

# Comhairle Chontae Atha Cliath Theas

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

### PR/1501/21

**Reg. Reference:** SD21B/0410      **Application Date:** 23-Jul-2021  
**Submission Type:** Significant      **Registration Date:** 21-Oct-2021  
Additional  
Information

**Correspondence Name and Address:** Brendan Balfe Architects 3, Nugent Road,  
Churchtown, Dublin 14.

**Proposed Development:** Domestic extension and alterations to existing two-storey semi-detached dwelling comprising of single and two storey extensions to rear; two storey extension to side; elevation changes; modifications to existing house; new rooflights to front roof; widen existing entrance gateway and all ancillary works.

**Location:** 9, Orchardstown Villas, Dublin 14

**Applicant Name:** Aoife & Colin Stoddart

**Application Type:** Permission

(BH)

### Description of Site and Surroundings:

#### Site Area

0.0374 Hectares.

#### Site Description

The application site consists of a two storey, semi-detached house that is located on the corner of Orchardstown Villas and Anne Devlin Avenue in Ballyroan. A church, which is a protected structure, as well as the Ballyroan Local Centre and Library are located to the east of the site. The remaining area is generally residential in nature.

#### Site visited

16<sup>th</sup> Aug 2021.

### Proposal:

Permission is sought for the following:

- single and two storey rear extensions
- two storey side extension
- elevation changes
- front rooflights
- widen existing entrance gateway

# **Comhairle Chontae Atha Cliath Theas**

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

### **Zoning:**

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

### **Consultations:**

Water Services – Additional Information

Irish Water – no objection

Roads – no objection

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

Submission expiry date – 26/08/2021

No submissions or objections received.

### **Relevant Planning History**

None recorded for subject site.

### **Relevant Enforcement History**

None recorded for subject site.

### **Pre-Planning Consultation**

None recorded for 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*

### **Relevant Government Guidelines**

*Sustainable Residential Development In Urban Areas - Guidelines for Planning Authorities, 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).*

# Comhairle Chontae Atha Cliath Theas

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

### Assessment

The main issues for assessment concern the following:

- Zoning and Council policy
- Residential and Visual amenity
- Parking and Access
- Services, Drainage and the Environment
- Appropriate Assessment
- Environmental Impact Assessment

### **Zoning and Council Policy**

The site is located in an area which is subject to zoning objective 'RES' – '*To protect and/or improve Residential Amenity*'. The development of an extension or alteration to a dwelling is permitted in principle subject to its design being in accordance with the relevant provisions in the Development Plan with specific reference to Section 11.3.3 which relates to Extensions to Dwellings.

### **Residential and Visual Amenity**

#### Single and two storey rear extensions

The single storey aspect would consist of an irregular shaped extension that would extend to a depth of approximately 5.3m at its deepest part. The extension would be well set in from the boundary on the southern side of the site which would reduce its impact. Due to the siting of the property to the north the extension is not considered to be materially harmful as the building lines would be similar. Visually, the extension would not be overly visible due to its siting and the various depths would break up its appearance somewhat.

The first-floor element would be well set in from each boundary and therefore is not considered to be materially harmful to neighbouring amenity. There are concerns about the visual impact of the extension as it would have a flat roof and extend up above the eaves of the house. The siting of the neighbouring property to the north would provide some screening. However, the extension would still be sited above this property and therefore would be visible. It is recommended that a revised design is sought as **additional information** with an extension that is set below the eaves of the house to reduce the visual impact.

#### Two storey side extension

The proposed extension would infill a recessed part of the house to the side of the front and would extend upwards above the eaves with a flat roof. The extension would be set in by just under a metre from the shared northern boundary. However, there is a detached two storey dwelling to the north, and the proposed two storey side extension would still be quite close to windows at both ground and first floor levels of this dwelling to the north. The extension would also be located to the south of these windows and project beyond them which could result in overshadowing and loss of light.

# Comhairle Chontae Atha Cliath Theas

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

Visually, there are also concerns with this aspect of the proposal. Currently the row of properties along this stretch of the road all consists of dormer style first floors with a front dormer that provides a good sense of rhythm. The proposed extension would jar with this and appear incongruous in the street scene. It is recommended that a revised design is sought through **additional information** with a roof design that is more sympathetic to the existing roof.

### Elevation changes

The elevational changes largely concern windows which are considered to be acceptable in the context of the site and surrounding area.

### Front rooflights

Based on the scale, design and siting of the proposed rooflights, they are considered to be acceptable in terms of residential and visual amenity.

### Widen existing entrance gateway

The entrance would be widened to 3.5m and would consist of similar pillar heights and a boundary wall. Based on the scale, design and siting of the proposed rooflights, they are considered to be acceptable in terms of residential and visual amenity.

### **Parking and Access**

The Roads Department has assessed the proposal and has no objections subject to conditions regarding the width of the access, that gates should not open outward, the dishing and widening of the entrance, and the heights of the boundary walls and pillars. Conditions regarding the width, heights and gates are not considered necessary as the width is shown as 3.5m, the heights would be the same or below the recommended heights and no gates are proposed. A condition regarding the dishing and widening of the entrance apron is recommended should permission be granted.

### **Services, Drainage and the Environment**

Water Services has assessed the proposal and has no objections regarding flooding but has requested additional information in relation to surface water, with comments provided below:

1.1 There are no soil percolation test results, design calculations or dimensions submitted for the proposed soakaway. The applicant is required to submit a report showing site specific soil percolation test results and design calculations for the proposed soakaway in accordance with BRE Digest 365 – Soakaway Design.

1.2 The applicant is required to submit a revised drawing showing plan & crosssectional 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.

# Comhairle Chontae Atha Cliath Theas

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

- 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 the surface water drainage network.

1.3 The applicant shall include Water Butts as part of additional Sustainable Drainage Systems (SuDS) measures for the proposed development.

Irish Water has assessed the proposal and has no objections subject to standard conditions.

### Conclusion

The comments and request from Water Services are noted. It is recommended that the matters raised are addressed through a request for **additional information**.

### **Screening for Appropriate Assessment**

Having regard to the scale and nature of the development, connection to public services and the distance from Natura 2000 sites, it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

### **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.

### Conclusion

Whilst the extension of the dwelling is considered to be acceptable in principle there are concerns about the impact of the proposed two storey side and rear extensions in terms of visual and residential amenity. There are also concerns with the lack of information in relation to surface water. It is recommended that additional information is sought from the applicant.

### Recommendation

Request Further Information.

### (CS)

### Further Information

- Further Information was requested on 14/09/2021.
- Further Information was received on 21/10/2021.

The further information submitted was advertised as Significant Further Information.

# Comhairle Chontae Atha Cliath Theas

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

The following Further Information was requested.

### Item 1: Visual and residential amenity

There are concerns with the impact of the proposed two storey rear extension from a visual perspective and the two-storey side extension from a visual and residential amenity perspective. The applicant is requested to have regard to the SDCC House Extension Design Guide and the character of the application site and street scene and submit a revised design incorporating the following:

#### (a) Two storey rear extension:

The height of the two-storey rear extension should be reduced and should sit below the eaves of the original roof to reduce its visual impact.

#### (b) Two storey side extension:

The flat roofed element of the extension should be removed and reduced in height. A design that is more sympathetic to the design of the original roof is encouraged as this would reduce the visual impact and impact on the neighbouring property. It is recommended that the roof of the extension is level in height and matches the height of the existing slope. There could also be scope for a front dormer extension rather than the projecting flat roofed extension which may reduce the visual impact of the extension and adverse impact on the dwelling to the north of the site.

### Item 2: Surface Water

There are concerns regarding the lack of information submitted in relation to surface water. The applicant is requested to submit the following:

(1) There are no soil percolation test results, design calculations or dimensions submitted for the proposed soakaway. The applicant is requested to submit a report showing site specific soil percolation test results and design calculations for the proposed soakaway in accordance with BRE Digest 365 – Soakaway Design.

(2) The applicant is requested to submit a revised 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 the surface water drainage network.

(3) Submit details of Water Butts as part of additional Sustainable Drainage Systems (SuDS) measures for the proposed development.

### Further Consultations

Irish Water – No objection subject to **conditions**.

Surface Water Drainage – No objection subject to **conditions**.

# Comhairle Chontae Atha Cliath Theas

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

### Further Submissions/Observations

A submission in objection to the proposed development was received.

Concerns raised relate to the following:

- Overdevelopment of the site.
- No shadow analysis demonstrated.
- Loss of privacy impacting on the immediate neighbour to the north (NO.37 Anne Devlin Avenue) from the addition of the 2 no. windows and a door to the side passage.
- The front extension will impact on mountain views from upstairs window of No.37 Anne Devlin Avenue and green vista of the church grounds to the south.
- Two storey rear extension extends beyond the building line of other properties in the area.

The submission in objection lodged with the application has been considered in the overall assessment of the development

### Assessment

#### Item 1: Visual and residential amenity

The applicant has submitted a cover letter and revised drawings to address this request for further information. An extract taken from the cover letter states the following:

1. The Council had concerns regarding the height of the two-storey rear extension, and the profile and height of the two-storey side extension. The attached drawings, AI-06, 07 and 08 show reduced eaves heights and revised roof profiles for these two extensions. In addition, the extent of the two-storey side extension has been reduced slightly, in order that the front line of the extension lines up with that of the existing front dormer.

The revised drawings submitted show that the two storey rear extension will have a ridge height of 4.12m and an eaves height of c.3.24m. The design for the original two storey rear extension had a ridge height of c.4.399m and an eaves height of c.3.24m. This represents a slight reduction in ridge height of c.0.279m. The extent of the two storey side extension has been reduced slightly (c.0.2m) so that the front line of the extension now lines up with that of the existing front dormer and will be setback by c.1.367m from the ground floor building line. The Planning Authority considers the applicant has satisfactorily responded to the request for further information and will not adversely impact on residential amenity of the area.

#### Item 2: Surface Water

The applicant has submitted a cover letter and revised drawings to address this request for further information. An extract taken from the cover letter states the following:

2. The Council sought further information regarding the disposal of surface water. I am attaching here drawing number C-01 from GMF Structural Design, structural engineers, which shows the soil percolation test results and design calculations for the proposed soakaway. The drawing also shows a plan, cross-sectional view, dimensions and the location of the proposed soakaway.

# Comhairle Chontae Atha Cliath Theas

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

Following review of the additional information submitted the Surface Water Drainage section has recommended no objection subject to **conditions**. An extract taken from the Surface Water Drainage report states the following:

*Surface Water Report: No objection subject to:*

*Prior to commencement of development the applicant is required to submit a revised surface water drainage layout drawing showing an overflow connection from the proposed soakaway to the surface water drainage network. The drawing must also show the inclusion of water butts as part of additional sustainable drainage systems (SuDS) features for the proposed development.*

*All works shall comply with the Building Regulations -Technical guidance document- Part H Drainage and Wastewater disposal*

*The Developer shall ensure that there is complete separation of the foul and surface water drainage for the proposed development.*

*All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.*

It is considered appropriate to attach the above **conditions** in the event of a grant.

It is also noted Irish Water have recommended no objections subject to **conditions** in the event of a grant. An extract taken from the Irish Water report states the following:

### *1 Water*

*1.1 All works are to comply with the Irish Water Standard Details & Code of Practice for Water Infrastructure*

*Reason: In the interest of public health and to ensure adequate water facilities.*

### *2 Foul*

*2.1 All works are to comply with the Irish Water Standard Details & Code of Practice for Water Infrastructure*

*Reason: In the interest of public health and to ensure adequate water facilities.*

It is considered appropriate to attach the above **conditions** in the event of a grant.

### **Other Considerations**

#### ***Development Contributions***

- Development subject of this application for single and two storey rear extensions and
- two storey side extension is c.41.5sq.m.
- Existing single storey rear extension to be demolished measures c.8sq.m.
- No previous extensions.



# Comhairle Chontae Atha Cliath Theas

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

- Assessable area is 1.5sq.m less revised reduced area of first floor of c.0.5sq.m.
- Assessable area is c.1sq.m.

| SEA Monitoring Information   |                          |
|--|--------------------------|
| <b>Building Use Type Proposed</b>  | <b>Floor Area (sq.m)</b> |
| Residential – alterations to roof profile and non-habitable attic conversion | 41.5sq.m                 |
| <b>Land Type</b>   | <b>Site Area (Ha.)</b>   |
| Brownfield/Urban Consolidation   | 0.0374 Hectares.         |

### **Conclusion**

Having regard to the provisions of the South Dublin County Council Development Plan 2016-2022, the Planning Authority is satisfied that subject to conditions the development is consistent with the Development Plan provisions and the proper planning and sustainable development of the area and accordingly a grant of permission is recommended.

### **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 as amended by Further Information received on 21.10.2021, 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.

# **Comhairle Chontae Atha Cliath Theas**

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

### 2. (a) 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.

### (b) Restriction on Use.

The house and the proposed extension shall be jointly used as a single dwelling unit for residential purposes and shall not be sub-divided or used for any commercial purposes, and the extension shall not be sold, let (including short-term letting), leased or otherwise transferred or conveyed, by way of sale, letting or otherwise save as part of the single dwelling unit.

REASON: To prevent unauthorised development.

### (c) Drainage - Irish Water.

(i). Prior to commencement of development the applicant shall submit a revised surface water drainage layout drawing showing an overflow connection from the proposed soakaway to the surface water drainage network. The drawing shall also show the inclusion of water butts as part of additional sustainable drainage systems (SuDS) features for the proposed development.

(ii). All works shall comply with the Building Regulations -Technical guidance document- Part H Drainage and Wastewater disposal.

(iii). The Developer shall ensure that there is complete separation of the foul and surface water drainage for the proposed development.

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

(v). All works are to comply with the Irish Water Standard Details & Code of Practice for Water Infrastructure.

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

(vii). 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.

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

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.

### (d) 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

# **Comhairle Chontae Atha Cliath Theas**

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

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.

(e) Construction Noise and Hours.

To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, 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 only be operated on the site between 7.00 hours and 19.00 hours weekdays and between 9.00 hours and 13.00 hours on Saturdays. No works shall take place 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.

### 3. Roads requirements.

- (a). The vehicular access point shall not exceed a width of 3.5 meters.
- (b). Any gates shall open inwards and not outwards over the public domain.
- (c). The entrance apron shall be widened and dished to the full width of the proposed widened driveway entrance, and shall be constructed to the satisfaction of South Dublin County Council's Road Maintenance Department, and at the applicant's expense.
- (d). The boundary walls at vehicle access points shall be limited to a maximum height of 0.9m, and any boundary pillars shall be limited to a maximum height of 1.2m, in order to

# **Comhairle Chontae Atha Cliath Theas**

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

improve forward visibility for vehicles.

Reason: In the interest of traffic safety and proper planning and sustainable development.

#### 4. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €96.39 (ninety six euros and thirty nine 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: Waste, arising from the site, must be kept to a minimum, segregated where appropriate, and disposed in accordance with the Waste Management Regulations 2007, as amended. Transport of such waste, must be by an authorised waste permit holder. Waste disposal records must be maintained and made available, for inspection by Authorised Persons appointed under the Waste Management Act 1996, as amended. A Waste Transfer Form shall accompany the transportation of all hazardous waste arising from the construction works.

# **Comhairle Chontae Atha Cliath Theas**

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


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. SD21B/0410**

**LOCATION: 9, Orchardstown Villas, Dublin 14**

  
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**Jim Johnston,**  
**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:** 18/4/21

  
\_\_\_\_\_  
**Eoin Burke, Senior Planner**