

Comhairle Chontae Atha Cliath Theas

Record of Executive Business and Chief Executive's Order

PR/1565/21

Reg. Reference: SD21A/0278 **Application Date:** 11-Oct-2021
Submission Type: New Application **Registration Date:** 11-Oct-2021

Correspondence Name and Address: Robert Coughlan 25, Kiltipper Avenue, Aylesbury, Tallaght, Dublin 24.

Proposed Development: Demolition of the existing single storey side extension and part demolition of shed structure; construction of a 2 storey, three bedroom contemporary style detached dwelling to the rear of the existing dwelling with flat parapeted roof; widening of existing laneway to the north with new shared surface and new public lighting; new gated entrance to the northeast of the site; private amenity space, boundary treatment, landscaping, suds drainage and all ancillary works necessary to facilitate the development.

Location: 1, St. Finbarr's Close, Dublin, 12.

Applicant Name: Antoinette Manning

Application Type: Permission

(DF)

Description of Site and Surroundings:

Site Area:

Stated as 0.05 ha

Site Visit: 4 November 2021

Site Description:

The subject site comprises the rear garden of a two-storey, end of terrace unit, located within an established residential area. The surrounding streetscape is characterised by similar terraced units. A narrow laneway runs along the northern and eastern boundaries of the site. A community/scout hall is located to the east of the overall site and is divided from the subject site by the eastern narrow laneway. The rear boundaries (side and rear) of the subject site are unplastered block walls. All the rear entrances (pedestrian and vehicular) of the dwellings constructed at this location take access from the network of narrow laneways.

Proposal:

- Demolition of the existing single storey side extension and part demolition of shed structure;

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- Construction of a 2 storey, three bedroom contemporary style detached dwelling to the rear of the existing dwelling with flat parapeted roof;
- widening of existing laneway to the north with new shared surface and new public lighting; new gated entrance to the northeast of the site;
- private amenity space, boundary treatment, landscaping, suds drainage and all ancillary works necessary to facilitate the development.

SEA Sensitivity:

No overlap identified with relevant environmental layers

Zoning:

The subject site is subject to zoning objective RES - *'To protect and / or improve Residential Amenity'* in the South Dublin County Development plan 2016-2022.

Consultations:

Water Services-Additional information requested

Irish Water- No response

Roads- refusal recommended

Parks-No comments

Submissions/Observations /Representations

Final date for submissions 15/11/21. An objection was received and summarised as follows:

- Lane only ever used for access and not a road
- Impact on site density and hazards
- Difficult to view application with the pandemic
- Site notice not always viewable
- No consideration for additional parking and traffic flow
- Potential for a collision and access issues for emergency vehicles

Relevant Planning History

Subject site

None for subject site.

Adjacent sites

S98A/0787. Demolish existing extension and erect new 2 storey house adjoining existing end of terrace house.

Grant Permission

Relevant Enforcement History

None recorded for the subject site

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Pre-Planning Consultation

PP156/19. 07/01/21. The existing 3m wide lane is substandard for vehicular access and could be widened with a shared surface footpath and lighting. The applicant was to determine the approach to this.

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

Section 2.4.0: Residential Consolidation – Infill, Backland, Subdivision & Corner Sites

Policy H17 Residential Consolidation

Policy 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.

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).

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:

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- 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 11.3.2 (iii) Backland Development

The design of development on backland sites should meet the criteria for infill development in addition to the following criteria:

- Be guided by a site analysis process in regard to the scale, siting and layout of development.
- Avoid piecemeal development that adversely impacts on the character of the area and the established pattern of development in the area.
- Development that is in close proximity to adjoining residential properties should be limited to a single storey, to reduce overshadowing and overlooking.
- Access for pedestrians and vehicles should be clearly legible and, where appropriate, promote mid-block connectivity

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.

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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 11.4.4 Car Parking Design and Layout

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.

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

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Relevant Government Guidelines

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

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

Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government (2008).

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).

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 relate to Zoning and Council policy, Residential and Visual Amenity, water services and roads and access.

Zoning and Council policy

The site is located in an area with zoning objective 'RES', 'To protect and / or improve Residential Amenity'. The proposed development is permitted in principle within the 'RES' zoning objective, subject to its design being in accordance with the relevant provisions in the County Development Plan.

Residential and Visual Amenity

The proposed 3-bedroom two-storey dwelling would be situated in the rear garden of the existing dwelling and would represent development on a backland site. In accordance with County Development Plan policy the proposed development should meet criteria for both infill development and backland development (Section 11.3.2 (i) and (iii):

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The proposed development does not comply with these criteria. A site analysis that addresses the scale, siting and layout of new development taking account of the local context has not been submitted with the application. The architectural integration of the proposed development with the surrounding built form has not been fully demonstrated, contiguous drawings have not been submitted and no design statement demonstrating how the proposed development integrates with its contextual setting through density, features such as roof forms, fenestration patterns and materials and finishes has been achieved. The proposed development has not been designed to improve the urban environment and it would be located behind a 1.8m high wall in a back alleyway with minimum quality features required to create a quality street interface. This is unacceptable and contrary to policy and minimum standards.

Although all dwellings in the immediate proximity to the site are two-storey, the proposed dwelling would be located in proximity to the rear gardens of multiple existing dwellings. In compliance with Section 11.3.2 (iii) any development at this location, in close proximity to adjoining residential properties, should be limited to a single storey, to reduce overshadowing and overlooking, as well as limiting overbearing impact.

Amenity Space

The existing house provided with 91.4m rear amenity space satisfies the minimum rear amenity space requirements (60sq.m for a 3-bedroom dwelling) of the CDP requirements. However, the proposed two-storey 3-bedroom house would be provided with less than 30sq.m of **usable** 'side' amenity space. This is significantly deficient and would not comply with Standards set out both in the County Development Plan and Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities DEHLG, 2009 and the companion Urban Design Manual. The space proposed to the front (north) of the dwelling and behind the 1.8m high wall cannot be calculated in the rear amenity space provision nor can the approximate 1.26m sliver of land provided to the rear (south) of the proposed.

The proposed housing unit fails to comply with minimum storage requirements of 6sqm of the Quality Housing for Sustainable Communities 2007.

Proposed House

The proposed overall height is 5.7m and comprises a flat roof. No contiguous elevational drawings with surrounding properties have been submitted. Notwithstanding this, the proposed 5.7m high structure will have a visual impact at this location and in its current form would not successfully integrate within its context. Windows are proposed at first floor level in both the western and eastern elevations to provide light to the upper floor rooms. The eastern first floor window would overlook the community building and would not give rise to overlooking. The first floor window in the western elevation, locating approximately 3.244m from the joining boundary with the existing dwelling and approximately 5m from the rear amenity of the dwelling located to the south of the subject site would give rise to overlooking and is unacceptable. The separation distance from the first floor to opposing first floor windows

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would be less than 22m and would therefore be contrary to current Development Plan standards. Furthermore, notwithstanding the proposed opaque glazing, the vertical-emphasis window in the southern elevation (to provide light to the stairwell), located approximately 1.2m from the shared boundary with the dwelling to the south would give rise to perceived overlooking and is also unacceptable.

The northern elevation of the proposed unit does not incorporate first floor habitable room windows and would generally be acceptable.

External Finishes

The proposed external finishes shall complement those of the existing dwelling and are considered to be acceptable.

Water Services

Water Services has requested further information regarding surface water drainage. This report is noted.

Roads and Access

The Roads Department, acknowledges previous engagement with the applicant, but raises concerns and has recommended that permission be **refused** in this instance. The report states that the applicant has not addressed the issues raised by the Roads Department:

'This laneway is unsuitable for the additional traffic which would be generated by residential properties accessing onto the laneway. The laneway would require widening and pedestrian facilities, as any house that was granted along this road would set a precedent for development in the area.

Roads recommend refusal of this application as no sightlines are available from the proposed vehicular entrance and the access laneway is substandard in nature as there is inadequate room for two cars to pass and there are no pedestrian facilities along the entire length of the laneway, which is currently used for rear garden access only. Having regard to this, the proposed development would endanger public safety by reason of traffic hazard.'

The Planning Authority recognise the concerns raised by the Roads Department and agree with these concerns. This dwelling, if granted, would set a precedent for similar type developments, of which a proliferation would have a serious negative impact on the safety of pedestrian/cyclist movement and other road/street users. The inaccuracies in the measurements of the 'proposed laneway' as notated on the submitted drawings is a significant concern as it is unclear how the 'new pedestrian access route as a shared surface with the new roadway' can be achieved and ensure road safety at this location.

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Appropriate Assessment

The applicant has not provided information to assist the screening for Appropriate Assessment. Having regard to the scale and nature of the development proposed and the distance from Natura sites, it is considered that the development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site, therefore Stage 2 Appropriate Assessment is not required.

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.

Planning Note:

In accuracies in drawings:

- It appears that the elevational drawings have been mislabelled, particularly the east and west elevations.
- Conflicting measurements notated on the Site Layout Plan at the 'proposed laneway'.

Other considerations

Development Contributions

- Demolition of the existing single storey side extension and part demolition of shed structure; construction of a 2 storey, three-bedroom contemporary style detached dwelling to the rear of the existing dwelling with flat parapeted roof;
- widening of existing laneway to the north with new shared surface and new public lighting; new gated entrance to the northeast of the site; private amenity space, boundary treatment, landscaping, suds drainage and all ancillary works necessary to facilitate the development.

No previous extension. No evidence of previous contributions

Permission. 123sq.m.

Contributions required for 123sq.m.

SEA Monitoring Information	
Building Use Type Proposed	Floor Area (sq.m)
Residential – additional floor space	123sq.m
Land Type	Site Area (Ha.)
Brownfield/Urban Consolidation	0.05

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Conclusion

Considering the objection by the Roads department and the deficiencies in the design which would be contrary to policies and objectives of the County Development Plan and National guidance documents, the Planning Authority considers that the proposed development would be contrary to the proper planning and sustainable development of the area and should therefore be refused in this instance.

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. The laneway, from which the dwelling would be solely accessed by both pedestrians and vehicles and which is shared by numerous dwelling units, is unsuitable for the additional traffic which would be generated by the residential property, furthermore, no sightlines are available from the proposed vehicular entrance and the access laneway is substandard in nature as there is inadequate room for two cars to pass, and there are substandard pedestrian facilities along the entire length of the laneway, which is currently used for rear garden access only. Having regard to this, the proposed development would endanger public safety by reason of a traffic hazard or obstruction of road users or otherwise and would therefore be contrary to the policies of the County Development Plan.
2. Having regard to the Quality Housing for Sustainable Communities-Best Practice Guidelines, (Department of the Environment, Heritage and Local Government, 2007) and the provisions of the current South Dublin County Council Development Plan, the storage space within the dwelling and proposed usable private amenity space provision would be significantly less than the minimum requirements for a two-storey 3-bedroom houses. Furthermore, the western and southern first floor windows would give rise to unnecessary overlooking of the rear amenity space of the existing dwelling and the dwelling located immediately south of the subject site. The proposed dwelling, therefore, represent a substandard form of development, and would be unacceptable with regard to the residential amenity of the area. The proposed development would, therefore, be contrary to policy and objectives of the County Development Plan and would be contrary to the proper planning and sustainable development of the area.

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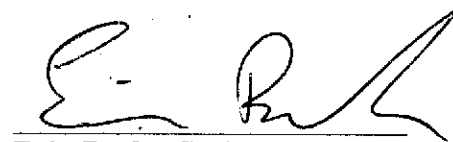
LOCATION: 1, St. Finbarr's Close, Dublin, 12.


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:

6/12/21


Eoin Burke, Senior Planner