

Comhairle Chontae Atha Cliath Theas

PR/1587/21

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD21B/0387 **Application Date:** 08-Jul-2021
Submission Type: Additional **Registration Date:** 11-Nov-2021
Information

Correspondence Name and Address: Ross Somers, RS Consulting Engineers 26a,
Maywood Lawn, Raheny, Dublin 5

Proposed Development: Construction of single storey ground floor extension to the rear with mono pitched roofs; new bay window to the front along with hipped/lean to roof extending over the front door; attic conversion with rooflights to the rear and widen existing vehicular entrance.

Location: 12, Templeville Drive, Dublin 6w

Applicant Name: Eleanor Flood & Andy Langford

Application Type: Permission

(CM)

Description of Site and Surroundings

The site accommodates a large 2-storey dwelling with hipped roof over 3 'bays', including a non-original side extension over rooms converted from original garage. To the rear, there is a side extension taken in from the site boundary, and a conservatory.

The plots here are wide and deep. Templeville Drive is characterised by development of a uniform character with similar units. Many retain the original garages although some have been converted and/or have built above the garage. The neighbouring dwelling to the east has built over the garage but this extension is stepped back from the front building line.

Site Area: 0.0376 Ha.

Proposal

The proposed development comprises of:

- Construction of **single storey ground floor extension to the rear** with 2 mono-pitched roofs;
- **new bay window to the front along with hipped/lean to roof extending over the front door;**
- **attic conversion** with **rooflights** to the rear;
- and **widen existing vehicular entrance.**

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Zoning

The site is subject to zoning objective 'RES' – 'To protect and/or improve residential amenity'.

Consultations Received:

Environmental Services	No objection, subject to conditions.
Irish Water	No objection, subject to conditions.
Roads	No objection, subject to conditions.
Public Realm	No recommendation. Raises concerns.

Strategic Environmental Assessment Sensitivity

No overlap with relevant layers

Submissions/Observations/Representations

None.

Relevant Planning History

None on Subject Site

Enforcement

None revealed in preliminary search.

Pre-Planning Consultation

None recorded or stated on Application Form.

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

Section 2.4.1 Residential Extension
Policy H18 Residential Extension
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
Section 11.3.1 (v) Privacy
Section 11.3.3 Additional Accommodation
Section 11.3.3 (i) Extensions
Section 11.7.2 Energy Performance in new Buildings
Section 11.8.0 Environmental Assessment

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South Dublin County Council House Extension Design Guide, 2010

National Guidelines & Policy relevant to Development Management in SDCC

Ministerial Guidelines and Policy

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

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

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- 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

Assessment

The main issues for assessment are

- zoning and Council policy;
- application particulars;
- visual impact and residential amenity;
- access, transport and parking;
- public realm
- water;
- Appropriate assessment; and
- environmental impact assessment.

Zoning and Council Policy

Residential development is in principle consistent with zoning objective 'RES' – 'To protect and/or improve residential amenity'. 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.

Application Particulars

The applicant has not provided front or rear contiguous elevations. The planning notices do not account for the demolition of existing extensions.

Visual Impact and Residential amenity

Rear Extension

The rear extension would be 4.3 to 5.3 metres in depth and would have two pitched roofs of differing heights, forming an irregular gable-like formation. The extension would accommodate a new kitchen/living space with two sets of sliding doors to an external patio. Steps down from the patio are provided to the garden surface. The height of the patio is not indicated on the plans but is measured to be approximately 700mm. It appears that this is necessary from the site's topography, which slopes down to the rear. Consequently, the level of the extension is above that of the ground. There are two issues of note in relation to this extension: loss of daylight through rear window of the adjoining dwelling, and potential loss of privacy for adjoining dwellings arising from the patio/terrace.

The adjoining property to the east (No. 14) has a rear extension across the centre of its rear façade, which is set back from the party boundary by a distance which corresponds to the width

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of the side extension/garage conversions which each property has added. There is also a coal shed or similar structure further back on No. 14's plot. This is not accurately represented on the applicant's site layout plan, and without contiguous elevations it is difficult to accurately assess the impact the proposed development would have on the adjoining window.

The House Extension Design Guide provides the following guidance of relevance:

- Prevent significant loss of daylight to the window of the closest habitable room in a neighbouring property, by not locating an extension within the 45° angle of the centre point at 2m above ground level of the nearest main window or glazed door to a habitable room, measured on both plan and elevation. If the extension has a pitched roof, then the top of the extension can be taken as the height of its roof halfway along the slope. (See diagram right)
- Locate extensions, particularly if higher than one storey, away from neighbouring property boundaries. As a rule of thumb, a separation distance of approximately 1m from a side boundary per 3m of height should be achieved.

It appears from the elevations provided (which are not full contiguous elevations), that the window/door of the adjoining development would be within a 45° of the extension in both plan and elevation, when considering the height of the extension to be half of the pitched roof height.

It is clear that a rear extension on this site could be accommodated if it was stepped back from the common boundary with No. 14, by either:

- providing a reciprocal separation distance between the extension and the party boundary, to that separation distance which is provided by the rear extension of No. 14; or
- stepping back the from the common boundary to such an extent that the extension would pass the 45° test referenced above; or
- stepping back from the party boundary by 1 metre for every 3 metres of height achieved, as per the advice of the House Extension Design Guide.

The applicant should be requested to provide **additional information**, and this should include the submission of contiguous rear elevations showing the full elevations of Nos. 10 and 14, and revisions to the rear extension as per the above conclusions.

In relation to the patio, it is considered that the extended patio at a height of 700mm above ground level would compromise privacy for adjoining dwellings. The applicant can address this by **additional information**.

The extension would replace two existing extensions which are indicated for removal in the drawings but not the planning notices. This technical point is not considered grounds for refusing the application.

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Attic Conversion and Roof Lights

The attic conversion and roof lights present no issue and are acceptable. A note should be attached to any grant of permission highlighting that habitable rooms must comply with the building regulations.

Access, Transport and Parking

The applicant has indicated that the vehicular access will be widened to 3.5 metres. This is acceptable and in line with the maximum widths generally allowed by the Planning Authority. The Roads Department has stated no objection subject to standard conditions.

Public Realm

The Public Realm Department has made no recommendation on the application but has stated that it does not support allowing residents to remove parts of the grass verge from public footpaths in order to facilitate vehicular entrances. I note that the front garden of the house is mostly hard standing. However, this is such a minor loss that it not considered significant.

Services and Drainage

Both the Environmental Services Department and Irish Water have stated no objection, subject to standard conditions relating to works standards and practices.

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.

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.

Conclusion

Having regard to the 'RES' land-use zoning objective, the scale and context of the development proposed, and the comments of the Public Realm Department, it is considered appropriate to seek additional information by which alterations to the rear works can be proposed.

Recommendation

Request Additional Information.

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Additional Information

Additional information was sought on 1st September and received on 11th November 2021.

Further Consultations

None.

Assessment of Additional Information

Item 1

It appears from the elevations provided (which are not full contiguous elevations), that the closest rear window/door of the adjoining house (No. 14) would be within a 45° of the extension in both plan and elevation, when considering the height of the extension to be half of the pitched roof height. This represents a potential for serious loss of daylight for the rear window/door of the adjoining house.

It is clear that a rear extension on this site could be accommodated if it was stepped back from the common boundary with No. 14, by either:

- providing a reciprocal separation distance between the extension and the party boundary, to that separation distance which is provided by the rear extension of No. 14; or
- stepping back the from the common boundary to such an extent that the extension would pass the 45° test referenced above; or
- stepping back from the party boundary by 1 metre for every 3 metres of height achieved, as per the advice of the House Extension Design Guide.

The applicant is requested to provide additional information as follows:

- (a) submission of contiguous rear elevations showing the full elevations of Nos. 10 and 14, and
- (b) revisions to the rear extension which comply with the above recommendations or in some other way resolve the impact on the adjoining development.

Response

(a) The applicant has provided revised rear elevations which accurately depict the adjoining dwellings.

(b) The design has been altered to lower the extension by approx. 320mm. The existing floor of the dining room is to be lowered, as will the proposed floor level of the extension and thus the combined kitchen/living/dining area. This difference is passed on at roof level, such that the final ridge height of the roof is 4.195m, rather than 4.495m, and the height above ground at the party boundary is 2.735 metres, rather than 3.055 metres (a difference of 320mm).

The applicant has also provided a Daylight Analysis Report, which tests the extension against the adjoining habitable room at No. 14, using the 45° test and measuring vertical sky component. The report concludes that the lowered roof passes the 45° test, as the roof line is within a 45° angle of the centre of the adjoining patio door when measured in elevation.

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The report also finds, regarding vertical sky component, that the amount of diffuse light in the adjoining room would be reduced to 87% of its current value, but to just under 21% (i.e., <27%).

Assessment

It could be appropriate to measure the 'no sky line' within the adjoining room to determine if the impact of the extension is appropriate; however, given that the development now passes the 45° test, this is not considered necessary. The response is satisfactory.

Item 2

The extension would accommodate a new kitchen/living space with two sets of sliding doors to an external patio. Steps down from the patio are provided to the garden surface. The height of the patio above ground is not indicated on the plans but is measured to be approximately 700mm. It appears that this is necessary from the site's topography, which slopes down to the rear.

It is considered that the extended patio at a height of 700mm above ground level would compromise privacy for adjoining dwellings. The applicant is requested to address this by way of additional information.

Response

The design has been altered. As per the lowering of the floor of the extension, the new patio will be approx. 280mm above ground level. The applicant is proposing to erect privacy screens along this patio.

Assessment

The patio adjoins an existing shed in the rear garden of No. 14, and is approx. 2.1 m in length on its boundary with No. 10. A privacy screen of 1.8m above the patio would have a total height of 2.18m above ground level in the adjoining gardens. This is considered to be acceptable and would not unduly impact sunlight or daylight levels in adjoining houses. The response is satisfactory.

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.

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.

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Other Considerations

Bonds & Contributions

Residential Extension (new build): 45sq.m

There are existing rear extensions but these are being removed and replaced with the proposed development.

Overall Extensions: 45sq.m

Considering 40sq.m exemption for residential development, assessable area is: 5sq.m..

SEA Monitoring

Development Type: Residential

Floor Area (Sqm): 45

Site Type: Brownfield / Urban Consolidation

Site Area (Ha.): 0.0376

Conclusion

The proposed development has been adapted to take account of the Planning Authority's concerns. Subject to the conditions attached herewith, the proposed development is considered to comply with the 'RES' land-use zoning objective, and would not be seriously injurious to the residential amenities or character of the area, and would accord with 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 to be in accordance with submitted plans and details.
The development shall be carried out and completed in its entirety in accordance with the

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plans, particulars and specifications lodged with the application, and as amended by Further Information received on 11th November, 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. Roads.

(a) The vehicular access shall be no more than 3.5 metres wide.

(b) The entrance apron shall be dished and widened to the full width of the proposed widened driveway entrance and shall be constructed to the satisfaction of South Dublin County Council's Road Maintenance Department, and at the applicant's expense.

(c) Any gates shall open inwards and not outwards over the public domain.

(d) 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.

REASON: In the interest of public safety and the proper planning and sustainable development of the area.

3. (a) External Finishes.

All external finishes shall harmonise in colour or texture that is complementary to the house or its context.

REASON: In the interest of visual amenity.

(b) Restriction on Use.

The house and the proposed extension shall be jointly used as a single dwelling unit for residential purposes and shall not be sub-divided or used for any commercial purposes, and the extension shall not be sold, let (including short-term letting), leased or otherwise transferred or conveyed, by way of sale, letting or otherwise save as part of the single dwelling unit.

REASON: To prevent unauthorised development.

(c) Drainage - Irish Water.

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

(ii) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use. All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.

(iii) All drainage works for this development shall comply fully with the Greater Dublin Regional Code of Practice for Drainage Works.

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

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(d) Minimise Air Blown Dust.

During the construction and or demolition phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances. The applicant/developer shall comply with British Standard B.S. 5228 Noise Control on Construction and Open sites and British Standard B.S. 6187 Code of Practice for demolition.

REASON: In the interest of public health and to uphold the Council's policies set out in the South Dublin County Council Development Plan.

(e) Construction Noise and Hours.

To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, Equipment or Machinery (to include pneumatic drills, on-site construction vehicles, generators, etc.) that could give rise to unacceptable levels of noise pollution as set out generally for evening and night-time in S.I. No. 140/2006 - Environmental Noise Regulations 2006 shall only be operated on the site between 7.00 hours and 19.00 hours weekdays and between 9.00 hours and 13.00 hours on Saturdays. No works shall take place at any time on Sundays, Bank Holidays or Public Holidays.

Any construction work outside these hours that could give rise to unacceptable levels of noise pollution shall only be permitted following a written request to the Planning Authority and the subsequent receipt of the written consent of the Planning Authority, having regard to the reasonable justification and circumstances and a commitment to minimise as far as practicable any unacceptable noise outside the hours stated above. In this respect, the applicant or developer shall also comply with BS 5228:2009 Noise and Vibration Control on Construction and Open Sites, and have regard to the World Health Organisation (WHO) – Guidelines for Community Noise (1999).

The applicant or developer shall also endeavour to engage in local consultation in respect of any noise sensitive location within 30 metres of the development as approved prior to construction activity commencing on site. Such noise sensitive locations should be provided with the following:

- Schedule of works to include approximate timeframes
- Name and contact details of contractor responsible for managing noise complaints
- Hours of operation- including any scheduled times for the use of equipment likely to be the source of significant noise.

REASON: In the interest of public health by the prevention of unacceptable levels of noise pollution which could interfere with normal sleep and rest patterns and/or when people could reasonably expect a level of quietness, the proper planning and sustainable development of the area and to uphold the Council's amenity policies set out in the South Dublin County Council Development Plan.

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4. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €481.95 (four hundred and eighty one euros and ninety five 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.

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.

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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/0387

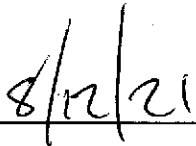
LOCATION: 12, Templeville Drive, Dublin 6w



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:





Eoin Burke, Senior Planner