

Comhairle Chontae Atha Cliath Theas

PR/1598/21

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD21A/0293 **Application Date:** 27-Oct-2021
Submission Type: New Application **Registration Date:** 27-Oct-2021
Correspondence Name and Address: James Hoagn, Hogan Architects 9, Millmount Avenue, Drumcondra, Dublin 9
Proposed Development: Construction of a detached, three bedroom dwelling at the vacant garden plot to include dishing of existing footpath and kerb finishes allowing for vehicular access across the site boundary to enable the provision of 1 off-street parking space and all associated site works.
Location: Vacant garden plot site adjacent to 36, Montpellier View, Dublin 24
Applicant Name: David, James, Denise & Yvonne Souhan
Application Type: Permission

(AOCM)

Description of Site and Surroundings:

Site Area: measured as approximately 0.01611 hectares.

Site Description:

The application site comprises part of the side garden of 36 Montpellier View, a two-storey end of terrace house. The site is currently grassed with some shrubbery and contains an electricity service box, street lamp and street sign. The area is primarily residential in nature, approximately 2km west of Tallaght town centre.

Site visited:

12 November 2021

Proposal:

Permission is sought for the following:

- Construction of a detached, three-bedroom, 2-storey house
- Dishing of footpath and curb to facilitate vehicular access for 1 car.

Zoning:

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

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Consultations:

Surface Water Drainage – Further Information recommended

Irish Water – Further Information recommended

Roads – Further Information recommended

Public Realm – No objection, conditions recommended

Submissions/Observations /Representations

Submission expiry date – 30/11/2021

No submissions or objections received.

Relevant Planning History

None recorded for subject site.

Relevant Enforcement History

None recorded for subject site.

Pre-Planning Consultation

None recorded for subject site.

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

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

Policy H17 Residential Consolidation

Policy H17 Objective 2:

To maintain and consolidate the County's existing housing stock through the consideration of applications for housing subdivision, backland development and infill development on large sites in established areas, subject to appropriate safeguards and standards identified in Chapter 11 Implementation.

Policy H17 Objective 5:

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

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

<i>Type of Unit</i>	<i>Houses</i>	<i>Private Open Space</i>
<i>One Bedroom</i>	<i>50sq.m</i>	<i>48sq.m</i>
<i>Two Bedroom</i>	<i>80sq.m</i>	<i>55sq.m</i>
<i>Three Bedroom</i>	<i>92sq.m</i>	<i>60sq.m</i>
<i>Four Bedroom or more</i>	<i>110sq.m</i>	<i>70sq.m</i>

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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:

- *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.*

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

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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.

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

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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).

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

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

Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities, 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).

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

Assessment

The main issues for assessment concern the following:

- Zoning and Council policy
- Residential and Visual Amenity
- Roads
- Public Realm
- Services, Drainage and the Environment
- Appropriate Assessment
- Environmental Impact Assessment

Zoning and Council Policy

The site is subject to zoning objective 'RES' - '*To protect and/or improve residential amenity*'. A residential dwelling is 'Permitted in Principle' under this zoning objective.

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Residential and Visual Amenity

The proposal includes a two-storey 3-bedroom detached house with one off street car parking space. The application has not provided an accurate existing site plan. The site is currently comprised of grass and shrubbery, as well as containing a street sign, street lamp and electricity services box. No reference has been made in the application to the existing street furniture or any wayleaves that would be associated with the electricity box. No other external alterations are noted from drawings.

External Development

The dwelling would be located directly opposite the entrance to the existing Montpelier View development. Space for one car would be provided to the north of the house, on a bend in the road. The external design of the dwelling is sympathetic to the style and character of the existing dwellings in the estate. A distance of 0.9m – 0.985m is provided between the proposed house and existing dwelling to the south. This would provide a very narrow side access to the rear garden and results in the existing house losing external access to the rear garden.

At its nearest point, the house would be only 9.5m from the rear building line of the property to the rear. The Development Plan requires a distance of 22m be maintained between opposing above ground habitable rooms. It is noted that the properties would not be directly facing however, the distance of 9.5m is still considered too small to ensure the protection of the privacy and amenity of the properties to the rear and there is a concern about the overbearing impact of the proposed house on the existing dwellings to the rear. In addition, it is considered that the size and orientation of the property could result in unacceptable levels of overshadowing and loss of light for the rear properties to the north.

Due to the limited site size for the proposed development, if permission was to be granted, a condition would have to be imposed removing exempted development rights. Consideration of such a condition is usually indicative of overdevelopment.

One car parking space is proposed to serve the house. Table 11.24 of the Development Plan states the maximum parking rates for residential development. In Zone 1, the general standard for the county, 2 parking spaces is the maximum allowed for a three-bedroom house. In Zone 2, areas located within close proximity of high-quality public transport, 1.5 spaces is the maximum allowed. The site is located within 150m of several bus stops and could therefore be considered to be located in Zone 2. It was noted from the site visit that the general parking arrangements for the development are already inadequate, with multiple cars and other vehicles parked along the curb side. It is considered that an additional dwelling in the estate with low parking could exacerbate the current situation.

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Internal Accommodation

The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) provides a table of target space provision (Table 5.1). The below is an extract from the Guidelines table compared with the space provision proposed, as measured from the drawings provided.

	Target gross floor area	Main living room	Aggregate living area	Aggregate bedroom area	Storage
Guidelines	92sq.m	13sq.m	34sq.m	32sq.m	5sq.m
Proposed	87sq.m	11.5sq.m	30.3sq.m	32.5sq.m	1.7sq.m

Table 11.20 of the South Dublin County Development Plan 2016-2022 further specifies minimum space standards for houses, requiring three-bedroom houses to be 92sq.m. In addition, the Development Plan states that 'Dwellings should also be designed to provide adequate room sizes that create good quality and adaptable living spaces.'

It is noted that the application form states the development is 92sq.m however, when measured off the drawings a total floor area of 87sq.m is provided. From the above table it is clear that the proposed dwelling fails to meet the internal space standards required by the Guidelines, and the Development Plan, in all aspects except aggregate bedroom size. From drawings only 1.7sq.m of storage space was measured, noting that wardrobes and hot presses do not count towards this allocation.

Based on the above, the internal accommodation of the house does not comply with the requirements of the Guidelines of the Development Plan and is therefore considered substandard and unacceptable. Furthermore, given the constrained nature of the site, it is not considered that the proposal would provide adaptable living spaces as there is limited potential to alter the dwelling internally, and any external extension would be unacceptable.

Private Open Space

Policy H13 Objective 3 of the Development Plan states '*To ensure that private amenity spaces for houses are designed in accordance with the quantitative standards set out in Chapter 11.0 Implementation and the qualitative standards set out under the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) including the accompanying Urban Design Manual – A Best Practice Guide (2009).*'

The Development Plan and Guidelines for Sustainable Residential Development requires 60sqm of private open space for 3-bedroom dwellings, ideally located behind the front building line of the house.

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As a result of the separation of the site and construction of the proposed house, the existing dwelling 36 Montpelier View would be left with a garden of approximately 29sq.m. This is considered unacceptable. The new house would have 46sq.m of outside private amenity space with approximately 37sq.m located to the rear of the property, and the remaining space located at the side. This is also considered unacceptable, with neither unit meeting the open space requirements of the Development Plan.

Summary Assessment

Section 11.3.2 (i) and (ii) of the Development Plan state the criteria infill and corner/side garden development must comply with. Of note, development must:

- *Be guided by the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities DEHLG, 2009 and the companion Urban Design Manual.* – it has been demonstrated that the proposed house does not meet the standards specified in the Guidelines
- *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.* – Based on the above, it is not considered that the proposed development would protect residential amenity sufficiently to justify a reduction in open space provided for the existing or proposed dwelling.
- *The site should be of sufficient size to accommodate an additional dwelling(s) and an appropriate set back should be maintained from adjacent dwellings* – it is clear from the above that the site is not of a sufficient size to accommodate additional dwellings and the proposal therefore represents overdevelopment of the lands.

Based on the above assessment of the internal and external spaces provided, it is considered that the proposal represents unacceptable overdevelopment of the subject site and would not accord with the proper planning and sustainable development of the area. The development should therefore be **refused**.

Roads

The Roads Department has reviewed the planning application and has recommended additional information be sought as follows:

1. *The applicant is requested to submit as additional information in plan and elevation view drawings showing:*
 - a. *Submit a revised layout in plan and elevation view on a detailed topographical background survey which shows the location of any existing street furniture, trees and services that are in the vicinity of the site.*

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This report has been considered in the assessment of the application and in the event of a **further information** request, it would be considered appropriate to request the revised site layout plan.

Public Realm

The Public Realm Department has reviewed the application and stated no objection subject to the inclusion of the following **conditions** in the event of a grant of permission:

1. Landscape Plan

The development shall not be commenced until a landscape Plan, including details of materials, species and a planting schedule have been submitted to and approved in writing by the Planning Authority. The approved hard landscaping shall be carried out prior to the occupation of the development and thereafter permanently retained. The approved soft landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or completion of the development, whichever is the sooner. Any plants which within a period of 3 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

REASON: *To protect and enhance the character of the site and the area, and to ensure its appearance is satisfactory, in accordance with the policies and objectives contained within Section 8.3.0 Public Open Space Hierarchy and Landscape Setting of the CDP 2016-2022.*

2. Boundary Planting

Boundary planting of an appropriate scale is required to provide screening to and from adjacent properties and the surrounding area and to provide visual mitigation. The boundary planting should consist of semi-mature trees and hedge species to provide screening and to soften the built form. The proposed planting should contain predominantly native species. The applicant shall provide a fully detailed planting plan with full works specification. The landscape proposals to be prepared by a suitably qualified landscape architect. The planting plan should provide the following information:

- *Location of species types, schedule of plants noting species, planting sizes and proposed numbers/densities where appropriate*
- *Implementation timetables*

REASON: *In the interests of visual amenity and integrating the development into the landscape.*

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3. Implementation of Landscape Plan

Within 6 months of the commencement of development or during the first planting season after the commencement of development the proposed Landscape Plan shall be completed. Written confirmation confirming (including Photographs) that Landscape Plan has been implemented in full shall be submitted to the Planning Authority.

REASON: *In order to assimilate development on this site into the surrounding area, in the interests of visual amenity and proper planning and development.*

4. Sustainable Drainage System (SuDS)

No development shall take place until a Sustainable Drainage Strategy and associated detailed design, management and maintenance plan of surface water drainage for the site using SuDS methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved Sustainable Drainage Strategy prior to the use of the building commencing and maintained thereafter for the lifetime of the development.

REASON: *To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal is incorporated into the design and the build and that the principles of sustainable drainage are incorporated into this proposal and maintained for the lifetime of the proposal, in accordance with policies under Section 8.4.0 Sustainable Urban Drainage Systems of the CDP 2016-22 in particular G5 Objective 1 and G5 Objective 2*

In the event of a grant of permission it would be considered appropriate to attach the above **conditions** to ensure the protection of residential amenity in the area and prevent the risk of flooding.

Services, Drainage and the Environment

Water Services has reviewed the application and has requested **additional information** as follows:

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

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

i) At least 5m from any building, public sewer, road boundary or structure.

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- ii) *Generally, not within 3m of the boundary of the adjoining property.*
- iii) *Not in such a position that the ground below foundations is likely to be adversely affected.*
- iv) *10m from any sewage treatment percolation area and from any watercourse / floodplain.*
- v) *Where practical soakaways must include an overflow connection to the surface water drainage network.*

1.3

The applicant has not proposed any SuDS (Sustainable Drainage Systems) features for the proposed development. The applicant is required to submit a drawing in plan and cross sectional views showing proposed SuDS features for the development. Some examples of SuDS are listed below:

- i) *Water butts.*
- ii) *Permeable paving.*
- iii) *Green roofs.*
- iv) *Grasscrete.*
- v) *Rain gardens.*
- vi) *Or other such SuDS*

This report has been considered in the assessment of this application and it is considered appropriate to request the **additional information** recommended in relation to surface water proposals and SuDS.

Irish Water has reviewed the application and has requested **additional information** as follows:

1 Water

1.1 Submit a pre connection enquiry with Irish Water for propose development.

1.2 Obtain a letter of Confirmation of Feasibility from Irish Water for Proposed Development and submit same to the planning authority.

1.3 Submit a drawing showing the watermain layout of proposed development up to the point of connection to the public watermain.

1.4 It is unclear how close in proximity the proposed development is from a 100mm uPVC public watermain located under the footpath to the east of the site. Irish Water Standard Details for water Infrastructure require 3m clear distance from a main of this size. Therefore the applicant shall:

(a) Submit a revised drawing to show a minimum distance of 3m from the boundary wall of the proposed development to the adjacent 100mm uPVC watermain.

OR

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(b) Submit a letter or email from Irish Water clearly stating that Irish Water are in agreement with the proposed development in close proximity to the watermain.

- Prior to the commencement of development the applicant or developer shall enter into water connection agreement(s) with Irish Water.

Reason: In the interest of public health and to ensure adequate water facilities.

2 Foul

2.1 It is unclear where proposed foul drain will connect to public foul sewer. Submit a drawing showing plan and cross-sectional details of proposed foul drain connecting to public foul sewer.

2.2 Submit a pre-connection enquiry with Irish Water for proposed development.

2.3 Obtain a letter of Confirmation of feasibility from Irish Water for Proposed Development and submit same to the planning authority.

- Prior to the commencement of development the applicant or developer shall enter into waste water connection agreement(s) with Irish Water.

Reason: In the interest of public health and to ensure adequate waste water facilities.

The above is considered reasonable and should be requested in the event of a request for **additional information** request being issued.

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 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.

Conclusion

Having regard to the provisions of the South Dublin County Council Development Plan 2016-2022, and the design and scale of the proposed development, it is considered that the proposed development represents an overdevelopment of the site. The internal accommodation proposed and the provision of private open space for the existing and new dwelling are considered unacceptable and would, therefore not be in accordance with the proper planning and sustainable development of the area. The house would also be overbearing and impact the

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privacy and amenity of neighbouring dwellings. It is considered that the proposed house would not be in compliance with Council policy in relation to standards required for existing and new dwelling houses. Based on the above assessment, the application should therefore be refused.

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 private open space provided for the proposed house and the existing dwelling, No. 36, does not comply with the minimum private open space requirements as set out in Section 11.3.1 (iv) Dwelling Standards of the SDCC Development Plan 2016-2022 (Table 11.20: Minimum Space Standards for Houses). To comply a three bedroom house should have a minimum of 60sq.m of adequate private open space. The proposed house would have 46sq.m and the existing dwelling would be left with 29sq.m. Thus, the proposed development constitutes overdevelopment of the site and would contravene the zoning objective 'to protect and or improve the residential amenity of the area' and would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the scale and layout of the proposed development on a constrained site, the proximity and configuration of neighbouring properties within Montpellier View, the proposed development would represent an overdevelopment of the subject site, would have an overbearing impact, give rise to overshadowing and have an adverse impact on the visual and residential amenity of properties in the immediate vicinity. Furthermore, the proposed development, being some 10m from the rear of dwellings to the west would give rise to unacceptable levels of overlooking and fall significantly short of the 22m required. The proposed development would seriously injure the amenities of property in the vicinity and would contravene the 'RES' zoning objective which seeks 'to protect and/or improve residential amenity' and would therefore not be in accordance with the proper planning and sustainable development of the area.
3. The proposed dwelling does not conform with the minimum target space requirements of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) or the South Dublin County Development Plan 2016 - 2022. The house would not provide adequate accomodation to serve the needs of future residents and would therefore not be in the interests of the proper planning and sustainable development of the area.

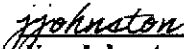
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REG. REF. SD21A/0293

LOCATION: Vacant garden plot site adjacent to 36, Montpellier View, Dublin 24



Jim Johnston,
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:

13/12/21



Eoin Burke, Senior Planner