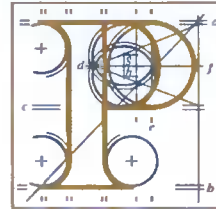


Our Case Number: ABP-312026-21

Planning Authority Reference Number: SD21B/0431



**An
Bord
Pleanála**

South Dublin County Council
Planning Department
County Hall
Tallaght
Dublin 24



Date: 24 November 2021

Re: Conversion of attic and all associated site works
35, Tynan Hall Avenue, Dublin 24

Dear Sir / Madam,

Enclosed is a copy of an appeal under the Planning and Development Act, 2000, (as amended).

Submissions of documents etc., to the Board. N.B. Copies of I-plans are not adequate, all drawings and maps should be to scale in accordance with the provisions of the permission regulations.

1. The planning authority is required to forward specified documents to the Board under the provisions of section 128 and section 37(1)(b) of the Planning and Development Act, 2000, (as amended). Please forward, **within a period of 2 weeks beginning on the date of this letter, the following documents:-**

- (i) a copy of the planning application made to the planning authority and a copy of any drawings, maps (including ordnance survey number) particulars, evidence, a copy of any environmental impact statement, other written study or further information received or obtained by your authority in accordance with regulations under the Acts. If practicable, the original of any drawing with coloured markings should be provided or a coloured copy,
- (ii) a copy of any technical or other reports prepared by or for the planning authority in relation to the application,
- (iii) a certified copy of the relevant Manager's Order giving the decision of the planning authority,
- (iv) a copy of the notification of decision given to the applicant,
- (v) particulars of the applicant's interest in the land or structure, as supplied to the planning authority,
- (vi) a copy of the published notice and a copy of the text of the site notice erected on the land or structure,

Teil	Tel	(01) 858 8100
Glaos Áitiúil	LoCall	1890 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

authority decided to refuse permission, would be without prejudice to your authority's main submission in support of its decision.

Please quote the above appeal reference number in any further correspondence.

I hereby certify that the planning authority has complied with section 128 and section 37(1)(b) of the 2000 Act, (as amended), and that all material relevant to (ABP-312026-21) the request at 1 on page 1 of this letter has been forwarded.

Signed: _____

Print: (_____)

Date: _____

Yours faithfully,



Liam Halpin

Direct Line: 01-8737280

BP07

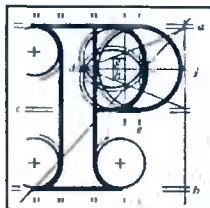
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1890 275 175
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www.pleanala.ie
bord@pleanala.ie

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D01 V902

64 Marlborough Street
Dublin 1
D01 V902



An
Bord
Pleanála

Planning Appeal Form

Your details

LDG- 046131 - 21
ABP- _____
23 NOV 2021 o.k
Fee: € 220 Type: cash
Time: 17:20 By: hand

1. Appellant's details (person making the appeal)

Your full details:

(a) Name

Richard and Nikki Potts

(b) Address

35 Tynan Hall Avenue, Belgard, Dublin 24, D24
E8W2

Agent's details

2. Agent's details (if applicable)

If an agent is acting for you, please **also** provide their details below. If you are not using an agent, please write "Not applicable" below.

(a) Agent's name

Alan McDonnell

(b) Agent's address

31 Saint John's Court, Clondalkin, D22 E5W6

Postal address for letters

3. During the appeal we will post information and items to you **or** to your agent. For this appeal, who should we write to? (Please tick ✓ one box only.)

You (the appellant) at the address in Part 1

The agent at the address in Part 2

Details about the proposed development

4. Please provide details about the planning authority decision you wish to appeal. If you want, you can include a copy of the planning authority's decision as the appeal details.

(a) Planning authority

(for example: Ballytown City Council)

South Dublin County Council

(b) Planning authority register reference number

(for example: 18/0123)

SD21B/0431

(c) Location of proposed development

(for example: 1 Main Street, Baile Fearainn, Co Ballytown)

35 Tynan Hall Avenue, Belgard, Dublin 24, D24 E8W2

Appeal details

5. Please describe the grounds of your appeal (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

Having submitted our planning permission application, South Dublin County Council initially requested Further Additional Information, suggesting a specific roof re-design.

[A copy of the request is included in this appeal pack].

We did not agree with the rationale from South Dublin County Council. We replied, acknowledging the request, but in turn requesting a re-consideration on a number of grounds; citing a number of similar developments in the local area which we felt provided precedence.

[A copy of this response is included in this appeal pack].

South Dublin County Council subsequently replied, in a Notification granting permission but imposing their roof re-design as a condition of the grant.

[A copy of the permission grant is included in this appeal pack].

We still do not agree with the rationale for roof re-design from South Dublin County Council, citing our original comments regarding precedence in the local area, and in turn wish to appeal this grant-with-conditions from South Dublin County Council to An Bord Pleanála.

We request to have the right to extend our attic space, maximising the space available to us, using a full gable roof design, as per a number of developments in the local area.

5. Please describe the grounds of your appeal (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

As per Section 6 (below) please find included in this appeal pack:

- Planning Permission application documents and drawings (*Dated 2021-07-30*)
- SD21B/0431 Request for Further Information from South Dublin County Council (*Dated 2021-10-05*)
- Response to SDCC RFI (*Dated 2021-10-05*)
- SD21B/0431 Notification from South Dublin County Council (*Decision dated 2021-11-09*)
- Annotated map of local area, noting relevant developments, cited as either 'relevant as precedence' or 'out-of-context', as per our Response to SDCC RFI, with associated images per-development

Supporting material

6. If you wish you can include supporting materials with your appeal.

Supporting materials include:

- photographs,
- plans,
- surveys,
- drawings,
- digital videos or DVDs,
- technical guidance, or
- other supporting materials.

Acknowledgement from planning authority (third party appeals)

7. If you are making a third party appeal, you **must** include the acknowledgment document that the planning authority gave to you to confirm you made a submission to it.

Fee

8. You **must** make sure that the correct fee is included with your appeal. You can find out the correct fee to include in our Fees and Charges Guide on our website.

Oral hearing request

9. If you wish to request the Board to hold an oral hearing on your appeal, please tick the “yes, I wish to request an oral hearing” box below.

Please note you will have to pay an **additional non-refundable fee** of €50. You can find information on how to make this request on our website or by contacting us.

If you do not wish to request an oral hearing, please tick the “No, I do not wish to request an oral hearing” box.

Yes, I wish to request an oral hearing

No, I do not wish to request an oral hearing

NALA has awarded this document its Plain English Mark

Last updated: April 2019.



McDonnell Consulting

Planning Department,
South Dublin County Council
County Hall, Tallaght,
Dublin 24. D24 YNN5

July 2021

RE: Planning Permission Application at 35 Tynan Hall Avenue, Belgard, D24 E8W2.

To whom it concerns,

Please find attached planning application documents on behalf of **Richard and Nikki Potts at 35 Tynan Hall Avenue, Belgard, D24 E8W2**, seeking permission to *convert their existing attic space, comprising of (i) modification of existing hipped roof structure to form a gable end design, (ii) construction of flat roof dormer to the rear, with dormer windows and (iii) new internal access stairs.*

The purpose of the proposal is to provide additional living space to the existing property, providing

- office space in the proposed attic space allowing the property owners to transition appropriately to a long-term 'work-from-home' environment
- a return to original function of 'Bedroom 3 / Office' as an actual bedroom for family members.

The property owners note similar planning permissions submitted locally but they also refer to 32 Tynan Hall Avenue as a design similar to their proposed design, currently in place in their direct vicinity.

Please find below the list/schedule of documents and drawings, enclosed with this application:

- 1x completed Application Form
- 1x Site Notice
- 1x Newspaper Record (The Echo, dated 29th July 2021)

- 6x Site Location Map
- 6x Site Layout Plan
- 6x Floor Plans (Existing)
- 6x Elevations (Existing)
- 6x Floor Plans (Proposed)
- 6x Elevations (Proposed)
- 6x Sections (Existing + Proposed)

The proposed design has no impact on external drainage design.

If there are any further queries, please do not hesitate to contact me at any time.

Many thanks,



Alan McDonnell (Agent)

McDonnell Consulting

31 Saint John's Court, Clondalkin, Dublin 22, D22 E5W6

Ph: +353 85 1636327 e: info@mcdonnell-consulting.net

Council
 intend to apply for full planning permission at this site 46 Monastery Park. The development will consist of a ground floor extension to the front of house and first floor extension to the rear of existing house including dormer style window to existing front porch. A new single storey extension to the rear of existing house including the existing sloped roof to the rear including velux windows.
 May be inspected or purchased at a fee of €20.00, the cost of making a copy, at the offices of the Council, County Hall, Tallaght, Dublin 24, during its public opening hours. A submission or observation in writing may be made in writing to the Planning Authority on payment of a fee of (€20.00) within the period of 5 weeks of receipt by the authority of the application or observations will be considered by the Planning Authority in making a decision on the application. The Planning Authority may grant permission subject to conditions or may refuse to grant permission.

Council
 intend to apply to South Dublin County Council for Planning Permission at 35 Tynan Hall Avenue, W2. The development will consist of a new living space, comprising of (i) a pitched roof structure to form a gable end and a flat roof dormer to the rear, with dormer external access stairs.
 May be inspected or purchased at the offices of the Council, County Hall, Town Centre, Tallaght, Dublin 24, during its public opening hours of Monday to Friday from 9.00am - 4.00pm, and may also be viewed on the council's website - www.sdcc.ie. A submission or observation in writing to the Planning Authority on payment of a fee of (€20.00) may be made in writing to the Council on payment of a fee of (€20.00) within the period of 5 weeks of receipt by the authority of the application by South Dublin

County Council and such submissions or observations will be considered by the Planning Authority in making a decision on the application. The Planning Authority may grant permission subject to conditions or may refuse to grant permission.

South Dublin County Council

I. Terry McAuliffe am applying for planning permission for the following items: 1) To remove the existing roof on the existing single storey extension to rear of existing dwelling. 2) To demolish the existing garage in rear garden. 3) To erect a single storey granny flat in rear garden and re-roof existing single storey extension to rear of existing dwelling. 4) All ancillary site work. All work to be carried out to 69 Castle Close, Clondalkin, Dublin 22. (Eircode D22 AK71).

The Planning application may be inspected or purchased at the offices of South Dublin County Council, County Hall, Town Centre, Tallaght, Dublin 24. During its public opening hours of Monday to Friday from 9.00am - 4.00pm, and may also be viewed on the council's website - www.sdcc.ie. A submission or observation in relation to the application may be made in writing to South Dublin County Council on payment of a fee of (€20.00) within the 5 weeks of receipt of the application by South Dublin County Council and such submissions or observations will be considered by the Planning Authority in making a decision on the application. The Planning Authority may grant permission subject to conditions or may refuse to grant permission.

South Dublin County Council

I, Tracy Palmer, intend to apply to South Dublin County Council for Planning Permission at 10 Hansted Way, Adamstown, Lucan, Dublin K78 YK18. The development will consist of the construction of (i) a new front facade wall to allow conversion of existing carport to new bedroom, and (ii) a ground floor rear extension with flat roof; and all ancillary site works.

The planning application may be inspected or purchased at the offices of South Dublin County Council, County Hall, Town Centre, Tallaght, Dublin 24 during its public opening hours of Monday to Friday from 9:00am to 4:00pm, and may also be viewed

on the Council's website - www.sdcc.ie. A submission or observation in relation to the application may be made in writing to South Dublin County Council on payment of a fee of (€20) within 5 weeks of receipt of the application by South Dublin County Council and such submissions or observations will be considered by the Planning Authority in making a decision on the application. The Planning Authority may grant permission subject to conditions or may refuse to grant permission.

South Dublin County Council

Neil McGee is applying for Permission for a driveway with gate to front of existing house and associated public footpath and associated site works Walkinstown, Dublin 12.

This application may be inspected or purchased at the offices of South Dublin County Council, County Hall, Town Centre, Tallaght, Dublin 24, during its public opening hours of Monday to Friday from 9am - 4pm, Mon-Fri, and a submission or observation in writing to South Dublin County Council on payment of a fee of (€20.00) within the period of 5 weeks of receipt by the authority of the application.

Dublin City Council

I Shane O Reilly intend to apply for planning permission for development at this site 129 Saul Rd, Cruikshank. The development will consist of: Front single storey and single-storey extension to the rear of existing house. Additional bedroom. Dropped kerb to the rear access.

The planning application may be inspected or purchased at the offices of the Planning Authority during its public opening hours of Monday to Friday from 9am - 4pm, Mon-Fri, and a submission or observation in writing to the Planning Authority on payment of a fee of (€20.00) within the period of 5 weeks of receipt by the authority of the application.

COUNTY COUNCIL - LOCAL GOVERNMENT (PLANNING & DEVELOPMENT) ACTS 1963 - LOCAL GOVERNMENT (PLANNING & DEVELOPMENT) REGULATIONS 1977 TO 1994

PLANNING APPLICATIONS RECEIVED WEEK ENDING JULY 9,

2021	Permission and Retention	SD21A/0191	13-Jul-2021	Permission and Retention	SD21A/0195	14-Jul-2021	Retention			
	<p>Retention Ireland Limited Cross East & Car Park Basement level 1, Square North, Tallaght, Dublin 24 (i) Retention permission is sought for the existing reception area and associated meeting room; (ii) (a) extension of reception area, staff offices, staff mess and staff canteen at ground floor; (b) upgrade of mezzanine floor and stairwell; (c) extension of reception area to front of unit; and (ii) change of use of car rental and car share facility at the front of the following: (a) removal of 3 car spaces for single storey car rental kiosk reception area; (b) redesignation of 30 car spaces as car rental spaces (3 car club, 3 staff, 3 staff); (c) removal of 7 car parking spaces, and car washing area (69.18sq.m) and 1 wash pad connected to the existing car park and car drying area. The car wash area to be removed; (d) erection of company car park from Belgard Square North; and (e) site development and ancillary works to the car park.</p>	<p>Retention New Application Applicant: Roger & Brenda Berkeley Location: 30, Palmerstown Drive, Dublin 20 Proposed Development: Reinstate as a 3-bed, terraced dwelling independently to include new separating boundaries; Retention for the extended hallways at front.</p>	<p>Retention Direct Marketing: Direct Marketing - NO</p>	<p>Retention SD21A/0192 Applicant: Alli Farr Ltd T/A Play & Learn Childcare & Education Location: Block B3, Citywest Avenue, Citywest, Dublin 24 Proposed Development: Expansion of the floor plate of proposed creche/pre-school facility (area 370sq.m) to include adjoining storage space (32sq.m) with revised layout plan to that approved in ref. SHD3ABP-302398-18.</p>	<p>Retention Direct Marketing: Direct Marketing - NO</p>	<p>Retention SD21A/0199 Applicant: Eircom Limited Location: Rathcoole Inn, Main Street, Rathcoole, Co. Dublin Proposed Development: Construction of a 18 metre high free standing communications structure with associated antennae, communication dishes, ground equipment and all associated site development works forming part of Eircom Ltd existing telecommunications and broadband network. Direct Marketing: Direct Marketing - NO</p>	<p>Retention SD21A/0194 Applicant: Matt & Lucia Barnes Location: Coolamber, Stocking Lane, Dublin 16 Proposed Development: 3 three bedroom, two storey houses of 116sq.m; 1 three bed two storey house of 96sq.m; 5 duplex units in a two storey block, consisting of 2 one bed units and 2 two bed units and a three bed unit; demolition of 14sq.m of conservatory attached to Coolamber House with new vehicular access and associated site</p>	<p>Retention SD21A/0195 Applicant: John & Lynn O'Dwyer Location: Sunflowers, Ballyowen Lane, L Proposed Development: Increase in the number of children attending from a daily total of 4 to 10 at the existing childcare facility from that approved in ref. SD11A/0278 and extended & amended to include additional carparking spaces on site; no additional carparking spaces proposed.</p>	<p>Retention Direct Marketing: Direct Marketing - NO</p>	<p>Retention SD21A/0199 Applicant: Rohan Project Management Location: Cheeverstown, Tallaght, Dublin Proposed Development: 10-year plan for 2 development (Unit 4); the construction of a unit of approximately 14,730sq.m gross floor area ancillary offices and operational facilities 17m in height, with rear service yard; 14 cycle parking spaces; water services infrastructure; urban drainage system features; 2 entrance points to the site network, which will connect to Citywest A Ring Road via the internal estate road network. Ref. SD21A/0150; pedestrian/cycle entrance to the site from Citywest Avenue; public lighting; landscaping treatments throughout the development; e-pumphouse; and all other necessary site works to facilitate the development on a site generally bounded by R136 Outer Ring Road, to the south by Citywest and north by undeveloped land; industrial/warehousing development plan SD21A/0150) and having been granted infrastructure and enabling works under (extended by SD15A/0391/EP) and SD16/0150) currently being assessed by the Council.</p>
	<p>Retention Additional Information Gospel Church of Dublin Trust Esker Road, Esker, Co. Dublin Retention of pre-school use of single storey house (Protected Structure).</p>									
	<p>Direct Marketing - NO</p>									
2021	<p>Permission New Application Rush Esker, Newtown, Tallaght, Dublin 24 Erection of dwelling with associated</p>									

PLANNING APPLICATION FORM

SOUTH DUBLIN COUNTY COUNCIL



PLANNING APPLICATION FORM

Form No. 2 of Schedule 3 to the Planning and Development Regulations 2006 and
Planning and Development (Amendment) (No. 3) Regulations 2015

Planning Department, County Hall, Town Centre, Tallaght. Dublin 24.
Tel: (01) 4149000 Fax: (01) 4149104 Email: planning.dept@sdblincoco.ie

PLEASE NOTE THAT INFORMATION SUBMITTED WITH A PLANNING APPLICATION WILL BE
AVAILABLE TO VIEW ON THE PUBLIC FILE AND ON THE COUNCIL'S WEBSITE WITH THE
EXCEPTION OF CONTACT DETAILS OF APPLICANTS www.sdblincoco.ie

STANDARD PLANNING APPLICATION FORM & ACCOMPANYING DOCUMENTATION:

Please read directions & documentation requirements at back of form before
completion.

All questions relevant to the proposal being applied for must be answered.

Non-relevant questions: Please mark N/A

Please ensure all necessary documentation is attached to your application form.

Failure to complete this form or attach necessary documentation, or the submission
of incorrect information or omission of required information will lead to the
invalidation of your application.

DATA PROTECTION

*All planning applications are made available for public inspection and each week
lists of planning applications received and planning decisions are published on
www.sdblincoco.ie*

*The publication of planning applications by planning authorities may lead to
applicants being targeted by persons engaged in direct marketing. In response to a
request from the Data Protection Commissioner, you are given an opportunity to
indicate a preference with regard to the receipt of direct marketing arising from the
lodging of a planning application.*

If you are satisfied to receive direct marketing please tick this box.

*The use of the personal details of planning applications, including for marketing
purposes, may be unlawful under the Data Protection Acts 1988-2003 and may
result in action by the Data Protection Commissioner against the sender, including
prosecution.*

PLANNING APPLICATION FORM

1. Name of Relevant Planning Authority:

SOUTH DUBLIN COUNTY COUNCIL

2. Location of Proposed Development:

Postal Address or Townland or Location (as may best identify the land or structure in question)

**35 TYNAN HALL AVENUE,
BELGARD,
DUBLIN 24, D24 E8W2**

Ordnance Survey Map Ref No (and the Grid Reference where available)

**OSI MAP REFERENCE: 3327-16
ITM COORDINATES: 708473,729896**

3. Type of planning permission (please tick appropriate box):

- Permission
 Permission for retention
 Outline Permission
 Permission consequent on Grant of Outline Permission

4. Where planning permission is consequent on grant of outline permission*:

Outline Permission Register Reference Number: _____

Date of Grant of Outline Permission*: ____/____/____

***NOTE:** Permission consequent on the grant of Outline Permission should be sought only where Outline Permission was previously granted. Under S.36 3(a) of the Planning and Development Act 2000 (as amended) Outline Permission lasts for 3 years.

Outline Permission may not be sought for:

- (a) the retention of structures or continuance of uses, **or**
(b) developments requiring the submission of an Environmental Impact Statement/I.P.C./Waste Licence **or**
(c) works to Protected Structures or proposed Protected Structures.

PLANNING APPLICATION FORM

5. Applicant² (person/entity seeking planning permission not an agent acting on his/her behalf)

Name(s)

RICHARD AND NIKKI POTTS

Address(es) Must be supplied at end of this application form - **Question 26**

6. Where Applicant is a Company (registered under the Companies Acts 1963 to 1999)

Name(s) of company director(s)

Registered Address (of company)

Company Registration No.

Telephone No.

Email Address (if any)

Fax No. (if any)

7. Person/Agent acting on behalf of the Applicant (if any):

Name

ALAN MCDONNELL

Address To be supplied at end of this application form - **Question 27**

Should all correspondence be sent to the address provided in Question 27? (please tick appropriate box and note that if the answer is 'No', all correspondence will be sent to the Applicant's address provided in Question 26)

Yes []

No []

8. Person responsible for preparation of Drawings and

Plans³ :

Name

ALAN MCDONNELL

Address Must be supplied at end of this application form - **Question 28**

PLANNING APPLICATION FORM

9. Description of Proposed Development:

Brief description of nature and extent of development⁴ (This should correspond with the wording of the newspaper advert and site notice.)

The development will consist of the conversion of existing attic space, comprising of (i) modification of existing hipped roof structure to form a gable end design, (ii) construction of flat roof dormer to the rear, with dormer windows and (iii) new internal access stairs.

10. Legal Interest of Applicant in the Land or Structure:

<i>Please tick appropriate box to show applicant's legal interest in the land or structure</i>	A. Owner X	B. Occupier
	C. Other	

Where legal interest is 'Other', please expand further on your interest in the land or structure

If you are not the legal owner, please state the name and address of owner on the last page of this application form - Question 29. You must also supply a letter from the owner of consent to make the application as listed in the accompanying documentation

11. Site Area:

<i>Area of site to which the application relates in hectares</i>	0.0197 ha
--	-----------

12. Where the application relates to a building or buildings:

<i>Gross floor space⁵ of any existing building(s) in sq. m</i>	97.8 m ²
<i>Gross floor space of proposed works in sq. m</i>	125.9m ² (+28.1m ²)
<i>Gross floor space of work to be retained in sq. m (if appropriate)</i>	
<i>Gross floor space of any demolition in sq. m (if appropriate)</i>	
Note: Gross floor space means the area ascertained by the internal measurement of the floor space on each floor of a building i.e. floor areas must be measured from inside the external wall.	

PLANNING APPLICATION FORM

13. In the case of mixed development (e.g. residential, commercial, industrial, etc), please provide breakdown of the different classes of development and breakdown of the gross floor area of each class of development:

<i>Class of Development</i>	<i>Gross floor area in sq.m</i>

14. In the case of residential development provide breakdown of residential mix.

<i>Number of</i>	Studio	1 Bed	2 Bed	3 Bed	4 Bed	4+ Bed	Total
Houses							
Apartments							

<i>Number of car-parking spaces to be provided</i>	Existing:	Proposed:	Total:

15. Where the application refers to a material change of use of any land or structure or the retention of such a material change of use:

<i>Existing use⁶ (or previous use where retention permission is sought)</i>	
<i>Proposed use (or use it is proposed to retain)</i>	
<i>Nature and extent of any such proposed use (or use it is proposed to retain)</i>	

PLANNING APPLICATION FORM

16. Social and Affordable Housing

Please tick appropriate box	YES	NO
<p><i>Is the application an application for permission for development to which Part V of the Planning and Development Act 2000 as amended by the Urban Regeneration and Housing Act 2015 applies?</i>⁷</p> <p>If the answer to the above question is "yes" and the development is not exempt (see below), you must provide, as part of your application, details of how you propose to comply with Section 96 of Part V of the Act including, for example: (i) details of such part or parts of the land which is subject to the application of permission or is or are specified by the Part V Agreement, or houses situated on such aforementioned land or elsewhere in the Planning Authority's functional area proposed to be transferred to the Planning Authority or details of houses situated on such aforementioned land or elsewhere in the Planning Authority's functional area proposed to be leased to the Planning Authority or details of any combination of the foregoing and (ii) details of the calculations and methodology for calculating the values of land, site costs, normal construction and development costs and profit on those costs and other related costs such as an appropriate share of any common development works as required to comply with the provisions of Part V of the Act.</p> <p>If the answer to the above question is "yes" but you consider the development to be exempt by virtue of Section 97 of the Planning and Development Act 2000 (as amended)⁸, a copy of the Certificate of Exemption under Section 97 must be submitted (or, where an application for a certificate of exemption has been made but has not yet been decided, a copy of the application should be submitted).</p>		X
<p>If the answer to the above question is "no" by virtue of Section 96(13) of the Planning and Development Act 2000 (as amended)⁹, details indicating the basis on which section 96(13) is considered to apply to the development should be submitted.</p>		

PLANNING APPLICATION FORM

17. Development Details

<i>Please tick appropriate box</i>	YES	NO
<i>Does the proposed development consist of work to a protected structure and/or its curtilage or proposed protected structure and/or its curtilage?</i>		X
<i>Does the proposed development consist of work to the exterior of a structure which is located within an architectural conservation area (ACA)?</i>		X
<i>Does the application relate to development which affects or is close to a monument or place recorded under section 12 of the National Monuments (Amendment) Act, 1994¹⁰</i>		X
<i>Does the application relate to work within or close to a European Site (under S.I. No.94 of 1997) or a Natural Heritage Area?</i>		X
<i>Does the proposed development require the preparation of an Environmental Impact Statement¹¹ ?</i>		X
<i>Does the application relate to a development which comprises or is for the purposes of an activity requiring an integrated pollution prevention and control licence?</i>		X
<i>Does the application relate to a development which comprises or is for the purposes of an activity requiring a waste licence?</i>		X
<i>Do the Major Accident Regulations apply to the proposed development?</i>		X
<i>Does the application relate to a development in a Strategic Development Zone?</i>		X
<i>Does the proposed development involve the demolition of any habitable house¹² ?</i>		X
Note: Demolition of a habitable house requires planning permission.		

PLANNING APPLICATION FORM

18. Site History

Details regarding site history (if known)

Has the site in question ever, to your knowledge, been flooded?

Yes [] No [X]

If yes, please give details e.g. year, extent

Are you aware of previous uses of the site e.g. dumping or quarrying?

Yes [] No [X]

If yes, please give details.

Are you aware of any valid planning applications previously made in respect of this land/structure?

Yes [] No [X]

If yes, please state planning reference number(s) and the date(s) of receipt of the planning application(s) by the planning authority if known:

Reference No.: _____ **Date:** _____

Reference No.: _____ **Date:** _____

Reference No.: _____ **Date:** _____

*If a **valid** planning application has been made in respect of this land or structure in the 6 months prior to the submission of this application, then the site notice must be on a yellow background in accordance with Article 19(4) of the Planning and Development Regulations 2001-2006 as amended.*

Is the site of the proposal subject to a current appeal to An Bord Pleanála in respect of a similar development¹³ ?

Yes [] No [X]

An Bord Pleanála Reference No.:

*(Note: the Appeal must be **determined or withdrawn before** another similar application can be made).*

PLANNING APPLICATION FORM

19. Pre-application Consultation

Has a pre-application consultation taken place in relation to the proposed development¹⁴ ?

Yes [] No [X]

If yes, please give details:

Reference No. (if any): _____

Date(s) of consultation: ____/____/____

Persons involved: _____

20. Services

Proposed Source of Water Supply

Existing connection [X] New connection []

Public Mains [X] Group Water Scheme [] Private Well []

Other (please specify):

Name of Group Water Scheme (where applicable)

Proposed Wastewater Management/Treatment

Existing [X] New []

Public Sewer [X] Conventional septic tank system []

Other on-site treatment system [] Please specify

Proposed Surface Water Disposal

Public Sewer/Drain [X] Soakpit []

Watercourse [] Other [] Please specify

PLANNING APPLICATION FORM

21. Details of Public Notice

<i>Approved newspaper¹⁵ in which notice was published</i>	THE ECHO
<i>Date of publication</i>	29/07/2021
<i>Date on which site notice was erected</i>	30/07/2021

22. Application Fee

<i>Fee Payable</i>	€34
<i>Basis of Calculation</i> Please see fee notes available on Council website www.sdcc.ie	DOMESTIC EXTENSION

PLANNING APPLICATION FORM

SUPPLEMENTARY INFORMATION

(Sections 23 - 25)

23. Is it proposed that the Development will: (please tick appropriate box) ¹⁹: (see note 19)

- A Be **Taken in Charge** by the County Council ()
- B Be maintained by **an Estate Management Company** ()
- C In **part be Taken in Charge and part maintained** by an Estate Management Company ()

In the case of B or C please submit a Site Layout drawing that clearly indicates the services within the estate/development (Roads, Footpaths, Car Parking Spaces, Foul/Surface Water Sewers, Watermain and Open Spaces) that will be maintained by the Estate Management Company.

**24. Do any Statutory Notices apply to the site/building at present?
(e.g. Enforcement, Dangerous Buildings, Derelict Sites)**

Yes No Place an X in the appropriate box.

If yes, please give details _____

25. Please describe where the site notice(s) is/are erected at site of proposed development

FRONT GARDEN WALL

I hereby declare that, to the best of my knowledge and belief, the information given in this form is correct and accurate and fully compliant with the Planning & Development Act 2000, as amended, and the Regulations made thereunder:

Signed
(Agent)

Glen McDonald

Date:

30/07/2021

An applicant will not be entitled solely by reason of a planning permission to carry out the development. The applicant may need other consents, depending on the type of development. For example, all new buildings, extensions and alterations to, and certain changes of use of existing buildings must comply with building regulations, which set out basic design and construction requirements.

PLANNING APPLICATION FORM

NOTES TO APPLICANT

Sections 1 to 22 of this form **MUST** be completed *insofar as they relate to your particular proposal*. Failure to do so will render your application invalid.

Sections 23-25 seek supplementary information which may be needed by this Planning Authority to assess the application, depending on your proposal.

You must provide contact details as requested - Questions 26-29 as appropriate in order to be notified of the decision of the planning authority.

Please read the further notes attached to this document and extensive guide documents in the Forms area of the Council website www.sdublincoco.ie for further assistance in making your application.

FOR OFFICE USE ONLY

	Date received	Document lodged	Newspaper Notice
Application Type			
Register Reference			
Fee Received €			
Receipt No..... Date:			
O.S.I. Map Reference			
L.A.P. Area Reference			

PLANNING APPLICATION FORM

ADDITIONAL CONTACT INFORMATION

IMPORTANT

THIS PAGE MUST BE SUBMITTED ON A COMPLETELY SEPARATE PAGE AS IT WILL NOT FORM PART OF THE PUBLIC FILE

OFFICE USE ONLY – REG REF:

Please note:

- The applicant's address **must** be submitted on this page.
- If the applicant/agent wishes to submit additional contact information, this may be included here.
- This page will not be published as part of the planning file.

26. Applicant (person seeking planning permission and not an agent on their behalf):

<i>Address (Required)</i>	35 TYNAN HALL AVENUE, BELGARD, DUBLIN 24, D24 E8W2
<i>Telephone No.</i>	083 003 3660
<i>Fax No</i>	
<i>Email Address</i>	

27. Person/Agent acting on behalf of the Applicant (if any):

<i>Address (Required)</i>	31 SAINT JOHN'S COURT, CLONDALKIN, DUBLIN 22, D22 E5W6
<i>Telephone No.</i>	085 163 6327
<i>Email Address (if any)</i>	info@mcdonnell-consulting.net
<i>Fax No. (if any)</i>	

Should all correspondence be sent to the above address? (please tick appropriate box)

(Please note that if the answer is 'No', all correspondence will be sent to the Applicant's address stated in Question 26.)

Yes [] No []

28. Person responsible for preparation of Drawings and Plans:

<i>Address</i>	31 SAINT JOHN'S COURT, CLONDALKIN, DUBLIN 22, D22 E5W6
<i>Telephone No.</i>	085 163 6327
<i>Email Address (if any)</i>	info@mcdonnell-consulting.net
<i>Fax No. (if any)</i>	

29. Owner (required where applicant is not the owner):

<i>Address (required)</i>	
<i>Telephone No.</i>	
<i>Email Address (if any)</i>	
<i>Fax No. (if any)</i>	

SOUTH DUBLIN COUNTY COUNCIL

SITE NOTICE

We, Richard and Nikki Potts, intend to apply for

- Permission
- Retention permission
- Outline permission
- Permission consequent on the grant of outline permission (Reg. Ref.)

for development at this site:

**35 TYNAN HALL AVENUE,
BELGARD,
DUBLIN 24, D24 E8W2**

The development will consist of the conversion of existing attic space, comprising of (i) modification of existing hipped roof structure to form a gable end design, (ii) construction of flat roof dormer to the rear, with dormer windows and (iii) new internal access stairs.

The planning application may be inspected or purchased at the offices of South Dublin County Council, County Hall, Town Centre, Tallaght, Dublin 24 during its public opening hours of Monday to Friday from 9:00am to 4:00pm., and may also be viewed on the Council's website – www.sdcc.ie.

A submission or observation in relation to the application may be made in writing to South Dublin County Council on payment of a fee of €20 within 5 weeks of receipt of the application by South Dublin County Council and such submissions or observations will be considered by the Planning Authority in making a decision on the application. The Planning Authority may grant permission subject to or without conditions or may refuse to grant permission.

Signed:



31 Saint John's Court,
Clondalkin,
Dublin 22, D22 E5W6

(Agent)

Date of erection of site notice: *Friday, 30th July 2021*

Comhairle Chontae Atha Cliath Theas

Record of Executive Business and Chief Executive's Order

PR/1253/21

Reg. Reference: SD21B/0431 **Application Date:** 30-Jul-2021
Submission Type: New Application **Registration Date:** 30-Jul-2021

Correspondence Name and Address: Richard & Nikki Potts 35, Tynan Hall Avenue, Dublin 24

Proposed Development: Conversion of existing attic space comprising of modification of existing hipped roof structure to form a gable end design; construction of flat roof dormer to the rear with dormer windows and new internal access stairs.

Location: 35, Tynan Hall Avenue, Dublin 24

Applicant Name: Richard & Nikki Potts

Application Type: Permission

(COS)

Description of Site and Surroundings

Site Area: stated as 0.0197 Hectares on the application.

Site Description

The subject site is located on Tynan Hall Avenue within an existing housing estate to the east of Ballymount Park. The consists of a two storey, semi-detached dormer dwelling. The streetscape consists of housing of a similar form and character.

Proposal

Permission is being sought for the conversion of existing attic space comprising of modification of existing hipped roof structure to form a gable end design; construction of flat roof dormer to the rear with dormer windows and new internal access stairs.

Zoning

The subject site is subject to zoning objective 'OS': *'To preserve and provide for open space and recreational amenities'*.

Consultations

Water Services – no objections subject to conditions.
Irish Water – not applicable.

Comhairle Chontae Atha Cliath Theas

Record of Executive Business and Chief Executive's Order

SEA Sensitivity Screening – no overlap is recorded in the SEA monitoring system.

Submissions/Observations /Representations

None.

Relevant Planning History

Subject site

None traced to subject site.

Adjacent and surrounding sites

SD09B/0046 32 Tynan Hall Avenue

Conversion of existing attic to bedroom including raising of existing hip to form new gable and 3 no. 'Velux' roof lights to rear. **Permission refused as it was considered that the proposed change to the roof profile would disturb the symmetry of the pair of semi-detached homes in a street where the architectural character has remained largely intact. It was also considered that it would adversely impact the visual amenity of the streetscape and would be out of character with the pattern of development in the area. The proposed development would set an undesirable precedent for other similar developments.**

SD09B/0260 32 & ABP Ref. PL 06S.234768 Tynan Hall Avenue

Conversion of existing attic to storage & recreation room including raising of existing hip to form new gable and 3no. 'Velux' roof lights to rear. **Permission was refused by SDCC for similar reasons to previous application Reg. Ref. SD09B/0046. The decision was appealed to An Bord Pleanála, and permission was subsequently granted. The Board in deciding not to accept the Inspector's recommendation to refuse permission, considered that, given the built forms of development in the area, the creation of a gabled roof would not be unduly discordant or visually obtrusive and considered that the proposed development would, therefore, be acceptable in the circumstances and would not create an undesirable precedent.**

Having regard to the above, it is considered that this is an undesirable precedent in the context of the predominant roof form in the area.

Relevant Enforcement History

None recorded for subject site according to APAS.

Pre-Planning Consultation

None recorded for subject site according to APAS.

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

Section 2.4.1 Residential Extensions

Comhairle Chontae Atha Cliath Theas

Record of Executive Business and Chief Executive's Order

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.

Policy H18 Objective 1:

To favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 11 Implementation and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines).

Section 3.13.0 Open Space Management & Use

Policy C 12 Open Space

Section 8.3.0 Public Open Space Hierarchy and Landscape Setting

Policy G 4 Public Open Space and Landscape Setting

Section 11.3.1 Residential

Section 11.3.1 (iv) Dwelling Standards

Section 11.3.1 (v) Privacy

Section 11.3.3 Additional Accommodation

Section 11.3.3 (i) Extensions

Section 11.3.4 Rural Housing

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 11.7.2 Energy Performance in New Buildings

Section 11.8.1 Environmental Impact Assessment

Section 11.8.2 Appropriate Assessment

South Dublin County Council House Extension Design Guide (2010)

The House Extension design guide contains the following guidance on house extensions, including for altering the roof profile and attic conversions and dormer windows:

Elements of Good Extension Design:

- *Respect the appearance and character of the house and local area;*
- *Provide comfortable internal space and useful outside space;*
- *Do not overlook, overshadow or have an overbearing affect on properties next door;*
- *Consider the type of extension that is appropriate and how to integrate it; and*
- *Incorporate energy efficient measures where possible.*

Comhairle Chontae Atha Cliath Theas

Record of Executive Business and Chief Executive's Order

Side extensions:

-Extending a hipped roof to the side to create a gabled end or half-hip will rarely be acceptable, particularly if the hipped roof is visually prominent and typical of other houses along the street.

Attic conversions and dormer windows:

-Use materials to match the existing wall or roof materials of the main house.

-Meet Building Regulation requirements relating to fire safety and stairs in terms of headroom on stairs and means of escape.

-Locate dormer windows below the ridge of the roof, even if the roof has a shallow pitch.

-Locate dormer windows as far back as possible from the eaves line (at least three tile courses).

-Relate dormer windows to the windows and doors below in alignment, proportion and character.

-In the case of a dormer window extension to a hipped roof, ensure it sits below the ridgelines of the existing roof and matches the materials used in the main house.

-Do not obscure the main ridge and eaves features of the roof, particularly in the case of an extension to the side of a hipped roof.

-Avoid extending the full width of the roof or right up to the gable ends – two small dormers on the same elevation can often be a suitable alternative to one large dormer.

-Avoid dormer windows that are over-dominant in appearance or give the appearance of a flat roof.

-Avoid the use of flat-roofed dormer window extensions on houses with hipped rooflines.

Relevant Government Guidelines

Project Ireland 2040 National Planning Framework, Government of Ireland, (2018).

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

Section 5 – Dublin Metropolitan Area Strategic Plan, in Regional Spatial and Economic Strategy 2019 – 2031.

Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government (2009).

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, (2009).

Quality Housing for Sustainable Communities-Best Practice Guidelines, Department of the Environment, Heritage and Local Government, (2007).

Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities, Department of the Environment, Heritage and Local Government, (2009).

Assessment

The main issues for assessment relate to:

- Zoning and Council Policy;
- Visual and Residential Amenity;

Comhairle Chontae Atha Cliath Theas

Record of Executive Business and Chief Executive's Order

- Services and Drainage;
- Environmental Impact Assessment; and
- Appropriate Assessment.

Zoning and Council Policy

The site is located within zoning objective 'OS': *'To preserve and provide for open space and recreational amenities'*. Residential development is Open for Consideration in accordance with Council policy for residential development in open space. It is noted that the use of the site for residential purposes and presence of a dwelling is existing. The proposal is for an attic conversion, alteration in roof profile and dormer extension is therefore acceptable in principle.

Visual and Residential Amenity

Change in roof profile

The proposed development would involve extending the existing hipped roof to a gable end roof. Under the House Extension Design Guide *"Extending a hipped roof to the side to create a gabled end or half-hip will rarely be acceptable, particularly if the hipped roof is visually prominent and typical of other houses along the street"*. The streetscape and wider housing estate largely consist of semi-detached dwellings with hipped roofs. It is acknowledged that No. 32 Tynan Hall Avenue was granted an extension from hipped roof to gable end roof by An Bord Pleanála. A full gable end roof at the subject site is not, however, considered in compliance with the Design Guide in this instance and notwithstanding the Bord decision to grant permission, appears out of character with the predominant roof form in the area.

The subject site is located within a row of houses and a gable end roof would be out of character with the hipped roof of these houses. It would also not be in keeping with the dominant character of the surrounding area and would not accord visually in this location. It is considered that the roof profile should be redesigned to incorporate a 'Dutch' half-hipped roof. **The applicant should be requested to address this by way of submitting Additional Information.** As a result of any changes to the proposed roof profile the applicant should ensure that the proposed rear dormer extension is appropriately located on the roof.

The materials to be used for the roof would match existing. This is considered to be in compliance with the Design Guide.

Attic conversion/dormer window

The proposed development would also provide for the construction of a flat-roofed dormer extension on the rear slope of the roof. The House Extension Design Guide recommends that dormers are set at least 100mm from the ridge of the roof and at least 3 tile courses from the eaves. The dormer extension would be setback from the roof ridge and at least 3 tile courses from the

Comhairle Chontae Atha Cliath Theas

Record of Executive Business and Chief Executive's Order

eaves. It would also be setback from the sides although it is noted it has different setbacks from either side so appears unbalanced.

The applicant has not indicated what the materials would be used for the extension. In the interests of visual amenity it should be conditioned in the event of a grant of permission that all external finishes shall harmonise in colour or texture that is complementary to the house or its context. The proposed extension would be setback approx. 12.4m from the rear boundary. It is therefore not considered that the dormer window would create unacceptable levels of overlooking to neighbouring properties or gardens.

The proposed attic conversion would have a floor to ceiling height of approx. 1.9m to 2.1m. A note should be attached in the event of a grant of permission stating that in order to use the attic for habitable space it must comply with the Building Regulations.

Services and Drainage

Water Services has reviewed the proposed development and has no objections subject to standard conditions.

Screening for Environmental Impact Assessment

Having regard to the modest nature of the proposed development, and the distance of the site from nearby sensitive receptors, there is no likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

Screening for Appropriate Assessment

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

Conclusion

Having regard to the:

- provisions of the South Dublin County Development Plan 2016-2022 and South Dublin County Council House Extension Design Guide (2010),
- the established character of the area, and
- the nature and scale of the proposed development,

it is considered that **Additional Information** is required to ensure the proposed development would be in compliance with Council policy, would not seriously injure the amenities of the remainder of the development, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Comhairle Chontae Atha Cliath Theas

Record of Executive Business and Chief Executive's Order

Recommendation

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

1. It is considered that the proposed full gable roof profile would not be in keeping with the character of the surrounding area and would not accord visually in this location. Therefore the applicant is requested to redesign the roof profile which may incorporate a 'Dutch' half-hipped roof. Please ensure that the 'Dutch' hip is not token. As a result of any changes to the proposed roof profile the applicant should ensure that the proposed rear dormer extension is appropriately located on the roof and that the edge of the proposed dormer does not go beyond the intersection of the main roof ridge and the ridge of the 'dutch hip'.

Comhairle Chontae Atha Cliath Theas

Record of Executive Business and Chief Executive's Order

REG. REF. SD21B/0431

LOCATION: 35, Tynan Hall Avenue, Dublin 24

Johnston
Jim Johnston,
Senior Executive Planner

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

Date: 21/9/21

Eoin Burke
Eoin Burke, Senior Planner

An Rannóg Talamhúsáide, Pleanála agus Iompair
Land Use, Planning & Transportation Department
Telephone: 01 4149000 Fax: 01 4149104 Email: planning.dept@sdblincoco.ie

Richard & Nikki Potts
35, Tynan Hall Avenue
Dublin 24

**PLANNING & DEVELOPMENT ACT, 2000 (as amended) AND PLANNING
REGULATIONS THEREUNDER**

Decision Order Number: 1253	Date of Decision: 21-Sep-2021
Register Reference: SD21B/0431	Registration Date: 30-Jul-2021

Applicant: Richard & Nikki Potts
Development: Conversion of existing attic space comprising of modification of existing hipped roof structure to form a gable end design; construction of flat roof dormer to the rear with dormer windows and new internal access stairs.
Location: 35, Tynan Hall Avenue, Dublin 24
Application Type: Permission

Dear Sir /Madam,

With reference to your planning application, received on 30-Jul-2021 in connection with the above, I wish to inform you that before the application can be considered under Section 33 of the Planning & Development Act 2000, six copies of the following **ADDITIONAL INFORMATION** must be submitted.

1. It is considered that the proposed full gable roof profile would not be in keeping with the character of the surrounding area and would not accord visually in this location. Therefore the applicant is requested to redesign the roof profile which may incorporate a 'Dutch' half-hipped roof. Please ensure that the 'Dutch' hip is not token. As a result of any changes to the proposed roof profile the applicant should ensure that the proposed rear dormer extension is appropriately located on the roof and that the edge of the proposed dormer does not go beyond the intersection of the main roof ridge and the ridge of the 'dutch hip'.

NOTE: The applicant should note that any submission made in response to the above will be examined and **MAY** be deemed to be **SIGNIFICANT ADDITIONAL INFORMATION** by the

Planning Authority. In this event the applicant(s) will be subsequently notified and requested to publish a notice in an approved newspaper and erect or fix a site notice on the land or structure to which the further information relates and to submit copies of the both the newspaper and site notices to the Planning Authority in accordance with Article 35 (1) (a) and (b) of the Planning and Development Regulations 2001 (as amended).

Note: The applicant must submit the Further Information within **6 months** of the **date of decision**. If the information is not received within this period the planning authority shall declare the application to be withdrawn.

Please ensure that your reply to this Request for Additional Information is accompanied by a covering letter marked "ADDITIONAL INFORMATION" and that the Planning Register Reference Number given above is quoted on the covering letter.

Signed on behalf of South Dublin County Council

Register Reference: SD21B/0431

Date: 21-Sep-2021

Yours faithfully,



for Senior Planner

McDonnell Consulting

Planning Department,
South Dublin County Council
County Hall, Tallaght,
Dublin 24, D24 YNN5

5th October 2021

RE: Planning Permission Application (Reference: SD21B/0431) at 35 Tynan Hall Avenue, Belgard, Dublin 24, D24 E8W2.

To whom it concerns,

In relation to the Notification of Decisions Letter, issued by South Dublin County Council on Tuesday 21st September 2021, and the request for ADDITIONAL INFORMATION, the applicants wish to respond as follows on Page 2.

The properties noted in the reply by Richard and Nikki are listed below:

Planning References: *Gable End Roof Conversions (less than 550m from 35 Tynan Hall Avenue)*

SD09B/0260	32 Tynan Hall Avenue
SD06B/0190	5 Dunmore Lawn
SD06B/0591	17 Tynan Hall Park
SD19B/0382	19 Tynan Hall Park
SD08B/0083	61 Walnut Close
SD10B/0028	69 Walnut Close
SD06B/0915	71 Walnut Close

Planning References: *'Unusual'/'Out of Context' Developments*

SD18A/0216	2 Dunmore Lawn (120m from 35 Tynan Hall Avenue)
SD16A/0442	28/28a Forest Drive (800m from 35 Tynan Hall Avenue)

If there are any further queries, please do not hesitate to contact me at any time.

Many thanks,



Alan McDonnell (Agent)

McDonnell Consulting

31 Saint John's Court, Clondalkin, Dublin 22, D22 E5W6

Ph: +353 85 1636327 e: info@mcdonnell-consulting.net

McDonnell Consulting

5th October 2021

To South Dublin County Council Planning Department,

Thank you for the correspondence regarding our planning application SD21B/0431.

We have talked through the Decisions Letter document with our agent, we have taken on board of all the comments in the Notification of Decisions Letter document and our agent has explained the implications of the document.

Unfortunately, we are disheartened and disappointed though that our original design was not considered acceptable and was not approved for planning.

To discuss Point 1 "...would not be in keeping with the character of the surrounding area, and would not accord visually in this location.."

We did mention in our original application that some neighbouring properties have previously applied for planning permission for similar proposals. Whilst some of them did not receive planning approval, when we drive away from our house every day, we see directly two examples of the design we want to build. We have been refused permission for such a design, whereas those families were given permission, (Willie Murphy at 32 Tynan Hall Avenue, and Chris and Debbie Gannon at 5 Dunmore Lawn).

We also have noted a number of houses very close to our own house (less than 500m away) who have received planning approval for gable end roof conversions, the same design proposal we have put forward. Some of these houses are also middle-of-street, and not end-of street. (We do of course also note many houses who have built without permission, but we understand they cannot be used for comparison.)

As we travel around our local area, we also regularly see a number of new permitted developments which are dramatically out of context with their neighbouring properties, considerably more than our proposed design would be in our street.

As well as feeling that we should be allowed extend as per our original proposal, we also feel strongly that we need to extend as per our original proposal. Our family will grow further in the very near future, and our working lives now include a long-term work-from-home element. Both of those new life milestones are obviously very important to us, in very different ways, but they both make it even more important for us to maximise our internal space (specifically the attic space) and not to reduce its potential.

We hope that South Dublin County Council could re-consider their request to alter the proposed design, and we look forward to hearing of any potential updates.

Thank you for considering our reply,
Richard and Nikki Potts,
35 Tynan Hall Avenue

McDonnell Consulting

31 Saint John's Court, Clondalkin, Dublin 22, D22 E5W6

Ph: +353 85 1636327 e: info@mcdonnell-consulting.net

McDonnell Consulting

5th October 2021

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We hope that South Dublin County Council could re-consider their request to alter the proposed design, and we look forward to hearing of any potential updates

Thank you for considering our reply,

Richard and Nikki Potts,

35 Tynan Hall Avenue

McDonnell Consulting

31 Saint John's Court, Clondalkin, Dublin 22, D22 E5W6

Ph +353 85 1636327 e: info@mcdonnell-consulting.net

McDonnell Consulting

Planning Department,
South Dublin County Council
County Hall, Tallaght,
Dublin 24, D24 YNN5

5th October 2021

RE: Planning Permission Application (Reference: SD21B/0431) at 35 Tynan Hall Avenue, Belgard,
Dublin 24, D24 E8W2.

To whom it concerns,

In relation to the Notification of Decisions Letter, issued by South Dublin County Council on Tuesday 21st September 2021, and the request for ADDITIONAL INFORMATION, the applicants wish to respond as follows on Page 2.

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SD06B/0190 5 Dunmore Lawn
SD06B/0591 17 Tynan Hall Park
SD19B/0382 19 Tynan Hall Park
SD08B/0083 61 Walnut Close
SD10B/0028 69 Walnut Close
SD06B/0915 71 Walnut Close

Planning References: *'Unusual'/Out of Context' Developments*

SD18A/0216 2 Dunmore Lawn (120m from 35 Tynan Hall Avenue)
SD16A/0442 28/28a Forest Drive (800m from 35 Tynan Hall Avenue)

If there are any further queries, please do not hesitate to contact me at any time.

Many thanks,



Alan McDonnell (Agent)

Land Use Planning & Transportation
Land Use Planning & Transportation

12 OCT 2021

South Dublin County Council
South Dublin County Council

McDonnell Consulting

31 Saint John's Court, Clondalkin, Dublin 22, D22 E5W6

Ph: +353 85 1636327 e: info@mcdonnell-consulting.net

Comhairle Chontae Atha Cliath Theas

Record of Executive Business and Chief Executive's Order

PR/1461/21

Reg. Reference: SD21B/0431 **Application Date:** 30-Jul-2021
Submission Type: Additional **Registration Date:** 12-Oct-2021
Information

Correspondence Name and Address: McDonnell Consulting 31, Saint John's Court,
Clondalkin, Dublin 22, D22E5W6

Proposed Development: Conversion of existing attic space comprising of
modification of existing hipped roof structure to form
a gable end design; construction of flat roof dormer
to the rear with dormer windows and new internal
access stairs.

Location: 35, Tynan Hall Avenue, Dublin 24

Applicant Name: Richard & Nikki Potts

Application Type: Permission

(COS)

Description of Site and Surroundings

Site Area: stated as 0.0197 Hectares on the application.

Site Description

The subject site is located on Tynan Hall Avenue within an existing housing estate to the east of Ballymount Park. The consists of a two storey, semi-detached dormer dwelling. The streetscape consists of housing of a similar form and character.

Proposal

Permission is being sought for the conversion of existing attic space comprising of modification of existing hipped roof structure to form a gable end design; construction of flat roof dormer to the rear with dormer windows and new internal access stairs.

Zoning

The subject site is subject to zoning objective 'OS': *'To preserve and provide for open space and recreational amenities'*.

Consultations

Water Services – no objections subject to conditions.

Irish Water – not applicable.

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SEA Sensitivity Screening – no overlap is recorded in the SEA monitoring system.

Submissions/Observations /Representations

None.

Relevant Planning History

Subject site

None traced to subject site.

Adjacent and surrounding sites

SD09B/0046 32 Tynan Hall Avenue

Conversion of existing attic to bedroom including raising of existing hip to form new gable and 3 'Velux' roof lights to rear. **Permission refused as it was considered that the proposed change to the roof profile would disturb the symmetry of the pair of semi-detached homes in a street where the architectural character has remained largely intact. It was also considered that it would adversely impact the visual amenity of the streetscape and would be out of character with the pattern of development in the area. The proposed development would set an undesirable precedent for other similar developments.**

SD09B/0260 32 & ABP Ref. PL 06S.234768 Tynan Hall Avenue

Conversion of existing attic to storage & recreation room including raising of existing hip to form new gable and 3 'Velux' roof lights to rear. **Permission was refused by SDCC for similar reasons to previous application Reg. Ref. SD09B/0046. The decision was appealed to An Bord Pleanála, and permission was subsequently granted. The Board in deciding not to accept the Inspector's recommendation to refuse permission, considered that, given the built forms of development in the area, the creation of a gabled roof would not be unduly discordant or visually obtrusive and considered that the proposed development would, therefore, be acceptable in the circumstances and would not create an undesirable precedent.**

Having regard to the above, it is considered that this is an undesirable precedent in the context of the predominant roof form in the area.

Relevant Enforcement History

None recorded for subject site according to APAS.

Pre-Planning Consultation

None recorded for subject site according to APAS.

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

Section 2.4.1 Residential Extensions

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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.

Policy H18 Objective 1:

To favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 11 Implementation and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines).

Section 3.13.0 Open Space Management & Use

Policy C 12 Open Space

Section 8.3.0 Public Open Space Hierarchy and Landscape Setting

Policy G 4 Public Open Space and Landscape Setting

Section 11.3.1 Residential

Section 11.3.1 (iv) Dwelling Standards

Section 11.3.1 (v) Privacy

Section 11.3.3 Additional Accommodation

Section 11.3.3 (i) Extensions

Section 11.3.4 Rural Housing

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 11.7.2 Energy Performance in New Buildings

Section 11.8.1 Environmental Impact Assessment

Section 11.8.2 Appropriate Assessment

South Dublin County Council House Extension Design Guide (2010)

The House Extension design guide contains the following guidance on house extensions, including for altering the roof profile and attic conversions and dormer windows:

Elements of Good Extension Design:

- *Respect the appearance and character of the house and local area;*
- *Provide comfortable internal space and useful outside space;*
- *Do not overlook, overshadow or have an overbearing affect on properties next door;*
- *Consider the type of extension that is appropriate and how to integrate it; and*
- *Incorporate energy efficient measures where possible.*

Side extensions:

-Extending a hipped roof to the side to create a gabled end or half-hip will rarely be acceptable, particularly if the hipped roof is visually prominent and typical of other houses along the street.

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Attic conversions and dormer windows:

- Use materials to match the existing wall or roof materials of the main house.
- Meet Building Regulation requirements relating to fire safety and stairs in terms of headroom on stairs and means of escape.
- Locate dormer windows below the ridge of the roof, even if the roof has a shallow pitch.
- Locate dormer windows as far back as possible from the eaves line (at least three tile courses).
- Relate dormer windows to the windows and doors below in alignment, proportion and character.
- In the case of a dormer window extension to a hipped roof, ensure it sits below the ridgelines of the existing roof and matches the materials used in the main house.
- Do not obscure the main ridge and eaves features of the roof, particularly in the case of an extension to the side of a hipped roof.
- Avoid extending the full width of the roof or right up to the gable ends – two small dormers on the same elevation can often be a suitable alternative to one large dormer.
- Avoid dormer windows that are over-dominant in appearance or give the appearance of a flat roof.
- Avoid the use of flat-roofed dormer window extensions on houses with hipped rooflines.

Relevant Government Guidelines

Project Ireland 2040 National Planning Framework, Government of Ireland, (2018).

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

Section 5 – Dublin Metropolitan Area Strategic Plan, in Regional Spatial and Economic Strategy 2019 – 2031.

Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government (2009).

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, (2009).

Quality Housing for Sustainable Communities-Best Practice Guidelines, Department of the Environment, Heritage and Local Government, (2007).

Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities, Department of the Environment, Heritage and Local Government, (2009).

Assessment

The main issues for assessment relate to:

- Zoning and Council Policy;
- Visual and Residential Amenity;
- Services and Drainage;
- Environmental Impact Assessment; and
- Appropriate Assessment.

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Zoning and Council Policy

The site is located within zoning objective 'OS': *'To preserve and provide for open space and recreational amenities'*. Residential development is Open for Consideration in accordance with Council policy for residential development in open space. It is noted that the use of the site for residential purposes and presence of a dwelling is existing. The proposal is for an attic conversion, alteration in roof profile and dormer extension is therefore acceptable in principle.

Visual and Residential Amenity

Change in roof profile

The proposed development would involve extending the existing hipped roof to a gable end roof. Under the House Extension Design Guide *"Extending a hipped roof to the side to create a gabled end or half-hip will rarely be acceptable, particularly if the hipped roof is visually prominent and typical of other houses along the street"*. The streetscape and wider housing estate largely consist of semi-detached dwellings with hipped roofs. It is acknowledged that No. 32 Tynan Hall Avenue was granted an extension from hipped roof to gable end roof by An Bord Pleanála. A full gable end roof at the subject site is not, however, considered in compliance with the Design Guide in this instance and notwithstanding the Bord decision to grant permission, appears out of character with the predominant roof form in the area.

The subject site is located within a row of houses and a gable end roof would be out of character with the hipped roof of these houses. It would also not be in keeping with the dominant character of the surrounding area and would not accord visually in this location. It is considered that the roof profile should be redesigned to incorporate a 'Dutch' half-hipped roof. **The applicant should be requested to address this by way of submitting Additional Information.** As a result of any changes to the proposed roof profile the applicant should ensure that the proposed rear dormer extension is appropriately located on the roof.

The materials to be used for the roof would match existing. This is considered to be in compliance with the Design Guide.

Attic conversion/dormer window

The proposed development would also provide for the construction of a flat-roofed dormer extension on the rear slope of the roof. The House Extension Design Guide recommends that dormers are set at least 100mm from the ridge of the roof and at least 3 tile courses from the eaves. The dormer extension would be setback from the roof ridge and at least 3 tile courses from the eaves. It would also be setback from the sides although it is noted it has different setbacks from either side so appears unbalanced.

The applicant has not indicated what the materials would be used for the extension. In the interests of visual amenity it should be conditioned in the event of a grant of permission that all external finishes shall harmonise in colour or texture that is complementary to the house or its

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context. The proposed extension would be setback approx. 12.4m from the rear boundary. It is therefore not considered that the dormer window would create unacceptable levels of overlooking to neighbouring properties or gardens.

The proposed attic conversion would have a floor to ceiling height of approx. 1.9m to 2.1m. A note should be attached in the event of a grant of permission stating that in order to use the attic for habitable space it must comply with the Building Regulations.

Services and Drainage

Water Services has reviewed the proposed development and has no objections subject to standard conditions.

Screening for Environmental Impact Assessment

Having regard to the modest nature of the proposed development, and the distance of the site from nearby sensitive receptors, there is no likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

Screening for Appropriate Assessment

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

Conclusion

Having regard to the:

- provisions of the South Dublin County Development Plan 2016-2022 and South Dublin County Council House Extension Design Guide (2010),
- the established character of the area, and
- the nature and scale of the proposed development,

it is considered that **Additional Information** is required to ensure the proposed development would be in compliance with Council policy, would not seriously injure the amenities of the remainder of the development, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Recommendation

Request Further Information.

Further Information

Further Information was requested on the 21st of September 2021.

Further Information was received on the 12th of October 2021 (not deemed significant).

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Assessment

Item 1 Requested

"It is considered that the proposed full gable roof profile would not be in keeping with the character of the surrounding area and would not accord visually in this location. Therefore the applicant is requested to redesign the roof profile which may incorporate a 'Dutch' half-hipped roof. Please ensure that the 'Dutch' hip is not token. As a result of any changes to the proposed roof profile the applicant should ensure that the proposed rear dormer extension is appropriately located on the roof and that the edge of the proposed dormer does not go beyond the intersection of the main roof ridge and the ridge of the 'Dutch' hip."

Assessment: The applicant has submitted documentation stating that the original proposal should be allowed. The reasons for this include that there are examples of similar designs in the area, and it is important that they maximise their internal space for family and for working from home.

The examples that the applicant state include applications that were refused by South Dublin County Council, and subsequently granted by An Bord Pleanala, or were in that instance in keeping with the character of the immediate streetscape and area, or for a house of a different form to the subject dwelling. It is also noted that the majority of these applications were assessed under previous county development plans and policy context compared to the current application.

Given the site's location within a row of houses typical of hipped roofs, it is considered that a full gable end roof would not be visually in keeping. It would therefore not comply with the House Extension Design Guide and set an undesirable precedent for similar development. It is considered that the proposed development should be granted subject to a condition that requires the proposed development to be revised to include a 'Dutch' hip. A 'Dutch' hip roof would soften the visual impact of a change in roof profile and would be more visually in accordance with the character of the streetscape than an abrupt finish of a gable end roof. Any 'Dutch' hip roof incorporated into the design should not be token.

It should also be noted that the height within the proposed attic is less than the 2.4m. In order to be used as a habitable room the Building Regulations have a requirement of 2.4m. Furthermore, a proposed 'Dutch hip' would not compromise the proposed development as suggested by the applicant. The entrance door to the house and the existing stairwell is at the gable end of the house. Rather than continuing this stairwell up to the attic along the gable end, the proposal involves switching the attic stairwell to the party wall, and therefore a 'Dutch Hip' will have no implications for head height for the attic stairwell.

Development Contributions

Attic conversion (non-habitable) 28.1sq.m

Assessable area = Nil

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SEA monitoring

Building Use Type Proposed: Residential

Floor Area: 28.1sq.m

Land Type: Brownfield/Urban Consolidation.

Site Area: 0.0197 Hectares.

Conclusion

Having regard to the:

- provisions of the South Dublin County Development Plan 2016-2022 and South Dublin County Council House Extension Design Guide (2010),
- the established character of the area, and
- the nature and scale of the proposed development,

it is considered that, subject to the conditions set out below, the proposed development would be in compliance with Council policy in relation to extensions to dwelling houses, would not seriously injure the amenities of the area or of property in the vicinity and would, 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 in accordance with submitted plans and details.
The development shall be carried out and completed in its entirety fully in accordance with the plans, particulars and specifications lodged with the application, 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.

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2. Amendments.

Prior to the commencement of development the applicant, owner or developer shall submit for the written agreement of the Planning Authority revised plans that have a roof profile with a 'Dutch' half-hipped roof. The 'Dutch' hip shall not be token and shall have the same slope as the existing fully hipped roof. As a result of any changes to the proposed roof profile the applicant should ensure that the proposed rear dormer extension is appropriately located on the roof and that the edge of the proposed dormer does not go beyond the intersection of the main roof ridge and the ridge of the 'Dutch' hip.

REASON: To protect the amenities of the area and in the interests of the proper planning and sustainable development of the area.

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

(ii) 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.

(iii) 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 Control on Construction and Open sites and British Standard B.S. 6187 Code of Practice

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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.

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.

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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.

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.

NOTE: The applicant is advised that, in order to use the attic conversion as a habitable room, it must comply with the Building Regulations.

An Rannóg Talamhúsáide, Pleanála agus Iompair
Land Use, Planning & Transportation Department
Telephone: 01 4149000 Fax: 01 4149104 Email: planning.dept@sdublincoco.ie

McDonnell Consulting
31, Saint John's Court
Clondalkin
Dublin 22
D22E5W6

**NOTIFICATION OF DECISION TO GRANT PERMISSION
PLANNING AND DEVELOPMENT ACT 2000 (as amended) & PLANNING
REGULATIONS THEREUNDER**

Decision Order Number: 1461	Date of Decision: 09-Nov-2021
Register Reference: SD21B/0431	Date: 12-Oct-2021

Applicant: Richard & Nikki Potts

Development: Conversion of existing attic space comprising of modification of existing hipped roof structure to form a gable end design; construction of flat roof dormer to the rear with dormer windows and new internal access stairs.

Location: 35, Tynan Hall Avenue, Dublin 24

Floor Area:

Time extension(s) up to and including:

Additional Information Requested/Received: 21-Sep-2021 /12-Oct-2021

Clarification of Additional Information Requested/Received:

DECISION TO: Pursuant to the Planning & Development Act 2000 (as amended), it is hereby decided, 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 conditions specified in the Second Schedule hereto, the reasons for the imposition of the said conditions

being as set out in the said Second Schedule and the said decision is subject to the said conditions.

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 condition(s) set out hereunder is thereby in accordance with the proper planning and sustainable development of the area.

SECOND SCHEDULE

Conditions and Reasons:

1. Development in accordance with submitted plans and details.
The development shall be carried out and completed in its entirety fully in accordance with the plans, particulars and specifications lodged with the application, 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. Amendments.
Prior to the commencement of development the applicant, owner or developer shall submit for the written agreement of the Planning Authority revised plans that have a roof profile with a 'Dutch' half-hipped roof. The 'Dutch' hip shall not be token and shall have the same slope as the existing fully hipped roof. As a result of any changes to the proposed roof profile the applicant should ensure that the proposed rear dormer extension is appropriately located on the roof and that the edge of the proposed dormer does not go beyond the intersection of the main roof ridge and the ridge of the 'Dutch' hip.
REASON: To protect the amenities of the area and in the interests of the proper planning and sustainable development of the area.
3. (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) The water supply and drainage infrastructure, shall comply with the requirements of Irish Water.

(ii) 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.

(iii) 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 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.

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.

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.

NOTE: The applicant is advised that, in order to use the attic conversion as a habitable room, it must comply with the Building Regulations.

The Developer is advised that under the provisions of the Construction Products Regulation 2013 (No.305/2011-CPR) All products sourced for use in building process must conform with the statutory requirements of the CPR. For more information on these responsibilities see <http://ec.europa.eu/enterprise/sectors/construction/legislation>.

From March 1, 2014 the Building Control (Amendment) Regulations 2013 (SI 80 of 2013) come into effect. All Commencement Notices for works greater than 40sq.m are obliged to be accompanied by a number of certified undertakings as described by these Regulations.

Please note that upon receipt of this document you are obliged to remove the planning site notice in compliance with Article 20 of the Planning and Development Regulations 2001, as amended.

Please note that any valid submissions or observations received in accordance with the provisions of the Planning and Development Regulations 2001, as amended, have been considered in the determination of this application.

Signed on behalf of the South Dublin County Council.

Brian Connolly
for Senior Planner

12-Nov-2021

NOTES

(A) REFUND OF FEES SUBMITTED WITH A PLANNING APPLICATION

Provision is made for a partial refund of fees in the case of certain repeat applications submitted within a period of twelve months where the full standard fee was paid in respect of the first application and where both applications related to developments of the same character or description and to the same site. An application for a refund must be made in writing to the Planning Authority and received by them within a period of two months beginning on the date of the Planning Authority's decision on the second application. For full details of fees, refunds and exemptions the Planning & Development Regulations, 2001 should be consulted.

(B) APPEALS

1. An appeal against the decision may be made to An Bord Pleanála. The applicant or ANY OTHER PERSON who made submissions or observations to the Local Authority may appeal within FOUR WEEKS beginning on the date of this decision. (N.B. Not the date on which the decision is sent or received).
2. Every appeal must be made in writing and must state the subject matter and full grounds of appeal. It must be fully complete from the start. In the case of a third party appeal it must be accompanied by the acknowledgement by the Planning Authority of receipt of the submissions/observations. Appeals should be sent to:
The Secretary, An Bord Pleanála, 64 Marlborough Street, Dublin 1.
3. An Appeal lodged by an applicant/ agent or by a third party with An Bord Pleanála will be invalid unless accompanied by the prescribed fee. A schedule of fees is at 7 below.
4. A party to an appeal making a request to An Bord Pleanála for an Oral Hearing of an appeal must, in addition to the prescribed fee, pay to An Bord Pleanála a further fee (see 7 (g) below).
5. A person who is not a party to an appeal must pay a fee to An Bord Pleanála when making submissions or observations to An Bord Pleanála in relation to an appeal.
6. If the Council makes a decision to grant permission/grant permission consequent on a grant of outline permission and there is no appeal to An Bord Pleanála against this decision, PERMISSION/PERMISSION CONSEQUENT ON A GRANT OF OUTLINE PERMISSION will be granted by the Council as soon as may be after the expiration of the period for the taking of such an appeal. If any appeal made in accordance with the Acts has been withdrawn, the Council will grant the PERMISSION/PERMISSION CONSEQUENT ON A GRANT OF OUTLINE PERMISSION/RETENTION as soon as may be after the withdrawal.
7. Fees payable to An Bord Pleanála from 10th December 2007 are as follows:
 - (a) Appeal against a decision of a Planning Authority on a planning application relating to commercial development made by the person by whom the planning application was made, where the application relates to unauthorised development.....€4,500.00 or €9,000 if an E.I.A.R. is involved
 - (b) Appeal against a decision of a planning authority on a planning application relating to commercial development made by the person by whom the planning application was made, other than an appeal mentioned at (a)..... €1,500.00 or €3,000.00 if an E.I.A.R. is involved
 - (c) Appeal made by the person by whom the planning application was made, where the application relates to unauthorised development other than an appeal mentioned at (a) or (b)..... €660.00
 - (d) Appeal other than an appeal mentioned at (a), (b), (c) or (f) €220.00
 - (e) Application for leave to appeal..... €110.00
 - (f) Appeal following a grant of leave to appeal..... €110.00
 - (g) Referral €220.00
 - (h) Reduced fee (payable by specified bodies) €110.00
 - (i) Submission or observations (by observer) €50.00
 - (j) Request from a party for an Oral Hearing..... €50.00

If in doubt regarding any of the above appeal matters, you should contact An Bord Pleanála for clarification
at Telephone 01-858 8100

Comhairle Chontae Atha Cliath Theas

Record of Executive Business and Chief Executive's Order

REG. REF. SD21B/0431
LOCATION: 35, Tynan Hall Avenue, Dublin 24

jjohnston
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:

9/11/21

Eoin Burke
Eoin Burke, Senior Planner

Relevant Developments (with similar full gable roof re-design)

(1) SD09B/0260 32 Tynan Hall Avenue

(from Google Maps)



(2) SD06B/0190 5 Dunmore Lawn

(from Google Maps)



(3) SD19B/0382 19 Tynan Hall Park

(from Google Maps)



(4) SD08B/0083 61 Walnut Close

(from Google Maps)



(5) SD10B/0028 69 Walnut Close

(from Google Maps)



(6) SD06B/0915 71 Walnut Close

(from Google Maps)



'Unusual'/'Out of Context' Developments

(7) SD18A/0216 2 Dunmore Lawn (120m from 35 Tynan Hall Avenue)

(from Google Maps)



(8) SD16A/0442 28/28a Forest Drive (800m from 35 Tynan Hall Avenue)

(photograph)



TYNAN HALL AVENUE

TYNAN HALL AVENUE



Applicant:
RICHARD + NIKKI POTTS

Project Status:
PLANNING

Site Address:
**35 TYNAN HALL AVENUE,
BELGARD,
D24 E8W2**

Drawing Number:
PP02

Date:
JULY 2021

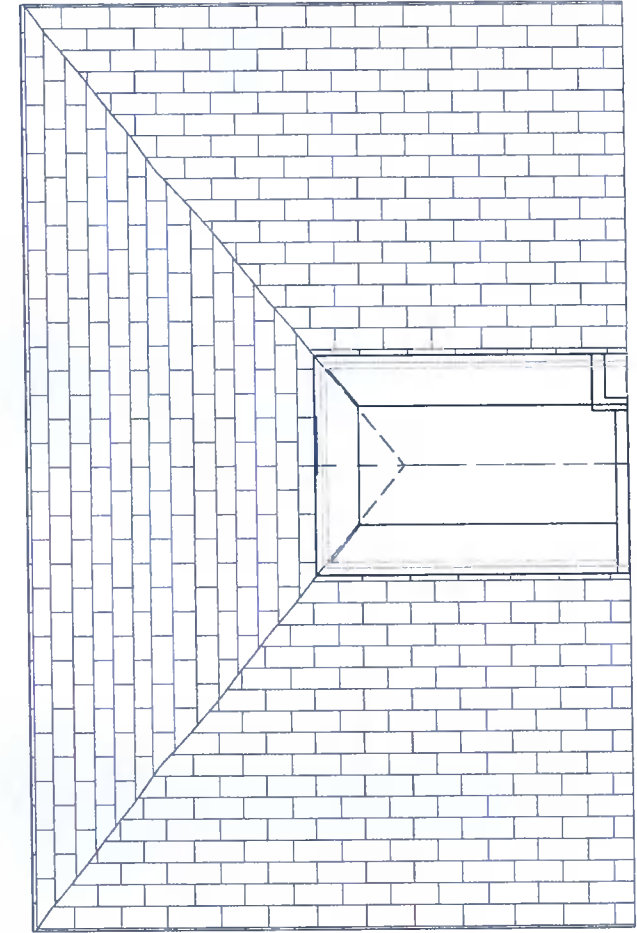
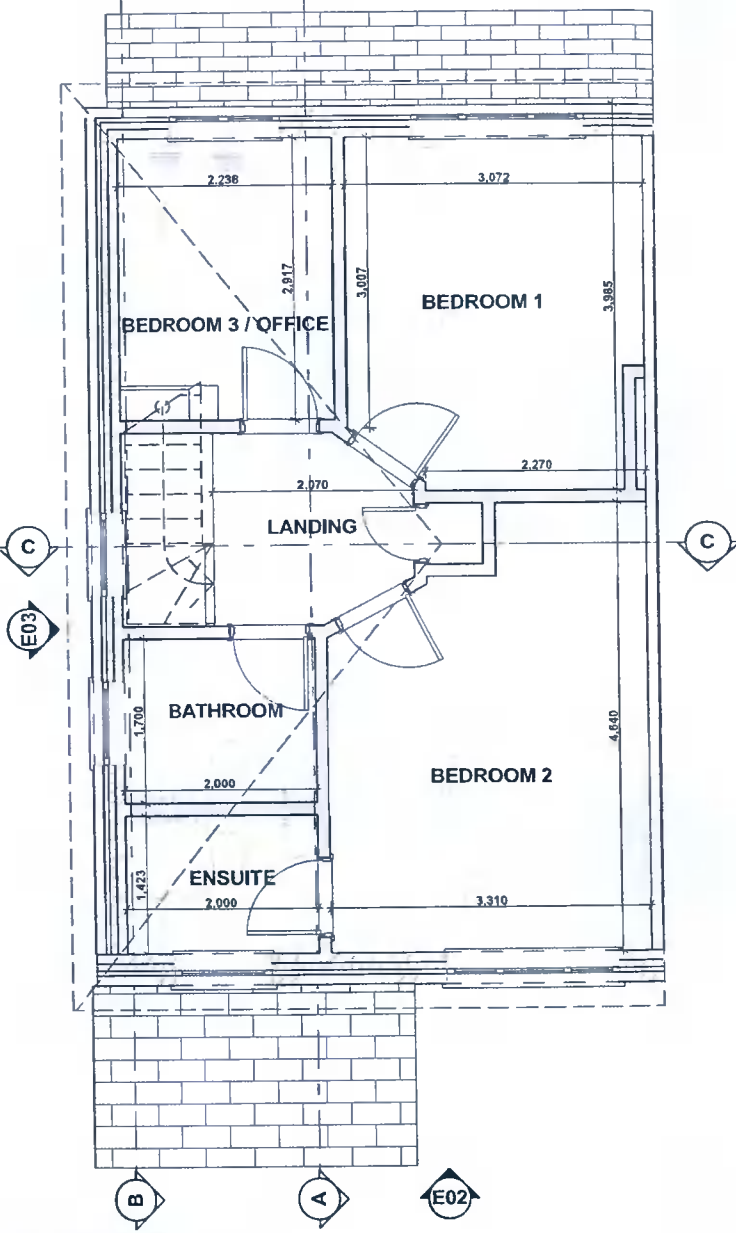
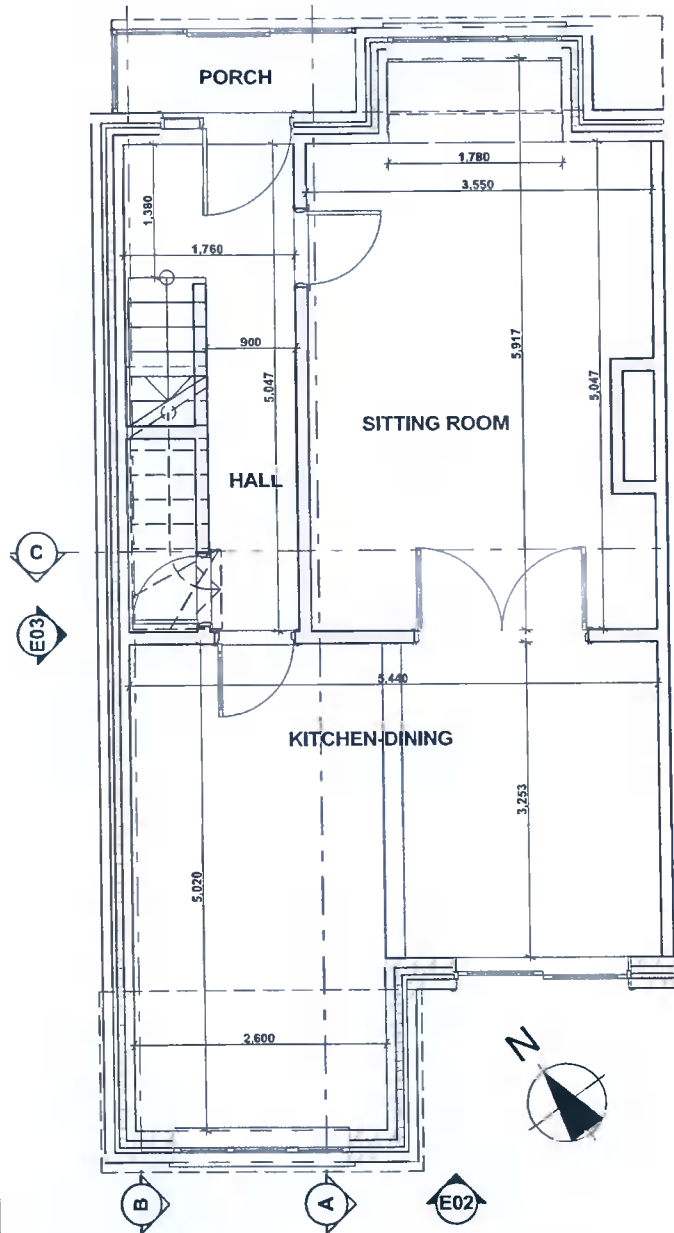
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SITE LAYOUT PLAN

Scales (@ A3):
1:200

Location References:
**ITM COORDINATES:
708473,729896**

**OSI MAP REFERENCE:
3327-16**

ALL DRAWINGS ARE FOR THE PURPOSES OF PLANNING APPLICANTS. DO NOT SCALE DIMENSIONS FROM THIS DRAWING SET. ALL LEVELS RELATE TO GROUND FLOOR LEVEL (0m) AND DO NOT RELATE TO AN ORDANCE SURVEY DATUM POINT. ADJOINING BUILDING STRUCTURES HAVE NOT BEEN SURVEYED ACCURATELY AND ARE INCLUDED FOR CONTEXTUAL PURPOSES. CONSTRUCTION ALONG BOUNDARY WALLS IS SUBJECT TO SURVEY AND AGREEMENT WITH NEIGHBOURS.



Ground Floor Plan (Existing)
1:75

First Floor Plan (Existing)
1:75

Roof Plan (Existing)
1:75

Applicant:
RICHARD + NIKKI POTTS

Project Status:
PLANNING

Site Address:
**35 TYNAN HALL AVENUE,
BELGARD,
D24 E8W2**

Drawing Number:
PP03

Date:
JULY 2021

Drawing Name:
FLOOR PLANS (EXISTING)

Scales (@ A3):
1:75

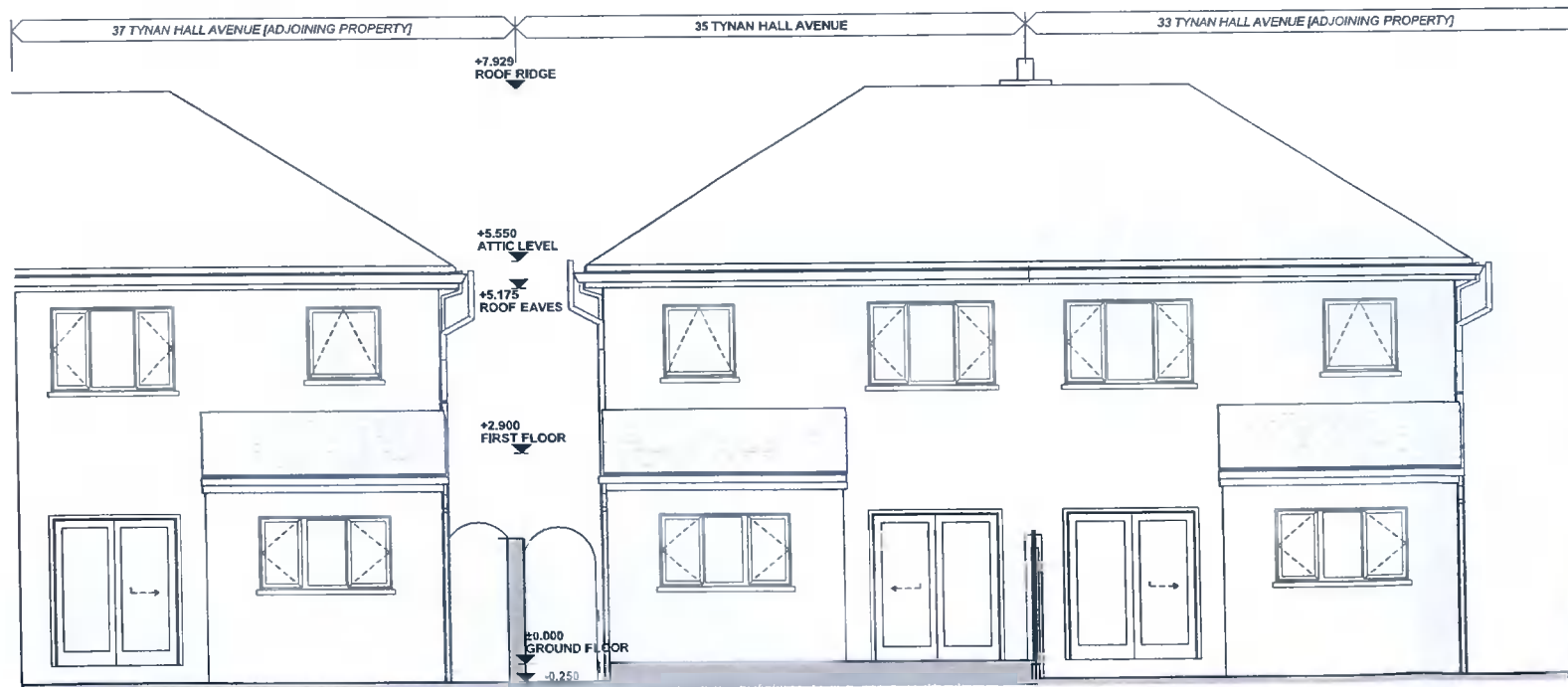
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**ITM COORDINATES:
708473,729896**

**OSI MAP REFERENCE:
3327-16**

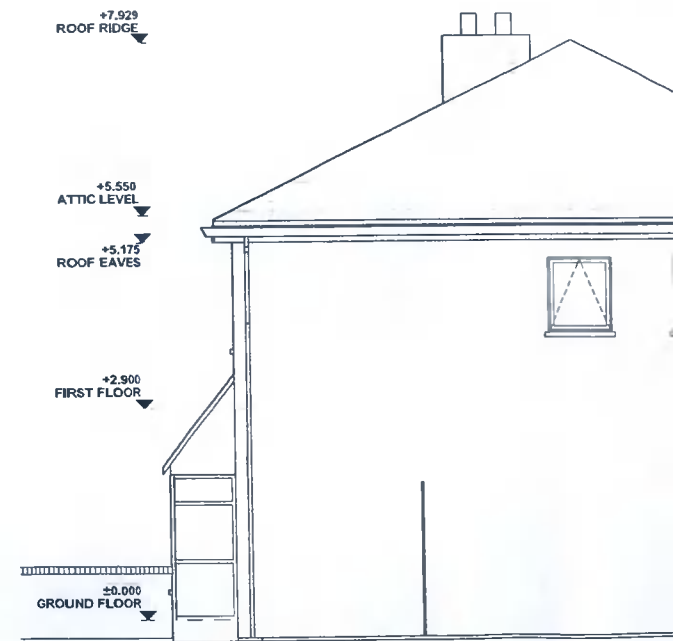
ALL DRAWINGS ARE FOR THE PURPOSES OF PLANNING AND DO NOT SCALE DIMENSIONS FROM THIS DRAWING SET. ALL LEVELS RELATE TO GROUND FLOOR LEVEL (0m) AND RELATE TO AN ORDANCE SURVEY DATUM POINT. ADJOINING BUILDING STRUCTURES HAVE NOT BEEN SURVEYED ACCURATELY AND ARE INCLUDED FOR CONTEXTUAL PURPOSES. CONSTRUCTION ALONG BOUNDARY WALLS IS SUBJECT TO SURVEY AND AGREEMENT WITH NEIGHBOURS.



Front Elevation E01
1:100

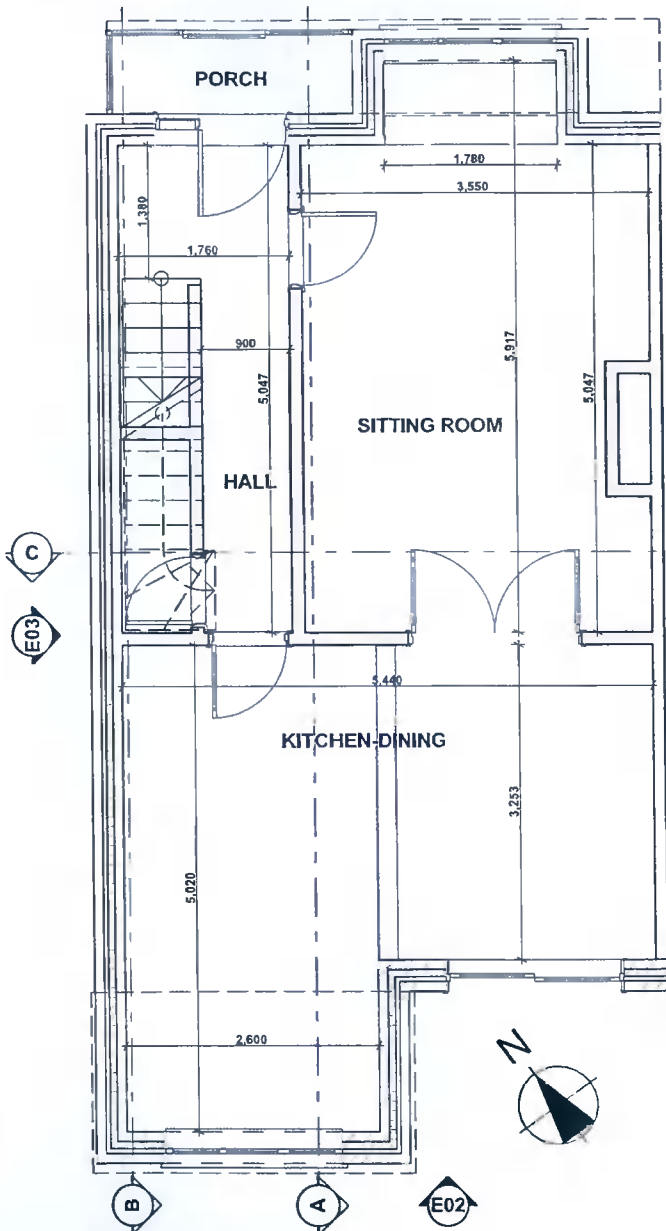


Rear Elevation E02
1:100

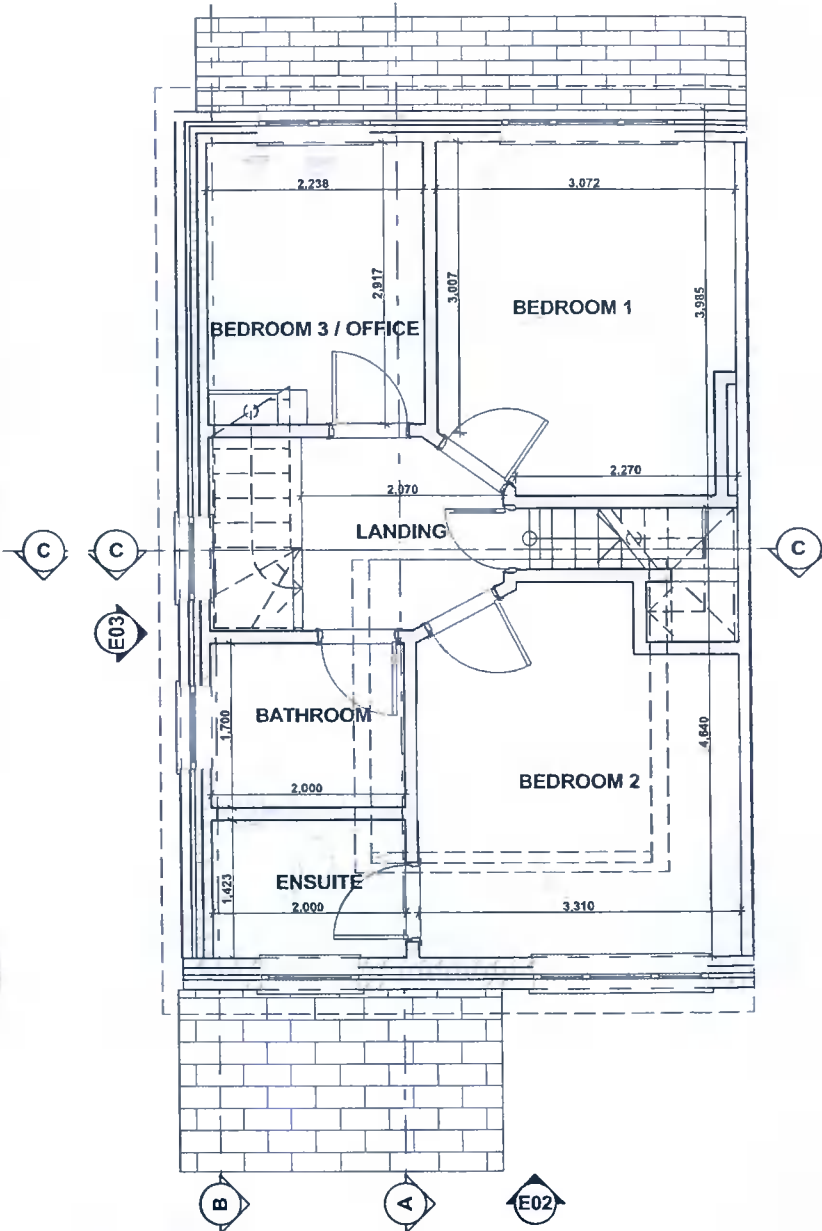


Side Elevation E03
1:100

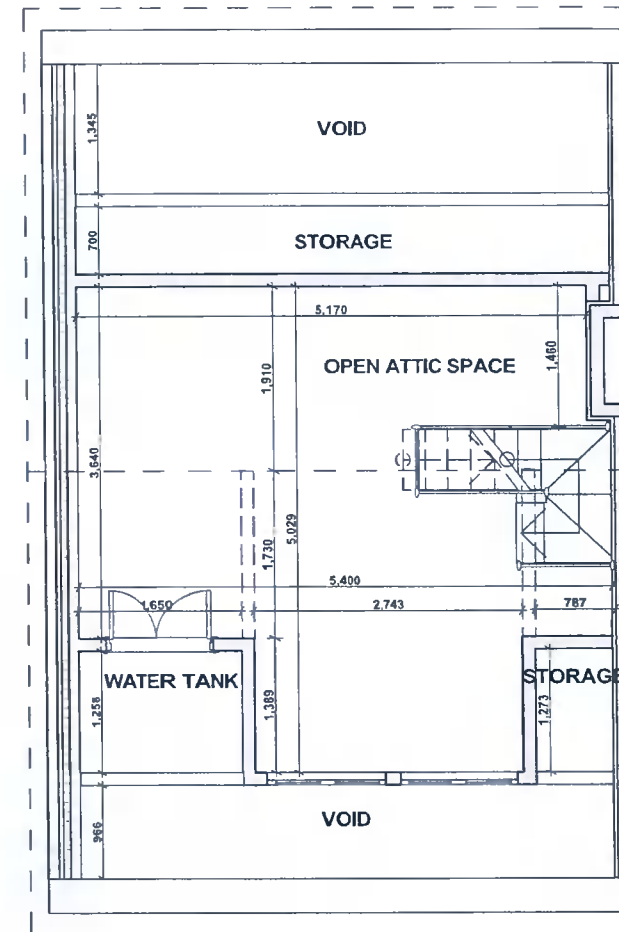
Applicant: RICHARD + NIKKI POTTS	Site Address: 35 TYNAN HALL AVENUE, BELGARD, D24 E8W2	Drawing Number: PP04	Drawing Name: ELEVATIONS (EXISTING)	Location References: ITM COORDINATES: 708473,729896	ALL DRAWINGS ARE FOR THE PURPOSES OF PLANNING AND DO NOT SCALE DIMENSIONS FROM THIS DRAWING SET. ALL LEVELS RELATE TO GROUND FLOOR LEVEL (0m) AND DO NOT RELATE TO AN ORDNANCE SURVEY DATUM POINT. ADJOINING BUILDING STRUCTURES HAVE NOT BEEN SURVEYED ACCURATELY AND ARE INCLUDED FOR CONTEXTUAL PURPOSES. CONSTRUCTION ALONG BOUNDARY WALLS IS SUBJECT TO CONSENT AND AGREEMENT WITH NEIGHBOURS.
Project Status: PLANNING		Date: JULY 2021	Scales (@ A3): 1:100	OSI MAP REFERENCE: 3327-16	



Ground Floor Plan (Proposed)
1:75



First Floor Plan (Proposed)
1:75



Attic Plan (Proposed)
1:75



Roof Plan (Proposed)
1:75

Applicant:
RICHARD + NIKKI POTTS

Project Status:
PLANNING

Site Address:
**35 TYNAN HALL AVENUE,
BELGARD,
D24 E8W2**

Drawing Number:
PP05

Date:
JULY 2021

Drawing Name:
FLOOR PLANS (PROPOSED)

Scales (@ A3):
1:75

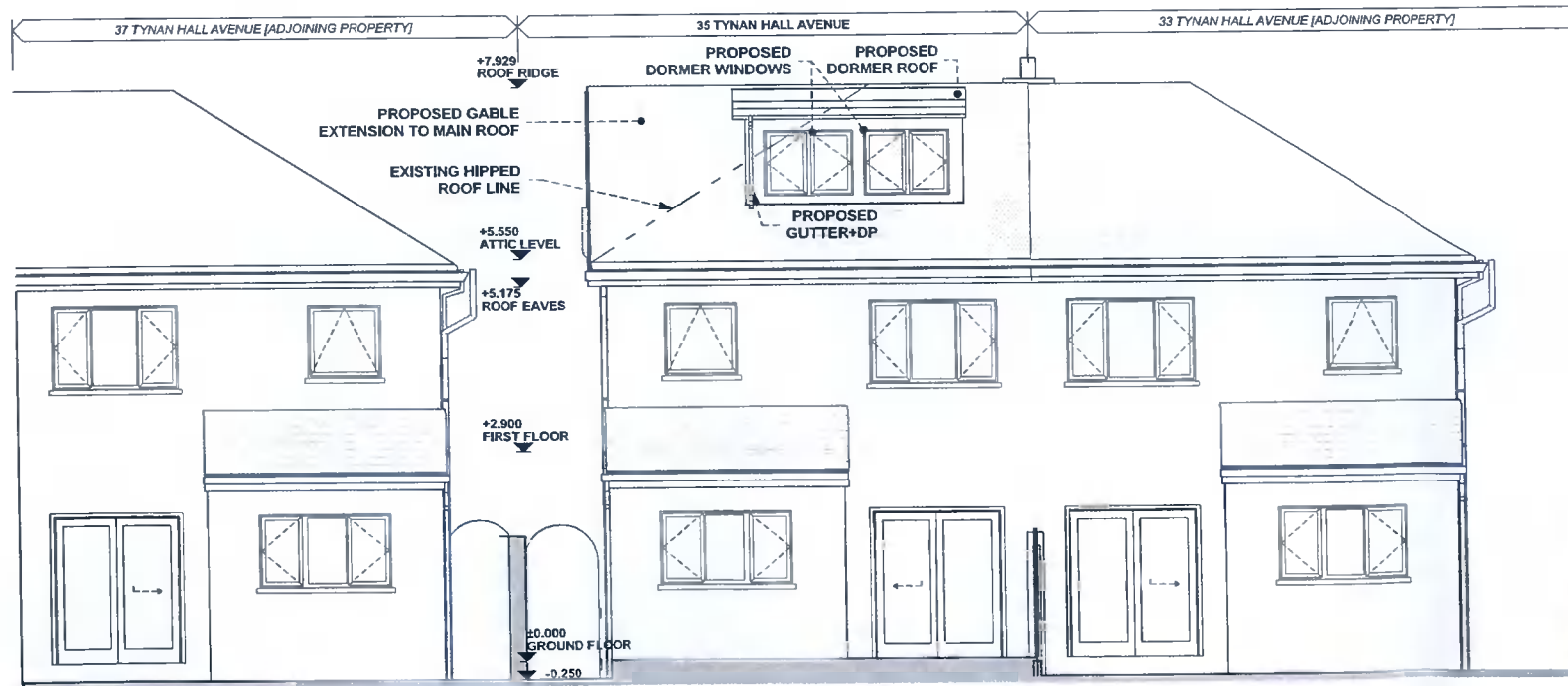
Location References:
**ITM COORDINATES:
708473,729896**

**OSI MAP REFERENCE:
3327-16**

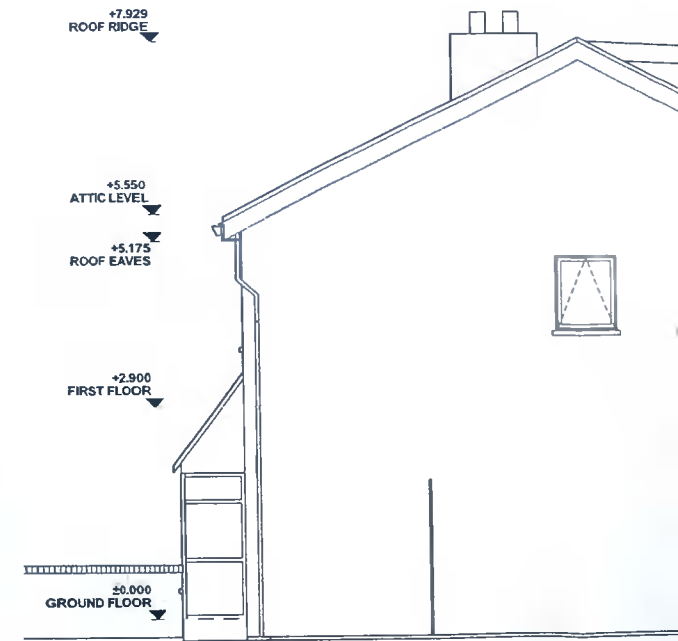
ALL DRAWINGS ARE FOR THE PURPOSES OF PLANNING AND DO NOT SCALE DIMENSIONS FROM THIS DRAWING SET. ALL LEVELS RELATE TO GROUND FLOOR LEVEL (0m) AND RELATE TO AN ORDANCE SURVEY DATUM POINT. ADJOINING BUILDING STRUCTURES HAVE NOT BEEN SURVEYED ACCURATELY AND ARE INCLUDED FOR CONTEXTUAL PURPOSES. CONSTRUCTION ALONG BOUNDARY WALLS IS SUBJECT TO SURVEY AND AGREEMENT WITH NEIGHBOURS.



Front Elevation E01
1:100

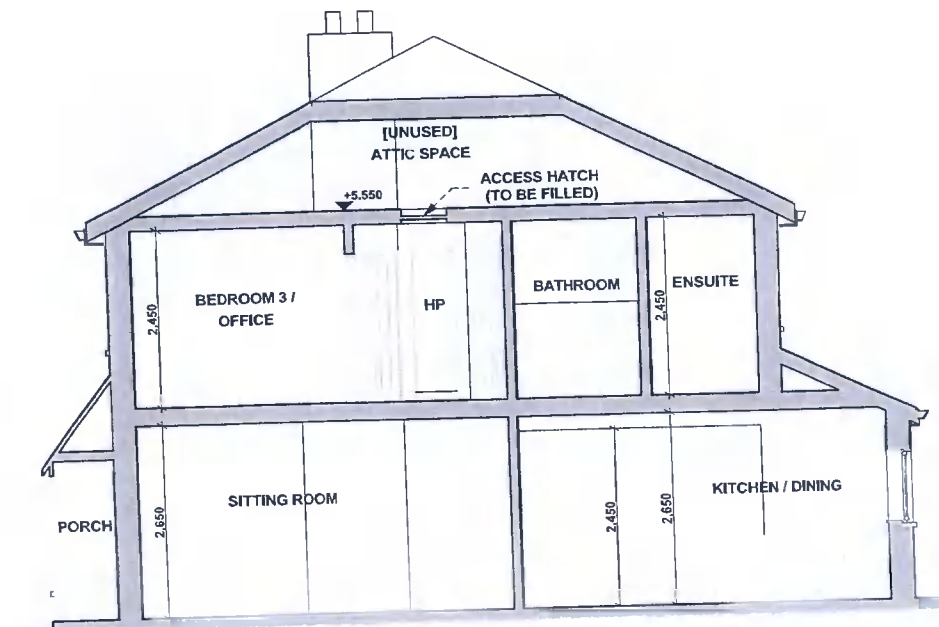


Rear Elevation E02
1:100

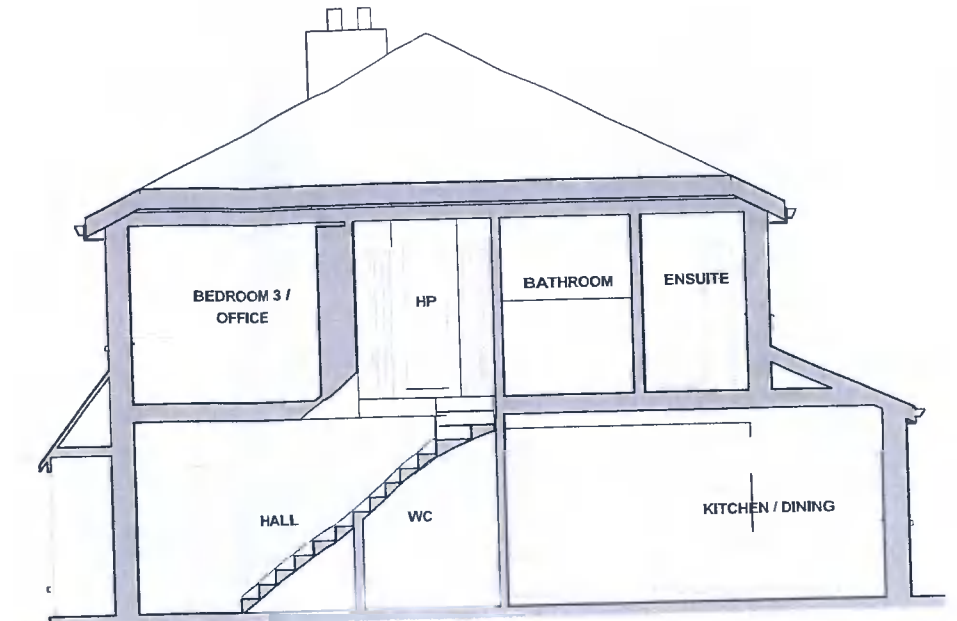


Side Elevation E03
1:100

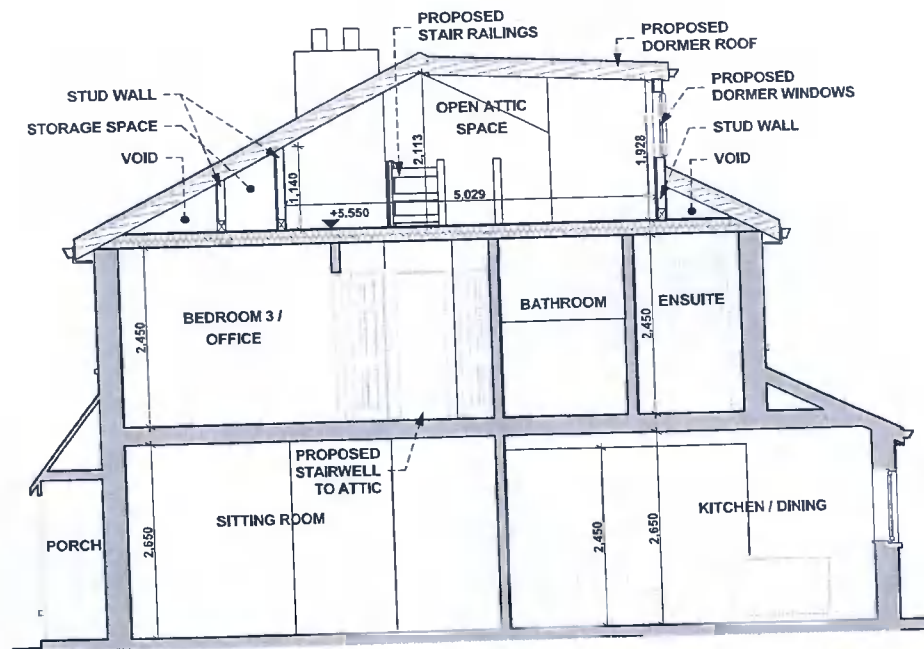
Applicant: RICHARD + NIKKI POTTS	Site Address: 35 TYNAN HALL AVENUE, BELGARD, D24 E8W2	Drawing Number: PP06	Drawing Name: ELEVATIONS (PROPOSED)	Location References: ITM COORDINATES: 708473,729896	ALL DRAWINGS ARE FOR THE PURPOSES OF PLANNING AND DO NOT SCALE DIMENSIONS FROM THIS DRAWING SET. ALL LEVELS RELATE TO GROUND FLOOR LEVEL (0m) AND RELATE TO AN ORDNANCE SURVEY DATUM POINT. ADJOINING BUILDING STRUCTURES HAVE NOT BEEN SURVEYED ACCURATELY AND ARE INCLUDED FOR CONTEXTUAL PURPOSES. CONSTRUCTION ALONG BOUNDARY WALLS IS SUBJECT TO AGREEMENT WITH NEIGHBOURS.
Project Status: PLANNING		Date: JULY 2021	Scales (@ A3): 1:100	OSI MAP REFERENCE: 3327-16	



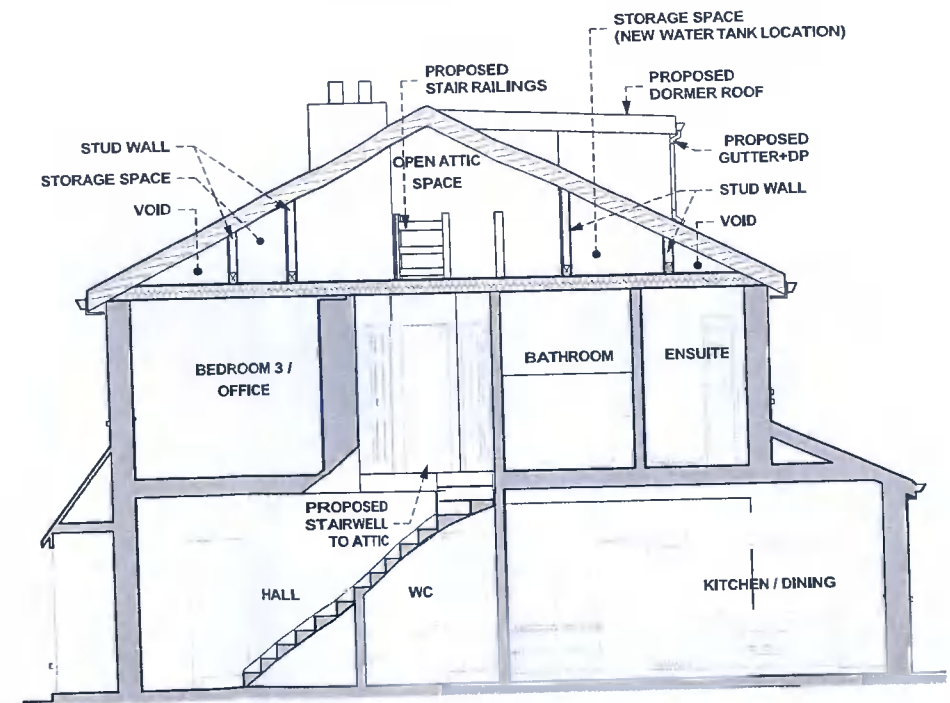
Section A-A (Existing)
1:100



Section B-B (Existing)
1:100



Section A-A (Proposed)
1:100



Section B-B (Proposed)
1:100