

Comhairle Chontae Atha Cliath Theas

PR/1560/21

Record of Executive Business and Chief Executive's Order

Reg. Reference:	SD21A/0277	Application Date:	08-Oct-2021
Submission Type:	New Application	Registration Date:	08-Oct-2021
Correspondence Name and Address:	Lorna Durnin Paradigm House, Dundrum Office Park, Dublin 14		
Proposed Development:	Construction of a new 4 bedroom, detached dormer bungalow; all ancillary site development works.		
Location:	Peyton View, Peyton, Rathcoole, Co. Dublin		
Applicant Name:	Stanley Residential DAC		
Application Type:	Permission		

Description of Site and Surroundings

Site Area

Stated as 0.2713 Hectares.

Site Description

The subject site is located in the southern corner of 'Peyton', a residential development containing approximately 204 No. units located to the south of Rathcoole Main Street.

The subject site, which measures approximately 271.3sq.m, is comprised of an area of vacant land bound to the north by No. 6 Peyton View, to the east by No. 7 Peyton View, these boundaries comprise 2m high (approximate) block wall (unplastered) and to the south and west by an internal circulation road for the housing estate. No. 7 has been designed as a full dual frontage dwelling, however the 2m high wall renders the ground floor element moot. The side façade of No. 6 has three small windows at first and second floor levels, the ground floor element is screened by the 2m high block wall again rendering any dual aspect moot. The site is located at a higher level than the ground level at No. 6.

It is stated in the Applicant's Cover Letter that the subject site was never included in the open space calculations for the wider 'Peyton' residential development.

Site Visit

9th November 2021.

Proposal

The proposed development involves:

- Construction of a new 4-bedroom detached dormer bungalow on a presently vacant corner site located between Nos. 6 and 7 Peyton View Rathcoole, Co. Dublin;

Comhairle Chontae Atha Cliath Theas

PR/1560/21

Record of Executive Business and Chief Executive's Order

- Gross Floor Area of 164.6sq.m, comprising:
 - Ground floor level: living room, toilet, living/kitchen/dining room, utility room and bedroom with ensuite
 - First floor level: family bathroom, 2 store rooms, a hot press and 3 bedrooms (one of which is ensuite);
- 2 off-street car parking spaces,
- A rear garden measuring 76sq.m
- Boundary treatments comprising:
 - treated timber post fencing (approximately 0.7m high) with planting (approximately 1.2m high) along the western and southern boundaries
 - A brick wall with concrete capping (approximately 2m high) adjacent to the car parking spaces in the south-eastern corner of the subject site; and
- All associated ancillary landscape, boundary, site and development works.

Zoning

The subject site is zoned objective 'RES' in the South Dublin County Development Plan 2016-2022, where the stated objective is '*To protect and/or improve residential amenity*'.

Consultations

Water and Drainage Operations – Further Information Required.

Environment, Water and Climate Change – Further Information Required.

Parks and Landscape Services / Public Realm Department – No objection, subject to conditions.

Roads Department – No objection, subject to conditions.

Irish Water – Further information required.

SEA Sensitivity Screening

No overlap identified with any SEA Sensitivity Layers.

Submissions/Observations /Representations

Submission expiry date – 11th November 2021.

In total 7 submissions were received, the key points of which can be summarised as follows:

- The subject site is currently Public Open Space.

Comhairle Chontae Atha Cliath Theas

PR/1560/21

Record of Executive Business and Chief Executive's Order

- The drawings show a proposed 2 storey dwelling, not a 'dormer bungalow'.
- Amenity space for proposed dwelling located to the side.
- Will result in overlooking, overshadowing and overbearing of adjacent properties.
- May adversely impact the west facing solar roof panels on adjacent properties.
- The proposed dwelling would significantly alter the established building line.
- Altered building line may cause a road safety hazard.
- Private Amenity Space proposed does not meet Development Plan requirements.
- The adjacent properties have dual frontage, to overlook the Public Open Space.
- Streetscape A-A appears to be erroneously annotated on Drawing No. 2110-PD05.
- Works remain uncompleted by the developer for the wider residential development.
- Site Notice was dated 29th September 2021 but was not erected until 8th October 2021.

The content of the 7 submissions received has been considered in the overall assessment of the development and the pertinent points will be addressed in the 'Assessment' section of this Report.

Relevant Planning History

Subject site

SD12A/0238 – Peyton, Stoney Road, Rathcoole, Co. Dublin.

Construction of 27 No. houses comprising: 1 No. 4 bedroom 2 storey detached house with second floor in roof space (M1 Type), 12 No. 4 bedroom 2 storey semi-detached houses with second floor in roof space (M & M1 Type), 4 No. 4 bedroom 2 storey end of terrace houses with second floor in roof space (Q3 Type) and 10 No. 3 bedroom with study 2 storey mid terrace houses with second floor in roof space and pend entrances to rear gardens (Q Type) along with all other ancillary site developments works. **Grant Permission, subject to conditions.**

SD09A/0384 – Peyton, Stoney Road, Rathcoole, Co. Dublin.

Amendments to the design & layout of houses at 1- 38 Peyton Close, 19 - 29 Peyton Drive and 1 - 4 Peyton Crescent previously granted planning permission under Reg Ref SD06A/0699. These amendments include replacement of the above house types with 18 No. 3 storey, 4 bed semi-detached, 50No. 3 storey, 3 bed semi-detached and 2No. 3 storey, 3 bed terraced houses. Permission is also sought for the relocation of apartment blocks A1, A2, B1, B2 (37 - 84 Peyton Hall) previously granted permission under Reg. Ref. SD07A/0351 along with apartment blocks C and D (1-36 Peyton Hall) and houses at 1 - 20 Peyton Square previously granted under permission Reg. Ref. SD06A/0699 along with alterations to the site boundary location along with all other ancillary site development works. Significant Additional Information: omission of apartment blocks A1, A2, B1, B2, C & D approved under planning Reg. Ref. SD06A/0699 and SD07A/0351 and replacing them with 30 No. houses comprising 3 No. 3 storey, 4 bedroom, detached houses, 19 No. 3 storey, 3 bedroom plus study, semi-detached houses, 2 No. 3 storey, 3 bedroom detached houses and 6 No. 3 storey, 2 bedroom, with option

Comhairle Chontae Atha Cliath Theas

PR/1560/21

Record of Executive Business and Chief Executive's Order

for third bedroom in roof space, semi-detached houses. Permission is also sought for amendments to M and M1 type houses, previously lodged, along with proposed optional extension to the rear of the M type houses. It is also proposed to omit from this application the development of the area on the south west corner of the site on which houses 1 to 20 Peyton Square, previously approved under Reg. Ref. SD06A/0699, were located, shaded blue on the site plan submitted, drawing No. 0915 PD03A. This area will be the subject of a future planning application. The amendments reduce the number of residential units for which permission is currently sought from 251 units to 168 units. Amendments are also sought for changes to finished floor levels from that approved in the original permission. **SDCC Decision: Grant Permission, subject to conditions.** The decision of the Planning Authority was subject to a First Party Appeal to An Bord Pleanála. **ABP Decision: Grant Permission, subject to conditions.**

SD06A/0699 – Stoney Road, Rathcoole, Co. Dublin.

Reduction in the number of units from 273 units to 268 units, with the change in unit types as follows: Revision in numbers of Type A, 2 bed 2 storey terraced units from 25 to 22, revision in numbers of Type G, 4 bed 2 storey plus attic semi-detached houses from 18 to 22, revision in numbers of Type G1, 4 bed 2 storey plus attic corner semi-detached houses from 12 to 6. Houses 19, 20, 89, 90 and 149 (total 5 units) have been omitted. The number of unit types A1, A2, E, E1, F, F1 and D remain unchanged. The area of public open space in front of the existing Forest Hills estate has been increased. The numbers and types of apartments in Blocks A, B, C and D remain unchanged. Apartment Blocks C and D and the communal bin store have been relocated towards the east. Revisions also include the retention and re-alignment of the existing Storey Road, with the introduction of a new roundabout to serve the site. Revisions have been made to the layout of 16 No. Type G and G1 houses at the entrance, with the creche being relocated to the north. The size and hours of operation of the creche remains the same, with the decrease in the outside play area from 581sq.m. to 405sq.m. and the increase in staff parking / drop off area from 30 spaces to 31 Spaces. Revisions have also been made to houses 49 to 63, with these houses being relocated towards the west. The total number of residential car parking spaces has decreased from 457 to 453, comprising of 349 surfaces car parking spaces and 104 basement car parking spaces. **Grant Permission, subject to conditions.**

SD04A/0979 – Stoney Road, Rathcoole, Co. Dublin.

A residential scheme comprising 2 No. single storey 1 bed flatlets, 17 No. 1 and a half storey 2 bed cottages, 34 No. 1 and a half storey 3 bed townhouses, 62 No. 2 storey 3 bed townhouses, 70 No. 3 bed apartments in 7 No. 2 storey blocks and 1 No. 3 storey block with all associated roads, cycleways, footpaths, services, new site entrance and the provision for the realignment of Stoney Road. This development will also include the provision of a childcare facility to cater for up to eighty children from 7:30am to 6:00pm Monday to Friday inclusive, the provision of a 300mm diameter watermain traversing the application site which will ultimately form part of the proposed 'Boherboy Water Supply Scheme' and the provision of on-site water storage tank and associated pumphouse. **Grant Permission, subject to conditions.**

Comhairle Chontae Atha Cliath Theas

PR/1560/21

Record of Executive Business and Chief Executive's Order

S01A/0242 – Stoney Road, Rathcoole, Co. Dublin.

Construct 174 two and three bedroom townhouses in 29 two storey blocks of six units, with all associated roads and services. **SDCC Decision: Refuse Permission.** The decision of the Planning Authority was subject to a First Party Appeal to An Bord Pleanála. **ABP Decision: Refuse Permission.**

Relevant Enforcement History

None recorded for subject site.

Pre-Planning Consultation

None recorded.

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

Policy H6 Sustainable Communities

It is the policy of the Council to support the development of sustainable communities and to ensure that new housing development is carried out in accordance with Government policy in relation to the development of housing and residential communities.

Policy H7 Urban Design in Residential Developments

It is the policy of the Council to ensure that all new residential development within the County is of high-quality design and complies with Government guidance on the design of sustainable residential development and residential streets including that prepared by the Minister under Section 28 of the Planning & Development Act 2000 (as amended).

Section 2.3.0 Quality of Residential Development

Policy H11 Residential Design and Layout

It is the policy of the Council to promote a high quality of design and layout in new residential development and to ensure a high-quality living environment for residents, in terms of the standard of individual dwelling units and the overall layout and appearance of the development.

Policy H12 Objective 1 Public Open Space

To ensure that public open space in new residential developments complies with the quantitative standards set out in Chapter 11 Implementation and the qualitative standards set out in Chapter 11 and Chapter 4 of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009), together with the design criteria illustrated under the Urban Design Manual – A Best Practice Guide, DEHLG (2009).

Section 11.3.1(iii) Public Open Space/Children's Play

In all other zones all new residential development shall be required to incorporate a minimum of 10% of the total site area as public open space. This includes community led housing for

Comhairle Chontae Atha Cliath Theas

PR/1560/21

Record of Executive Business and Chief Executive's Order

older people in established areas on lands designated with Zoning Objective "OS" (To preserve and provide for open space and recreational amenities).

Policy H13 Private and Semi-Private Open Space

It is the policy of the Council to ensure that all dwellings have access to high quality private open space (incl. semi-private open space for duplex and apartment units) and that private open space is carefully integrated into the design of new residential developments.

Policy H14 Internal Residential Accommodation

It is the policy of the Council to ensure that all new housing provides a high standard of accommodation that is flexible and adaptable, to meet the long term needs of a variety of household types and sizes.

Policy H15 Privacy and Security

It is the policy of the Council to promote a high standard of privacy and security for existing and proposed dwellings through the design and layout of housing.

Policy H17 – Residential Consolidation:

It is the policy of the Council to support residential consolidation and sustainable intensification at appropriate locations, to support ongoing viability of social and physical infrastructure and services and meet the future housing needs of the County.

H17 Objective 1

To support residential consolidation and sustainable intensification at appropriate locations and to encourage consultation with existing communities and other stakeholders.

H17 Objective 3

To favourably consider proposals for the development of corner or wide garden sites within the curtilage of existing houses in established residential areas, subject to appropriate safeguards and standards identified in Chapter 11 Implementation.

H17 Objective 5

To ensure that new development in established areas does not impact negatively on the amenities or character of an area.

H17 Objective 7

To support and facilitate the replacement of existing dwellings with one or more replacement dwellings, subject to the protection of existing residential amenities and the preservation of the established character (including historic character and visual setting) of the area (see Section 9.1.4 Older Buildings, Estates and Streetscapes).

Policy HCL5 Older Buildings, Estates and Streetscapes

Comhairle Chontae Atha Cliath Theas

PR/1560/21

Record of Executive Business and Chief Executive's Order

Section 11.2.1 Design Statements

Section 11.2.7 Building Height

Section 11.3.1 Residential

Section 11.3.1 (iv) Dwelling Standards

Table 11.20: Minimum Space Standards for Houses

Section 11.3.1 (v) Privacy

Section 11.3.2 Residential Consolidation

Section 11.3.2 (i) Infill Sites

Development on Infill sites should meet the following criteria:

- *Be guided by the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities DEHLG, 2009 and the companion Urban Design Manual.*
- *A site analysis that addresses the scale, siting and layout of new development taking account of the local context should accompany all proposals for infill development. On smaller sites of approximately 0.5 hectares or less a degree of architectural integration with the surrounding built form will be required, through density, features such as roof forms, fenestration patterns and materials and finishes. Larger sites will have more flexibility to define an independent character.*
- *Significant site features, such as boundary treatments, pillars, gateways and vegetation should be retained, in so far as possible, but not to the detriment of providing an active interface with the street.*
- *Where the proposed height is greater than that of the surrounding area a transition should be provided (see Section 11.2.7 Building Height).*
- *Subject to appropriate safeguards to protect residential amenity, reduced open space and car parking standards may be considered for infill development, dwelling subdivision, or where the development is intended for a specific group such as older people or students. Public open space provision will be examined in the context of the quality and quantum of private open space and the proximity of a public park. Courtyard type development for independent living in relation to housing for older people is promoted at appropriate locations. Car parking will be examined in the context of public transport provision and the proximity of services and facilities, such as shops.*

Comhairle Chontae Atha Cliath Theas

PR/1560/21

Record of Executive Business and Chief Executive's Order

- *Proposals to demolish a dwelling(s) to facilitate infill development will be considered subject to the preservation of the character of the area and taking account of the structure's contribution to the visual setting or built heritage of the area.*

Section 11.3.2 (ii) Corner/Side Garden Sites

Development on corner and/or side garden sites should meet the criteria for infill development in addition to the following criteria:

- *The site should be of sufficient size to accommodate an additional dwelling(s) and an appropriate set back should be maintained from adjacent dwellings,*
- *The dwelling(s) should generally be designed and sited to match the building line and respond to the roof profile of adjoining dwellings,*
- *The architectural language of the development (including boundary treatments) should respond to the character of adjacent dwellings and create a sense of harmony. Contemporary and innovative proposals that respond to the local context are encouraged, particularly on larger sites which can accommodate multiple dwellings,*
- *Where proposed buildings project forward of the prevailing building line or height, transitional elements should be incorporated into the design to promote a sense of integration with adjoining buildings, and*
- *Corner development should provide a dual frontage in order to avoid blank facades and maximise surveillance of the public domain.*

Section 6.4.4 Car Parking

Policy TM7 Car Parking

Section 11.4.2 Car Parking Standards

Table 11.24: Maximum Parking Rates (Residential Development)

Section 11.4.3 Car Parking for Electric Vehicles

Section 11.4.4 Car Parking Design and Layout

Section 11.4.5 Traffic and Transport Assessments

Section 7.1.0 Water Supply & Wastewater

Policy IE1 Water & Wastewater

It is the policy of the Council to work in conjunction with Irish Water to protect existing water and drainage infrastructure and to promote investment in the water and drainage network to support environmental protection and facilitate the sustainable growth of the County

Comhairle Chontae Atha Cliath Theas

PR/1560/21

Record of Executive Business and Chief Executive's Order

Section 7.2.0 Surface Water & Groundwater

Policy IE2 Surface Water & Groundwater

It is the policy of the Council to manage surface water and to protect and enhance ground and surface water quality to meet the requirements of the EU Water Framework Directive.

Section 7.3.0 Flood Risk Management

Policy IE3 Flood Risk

It is the policy of the Council to continue to incorporate Flood Risk Management into the spatial planning of the County, to meet the requirements of the EU Floods Directive and the EU Water Framework Directive.

Section 8.0 Green Infrastructure

Policy G1 Overarching

Policy G1 Green Infrastructure Network

Policy G3 Watercourses Network

Policy G4 Public Open Space and Landscape Setting

Policy G5 Sustainable Urban Drainage Systems

Policy G6 New Development in Urban Areas

Section 9.3.1 Natura 2000 Sites

Policy HCL12 Natura 2000 Sites

Section 11.6.1 (i) Flood Risk Assessment

Section 11.6.1 (ii) Surface Water

Section 11.6.1 (iii) Sustainable Urban Drainage System (SUDS)

Section 11.6.1 (iv) Groundwater

Section 11.6.1 (v) Rainwater Harvesting

Section 11.6.1 (vi) Water Services

Section 11.7.2 Energy Performance in New Buildings

Section 11.8.1 Environmental Impact Assessment

Section 11.8.2 Appropriate Assessment

Relevant Government Guidelines:

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

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

Comhairle Chontae Atha Cliath Theas

PR/1560/21

Record of Executive Business and Chief Executive's Order

Urban Design Manual: A Best Practice Guide, A Companion Document to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, Department of the Environment, Heritage and Local Government, (2008)

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

Urban Development and Building Heights: Guidelines for Planning Authorities, (2018).

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).

Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, Building Research Establishment, (1991).

Assessment

The main issues for assessment are:

- Zoning and Council policy
- Current Use of the Subject Site
- Design
- Internal Accommodation
- Private Amenity Space
- Visual impact and Residential amenity
- Section 97 Certificate of Exemption
- Access and Parking
- Landscaping and Boundary Treatment
- Services & Drainage

Zoning and Council Policy

The subject site is situated within the 'RES' zoning objective which seeks 'To protect and/or improve residential amenity'. As residential development is 'Permitted in Principle' under the 'RES' zoning objective, a new dwelling is accepted in principle at the application site, subject to compliance with the relevant local and national policy.

Comhairle Chontae Atha Cliath Theas

PR/1560/21

Record of Executive Business and Chief Executive's Order

The proposed development generally accords with the provisions of Section 11.3.2 of the Development Plan. However, concerns arise in relation to the design and siting of the proposed development and the potential impact on surrounding properties. These concerns are assessed further in this Planning Report.

Current Use of the Subject Site

A number of the submissions in relation to this Planning Application state that the subject site is currently in use as an area of Public Open Space for the residents of Peyton. The Applicant, in their Cover Letter dated 9th August 2021, disagrees and states that the subject site was never included as open space as part of the original development of Peyton. The Planning Authority has assessed the original permission and compliance submissions received under Planning Reg. Ref. SD12A/0238, in particular for condition Nos. 3(v), 6(a) and 8. The subject site was included in the provision of a Landscape Masterplan, received as a compliance submission to Condition 6, an extract from which below clearly demonstrates that the subject site was intended for use as a landscaped open space (circled in blue):



This is further supported by the following extract from the Applicant's Compliance cover letter for SD12A/0238 regarding the subject site:

- (iii) Bearing in mind the fact that house No. 7 Peyton View has been designed as a dual frontage house, the side facade was intended to overlook open space and with this in mind we would suggest that the triangular space created by the realignment of the road and the proposed boundary of house No. 6 should remain as open space to provide an open aspect to the side elevation of house No. 7.

Comhairle Chontae Atha Cliath Theas

PR/1560/21

Record of Executive Business and Chief Executive's Order

It is clear that the applicant was well aware that the subject site would form part of the public realm/open space.

Again, this is further supported by the requirement of Condition 8 of Reg. Ref. SD12A/0238 to limit the boundary treatment of Dwelling 6 at Peyton View:

8. The side boundaries of units 1, 6, and 13 Peyton View and 19 Peyton Square the extent of which is indicated by Boundary no. 1 on drawing 1206 PD04A - Boundary Treatments shall be permanently limited to 1.2m in height.

REASON: To ensure passive observation of the public realm and in the interest of residential amenity.

The Condition clearly requires that the southern boundary wall of 6 Peyton View shall be a maximum height of 1.2m, this was to ensure '**passive observation of the public realm**'.

It is clear, from the three points made above, that the land to the south of 6 Peyton View was assessed as part of the public realm and open space provision. Furthermore, 7 Peyton View, is designed to overlook the subject site both at ground and first floor level. It is unfortunate that a high-level block wall has been constructed at this location, which significantly screens the ground floor windows from the corner space. This element seriously diminishes the original concept behind passive surveillance at this location and significantly lessens the functionality and capacity of the dual aspect of these dwelling units, to passively overlook this corner site, to the point where it may be deemed to be no longer be successful.

Drawing No. 2110 PD06 provided by the Applicant shows the overall Site Plan of Peyton, highlighting the Public Open Space remaining with the subject site excluded. According to the Applicant, there will be a remainder of 12,051.2sq.m Public Open Space for the entire residential development. Based upon an approximate overall site area of 7.5Ha the 12,051.6sq.m of Public Open Space equates to 16% of the site area. This accords with the 10% minimum requirement outlined in Section 11.3.1(iii) of the Development Plan for residential zoning (RES). This is not considered to be relevant as the open space provision for RES- N lands is 14% and the zoning of built out RES-N lands generally changes to a RES zoning. As such, the use of the 10% quantum as a justification to reduce open space is not accepted. It is noted that the overall lands had a A1 (equivalent of RES-N) zoning in the 2010 – 2016 Development Plan which required a 14% open space provision. As such, the protection of permitted open space and the adequacy of the existing open space for residents is the primary consideration. Some concerns are expressed in relation to the overall open space provision in the estate due to the challenging topography.

Design

The proposed development comprises a 4-bedroom detached dormer bungalow with a Gross Floor Area of 164.6sq.m. The proposed dwelling seeks to address the corner site by providing

Comhairle Chontae Atha Cliath Theas

PR/1560/21

Record of Executive Business and Chief Executive's Order

dual frontages in the south and west elevations. The rear elevation faces directly towards the northern boundary with 6 Peyton View and includes an access door leading from the utility room to the side passage, a small window to the ensuite bathroom with 2 rooflights at first floor level. The Planning Authority questions the contiguous elevations at this location, which do not appear to accurately represent the change in levels between the subject and 6 Peyton View to the north, which is set below the level mid-rear of the subject site. This presents a significant constraint to the development potential of the subject site, having regard to the requirement to provide appropriate separation distances and negate the potential for overlooking, overshadowing and overbearing impact of adjacent properties and would be contrary to minimum safeguards set out in Section 11.3.2 of the County Development Plan regarding infill and corner sites:

- *The site should be of sufficient size to accommodate an additional dwelling(s) and an appropriate set back should be maintained from adjacent dwellings,*

The Planning Authority considers that the substantial size of the proposed dwelling and the minimal separation distance from the dwelling house located directly to the north, which has been provided with significant habitable room windows at ground floor level, and where the dwelling at 7 Peyton View is set slightly below the level of the subject site, would give rise to significant overshadowing by way of loss of southern light, which this dwelling presently enjoys.

- *The dwelling(s) should generally be designed and sited to match the building line and respond to the roof profile of adjoining dwellings,*

A number of submissions received comment on the alteration to the existing building line along Peyton View. However, the Planning Authority considers that proposal is generally appropriate having regard to the non-uniform or staggered building line to the east along Peyton View (Nos. 7-13 Peyton View) and the relatively minor setback from the established building line to the north at Nos. 1-6 Peyton View.

- *The architectural language of the development (including boundary treatments) should respond to the character of adjacent dwellings and create a sense of harmony. Contemporary and innovative proposals that respond to the local context are encouraged, particularly on larger sites which can accommodate multiple dwellings,*

The architectural language is consistent with that found in the immediate proximity of the subject site.

- *Where proposed buildings project forward of the prevailing building line or height, transitional elements should be incorporated into the design to promote a sense of integration with adjoining buildings, and*

Comhairle Chontae Atha Cliath Theas

PR/1560/21

Record of Executive Business and Chief Executive's Order

The Planning Authority considers that proposal is generally appropriate having regard to the non-uniform or staggered building line to the east along Peyton View (Nos. 7-13 Peyton View) and the relatively minor setback from the established building line to the north at Nos. 1-6 Peyton View.

- *Corner development should provide a dual frontage in order to avoid blank facades and maximise surveillance of the public domain.*

A dual aspect dwelling unit is proposed and is generally acceptable in principle.

The design of the subject scheme although largely according with the provisions of Section 11.3.2 of the Development Plan has not successfully overcome the significant issue of its proximity to 6 Peyton View (front-door elevation). In particular, it is noted that the proposed dwelling is just 3.6m from the southern elevation of No. 6 Peyton View and 8.9m to the western elevation of No. 7 Peyton View. In relation to Separation Distances Section 11.3.1(v) of the Development Plan states that:

'Section 10 of the Urban Design Manual (2009) addresses privacy and amenity. A separation distance of 22 metres should generally be provided between directly opposing above ground floor windows to maintain privacy. Reduced distances will be considered in respect of higher density schemes or compact infill sites where innovative design solutions are used to maintain a high standard of privacy'.

This scheme is not considered to be either a high-density scheme or a compact infill site and the proposed design is not considered to be innovative in addressing the existing residential amenity in proximity to the site. The Planning Authority considers that the proposed dwelling would be likely to give rise to overshadowing and to have an overbearing impact on adjacent properties. As such the Planning Authority considers that the proposed dwelling does not accord with the provisions of the South Dublin County Development Plan 2016-2021 and the key principles of proper planning and sustainable development and should be refused.

Diminished Private Rear Amenity Space - Overlooking

Owing to the design of the adjacent properties at Nos. 6 (front door and habitable rooms at the southern elevation) and 7 Peyton View concerns arise in relation to the privacy of the private amenity space of the proposed dwelling, particularly having regard to the first-floor windows of No. 7 Peyton View. There is significant potential for the proposed private amenity space to be overlooked by No. 7 Peyton View.

In relation to the design and layout of Private Amenity Spaces, the *Urban Design Manual: A Best Practice Guide* states that:

Comhairle Chontae Atha Cliath Theas

PR/1560/21

Record of Executive Business and Chief Executive's Order

'Private areas should be well delineated and should include at least one area for sitting out without being directly overlooked. On the whole this means that rear gardens should be bounded by a wall or fence of sufficient height to prevent people from looking in'.

The potential for overlooking from the adjacent first floor windows of No. 7 Peyton View cannot be mitigated by the height of any boundary treatments, therefore significantly impacting the privacy levels of the amenity space of the proposed dwelling. It is the policy of the council (Policy H15 Objective 3 of the Development Plan):

'To ensure that private open spaces are enclosed within perimeter blocks behind the building line and that they are subdivided by suitably robust boundary treatments of a sufficient height and composition to provide adequate privacy and security'. [Our Emphasis]

Having regard to the issues set out above, the Planning Authority is of the opinion that the proposed Private Amenity Space is deficient in qualitative design and by reason of non-compliance with the relevant Development Plan and National Policy would be unacceptable and should therefore be refused.

Access and Parking

The proposed development includes the provision of 2 off-street car parking spaces, which accords with the minimum standards outlined in Table 11.24 of the South Dublin County Development Plan 2016-2022. A report from the Roads Department states no objections subject to conditions. This report is noted.

Landscaping and boundary treatment

A Report received from the Parks and Landscape Services/Public Realm Department stated not objection subject to conditions. This report is noted.

Services and Drainage

A Report received from South Dublin County Council's Drainage and Water Services Department requested further information:

- There is no drawing showing the surface water layout for proposed development. There are no SuDS (Sustainable Drainage System) proposed in the development. Submit a drawing showing the surface water layout for the development.
- Submit a drawing and report to show what SuDS are proposed for the development. Examples of SuDS include raingarden, filter drains, tree pits, permeable paving and other such SuDS.

Comhairle Chontae Atha Cliath Theas

PR/1560/21

Record of Executive Business and Chief Executive's Order

If a soakaway is proposed submit a report and drawing showing percolations test results as per BRE Digest 365 Standards for location of soakaway. Such a soakaway if proposed shall have an overflow connection to the surface water network. If a soakaway is proposed submit:

- A drawing showing plan & cross-sectional views, dimensions, and location of proposed soakaway. Any proposed soakaway shall be located fully within the curtilage of the property and shall be:
 - (i) At least 5m from any building, public sewer, road boundary or structure.
 - (ii) Generally, not within 3m of the boundary of the adjoining property.
 - (iii) Not in such a position that the ground below foundations is likely to be adversely affected.
- Include water butts in proposed development as part of SuDS (Sustainable Drainage System).

The Drainage and Water Services Department indicated no objection to the proposed development from a Flood Risk point of view provided that the Applicant ensures the following:

- The Developer shall ensure that there is complete separation of the foul and surface water drainage for the proposed development.
- All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.
- All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.

A Report received from Irish Water noted that further information would be required as follows:

- Submit a drawing showing the watermain layout of the proposed development.
- Submit a drawing showing the foul water layout of the proposed development.

Comhairle Chontae Atha Cliath Theas

PR/1560/21

Record of Executive Business and Chief Executive's Order

- The applicant is required to engage with Irish Water through the submission of a Pre-Connection Enquiry (PCE) in order to determine the feasibility of connection to the public waste water infrastructure. The Confirmation of Feasibility (COF) letter must be submitted to the planning department as the response to this further information request. Pre-connection enquiries can be made at <https://www.water.ie/connections/get-connected/>.

Irish Water indicated that should the Planning Authority be minded to Grant Permission for the proposed development, the following conditions should be attached:

- Prop to the commencement of development the Application shall enter into a water connection agreement(s) with Irish Water.
- Prop to the commencement of development the Application shall enter into a wastewater connection agreement(s) with Irish Water.

Screening for Appropriate Assessment

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

Environmental Impact Assessment:

Having regard to the nature and scale of the proposed development and pursuant to Schedule 5 of the Planning and Development Regulations 2001 (as amended), the proposal is not a class of development for which a mandatory Environmental Impact Assessment Report is required. Additionally, having regard to the distance of the site from nearby sensitive receptors, the need for environmental impact assessment can therefore be excluded at preliminary examination and a screening determination is not required.

Planning Note

A number of concerns are highlighted in the 7 submissions received:

- There are a number of questions on the Application Form submitted by the Applicant which have not been answered (e.g. Question Nos. 6, 14, 15 and 18). However, the missing information is not of such significance that it would prevent an assessment of the proposed development.
- A number of the submissions allege that the Site Notice dated 29th September 2021 was not erected until 8th October 2021. Article 17(1)(b) of the Planning and Development Regulations 2001-2021 states that:

Comhairle Chontae Atha Cliath Theas

PR/1560/21

Record of Executive Business and Chief Executive's Order

'17(1) An Applicant shall within the period of 2 weeks before the making of a planning application—

(b) give notice of the intention to make the application by the erection or fixing of a site notice in accordance with article 19'.

As the Application was lodged to South Dublin County Council on 8th October 2021, the Site Notice accords with Article 17(1)(b) of the Planning and Development Regulations. The Planning Officer noted that the Site Notice was in place during the site visit carried out on the 9th November 2021.

- Streetscape A-A appears to be erroneously annotated on Drawing No. 2110-PD05. It is noted that No. 7 Peyton View is incorrectly annotated as No. 8 Peyton View on Drawing No. 2110-PD05. However, given that the proposed dwelling, Nos. 6 and 8 Peyton View are correctly annotated, although the error is not ideal, it does not render it impossible to read the drawing accurately or carry out a full assessment.
- A number of the submissions comment that the dwelling would be more accurately described as a 2 storey dwelling, as opposed to 'a dormer bungalow', as is stated in the Statutory Notices. Whilst the Planning Authority understands the rationale behind the commentary within the submissions, owing to the roof profile of the proposed dwelling the description of 'a dormer bungalow' is deemed to be accurate and acceptable.

The Planning Authority is satisfied that the issues set out above do not prevent a complete and accurate assessment of the proposed development. Other items of concern raised within the submissions are assessed within the main Assessment section of this report.

Conclusion

Having regard to the design, layout and siting of the proposed development and the information submitted, it is considered that the subject dwelling represents an inappropriate infill development that is contrary to the existing context of dual aspect dwellings overlooking a pocket of open space. The Planning Authority considers that the open space use should be protected and preserved at this location.

The Applicant has not satisfactorily demonstrated that the proposed development would:

- (1) comply with conditions attached to Planning Permission **SD12A/0238**, in particular the subject site was laid out as public realm/open space,
- (2) comply with policy contained within the South Dublin County Council Development Plan 2016-2022 and the relevant National Policy, namely the *Sustainable Residential*

Comhairle Chontae Atha Cliath Theas

PR/1560/21

Record of Executive Business and Chief Executive's Order

Development in Urban Areas: Guidelines for Planning Authorities (2009) and the *Urban Design Manual: A Best Practice Guide* (2009).

The Planning Authority has significant concerns regarding the quality of the proposed private amenity space and the potential for the proposed development to impact on the residential and visual amenity of adjacent properties. It is considered that, in designing the proposed development, the Applicant has failed to provide sufficient detail in relation to the rationale for the siting, design and layout of the proposed development. The Application is therefore recommended for refusal.

Recommendation

I recommend that a decision to Refuse Permission be made under the Planning & Development Act, 2000 (as amended) for the reasons set out in the Schedule hereto:-

SCHEDULE

REASON(S)

1. Having regard to the siting, design and layout of the proposed dwelling on lands that function and form part of the public realm/open space, this space being granted permission under Reg. Ref SD12A/0238, the proposed development would seriously injure the residential amenity of the dual aspect dwelling at 6 Peyton View by means of overshadowing and overbearing impact, particularly the southern/front elevation of this property and would injure the residential amenity of the overall Peyton Housing Development through the loss of a section of open space/public realm and if granted, would:
 - (1) contravene materially Condition 1 of Planning Reference SD12A/0238
 - (2) be contrary to Development Plan policy on Corner/infill sites (Policy H17 Objective 3), and
 - (3) contrary to the proper planning and sustainable development of the area.
2. Having regard to the rear amenity space of the proposed dwelling, which would be directly overlooked by the adjacent properties at both 6 and 7 Peyton View, the proposed development would fail to adhere to the provisions of the *Urban Design Manual: A Best Practice Guide* (2009), Section 7.8 of the *Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities* (2009) and Policy H15 Objective 3 of the County Development Plan which seek the protection and provision of private rear amenity space for each dwelling unit. The proposed development would therefore be contrary to County Development Plan policy and objectives, national policy and be contrary to the proper planning and sustainable development of the area.

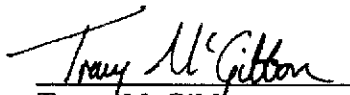
Comhairle Chontae Atha Cliath Theas

PR/1560/21

Record of Executive Business and Chief Executive's Order

REG. REF. SD21A/0277

LOCATION: Peyton View, Peyton, Rathcoole, Co. Dublin

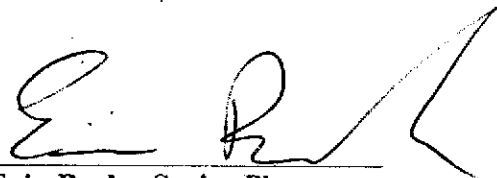


**Tracy McGibbon,
A/Senior Executive Planner**

ORDER: A decision pursuant to Section 34(1) of the Planning & Development Act 2000 (as amended) to Refuse Permission for the above proposal for the reasons set out above is hereby made.

Date:

2/12/21



Eoin Burke, Senior Planner