

Comhairle Chontae Atha Cliath Theas

Record of Executive Business and Chief Executive's Order

PR/1444/21

Reg. Reference: SD21A/0076 **Application Date:** 08-Apr-2021
Submission Type: Clarification of Additional Information **Registration Date:** 08-Oct-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

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Roads Section – Additional Information requested

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.

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- 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.
- 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.

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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

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

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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).

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

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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.

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,

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- the design and building line,
- the architectural language,
- the height,
- and the inclusion of dual frontage

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.

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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

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.

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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.

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*

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- *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.

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).

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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

'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

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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.'*

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.

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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 subjected 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.

Recommendation

Seek Clarification of Further Information.

Clarification of Further Information

- Clarification of Further Information was requested on 30-August-2021.
- Clarification of Further Information was received on 8-October-2021.

Clarification of Further information requested is as follows:

Item 1: Access

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.

Item 2: Internal Standards

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.

Further Consultations:

- *Roads. Recommends refusal*

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Assessment

In response to Items 1 to 2 the applicant has submitted a number of documents. The Planning Authority has had regard to the submitted information as part of its assessment.

Item No. 1- Access

Assessment:

The applicant has stated that permission has been granted for this cross over, however no evidence has been submitted with the application to clarify this. The Development Department of South Dublin County Council has stated verbally that no cross over agreement has been agreed. A site layout drawing completed by the applicant provides details for the Planning Authority regarding the cross over, however legal arrangements must be resolved by the applicant regarding land ownership. A response from Roads states that *'The applicant has not acquired or submitted a written agreement with the landowner to provide vehicular access to the west of the subject site. Roads department recommend refusal under current application as the applicant does not own the piece of land to provide vehicular access and did not submit any written agreement with the relevant stakeholders.'*

The information submitted for Item 1 conforms with the appropriate policies of the County Development Plan, and the House Extension Guidelines 2010 and is considered acceptable to the Planning Authority. However, the granting of planning permission does not give legal right to construction and land ownership issues must be overcome by the applicant. A suitable planning note will address this.

Item 2- Internal Standards

Assessment:

In response to Item 2 the applicant has submitted revised drawings which outline that the existing unit has changed to a one-bedroom house at 70sq.m, which exceeds the minimum floor area requirements (44/45sq.m) under the 2007 Quality Housing for Sustainable Communities guidelines. The applicant has also confirmed that there are no habitable rooms in the first floor attic space.

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 subject to conditions.

Summary

In summary, the details submitted in response to the request for additional information are acceptable to the Planning Authority. However, the legal requirements regarding the cross over must be resolved by the applicant. A suitable planning note will address this.

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Conclusion

Considering the information submitted by the applicant and having regard to 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 would not seriously injure the amenities of the area or property in the vicinity, therefore, be in accordance with the proper planning and sustainable development of the area. Legal issues regarding the cross over must be resolved by the applicant.

Development Contributions

Development Contributions Assessment Overall Quantum

CAI Proposed Extension of the existing dwelling (No. 56):

- (1) Demolition of 45.33sq.m
- (2) Construction of 22.3sq.m

Permission granted for a detached house (No. 56a):

Floor area: 197.5sq.m

SEA Monitoring Information

Building Use Type Proposed:	Residential
Floor Area:	219.8sq.m
Land Type: Brownfield/Urban Consolidation.	
Site Area:	0.068 Hectares.

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.
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

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Further Information received on 03/08/21, and Clarification of Additional Information received on 08/10/21, save as may be required by the other conditions attached hereto.

REASON: To ensure that the development shall be in accordance with the permission, and that effective control be maintained.

2. Landownership

Development shall take place on the entire site only when written legal agreement to cross the lands, situated to the west of the site, has been agreed with the landowner and only when this written agreement has been placed on the Planning file.

REASON: To ensure that access to the lands is achievable and has been agreed with the landowner and in the interests of proper planning and sustainable development of the area.

3. Revised Site Layout Plan

Prior to the commencement of development, a revised and accurate site layout plan shall be submitted for the written agreement of the planning authority clearly showing all lands that form part of the subject site outlined in red. The revised Site Layout Plan, shall include access/right of way from St John's Close.

REASON: In the interests of clarity and to ensure all drawings on file are valid.

4. Dwelling 56 and Rear Amenity Space.

Prior to the commencement of development of dwelling house numbered 56a, hereby granted:

(i) All demolition works to dwelling house 56, hereby granted, shall be carried out and completed, and

(ii) Construction works of the modified rear extension to house 56, hereby granted, shall have commenced.

REASON: In the interests of ensuring adequate rear amenity space is provided for dwelling house 56.

5. Dwelling House 56a

(a) Dwelling house no. 56a shall be constructed in accordance with the drawings submitted 3rd August 2021 subject to the following modifications:

(i) The entire northern elevation shall be set back from the northern boundary by an additional 1m (for clarity, the entire northern elevation of the dwelling shall be located a minimum of 2m away from the northern boundary of the site).

(ii) The northern boundary wall shall be reduced to a maximum height of 1.2m high from the rear (eastern) building line to the front western boundary of the site.

(b) Prior to the commencement of development revised ground floor plans, first floor plans and a site layout plan showing the following modifications to the design of dwelling house 56a shall be submitted for the written agreement of the planning authority.

REASON: In the interests of providing passive surveillance, ensuring the benefits of a dual frontage house are realised, and ensuring that the ground level of the dwelling addresses existing levels in proximity and in the interests of visual amenity and the proper planning and sustainable development of the area.

6. First Floor Flat Roof

The first-floor flat roof area shall be used as a roof only. This area shall remain free from

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residential use or any use ancillary to the dwelling house.

REASON: In the interests of proper planning and sustainable development.

7. Permeable Paving

All areas providing vehicular/pedestrian access to the front of both Dwelling Houses (numbers 56 and 56a) shall be constructed of permeable materials. For clarity, a concrete apron shall not be constructed).

REASON: In the interests of SUDS and proper planning and sustainable development.

8. Irish Water Connection Agreement.

The 24" asbestos cement watermain located approximately 10m from the front wall of the development site shall be protected from any potential damage from proposed development and site works. Prior to the commencement of development the applicant or developer shall enter into water connection agreement(s) with Irish Water.

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

9. Flooding.

All floor levels shall be a minimum of 500mm above the highest known flood level of proposed site.

REASON: In the interests of public health, the proper planning and sustainable development of the area and in order to protect against flooding

10. Drainage - Surface Water.

The disposal of surface water shall fully comply with all of the technical requirements of the Council's Water Services Section. In this regard, prior to the commencement of development, the applicant/developer shall submit the following for the written agreement of the Planning Authority:

(a) Fully detailed foul and surface water drainage plans for the proposed development as approved showing location of all manholes, AJs etc located within the site boundary up to and including point of connection to the public sewer that fully accords with the requirements Council's Water Services Section and or Irish Water,

(b) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use. All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.

(c) All drainage works for this development shall comply fully with the Greater Dublin Regional Code of Practice for Drainage Works.

(d) The soakaway design to be submitted shall be certified to BRE Digest 365 standard by a suitably qualified person carrying professional indemnity insurance and shall include documented evidence of infiltration test results to demonstrate that the soakaway complies with the requirements of BRE Digest 365.

The revised plans shall provide for a soakaway to be located within the curtilage of the property and this shall be:

(i) at least 5m from any buildings, public sewers or structures and not in such a position that the ground below foundations is likely to be adversely affected.

(ii) at least 5m from the nearest road boundary and not within 3m of the boundary of the

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adjoining site.

(iii) a minimum of 10m from any sewage treatment percolation area.

(iv) at least 10m from any stream / river / flood plain.

In addition only rainwater shall be discharged to soakaways.

REASON: In the interests of public health, safety, the proper planning and sustainable development of the area and in order to ensure adequate and appropriate surface water drainage provision.

11. Restriction on Use.

The house, hereby granted, and the existing dwelling unit shall each be used as single dwelling units and shall not be sub-divided 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.

12. Dish Kerb and Footpath.

The kerb and footpath of the public road at the vehicle entrance(s) shall be,

(a) dished and a widened dropped crossing shall be constructed to the satisfaction of South Dublin County Council and at the applicant's expense, and

(b) all works shall be completed fully in accordance with the terms of a Road Opening Licence to be obtained by the applicant, developer, or owner from the Council prior to commencement of any works in the public domain.

REASON: In the interest of public safety and the proper planning and sustainable development of the area, and in order to comply with The Roads Act 1993 Section 13 Paragraph 10.

13. Gates.

No gate to be installed or erected shall be capable of opening across any public footpath, cycle-track, roadway or right of way, and any front entrance pillars shall be a maximum height of 1.2m .

REASON: In the interests of visual amenity and pedestrian safety.

14. 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.

15. External Finishes.

All external finishes shall harmonise in colour and texture with the adjoining dwelling at No. 56

REASON: In the interest of visual amenity.

16. Permission Required for Class 1 & 3 Exemptions.

Notwithstanding the exempted development provisions of the Planning and Development

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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.

17. 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.

18. 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, 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.

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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.

19. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €19,037.03 (nineteen thousand and thirty seven euros and three 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.

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: The applicant or developer should ensure that all necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works and to ensure that any such instances arising are remedied immediately.

NOTE: Adequate provision should be made to facilitate access to and the use of the development, buildings, facilities and services by disabled persons, including sanitary conveniences. The minimum requirements should be as per Part M of the Building Regulations.

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NOTE: The applicant/developer of these lands is advised that in the event of encroachment or oversailing of adjoining property, the consent of the adjoining property owner is required.

NOTE: Notwithstanding any grant of planning permission; if an applicant requires permission to access local authority land (e.g. public footpaths, public open space or roadways) in order to access utilities, or for any other reason; the applicant should apply via <https://maproadroadworkslicensing.ie/MRL/> for a licence from the Local Authority to carry out those works.

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REG. REF. SD21A/0076

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

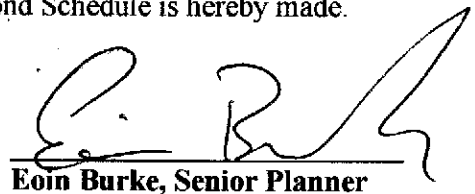


**Tracy McGibbon,
A/Senior Executive Planner**

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:

5/11/21



Eoin Burke, Senior Planner