

# Comhairle Chontae Atha Cliath Theas

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

### PR/1487/21

**Reg. Reference:** SD21B/0163      **Application Date:** 24-Mar-2021  
**Submission Type:** Additional      **Registration Date:** 18-Oct-2021  
Information

**Correspondence Name and Address:** Justin Whitty, Nicholas Mernagh Architects  
Mullanour, Co. Wexford

**Proposed Development:** Erection of alterations and extensions to an existing dwelling house consisting of a single storey extension to the rear and a two storey extension (over existing garage to side) together with associated and auxiliary accommodation and site works.

**Location:** 38, Whitehall Road, Dublin 12

**Applicant Name:** Jeff & Cathy Murphy

**Application Type:** Permission

(DF)

### Description of Site and Surroundings:

Site Area:  
Stated as 0.06ha

Site Visit: 14th April 2021

### Site Description:

The subject site is located on Whitehall Road within an established residential area and contains an existing semi-detached house with a rear garden. The surrounding streetscape is characterised by predominantly similar semi-detached houses, and bungalows. The adjacent bungalow unit is detached and located on Whitehall Road/Whitehall Gardens.

### Proposal:

The proposed development comprises the erection of alterations and extensions to an existing dwelling house consisting of a single storey extension to the rear and a two storey extension (over existing garage to side) together with associated and auxiliary accommodation and site works.

### SEA Sensitivity:

No overlap identified with relevant environmental layers.

# Comhairle Chontae Atha Cliath Theas

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

### **Zoning:**

The subject site is subject to zoning objective RES - *'To protect and / or improve Residential Amenity'* in the South Dublin County Development plan 2016-2022.

### **Consultations:**

Water Services-Further information requested.

Irish Water- Further information requested.

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

Final date for submissions 27/4/21. A number of objections were received which include the following:

- Impact on light of adjacent property, including bedrooms.
- Inaccurate statement regarding a previous grant of permission.
- Impact on quality and living conditions of the adjacent property.
- Information online not available for a number of weeks.
- 4<sup>th</sup> application lodged since 1996.
- No opportunity to allow neighbour's architect to liaise with the applicant to discuss issues.
- Concerns regarding flooding and raising the floor level of the applicant's property.
- Impact on rear sunlight expose of adjacent property.
- Reduce height of ground floor extension by 200mm.
- No alterations to the existing ridge height.
- Any front planting to be of the low growing variety.
- Privacy protected to the rear of property including during construction using appropriate hoarding.
- Party property line needs to be agreed.
- Appropriate planning conditions are required regarding working hours and other nuisances including noise.

### **Relevant Planning History**

#### *Subject site*

SD01B/0576. storey extension at side. (16.937sq.m).

Request AI

S99B/0019. Single storey extension at rear.

Grant Permission

#### *Adjacent sites*

SD09A/0049. Construction of a 1-bedroom bungalow.

Refuse Permission

# Comhairle Chontae Atha Cliath Theas

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

S01A/0285. 2 storey 3 bed dwelling to rear of 40 Whitehall Road.  
Refuse Permission

### **Relevant Enforcement History**

None active

### **Pre-Planning Consultation**

None recorded for the subject site.

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

*Section 2.4.1 Residential Extensions*

*Policy H18 Residential Extensions*

*It is the policy of the Council to support the extension of existing dwellings subject to the protection of residential and visual amenities.*

*Section 11.3.3 Additional Accommodation*

*Section 11.3.3 (i) Extensions*

*The design of residential extensions should accord with the South Dublin County Council House Extension Guide (2010) or any superseding standards.*

*For front extensions:*

- *Keep the extension simple and complementary to the style of the house reflecting the style and details of the main house, e.g. window location, shape, type, proportion and sill details,*
- *Reflect the roof shape and slope of the main house,*
- *Try to expose and complement rather than hide or cover original distinctive features or a house such as bay windows,*
- *Keep front boundary walls or railings particularly if they are characteristic of the street or area,*
- *Try to maintain a minimum driveway length of 6m,*
- *Where an integrated garage is to be incorporated into an extension, doors should be recessed by at least 30-50cm from the front wall of the extension and the garage door designed to include vertical elements,*
- *Avoid extensions that are dominant or over-large in relation to the scale and appearance of the house,*
- *Avoid excessive use of 'cosmetic' features such as mock classical columns, Spanish arches, decorative lattice, fascia boards, balustrades, stonework, etc., that are not typical of the design of the original house,*

# Comhairle Chontae Atha Cliath Theas

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

- *Avoid building an extension more than 1.5m in front of the existing front wall of the house if there is a regular building line along the street.*

*For rear extensions:*

- *Match or complement the style, materials and details of the main house unless there are good architectural reasons for doing otherwise.*
- *Match the shape and slope of the roof of the existing house, although flat-roofed single storey extensions may be acceptable if not prominent from a nearby public road or area.*
- *Make sure enough rear garden is retained.*
- *Do not create a higher ridge level than the roof of the main house.*
- *The roofline of large extensions to the rear of single storey bungalows should not be visible from public view to the front or to the side of the bungalow.*

### **Relevant Government Guidelines**

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

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

### ***Sustainable Residential Development in Urban Areas - Guidelines for Planning***

*Authorities, Department of the Environment, Heritage and Local Government (2008).*

*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).*

### **Assessment**

The main issues for assessment relate to Zoning and Council policy, and Residential and Visual Amenity.

#### ***Zoning and Council policy***

The site is located in an area with zoning objective 'RES', '*To protect and/or improve Residential Amenity*'. The proposed development is permitted in principle within the 'RES' zoning objective subject to its design being in accordance with the relevant provisions in the Development Plan regarding extensions (not including design which is addressed within the 'residential and visual amenity' section of the report).

#### ***Residential and Visual Amenity***

- An upstairs master bedroom is proposed. The downstairs extension comprises an extended dining room area. The internal areas conform to the 2007 Quality Homes for Sustainable Communities.

# Comhairle Chontae Atha Cliath Theas

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

- The rear extension projects 4.3m and is 3.35m in height.
- The hipped roof is extended by approximately 4m.
- No windows are proposed on the first floor of the side elevation facing No. 40.
- The rear amenity area will exceed c324sq.m and exceed the CDP requirements.
- No terraces or balconies are to be allowed on the rear flat roof extension. This will be addressed via a suitable panning condition in the event of a grant of permission.
- External materials must match those of the existing dwelling. An appropriate planning condition will address this.

The Planning Authority is satisfied that the proposed works will not have an adverse impact on the residential amenity of the adjacent properties. The appearance of the dwelling is considered acceptable and conforms to the South Dublin House Extension Design Guide and CDP.

### *Water Services*

Water Services has requested further information regarding surface water drainage plans and a flood risk assessment. Irish Water has also requested foul water drainage plans via additional information.

The Planning Authority is satisfied that further information is warranted.

### *Appropriate Assessment*

The applicant has not provided information to assist the screening for Appropriate Assessment. Having regard to the scale and nature of the development proposed and the distance from Natura sites, it is considered that the development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site, therefore Stage 2 Appropriate Assessment is not required.

### *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 real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

### *Other considerations*

#### **Development Contributions**

The proposed development comprises the erection of alterations and extensions to an existing dwelling house consisting of a single storey extension to the rear and a two storey extension (over existing garage to side) together with associated and auxiliary accommodation and site works.

#### **Permission for Residential extension:**

Known previous extension to property: 16.937sq.m.

Additional floor area 45sq.m

# Comhairle Chontae Atha Cliath Theas

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

SEA Monitoring Information	
<b>Building Use Type Proposed</b>	<b>Floor Area (sq.m)</b>
Residential – additional floor space	45sq.m
<b>Land Type</b>	<b>Site Area (Ha.)</b>
Brownfield/Urban Consolidation	0.06ha

### Conclusion

The proposed development is deemed to generally comply with the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 and the South Dublin County Development Plan 2016 – 2022. Further information is required in relation to the absence of a flood risk assessment.

### Recommendation

Request Further Information.

### Further Information

- Further Information was requested on 18-May-2021.
- Further Information was received on 18-October-2021.

Further information requested is as follows:

#### **Item 1: Flooding**

*The proposed development site is located within Flood Zone A according to OPW's (Office of Public Works) CFRAM maps. The applicant is requested to submit a site specific flood risk assessment report for the development in compliance with OPW Flood Risk Management Guidelines for Planning Authorities. The report shall outline details of mitigation measures and design features to be implemented on site to prevent/mitigate the risk of flooding to the proposed development and to adjoining lands. Finished floor levels shall be above the closest known 1 in 100 year river flood level data point with appropriate freeboard.*

#### **Item 2: Soakaway**

*The applicant is requested to submit surface water drainage plans for the proposed development. The applicant is requested to submit a drawing showing existing and proposed surface water drainage layouts up to and including the point of connection to the public surface water sewer. The drawing shall include the location of all Aj's, manholes, pipe size, material type and direction of flow. The drawing shall clearly show that the foul and surface water systems are discharging to separate pipe networks. Maps of the mains foul and surface water drainage networks may be obtained, if available, for required locations in South Dublin County Council by emailing: [servicemaps@sdblincoco.ie](mailto:servicemaps@sdblincoco.ie).*

*If separation of surface water and foul water drainage systems is not feasible on the site and all alternatives have been considered, such as infiltration soakaway systems, then the applicant is requested to submit a Letter of Agreement from Irish Water to the planning authority prior to the*

# Comhairle Chontae Atha Cliath Theas

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

*commencement of development which clearly states that Irish Water are in agreement with the applicant's proposal to connect surface water drainage from the proposed development into the existing foul water drainage network. If a soakaway is proposed the applicant is requested to submit the following:*

*(a) a report showing site specific soil percolation test results and design calculations for the proposed soakaway in accordance with BRE Digest 365 –*

*Soakaway Design.*

*(b) a drawing showing plan & cross-sectional views, dimensions, and location of proposed soakaway. Any proposed soakaway shall be located fully within the curtilage of the property and shall be:*

*(i) At least 5m from any building, public sewer, road boundary or structure.*

*(ii) Generally, not within 3m of the boundary of the adjoining property.*

*(iii) Not in such a position that the ground below foundations is likely to be adversely affected.*

*(iv) 10m from any sewage treatment percolation area and from any watercourse/floodplain.*

*(v) Soakaways must include an overflow connection to a public surface water sewer where possible.*

### **Item 3: Foul Water**

*Prior to the commencement of development the applicant shall submit for approval foul water drainage plans for the proposed development. The applicant is requested to submit a drawing showing existing and proposed foul water drainage layouts up to and including the point of connection to the public foul water sewer. The drawing shall include the location of all Aj's, manholes, pipe size, material type and direction of flow. The drawing shall clearly show that the foul and surface water systems are discharging to separate pipe networks. Maps of the public watermains and Wastewater drainage networks may be obtained, if available, for required locations in by emailing: [datarequests@water.ie](mailto:datarequests@water.ie).*

### **Further Consultations:**

- *Water Services. No objection subject to conditions*
- *Irish Water. No objection subject to standard conditions*

### **Assessment**

In response to Items 1 to 3 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- Flooding**

#### **Assessment:**

The applicant has submitted a flood risk assessment for the site.

A report from Water Services advises that *'Finished floor levels shall be above the closest known 1 in 100 year river flood level data point with appropriate freeboard.'* A suitable planning condition will address this.

# Comhairle Chontae Atha Cliath Theas

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

The information submitted for Item 1 conforms with the appropriate policies of the County Development Plan and is considered acceptable to the Planning Authority.

### *Item 2- Soakaway*

#### **Assessment:**

In response to Item 2 the applicant has submitted a surface water drainage plan.

A report from Water Services outlines a pre commencement condition to provide information on surface water drainage and the soakaway. Suitable pre commencement conditions will address this.

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

### *Item 3- Foul Water*

#### **Assessment:**

In response to Item 3 the applicant has submitted a foul network drawing and a site specific drawing.

A report from Water Services requests information on the connecting point of the sewer and position of onsite drainage. A pre-commencement condition will address this.

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

### **Development Contributions**

The proposed development comprises the erection of alterations and extensions to an existing dwelling house consisting of a single storey extension to the rear and a two storey extension (over existing garage to side) together with associated and auxiliary accommodation and site works.

#### ***Permission for Residential extension:***

Known previous extension to property: 16.937sq.m

Additional floor area 45sq.m

Development Contribution exemption for 40sq.m

Assessable area – 21.9sq.m

### Summary

In summary, the details submitted in response to the request for additional information are considered to be acceptable to the Planning Authority and a grant of permission for the proposed development is recommended.



# **Comhairle Chontae Atha Cliath Theas**

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

### **Conclusion**

Having regard to the additional information submitted to the Planning Authority, 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 the conditions set out below 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.

### **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 Further Information received on 18/10/21, 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. Flat Roof Extension  
The roof over the rear extension shall be used for the purposes of a roof only and shall not be used as a balcony or terrace.  
REASON: In the interest of residential amenity, privacy, and to prevent overlooking of adjacent properties.
3. External Finishes.  
All external finishes shall harmonise in colour or texture that is complementary to the house or its context.  
REASON: In the interest of visual amenity.

# **Comhairle Chontae Atha Cliath Theas**

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

### 4. Restrictions on Use.

The use of the development for residential purposes shall be restricted to a residential use directly associated with the use of the existing house on the site for such purposes, and the structure shall not be sub-divided from the existing house, either by way of sale or letting (including short-term) or otherwise.

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

### 5. Drainage - Irish Water.

(a) The water supply and drainage infrastructure, shall comply with the requirements of 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.

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

### 6. Surface Water Drainage Drawings

Prior to commencement of development the applicant shall submit a drawing showing existing and proposed surface water drainage layouts up to and including the point of connection to the public surface water sewer. The drawing shall include the location of all AJs, manholes, pipe size, material type and direction of flow. The drawing shall clearly show that the foul and surface water systems are discharging to separate pipe networks. Maps of the mains foul and surface water drainage networks may be obtained, if available, for required locations in South Dublin County Council by emailing: [servicemaps@sdblincoco.ie](mailto:servicemaps@sdblincoco.ie).

Any proposed soakaway shall be located fully within the curtilage of the property and shall be:

(i) At least 5m from any building, public sewer, road boundary or structure.

(ii) Generally, not within 3m of the boundary of the adjoining property.

(iii) Not in such a position that the ground below foundations is likely to be adversely affected.

(iv) 10m from any sewage treatment percolation area and from any watercourse / floodplain.

(v) Soakaways must include an overflow connection to a public surface water sewer where possible.

REASON: In the interests of public health, the proper planning and sustainable development of the area and in order to ensure adequate drainage

### 7. Flooding

Finished floor levels shall be above the closest known 1 in 100 year river flood level data point with appropriate freeboard.

REASON: In the interests of sustainable development and to protect against flooding.

### 8. Minimise Air Blown Dust.

During the construction and or demolition phase of the development, Best Practicable

# **Comhairle Chontae Atha Cliath Theas**

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

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.

### 9. 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.

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.

### 10. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €2,114.80 (two thousand one hundred and fourteen euros and eighty 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

# **Comhairle Chontae Atha Cliath Theas**

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

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](mailto: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:** 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.

**Comhairle Chontae Atha Cliath Theas**

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

**REG. REF. SD21B/0163**

**LOCATION: 38, Whitehall Road, Dublin 12**



**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:**

15/4/2



**Eoin Burke, Senior Planner**