

# Comhairle Chontae Atha Cliath Theas

**PR/1599/21**

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

**Reg. Reference:** SD21B/0292      **Application Date:** 19-May-2021  
**Submission Type:** Additional      **Registration Date:** 16-Nov-2021  
Information

**Correspondence Name and Address:** Peadar McAdam, Granville Design Service 55,  
Granville Road, Dun Laoghaire, Co. Dublin

**Proposed Development:** Construction of a garden room and store and all  
associated site works in rear garden.

**Location:** 54, Rathlyon Grove, Dublin 24

**Applicant Name:** Tom Cooke

**Application Type:** Permission

(CM)

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

#### **Site Description:**

The site accommodates a 2-storey, semi-detached dwelling with hipped roof and a side return with lean-to pitched roof. The house is finished with brick at ground level to front, and render finish to sides, back, and first floor level, and the front door is located in a recess in the façade. Access to the rear is provided by a side gate beside the house.

The site is wide at over 9 metres in width, and overlooks a large public green space, and has vehicular access as well as provision of on-street parking to the front. It is bound by neighbouring dwellings to each side but backs onto Daletree Drive – a road with no residential frontage. The area is characterised by dwellings of similar character.

Site Area: 0.0265 Ha.

Site Visit: 21/6/2021

### **Proposal:**

- Construction of a garden room and store and
- all associated site works in rear garden.

NB: Site works include lowering of garden ground level.

### **Zoning**

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

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### **Consultations:**

Environmental Services      Recommends request for Additional Information.  
Irish Water                      No objection, subject to conditions.

### **Screening for Strategic Environmental Assessment**

None.

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

None.

### **Relevant Planning History**

None

### **Relevant Enforcement History**

None found in preliminary search.

### **Pre-Planning Consultation**

None.

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

Section 11.3.2 (iii) Backland Development  
Section 11.3.3 Additional Accommodation

### **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).

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

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

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

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

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

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

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

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

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

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

### Assessment

The main issues for assessment are:

- Zoning and Council policy;
- Visual impact and Residential amenity;
- Access, Transport and Parking
- Water services;
- Environmental impact assessment;
- Appropriate assessment.

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#### **Zoning and Council Policy**

The site is located in an area which is subject to zoning objective 'RES' – '*To protect and/or improve Residential Amenity*'. The development of an extension or alteration to a dwelling is permitted in principle subject to its design being in accordance with the relevant provisions in the South Dublin County Development Plan 2016 - 2022. The Plan does not specifically address rear garden structures, but section 11.3.2 (iii) does give the following principles for 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.

It is considered that points 2 and 3 are relevant to an application for a garden shed. Garden sheds are generally exempted from the requirement to obtain planning permission, subject to a maximum size of 25 sqm. The applicant has stated that the proposed floor area would be 20.4sq.m. However, the plans indicate a floor area of approximately 30sq.m.

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

The proposed development would have a flat roof and be 3 metres above ground. The only windows are a double-glazed uPVC window and bi-folding door on the eastern elevation, facing the house. The structure is proposed to be subdivided into a garden room of 20.4sq.m, and a garden store of 9.2sq.m, which is accessed via the garden room.

The shed would be approx. 6.6 metres from the rear of the main house, leaving approx. 62sq.m of private amenity space. This is considered adequate both in terms of separation distance and quantum of space remaining. There are no issues of overshadowing given the orientation of the garden, and no issues of overlooking given the arrangement and height of the proposed structure.

Excluding from the floor area from consideration, this structure could be considered exempt development. The large floor area does not detract from the private amenity of the property or the residential character of the area, and there are no issues of overlooking or overshadowing. The shed would not have an overbearing visual impact on occupants of this or other properties and is acceptable.

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Any grant of permission should require that the structure cannot be used separately to the main dwelling, nor be used as a means to subdivide the dwelling.

#### **Water**

The structure is proposed to be connected to a soakaway, though no design drawings have been provided.

The Environmental Services Department has sought additional information on the following points:

- Proximity to a public surface water drain pipe to the west (rear) of the site.
- Percolation testing for the soakaway;
- Design details for the soakaway;
- Use of water butts.

It is considered appropriate to seek **additional information** in relation to the proximity of development to the public pipe. It is necessary for the applicant to show either that adequate distance is being maintained, or that there will be no additional loading on the pipe.

Percolation testing and design details of the soakaway could be dealt with by condition in the event of a grant of permission but, given the other concerns on this site, it would be appropriate to seek this as **additional information** as well.

#### **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.

#### **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.

#### **Other Considerations**

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

This is a proposal for an ancillary residential structure of 29.1sq.m.

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### **SEA Monitoring**

Development Type: Residential

Floor Area (sq.m): 29.1sq.m

Site Type: Brownfield / Urban Consolidation

Site Area (Ha.): 0.0265

### **Conclusion**

The proposed development would not be injurious to adjoining properties or to the amenities or character of the area, by way of any visual impact, nor would it cause an unacceptable reduction in private amenity space to this site. The development is acceptable in principle; however, there is an issue relating to water infrastructure which should be addressed by **additional information** prior to any grant of permission.

### **Recommendation**

Request Additional Information.

### **Additional Information**

Additional Information was sought on 13<sup>th</sup> July 2021 and was received on 16<sup>th</sup> November 2021.

### **Further Consultations**

Environmental Services

No objections, subject to conditions.

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

None.

### **Assessment of Additional Information**

#### **Item 1**

South Dublin County Council records show that there is an existing 225mm public surface water sewer to the west of the site. The applicant is requested to submit a drawing in plan and cross-sectional views showing the distance between the proposed building and the existing 225mm surface water sewer. The drawings shall also show the invert levels of the existing 225mm surface water sewer and any adjacent proposed building foundations. Generally a minimum clear setback distance of 3m is sought between all building foundations and a surface water sewer this size.

Note: The applicant should note that, subject to the above findings, revised designs may be required. Where revised proposals are required, the applicant should submit revised site layout plan, floor plans and elevational drawings.

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#### Response

The applicant has provided a section drawing showing the pipe to the rear, with minimum separation distance of 2500mm labelled (from the base of the foundations of the proposed structure), at a depth of 2580 – 2650mm from the surface. The foundations themselves are to be 750mm deep minimum as per the drawing.

#### Assessment

The Water Services report recommends a condition to require the applicant to show the final structure being outside of a 45° line of influence from the base of the pipe. From the drawing submitted, it would appear that the foundations of the proposed development are outside this line, as the horizontal separation (2.5m minimum) is greater than the vertical separation (1.9m maximum).

It is therefore appropriate to condition that the foundation shall have a minimum depth of 750mm.

#### **Item 2**

(a) There are no soil percolation test results, design calculations or dimensions submitted for the proposed soakaway. The applicant is requested 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.

(b) The applicant is requested 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.
- (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) Soakaways must include an overflow connection to the surface water drainage network.

#### Response

The applicant has responded that the rear garden would not be suitable for a soakaway, and proposes the use of 2 x 350 litre water butts to comply with 1-in-30 storm conditions.

#### Assessment

This appears to be acceptable from the Water Services Report.

#### **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

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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.

### **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.

### **Other Considerations**

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

This is a proposal for an ancillary residential structure of 29.1sq.m.

### **SEA Monitoring**

Development Type: Residential

Floor Area (sq.m): 29.1sq.m

Site Type: Brownfield / Urban Consolidation

Site Area (Ha.): 0.0265

### **Conclusion**

The proposed development would not be injurious to adjoining properties or to the amenities or character of the area, by way of any visual impact, nor would it cause an unacceptable reduction in private amenity space to this site. Subject to the conditions attached hereto, the proposed development would accord with the 'RES' land-use zoning objective, the relevant policies and objectives of the South Dublin County Development Plan 2016 – 2022, and the proper planning and sustainable development of the area.

### **Recommendation**

I recommend that a decision be made pursuant to the Planning & Development Act 2000, as amended, for the reasons set out in the First Schedule hereto, to Grant Permission for the said development in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule hereto, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule.

## **FIRST SCHEDULE**

It is considered that the proposed development accords with the policies and objectives of South Dublin County Council, as set out in the South Dublin County Council Development Plan 2016 - 2022 and subject to the conditions set out hereunder in the Second Schedule is hereby in accordance with the proper planning and sustainable development of the area.



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### **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 plans, particulars and specifications lodged with the application, as amended by Further Information received on 16th November 2021, 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. Water Services.  
The foundation of the structure shall be installed at a level of 750mm below ground, or deeper. The nearest point of the structure shall fall outside a 45-degree line of influence from the base of the adjacent 225mm public surface water sewer trench to the west of site.  
REASON: In the interest of proper drainage.
3. Drainage - Irish Water.  
(a) The water supply and drainage infrastructure, shall comply with the requirements of Irish Water.  
(b) 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.  
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.
4. 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.
5. Restrictions on Use.  
The structure shall not be used as a dwelling or for habitation or for commercial purposes and shall not be sub-divided from the existing house, either by way of sale or letting (including short-term) or otherwise. The structure shall only be used for a purpose that is ancillary to the enjoyment of the dwellinghouse.  
REASON: In the interests of proper planning and sustainable development of the area.
6. Construction Noise and Hours.  
To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, no Equipment or Machinery

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(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 be operated on the site before 7.00 hours on weekdays and 9.00 hours on Saturdays nor after 19.00 hours on weekdays and 13.00 hours on Saturdays, nor 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.

### **7. 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.

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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.

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.

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**REG. REF. SD21B/0292**

**LOCATION: 54, Rathlyon Grove, Dublin 24**

*J. Johnston*  
\_\_\_\_\_  
**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: 14/12/21

  
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**Eoin Burke, Senior Planner**