

Comhairle Chontae Atha Cliath Theas

PR/1524/21

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD21B/0513 **Application Date:** 05-Oct-2021
Submission Type: New Application **Registration Date:** 05-Oct-2021
Correspondence Name and Address: Dara O'Connell 16, La Touche Cove, Cliff Road,
Greystones, Co. Wicklow
Proposed Development: Demolition of existing (attached) garage/covered side
passage/outhouse to side; construction of two storey
extension to side, extending single storey to front;
construction of single storey extension to rear;
construction of single storey (bay) extension to front;
infilling of existing internal porch to front to extend
existing hall; minor alterations to existing front and
rear elevations including enlarged window to front at
first floor; widening of existing vehicular entrance.
Location: 117, Marian Road, Dublin 14
Applicant Name: David & Ayu Kiely
Application Type: Permission

(COS)

Description of Site and Surroundings

Site Area: stated as 0.0376 Hectares.

Site Description

The subject site is located on Marian Road in an existing housing estate in Rathfarnham. The site consists of a semi-detached, two-storey dwelling with a hipped roof. The streetscape is characterised by semi-detached housing of a similar character and form. The site is opposite a local centre with a church and shops.

Proposal

Permission is being sought for the following works:

- Demolition of existing (attached) garage/covered side passage/outhouse to side;
- Construction of two storey extension to side, extending single storey to front;
- Construction of single storey extension to rear;
- Construction of single storey (bay) extension to front;
- Infilling of existing internal porch to front to extend existing hall;
- Minor alterations to existing front and rear elevations including enlarged window to front at first floor;

Comhairle Chontae Atha Cliath Theas

PR/1524/21

Record of Executive Business and Chief Executive's Order

- Widening of existing vehicular entrance.

Zoning

The subject site is subject to zoning objective RES – *'To protect and/or improve residential amenity'* under the South Dublin County Council Development Plan 2016-2022.

Consultations

Water Services – further information requested.
Irish Water – no objection subject to conditions.
Roads Department – no objection subject to conditions.
Public Realm Section – report received.

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

Submissions/Observations /Representations

None.

Relevant Planning History

None traced to subject site.

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

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 11.3.1 Residential

Section 11.3.1 (iv) Dwelling Standards

Comhairle Chontae Atha Cliath Theas

PR/1524/21

Record of Executive Business and Chief Executive's Order

Section 11.3.1 (v) Privacy

Section 11.3.3 Additional Accommodation

Section 11.3.3 (i) Extensions

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.

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.*

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;

Comhairle Chontae Atha Cliath Theas

PR/1524/21

Record of Executive Business and Chief Executive's Order

- Visual and Residential Amenity;
- Landscape;
- Services and Drainage;
- Roads and Access;
- Environmental Impact Assessment; and
- Appropriate Assessment.

Zoning and Council Policy

The proposed development is consistent in principle with zoning objective RES – *'To protect and/or improve residential amenity'*. New residential extensions to existing dwellings are permissible in principle under this zoning objective, subject to their being in accordance with the relevant provisions of the South Dublin County Council House Extension Design Guide 2010.

Visual and Residential Amenity

It is proposed to demolish the existing attached garage, side passage and outhouse and construct a two storey extension to the side. The side extension would also extend to the front by approx. 1.2m from the existing front building line. The living room would also be extended to the front by approx. 0.95m to provide a bay window. The existing porch would be infilled, and the hall extended into this space. The front extensions would be setback approx. 7.7m from the front boundary at the closest point, leaving sufficient room to park a car onsite. The front extensions would be single storey with a mono-pitch roof provided along the width of the front elevation of the house. While the front extensions are acceptable in principle the roof should be **conditioned** to be made hipped so that it is more in keeping with the character of the dwelling and streetscape. The proposed materials of these extensions would match existing.

The proposed two storey side extension would be approx. 1.0m from the side boundary with No. 119 Marian Road. The roof would be hipped to match existing. The proposed materials of the extension would match existing. No windows are proposed at first floor level on the side elevation facing No. 119. The development would provide for reconfigured bedrooms and an additional bedroom at first floor level. The bedrooms would meet the minimum floorspace requirements of the County Development Plan. It is noted that there are a number of similar two storey extensions in the area including at No. 115 Marian Road, adjoining the subject dwelling.

The proposal would also involve the construction of a single storey extension to the rear of the dwelling. The extension would also be approx. 1.0m from the side boundary with No. 119 and approx. 3.8m from the side boundary with No. 115. The extension would be approx. 14.0m from the rear boundary. The remaining rear amenity space would meet the minimum private open space requirements of the County Development Plan. The rear extension would have a flat roof,

Comhairle Chontae Atha Cliath Theas

PR/1524/21

Record of Executive Business and Chief Executive's Order

however, would largely be screened from the streetscape and wider area. The proposed materials would be self-coloured render with powder coated aluminium capping all around the top of the parapet walls. The design of the extension is considered acceptable due to its height (approx. 3.3m), scale and setback from boundaries.

Alterations are proposed to the existing fenestration at first floor level on the front and rear elevations. Due to existing setbacks to be maintained these changes are considered to be acceptable.

In summary, the proposed development is considered to generally comply with the guidance set out in the South Dublin County Council House Extension Design Guide 2010 and would have an acceptable impact in terms of visual and residential amenity.

Landscape

The Public Realm Section has reviewed the proposed development and states the following in regard to protection of street trees in grass margins:

The applicant is to ensure the protection of the existing street tree to be retained through the installation of suitable tree protection fencing in order to protect the existing tree during any construction works pertaining to retention of the gate. Commencement of development should not be permitted without adequate protective fencing being in place. This fencing, enclosing the tree protection area must be installed prior to any plant, vehicle or machinery access on site. Fencing must be clearly signed 'Tree Protection Area – No Construction Access'. No Excavation, plant vehicle movement, materials or soil storage is to be permitted within the fenced tree protection areas indicated on plan.

Reduction of grass margin to facilitate a widened vehicular entrance

The Public Realm Section would not be in favour in allowing a resident to remove or reduce a grass margin which are in the public domain to accommodate the provision of a widened vehicular entrance. We believe this sets an unwanted precedent and grass margins should be retained where possible in the urban setting.

The report from the Public Realm Section is noted. There is an existing street tree to the front of the site which should be protected during works to widen the vehicular entrance. This should be conditioned as such.

In regard to concerns on the reduction of the grass margin, it is noted that the vehicular entrance is existing and is proposed to be widened by approx. 1.1m to facilitate easier movement of cars to and from the site. An entrance of 3.5m is acceptable to the Planning Authority and Roads Department and is not an uncommon entrance width. The amount of removal of the grass margin is considered insignificant.

Comhairle Chontae Atha Cliath Theas

PR/1524/21

Record of Executive Business and Chief Executive's Order

Services and Drainage

Water Services has reviewed the proposed and requests further information in regard to surface water:

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

1.2 The applicant is required to submit a revised drawing showing plan & cross-sectional views, dimensions, and location of proposed soakaway. Any proposed soakaway shall be located fully within the curtilage of the property and shall be:

- i) At least 5m from any building, public sewer, road boundary or structure.*
- ii) Generally, not within 3m of the boundary of the adjoining property.*
- iii) Not in such a position that the ground below foundations is likely to be adversely affected.*
- iv) 10m from any sewage treatment percolation area and from any watercourse / floodplain.*
- v) Soakaways must include an overflow connection to the surface water drainage network.*

1.3 The applicant is required to include Water Butts as part of additional Sustainable Drainage Systems (SuDS) features for the proposed development.

- All works shall comply with the Building Regulations -Technical guidance document- Part H Drainage and Wastewater disposal*
- The Developer shall ensure that there is complete separation of the foul and surface water drainage for the proposed development.*
- All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.*

The request from Water Services is noted, however, it is considered that this can be addressed by way of condition.

Irish Water has reviewed the proposed development and has no objections subject to standard conditions. This report is noted and should be conditioned as such.

Roads and Access

The existing 2.4m vehicular entrance would be increased to approx. 3.5m in width. The Roads Department has reviewed the proposed development and has no objections subject to the following conditions:

- 1. The vehicular access points shall be limited to a width of 3.5 meters.*
- 2. The boundary walls at vehicle access points shall be limited to a maximum height of 0.9m, and any boundary pillars shall be limited to a maximum height of 1.2m, in order to improve forward visibility for vehicles.*

Comhairle Chontae Atha Cliath Theas

PR/1524/21

Record of Executive Business and Chief Executive's Order

3. *Footpath and kerb shall be dished and widened, and the dropped crossing shall be constructed to the satisfaction of South Dublin County Council and at the applicant's expense. The footpath and kerb shall be dished and widened to the full width of the proposed widened driveway entrance.*
4. *Any gates shall open inwards and not out over the public domain.*
5. *All vehicles parked in the driveways must exit the site in a forward direction. No vehicles to reverse onto the public roadway at any time.*

The condition relating to vehicles exiting the site in a forward direction is not enforceable and therefore should not be included. The remaining conditions should be included in the event of a grant of permission.

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.

Development Contributions

No pre-existing extensions
Proposed extensions 73.3sq.m
Assessable area = 33.3sq.m

SEA monitoring

Building Use Type Proposed: Residential
Floor Area: 73.3sq.m
Land Type: Brownfield/Urban Consolidation.
Site Area: 0.0376 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),

Comhairle Chontae Atha Cliath Theas

PR/1524/21

Record of Executive Business and Chief Executive's Order

- 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.
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 incorporate a hipped roof over the single storey front extensions.
REASON: To protect the amenities of the area and in the interests of the proper planning and sustainable development of the area.
3. Drainage - Surface Water.
The disposal of surface water, shall fully comply with all of the technical requirements of the Council's Water Services Section. In this regard, prior to the commencement of development, the applicant/developer shall submit the following for the written agreement

Comhairle Chontae Atha Cliath Theas

PR/1524/21

Record of Executive Business and Chief Executive's Order

of the Planning Authority:

- (a) A report showing site specific soil percolation test results and design calculations for the proposed soakaway in accordance with BRE Digest 365 – Soakaway Design.
- (b) A revised drawing showing plan & cross-sectional views, dimensions, and location of proposed soakaway. Any proposed soakaway shall be located fully within the curtilage of the property and shall be:
 - i) At least 5m from any building, public sewer, road boundary or structure.
 - ii) Generally, not within 3m of the boundary of the adjoining property.
 - iii) Not in such a position that the ground below foundations is likely to be adversely affected.
 - iv) 10m from any sewage treatment percolation area and from any watercourse / floodplain.
 - v) Soakaways must include an overflow connection to the surface water drainage network.
- (c) The applicant is required to include Water Butts as part of additional Sustainable Drainage Systems (SuDS) features for the proposed development.
- (d) All works shall comply with the Building Regulations -Technical guidance document- Part H Drainage and Wastewater disposal
- (e) The Developer shall ensure that there is complete separation of the foul and surface water drainage for the proposed development.
- (f) All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.

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

4. Vehicular Entrance.

- (a) The vehicular access points shall be limited to a width of 3.5 meters.
 - (b) The boundary walls at vehicle access points shall be limited to a maximum height of 0.9m, and any boundary pillars shall be limited to a maximum height of 1.2m, in order to improve forward visibility for vehicles.
 - (c) Footpath and kerb shall be dished and widened, and the dropped crossing shall be constructed to the satisfaction of South Dublin County Council and at the applicant's expense. The footpath and kerb shall be dished and widened to the full width of the proposed widened driveway entrance.
 - (d) Any gates shall open inwards and not out over the public domain.
- REASON: in the interest of traffic and pedestrian safety.

5. Protection/Retention of Existing Trees.

The existing street tree to the front of the site shall be retained and shall be protected from damage for the duration of the works on site, to the satisfaction of the Planning Authority in accordance with BS 5837: 2012.

The existing street tree to be retained shall be enclosed by stout protective fencing, located at a suitable distance as detailed in BS: 5837 – 2012 – ‘Trees in Relation to Design,

Comhairle Chontae Atha Cliath Theas

PR/1524/21

Record of Executive Business and Chief Executive's Order

Demolition and Construction'. This protective fencing shall be erected no later than two weeks of the date of any Commencement Notice within the meaning of Part II of the Building Control Regulations 1997 and prior to the commencement of any works on site, and before any materials are brought onto site and prior to the commencement of any works associated the proposed development.

The Planning Authority shall be notified in writing when protective measures are commencing and also in writing when they have been completed.

The protective fencing shall at all times be maintained intact and in good order for the duration of the construction works. Any damage caused to the protective fence shall be repaired immediately.

No materials shall be stored, no rubbish dumped, no fires lit and no buildings erected inside the protective fence(s), nor shall any changes in ground level be made within the fence(s) unless previously agreed in writing by the Planning Authority.

In the event that trees become damaged or otherwise defective during construction period, South Dublin County Council shall be notified as soon as reasonably practicable and remedial action agreed and implemented at the developer own expense.

Any necessary tree felling and surgery works shall be first agreed on-site and subsequently in writing with the Planning Authority prior to the commencement of the development.

The proposed location of the site compound, and the exact routes of all water mains, foul and surface water sewers shall be marked out on site, and agreed with the Planning Authority's Public Realm Section prior to the commencement of any works on site, so as to minimise damage to trees which could result from excavation works, storage of materials and construction of temporary access roadway.

REASON: In the interests of proper planning and sustainable development, compliance with Development Plan policy, visual amenity and the protection of existing trees and biodiversity.

6. (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.

Comhairle Chontae Atha Cliath Theas

PR/1524/21

Record of Executive Business and Chief Executive's Order

(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

Comhairle Chontae Atha Cliath Theas

PR/1524/21

Record of Executive Business and Chief Executive's Order

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.

7. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €3,209.79 (three thousand two hundred and nine euros and seventy nine cents), in respect of public infrastructure and facilities benefiting development within the area of the Planning Authority, that is provided, or intended to be provided by or on behalf of the authority, in accordance with the terms of the Development Contribution Scheme 2021 - 2025, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended).

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

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

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

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

Comhairle Chontae Atha Cliath Theas

PR/1524/21

Record of Executive Business and Chief Executive's Order

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.

Comhairle Chontae Atha Cliath Theas

PR/1524/21

Record of Executive Business and Chief Executive's Order

**REG. REF. SD21B/0513
LOCATION: 117, Marian Road, Dublin 14**

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:

25/11/21

E Burke

Eoin Burke, Senior Planner