

Comhairle Chontae Atha Cliath Theas

PR/1653/21

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD21B/0485 **Application Date:** 14-Sep-2021
Submission Type: Additional **Registration Date:** 24-Nov-2021
Information

Correspondence Name and Address: Michael Frain 4, Seafield Park, Booterstown, Co. Dublin

Proposed Development: Conversion of existing garage to habitable space; first floor extension to side of existing dwelling with pitched roof and rooflight to side roof slope; extension to the existing hipped roof; two-storey flat roof extension to rear of dwelling; demolition of existing garden shed; demolition of chimney to side of existing dwelling; all associated internal alterations, demolitions, site, landscaping, drainage and ancillary works.

Location: 51, Cypress Grove Road, Dublin 6w

Applicant Name: Eoin and Orla Craig

Application Type: Permission

(CM)

Description of Site and Surroundings:

The site accommodates a 2-storey house with hipped roof and attached garage. The house has not been previously extended. To the rear, the site accommodates a semi-detached shed structure, which straddles the boundary with the adjoining property.

Site visit: 18/10/2021

Site Area: 0.039 Ha.

Proposal:

- Conversion of existing garage to habitable space;
- first floor extension to side of existing dwelling with pitched roof including rooflight to side roof slope;
- extension to the existing hipped roof;
- two-storey flat roof extension to rear of dwelling;
- demolition of existing garden shed;
- demolition of chimney to side of existing dwelling;

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- all associated internal alterations, demolitions, site, landscaping, drainage and ancillary works.

Zoning:

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

SEA Monitoring

No overlap with the relevant environmental layers.

Consultations:

Environmental Services Department No objection, subject to conditions.

Submissions/Observations /Representations

None received.

Relevant Planning History

None.

Relevant Enforcement History:

None traced.

Pre-Planning Consultation:

None.

Relevant Policy in South Dublin County Development Plan 2016 - 2022

Section 2.4.1 Residential Extensions

Policy H18 Residential Extensions

It is the policy of the Council to support the extension of existing dwellings subject to the protection of residential and visual amenities.

Section 11.3.3 Additional Accommodation

Section 11.3.3 (i) Extensions

The design of residential extensions should accord with the South Dublin County Council House Extension Guide (2010) or any superseding standards.

South Dublin County Council House Extension Design Guide (2010)

National Guidelines & Policy relevant to Development Management in SDCC

Ministerial Guidelines and Policy

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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
- PL05/2020: Planning Time Periods
- PL06/2020: Working Hours Planning Conditions
- PL07/2020: Public Access to Scanned Documents
- PL08/2020: Vacant Site Levy

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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;
- Water;
- Environmental impact assessment;
- Appropriate assessment.

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 Development Plan with specific reference to Section 11.3.3 which relates to extensions to dwellings.

Visual Impact and Residential Amenity

Conversion of Garage and extension to side and front at ground and first floor level

The proposed development would see the attached garage (an original feature) converted for use as a utility room. The garage keeps the front building line; under the proposed development, it would be extended to the front by 1.04m under. It is also proposed to construct a first floor extension above the garage, and this would also project out by 1.04m, and be topped with a subordinate hipped roof linking in with the main roof. The first floor extension would accommodate a bedroom and a store, and this would necessitate the removal of a window in the existing side elevation (this serves the stairs and first floor landing).

The proposed changes are acceptable. However, further consideration of the first floor front extension is necessary. The South Dublin County Council House Extension Design Guide (2010) states the following:

“If no gap can be retained, try to recess side extensions back from the front building line of the main house by at least 50cm and have a lower roof eaves and ridge line to minimise the terracing effect. In the case of a first floor extension over an existing garage or car port that is flush with the building line of the main house, the first floor extension should be recessed by at least 50cm.”

The guidelines are just that, guidelines. The existing garage and proposed extension are flush with the property boundary. A gap would be left between the proposed first floor side/front extension and the side boundary. Therefore terracing would not arise. The front projection would add interest and variety to an otherwise uniform building form along this row of dwellings and

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result in a larger bedroom at first floor providing improved accommodation. Thus, the proposal is considered acceptable and accords with the guidelines.

Ground Floor Front Extension

It is proposed to extend the living room to the front by 1.04m across a width of 3.24m, creating a squared bay window, beneath a hipped lean-to roof. The lean-to roof would also extend over the doorway is proposed to connect with the extension in front of the garage.

These proposals are acceptable.

1-2 Storey Rear Extension

The rear extension is flat-roofed and has a split depth. The southern half of the extension is approx. 3.5m in depth beyond the rear building line. The northern half of the extension, which is flush with the boundary with No. 49 (the attached house to the north), is 4.6m in depth beyond the rear building line. The ground floor extension would accommodate a larger open plan kitchen, living and dining area, which would also take in the existing kitchen and rear reception room. The ground floor parapet is stated as being 3.425m above patio level. It appears that the patio is approx. 0.22m above ground level.

The parapet level, depth and proximity to the boundary with No. 49 to the north, would in combination have a detrimental impact on No. 49, in particular through overshadowing, loss of aspect and loss of daylight to the rear habitable room nearest the extension. The ground floor of the rear extension fails the '45 degrees' test when assessed against the rear window/door in the back elevation of No. 49. The '45 degrees' test is set out as follows:

“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.”

As such, the applicant should be requested to amend the rear extension to resolve this issue by way of reducing the height or depth of the extension, or providing for a pitched roof which might lessen the potential impact on the adjoining property. Alternatively, the applicant may wish to set back the extension from the boundary with No. 49. **Additional information** should be provided.

At first floor level, there is a centrally located rear extension with an external width of 4.365m (total width of this house is 9.39m), and a depth of approx. 2.8m. This would have a flat roof, and would be provided with a corner window with aspect to the south and west (side and rear, respectively). This extension would accommodate part of an enlarged master bedroom with en-suite, and facilitates a major change to the upstairs layout.

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The corner window would lead to overlooking of the rear garden of no. 53 (to the south). A west-facing window only should be provided here. This can be a condition of permission, but as there are other issues with the application, the applicant should resolve this by **additional information**.

Extension of Hipped Roof

The extension of the hipped roof is acceptable.

Demolition of Garden Shed

The demolition of the garden shed presents no issues, however, plans and elevations of the shed should be provided for the public record. This can be a condition of permission, but as there are other issues with the application, the applicant should resolve this by **additional information**.

Demolition of Chimney

The demolition of a chimney is stated on the notices. It is not apparent from the plans what this refers to. The applicant should resolve this by **additional information**.

Water Services

The Environmental Services Report recommends the use of water butts but states no objection to the proposal. This is noted.

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.

Conclusion

The proposed development is permissible in principle, subject to a number of issues being addressed in order to prevent overlooking, overshadowing, loss of daylight and in order to ensure compliance with the SDCC House Extension Design Guide. Additional plans are also needed to show everything that is proposed in the planning notices. These issues should be addressed by additional information.

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Recommendation

Request Further Information.

Further Information

Further information was requested on 8th November 2021 and received on 24th November 2021.

Further Consultations

None.

Further Observations/Submissions/Representations

None.

Assessment of Additional Information

Item 1

The parapet level, depth and proximity to the boundary with No. 49 to the north, would in combination have a detrimental impact on No. 49, in particular through overshadowing, loss of aspect and loss of daylight to the rear habitable room nearest the extension. The ground floor of the rear extension fails the '45 degrees' test when assessed against the rear window/door in the back elevation of No. 49. The '45 degrees' test is set out as follows:

'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.'

The applicant is requested to amend the rear extension to resolve this issue. This could be done by way of reducing the height or depth of the extension, or providing for a pitched roof to that side which might lessen the potential impact on the adjoining property. Alternatively, the applicant may wish to set back the extension from the boundary with No. 49. Additional information should be provided.

Response

The applicant has amended the proposed development such that the rear extension is lower on the side nearest the adjoining property. The applicant has appealed to the Planning Authority on the basis that properties in the area are all likely to be upgraded.

Assessment

The test as set out in the guide is more generous to development proposals than the industry standard and thus a lot of flexibility is given to applicants to extend their homes without darkening neighbouring dwellings. The changes to the proposal are acceptable and the development now passes the test set out in the SDCC House Extension Design Guide.

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Item 2

The corner window at first floor level is not acceptable, as it would provide for direct overlooking of the rear garden of No. 53. The applicant is requested to revise this window so that it is rear-facing, rather than a corner feature.

Response

The applicant has revised the design to provide a rear-facing window.

Assessment

The response is acceptable.

Item 3

The applicant is requested to submit:

- (a) plans and sections of the shed to be demolished;
- (b) Amended plans, sections and/or elevations as necessary to identify and specify the chimney which is proposed to be demolished (as per the notices).

Response

All plans requested have been provided.

Assessment

The response is acceptable.

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

Following revisions at FI stage, the proposed development is for:

residential extensions: 69sq.m.

Existing Extensions: None.

Allowance for residential extension: 40sq.m.

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Assessable area: 29sq.m.

SEA Monitoring

Development Type: Residential

Floor Area (sq.m): 69sq.m

Site Type: Brownfield / Urban Consolidation

Site Area (Ha.): 0.039 Ha.

Conclusion

The applicant has addressed the items of concern. The proposed development would not be seriously injurious to the residential amenity of the area or the amenities of neighbouring properties, and would therefore accord with the South Dublin County Development Plan 2016 – 2022, the 'RES' land-use zoning 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 plans, particulars and specifications lodged with the application, and as amended by Further Information received on 24th 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. (a) External Finishes.
All external finishes shall harmonise in colour or texture that is complementary to the

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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.

(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

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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.

3. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €2,795.31 (two thousand seven hundred and ninety five euros and thirty one 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.

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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.

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/0485

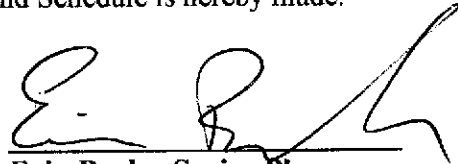
LOCATION: 51, Cypress Grove Road, Dublin 6w



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: 20/12/21



Eoin Burke, Senior Planner