

# Comhairle Chontae Atha Cliath Theas

**PR/1527/21**

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

**Reg. Reference:** SD21B/0510      **Application Date:** 01-Oct-2021  
**Submission Type:** New Application      **Registration Date:** 01-Oct-2021  
**Correspondence Name and Address:** CK Architecture Ashleigh House, John F. Kennedy Road, Dublin 12  
**Proposed Development:** Top floor roof window to front of 3 storey dwelling.  
**Location:** 15, Ballynakelly Green, Newcastle, Co. Dublin  
**Applicant Name:** Bernhard Paustenbach  
**Application Type:** Permission

(CM)

### **Description of Site and Surroundings:**

#### **Site Area**

0.02 Ha.

#### **Site Description**

The site accommodates a 3-storey, semi-detached dwelling, with projecting central bay in front of regressed side wings. Above the central bay, 2<sup>nd</sup> level front facing dormers open out onto balconies. The development otherwise has a pitched roof over 1<sup>st</sup> floor accommodation, with 2<sup>nd</sup> level accommodation located within the roof space.

The area was developed to a 2005 permission, but the design of this pair of houses is not typical of the area, being replicated only by the two houses opposite, based on a 2010 amendment to the parent permission.

Site visit: 01/11/21

#### **Proposal:**

Roof window to front of pitched roof.

#### **Zoning:**

'RES' – *'To protect and/or improve Residential Amenity'*

#### **Consultations:**

None.

#### **SEA Screening**

No overlap with the relevant environmental layers.

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

None.

### **Relevant Planning History**

SD05A/0344 & PL06S/217096 (Parent Permission)

Permission **granted** by SDCC (conditions amended by An Bord Pleanála) for a residential development of 743 dwellings.

SD05A/0344/EP

Extension of duration to the above permission, granted in 2014.

SD10A/0013

Permission **granted** by SDCC for amendments to previously approved planning application Reg. Ref. SD05A/0344 (PL06S.217096) for the construction of 4 no. 4-bedroom, 3-storey semi-detached houses, replacing 8 previously approved apartments. The application includes dormers/roof terraces provided to the front elevations of each unit at second floor level; individual vehicular access from Ballynakelly Green to each of the houses; all associated drainage and site development works, landscaping and ancillary works on lands of 0.118 hectares at Nos. 14, 15, 16, 17, 18, 19, 20 and 21, Ballynakelly Green.

### **Relevant Enforcement History**

None recorded for subject site

### **Pre-Planning Consultation**

None recorded for subject site

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

*Section 2.4.1 Residential Extensions*

*Policy H18 Residential Extensions*

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

*Section 11.3.3 Additional Accommodation*

*Section 11.3.3 (i) Extensions*

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

### **National Guidelines & Policy relevant to Development Management in SDCC**

#### **Ministerial Guidelines and Policy**

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

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**Regional, Spatial & Economic Strategy 2020-2032 (RSES)**, Eastern & Midlands Regional Assembly (2019)

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

**Rebuilding Ireland: Action Plan for Housing and Homelessness**, Government of Ireland (2016).

**Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities**, Department of Housing, Planning and Local Government (2020).

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

**Urban Design Manual**, Department of the Environment, Heritage and Local Government, (2008).

**Urban Development and Building Heights Guidelines for Planning Authorities**, (2018)  
**Quality Housing for Sustainable Communities-Best Practice Guidelines**, Department of the Environment, Heritage and Local Government (2007).

**Design Manual for Urban Roads and Streets** Department of the Environment, Community and Local Government and Department of Transport, Tourism and Sport (2013).

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

**The Planning System and Flood Risk Management - Guidelines for Planning Authorities**, Department of the Environment, Heritage and Local Government & OPW, (2009).

**Departmental Circulars**, Department of Housing, Planning and Local Government (2020) – as listed:

- PL02/2020: Covid-19 Measures
- PL03/2020: Planning Time Periods
- PL04/2020: Event Licensing
- PL05/2020: Planning Time Periods
- PL06/2020: Working Hours Planning Conditions
- PL07/2020: Public Access to Scanned Documents
- PL08/2020: Vacant Site Levy

Circular NRUP 02/2021 - Residential Densities in Towns and Villages

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### **Assessment**

The main issues for assessment concern the following:

- Zoning and Council policy
- Residential amenity and visual impact
- Screening for Appropriate Assessment
- Screening for Environmental Impact Assessment

### **Zoning and Council Policy**

The site is located in an area which is subject to zoning objective 'RES' – '*To protect and/or improve Residential Amenity*'. The proposed development relates to an alteration to a house to provide a roof window. This is acceptable under the zoning objective, subject to compliance with the SDCC House Extension Design Guide, 2010.

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

The roof window would serve a walk-in wardrobe at 2<sup>nd</sup> floor level, off the double bedroom. The window is of an acceptable scale and would not raise any issues of privacy or overlooking. The proposal is acceptable.

### **Screening for Appropriate Assessment**

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

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

### **Other Considerations**

#### ***Bonds & Contributions***

Application relates to a window.  
Assessable area is Nil.

### **SEA Monitoring**

Development Type: Residential  
Floor Area (sq.m): nil.  
Site Type: Brownfield / Urban Consolidation  
Site Area (Ha.): 0.02

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### **Conclusion**

The proposed development would accord with the guidance in the South Dublin County Council House Extension Design Guide, 2010 and would be in keeping with the 'RES' land-use zoning policy, other relevant policies of the South Dublin County Development Plan 2016 - 2022, and 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.

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.


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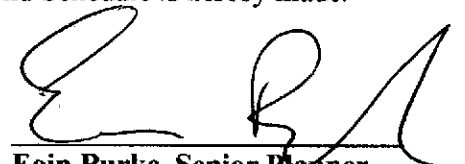
**REG. REF. SD21B/0510**

**LOCATION: 15, Ballynakelly Green, Newcastle, Co. Dublin**

  
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**Jim Johnston,**  
**Senior Executive Planner**

**ORDER:** A decision pursuant to Section 34(1) of the Planning & Development Act 2000, as amended, to Grant Permission for the reasons set out in the First Schedule above, in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule above, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule is hereby made.

**Date:** 25/11/21

  
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**Eoin Burke, Senior Planner**