised drawings which includes floor plans, elevations and a section for Option A. This design now includes gable windows to the first floor study and bedroom (2 upstairs gable windows in total).

The information submitted for Item 6 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 generally considered to be acceptable to the Planning Authority.

#### **Development Contributions:**

Existing Dwelling House: No additional floorspace. No contributions required

Proposed dwelling Houses 1: 118.75sq.m. Contributions required

Proposed dwelling Houses 2 : 93.25sq.m. Contributions required

<b>SEA Monitoring Information</b>	
<b>Building Use Type Proposed</b>	<b>Floor Area (sq.m)</b>
Residential – additional floor space	212sq.m
<b>Land Type</b>	<b>Site Area (Ha.)</b>
Brownfield/Urban Consolidation	0.0519ha

#### Conclusion

Concerns raised by the Roads and Parks Departments may be rationalised through conditions attached to permission. Considering the pattern of development in the vicinity and the design and layout of the proposed residential development, it is considered that, subject to compliance with appropriate conditions the proposed development of two dwelling houses would not seriously injure the amenities of the area or property in the vicinity, therefore, is in accordance with the proper planning and sustainable development of the area.



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### **Recommendation**

I recommend that a decision be made pursuant to the Planning & Development Act 2000, as amended, for the reasons set out in the First Schedule hereto, to Grant Permission for the said development in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule hereto, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule.

### **FIRST SCHEDULE**

It is considered that the proposed development accords with the policies and objectives of South Dublin County Council, as set out in the South Dublin County Council Development Plan 2016 - 2022 and subject to the conditions set out hereunder in the Second Schedule is hereby in accordance with the proper planning and sustainable development of the area.

### **SECOND SCHEDULE**

#### **Conditions and Reasons**

1. Development to be in accordance with submitted plans and details.
  - i) The development shall be carried out and completed in its entirety in accordance with the plans, particulars and specifications lodged with the application, and as amended by Further Information received on 23rd September 2021, save as may be required by the other conditions attached hereto.
  - ii) The house designs for both dwellings hereby granted shall be constructed in accordance with drawings submitted 23rd September 2021.  
REASON: To ensure that the development shall be in accordance with the permission, and that effective control be maintained.
2. Access.

Prior to the commencement of development, the following or as otherwise agreed in writing shall be submitted for the written agreement of the Planning Authority as an amendment to Proposal A submitted by further information:

  - (1) The south western boundary (front) shall comprise two vehicular accesses only and shall be constructed as follows:
    - (a) The existing dwelling shall be provided with a vehicular access with a maximum width of 3.5m.
    - (b) The two additional dwellings, hereby granted, shall be provided with a single shared vehicular access with a maximum width of 4m.
  - (2) Both vehicular accesses (granted under Item 1) shall be located away from and protect the existing street trees.
  - (3) The south-western boundary (front) wall/treatment shall have a maximum height of 0.725m (piers shall have a maximum height of 0.95m).
  - (4) The entire south-eastern boundary (side) wall/treatment constructed forward off the rear building line shall be a maximum height of 1.2m. The south-eastern boundary

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wall/treatment behind the rear building line shall be a maximum height of 2m.

REASON: In the interests of traffic safety, to provide passive surveillance and to comply with Council policy. In the interests of clarity and proper planning and sustainable development.

### 3. Permission Required for Class 1 & 3 Exemptions.

Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001 as amended, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations and any statutory provision replacing or amending them shall take place within the curtilage of the proposed development without a prior grant of planning permission.

REASON: In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the dwelling, compliance with Development Plan policy, and in order to protect the residential amenity of the area.

### 4. Attic Space Use.

The attic space shall be used as storage non-habitable space only.

REASON: To ensure the development as approved is consistent with the restrictions of the Building Regulations in the interests of public safety and the proper planning and sustainable development of the area.

### 5. Restriction on Use.

The two houses hereby granted shall be used as single dwelling units and shall not be subdivided by way of sale or letting (including short-term letting) or otherwise nor shall it be used for any commercial purposes.

REASON: To prevent unauthorised development.

### 6. Services to be Underground.

All public services to the proposed development, including electrical, information and communications technology (ICT) telephone and street lighting cables and equipment shall be located underground throughout the entire site. There shall also be provision for broadband throughout the site in accordance with the Planning Authority's policy and requirements.

REASON: In the interests of the visual amenities of the area, the proper planning and sustainable development of the area and compliance with the Council's Development Plan.

### 7. House Number.

The number of the houses shall be 15a and 15b, and these numbers shall be placed on the completed houses prior to their occupation in a manner so as to be clearly legible from the public road.

In the event that these numbers already exist no development shall take place under this permission until the applicant, owner or developer has lodged with the Planning Authority;

(a) a street name and dwelling/unit number plan to resolve any possible conflict and,

(b) this has been acknowledged as acceptable in writing by the Planning Authority.

Following receipt of an acknowledgement of acceptability, the agreed number / name

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shall be placed on the completed house prior to occupation in a manner so as to be clearly legible from the public road.

The applicant, owner or developer is advised to consult with Naming and Numbering section of the Planning Authority in advance of lodging the required plan.

REASON: In the interests of the proper planning and sustainable development of the area and compliance with the Council's Development Plan.

### 8. External Finishes.

All external finishes shall harmonise in colour and texture with the adjoining dwelling at No. 15 Woodview Heights.

REASON: In the interest of visual amenity.

### 9. Occupation subject to service connection.

No dwelling unit shall be occupied until all the services (drainage, water supply, electricity and or other energy supply, public lighting and roads) for each dwelling unit have been completed thereto and are operational.

REASON: In the interest of the proper planning and sustainable development of the area.

### 10. Irish Water Connection Agreement.

Prior to the commencement of development the applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

REASON: In the interest of public health and to ensure adequate water/wastewater facilities.

### 11. Minimise Air Blown Dust.

During the construction and or demolition phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances. The applicant/developer shall comply with British Standard B.S. 5228 Noise Control on Construction and Open sites and British Standard B.S. 6187 Code of Practice for demolition.

REASON: In the interest of public health and to uphold the Council's policies set out in the South Dublin County Council Development Plan.

### 12. Construction Noise and Hours.

To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, no Equipment or Machinery (to include pneumatic drills, on-site construction vehicles, generators, etc.) that could give rise to unacceptable levels of noise pollution as set out generally for evening and night-time in S.I. No. 140/2006 - Environmental Noise Regulations 2006 shall be operated on the site before 7.00 hours on weekdays and 9.00 hours on Saturdays nor after 19.00 hours on weekdays and 13.00 hours on Saturdays, nor at any time on Sundays, Bank Holidays or Public Holidays.

Any construction work outside these hours that could give rise to unacceptable levels of noise pollution shall only be permitted following a written request to the Planning Authority and the subsequent receipt of the written consent of the Planning Authority,

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having regard to the reasonable justification and circumstances and a commitment to minimise as far as practicable any unacceptable noise outside the hours stated above. In this respect, the applicant or developer shall also comply with BS 5228:2009 Noise and Vibration Control on Construction and Open Sites, and have regard to the World Health Organisation (WHO) – Guidelines for Community Noise (1999).

The applicant or developer shall also endeavour to engage in local consultation in respect of any noise sensitive location within 30 metres of the development as approved prior to construction activity commencing on site. Such noise sensitive locations should be provided with the following:

- Schedule of works to include approximate timeframes
- Name and contact details of contractor responsible for managing noise complaints
- Hours of operation- including any scheduled times for the use of equipment likely to be the source of significant noise.

**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.

### 13. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €20,434.68 (twenty thousand four hundred and thirty four euros and sixty eight cents), in respect of public infrastructure and facilities benefiting development within the area of the Planning Authority, that is provided, or intended to be provided by or on behalf of the authority, in accordance with the terms of the Development Contribution Scheme 2021 - 2025, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended).

The contribution shall be paid prior to commencement of development, or in such phased payments as the Planning Authority may facilitate. Contributions shall be payable at the rate pertaining to the year in which implementation of the planning permission is commenced as outlined in the South Dublin County Council Development Contribution Scheme 2021 - 2025.

**REASON:** The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

**NOTE RE: CONDITION** - Please note that with effect from 1st January 2014, Irish Water is now the statutory body responsible for water services. Further details/clarification can be obtained from Irish Water at Tel. 01 6021000 or by emailing customerservice@water.ie.

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NOTE: The applicant is advised that under the provisions of Section 34 (13) of the Planning and Development Act 2000 (as amended) a person shall not be entitled solely by reason of a permission to carry out any development.

NOTE: Where the applicant proposes to connect to a public water/wastewater network operated by Irish Water, the applicant must sign a connection agreement with Irish Water prior to the commencement of the development and adhere to the standards and conditions set out in that agreement.

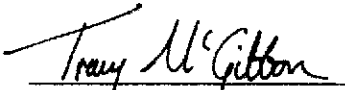
NOTE: A Roads Opening Licence must be obtained from South Dublin County Council prior to the commencement of any works in the public domain in order to comply with the Roads Act 1993, Section 13, paragraph 10. Under this Act, non-compliance constitutes an offence.

**Comhairle Chontae Atha Cliath Theas**

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

**REG. REF. SD21A/0015**

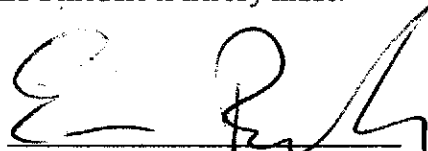
**LOCATION: 15, Woodview Heights, Lucan, Co. Dublin**



**Tracy McGibbon,  
A/Senior Executive Planner**

**ORDER:** A decision pursuant to Section 34(1) of the Planning & Development Act 2000, as amended, to Grant Permission for the reasons set out in the First Schedule above, in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule above, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule is hereby made.

**Date: 21/10/2021**

  
**Eoin Burke, Senior Planner**