

Comhairle Chontae Atha Cliath Theas

PR/0034/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD21A/0086 **Application Date:** 07-Apr-2021
Submission Type: Additional **Registration Date:** 07-Dec-2021
Information

Correspondence Name and Address: Brendan Johnston, H2B Architects 20, Moyview, Kildalkey, Co. Meath

Proposed Development: Construction of a three bedroom, dormer type bungalow to side of existing family home; new entrance for car parking to existing house and all associated site works.

Location: 19, Grange View Drive, Dublin 22

Applicant Name: Elizabeth Murphy

Application Type: Permission

(DF)

Description of Site and Surroundings

Site Visit: 23/04/2021

Site Area: 0.034 Hectares.

Site Description:

The proposed development is located in Grange View Drive in the side garden of no. 19. This site is located towards the end of a cul de sac. The surrounding properties are semi-detached with rear gardens, with a town house complex located opposite the site.

Proposal:

The proposed development comprises:

- Construction of a three bedroom, dormer type bungalow to side of existing family home;
- new entrance for car parking to existing house and all associated site works.

Zoning:

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

Comhairle Chontae Atha Cliath Theas

PR/0034/22

Record of Executive Business and Chief Executive's Order

Consultations:

Water Services- Additional information requested

Irish Water – Additional information requested

Roads Section – No objection subject to conditions

Parks –Refusal recommended

EHO-No objection subject to standard conditions

Chief Fire Officer-No response

SEA Sensitivity Screening:

No overlap with layers.

Submissions/Observations/Representations:

None received. Final date for submissions 12/5/21.

Relevant Planning History

Subject Site

None for subject site

Adjacent Site

SD15B/0211. New single storey extension to front and side of existing dwelling to include new bedroom with bay window and repositioning of the front entrance door and extension of existing attic to allow for new bedroom and all associated works. Grant Permission

Relevant Enforcement History

None recorded for subject site

Pre-Planning Consultation

None recorded.

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

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

Policy H17 Residential Consolidation

Policy H17 Objective 3:

To favourably consider proposals for the development of corner or wide garden sites within the curtilage of existing houses in established residential areas, subject to appropriate safeguards and standards identified in Chapter 11 Implementation.

Comhairle Chontae Atha Cliath Theas

PR/0034/22

Record of Executive Business and Chief Executive's Order

Section 11.2.7 Building Height

Section 11.3.1 Residential

Section 11.3.1 (iv) Dwelling Standards

Table 11.20: Minimum Space Standards for Houses

Section 11.3.1 (v) Privacy

Section 11.3.2 Residential Consolidation

Section 11.3.2 (i) Infill Sites

Development on Infill sites should meet the following criteria:

- Be guided by the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities DEHLG, 2009 and the companion Urban Design Manual.
- A site analysis that addresses the scale, siting and layout of new development taking account of the local context should accompany all proposals for infill development.
- On smaller sites of approximately 0.5 hectares or less a degree of architectural integration with the surrounding built form will be required, through density, features such as roof forms, fenestration patterns and materials and finishes. Larger sites will have more flexibility to define an independent character.
- Significant site features, such as boundary treatments, pillars, gateways and vegetation should be retained, in so far as possible, but not to the detriment of providing an active interface with the street.
- Where the proposed height is greater than that of the surrounding area a transition should be provided (see Section 11.2.7 Building Height).

Section 11.3.2 (ii) Corner/Side Garden Sites

Development on corner and/or side garden sites should meet the criteria for infill development in addition to the following criteria:

- 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.

Comhairle Chontae Atha Cliath Theas

PR/0034/22

Record of Executive Business and Chief Executive's Order

- 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 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

Comhairle Chontae Atha Cliath Theas

PR/0034/22

Record of Executive Business and Chief Executive's Order

surface water quality to meet the requirements of the EU Water Framework Directive.

Section 7.3.0 Flood Risk Management

Policy IE3 Flood Risk

It is the policy of the Council to continue to incorporate Flood Risk Management into the spatial planning of the County, to meet the requirements of the EU Floods Directive and the EU Water Framework Directive.

Section 8.0 Green Infrastructure

Policy G1 Overarching

Policy G1 Green Infrastructure Network

Policy G3 Watercourses Network

Policy G4 Public Open Space and Landscape Setting

Policy G5 Sustainable Urban Drainage Systems

Policy G6 New Development in Urban Areas

Section 9.3.1 Natura 2000 Sites

Policy HCL12 Natura 2000 Sites

Section 11.6.1 (i) Flood Risk Assessment

Section 11.6.1 (ii) Surface Water

Section 11.6.1 (iii) Sustainable Urban Drainage System (SUDS)

Section 11.6.1(iv) Groundwater

Section 11.6.1 (v) Rainwater Harvesting

Section 11.6.1 (vi) Water Services

Section 11.7.2 Energy Performance in New Buildings

Section 11.8.1 Environmental Impact Assessment

Section 11.8.2 Appropriate Assessment

Relevant Government Guidelines

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

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

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

Urban Design Manual: A Best Practice Guide, A Companion Document to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, Department of the Environment, Heritage and Local Government, (2008).

Comhairle Chontae Atha Cliath Theas

PR/0034/22

Record of Executive Business and Chief Executive's Order

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

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

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

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

Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, Building Research Establishment, (1991).

Assessment

The main issues for assessment are:

- Zoning
- Residential Amenity, Visual Impact and Layout
- Roads and Transport
- Water Services
- Parks
- Screening for Appropriate Assessment
- Environmental Impact Assessment

Zoning

The site is subject to the land-use zoning objective, 'RES' – 'To protect and improve residential amenity'. Residential development is permitted in principle under this zoning objective.

Residential Amenity, Visual Impact and Layout

- The proposed dwelling is set back 1.1m from the side boundary. This conforms to the CDP.
- The ridge height of the proposed unit is 6.51m. This exceeds the existing split heights of the adjacent house of 4.7m and 5.7m. This does not conform to the CDP with respect to residential amenity.
- The upstairs side elevation window is for a hallway and therefore could be obscured glazing in the event of a grant of permission.

Comhairle Chontae Atha Cliath Theas

PR/0034/22

Record of Executive Business and Chief Executive's Order

- The upstairs floor is deemed to be overbearing with loss of daylight on the adjacent bungalow dwelling to the east and does not conform to the requirements of the CDP. A revised design is requested by way of additional information which respects the ridge heights of the adjacent bungalow dwellings.
- A dwelling is required to provide dual frontage on a corner site. However, the redesign will reduce the height of the structure to align with the ridge and eaves lines of the adjacent properties.
- There is concern regarding the flat roof element to the front of the proposed dwelling, as it would have a negative impact on visual amenity.
- The internal room measurements meet the requirements of the 2007 Quality Homes for Sustainable Communities.

Dormer

- A front dormer is proposed.
- It is Council policy that proposed dormer ridges are set appropriately below the ridge line of the existing house, and as far back as possible from the eaves line, generally by three course tiles so as to create a balanced appearance. As per the drawings submitted the proposed dormer window is appropriately positioned and set in excess of 100mm below the ridge line of the existing dwelling. It is appropriately positioned in excess of 100mm from the gable ends of the proposed dwelling.

Other

- The applicant to conform on a drawing if the building line is the same for the existing and proposed dwelling.
- A 3.3m wide front entrance is proposed. This is acceptable.
- The rear amenity areas of both the existing and proposed dwellings exceed the standards of the CDP, with the rear amenity area of the proposed dwelling c137m².
- The 2m dividing boundary wall is acceptable and conforms to the CDP.

The Planning Authority is not satisfied that the proposed works will not have an adverse impact on the residential amenity of the adjacent properties. It detracts from the appearance of the dwelling and is not considered acceptable and does not conform to the South Dublin House Extension Design Guide and CDP.

Comhairle Chontae Atha Cliath Theas

PR/0034/22

Record of Executive Business and Chief Executive's Order

However, the applicant is requested to resubmit a revised design that considers the ridge height of the adjacent bungalow designs. Revised drawings are also requested regarding the setback from the adjacent property to the east. Due to the size of the rear garden the elongated building design is acceptable in this instance.

Roads and Transport

The Roads Department has recommended standard conditions and limiting the vehicular entrances to 3.5m wide. It is agreed by the Planning Authority that this can be addressed by a pre commencement condition.

Water Services

Water Services has requested further information regarding confirmation of the permeable surfacing materials to be used. Irish Water have requested further information regarding obtaining a confirmation letter of feasibility from Irish Water regarding the proposed foul drain layout of the development. These requests however can be addressed as pre commencement conditions.

Parks

Parks have recommended a refusal as a result of impact to the existing street tree. The Planning Authority however deems it appropriate to allow the applicant an opportunity to put forward proposals that do not involve any impact to existing street trees, by way of additional information.

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

Development Contributions

Proposal is for:

- Construction of a three bedroom, dormer type bungalow to side of existing family home;

Comhairle Chontae Atha Cliath Theas

PR/0034/22

Record of Executive Business and Chief Executive's Order

- new entrance for car parking to existing house and all associated site works.

Permission for Residential dwelling:

SEA Monitoring Information

SEA Monitoring Information	
Building Use Type Proposed	Floor Area (sq.m)
Residential	146 sq m
Land Type	Site Area (Ha.)
Brownfield/Urban Consolidation	0.034 Ha

Conclusion

Additional information is requested regarding the 2 storey design. However, subject to satisfactory additional information being submitted the proposed development may be deemed to generally comply with the guidance set out in the South Dublin County Development Plan 2016 – 2022, and subject to conditions would accord with the proper planning and sustainable development of the area.

Recommendation

I recommend that **ADDITIONAL INFORMATION** be requested from the applicant with regard to the following:

1. (a) The applicant is advised that the Planning Authority has serious concerns in relation to the impact of the two storey rear projecting element on the existing dwellings, in particular No. 19. The proposal to provide a two storey projection of c7m adjoining the boundary wall and extending to c6.5m will adversely impact on the residential amenity of the adjoining dwelling by way of overbearing impact with loss of daylight. As such, it does not conform to the requirements of the Development Plan. The applicant is requested to provide revised plans (including floorplans, elevations, sections and contiguous elevations), which indicate a redesigned proposal that significantly reduces the impact of the proposal on adjacent properties. The applicant is requested to minimise the extent of two storey element to the rear of the building line.

(b) The applicant shall submit a daylight shadow analysis for the revised proposal.

(c) the applicant is requested to submit a contiguous front and rear elevation to include the dwellings to the east.

2. The applicant shall confirm on a drawing if the building line is the same for the existing and proposed dwelling, or if the flat roof element projects beyond the existing building line. The

Comhairle Chontae Atha Cliath Theas

PR/0034/22

Record of Executive Business and Chief Executive's Order

applicant is also advised that the flat roof element to the front is not acceptable and is requested to submit revised plans and elevations which remove or redesign this element.

3. The applicant is requested to submit a drawing showing what SuDS (Sustainable Drainage Systems) are proposed, such as permeable paving.

4. The applicant is requested to submit a pre-connection enquiry to Irish Water and obtain a confirmation letter of feasibility from Irish Water regarding the proposed foul drain layout of the development.

5. The proposed development will impact/impinge on the existing street trees and grass verge on SDCC lands. The development proposal appears to require the removal of a street tree to accommodate a driveway. This is not in accordance with SDCC CDP 2016- 2022 and would set an unwanted precedent. Therefore, the applicant is requested to submit proposals that mitigate against any impact to existing street trees.

Additional Information

Additional Information was requested on 31st May 2021.

Following receipt of a request from the Applicant, in accordance with Article 33(3) of the Planning and Development Regulations 2001 (as amended), a time extension for responding to the request for Additional Information was granted up to and including 28th February 2022.

Additional Information was received on 7th December 2021.

The Additional Information received was not deemed to be significant, as such the Applicant was not required to erect a Site Notice or publish a Newspaper Notice.

Submissions/Observations

No submissions/observations received.

Assessment

The following additional information was received from the Applicant on 7th December 2021:

- Cover letter dated 1st December 2021 prepared by H2B Architects.
- Irish Water Pre-Connection Agreement dated 3rd December 2021.
- Drawing Number 2018-PS – Proposed Site Plan.

Comhairle Chontae Atha Cliath Theas

PR/0034/22

Record of Executive Business and Chief Executive's Order

- Drawing Number 2018-3R-R1 – Proposed Elevations.
- Drawing Number 2018-4R-R1 – Proposed Elevations.
- Drawing Number 2018-5R-R1 – Proposed Plans.
- Drawing Number 2018-SS-R1 – Proposed Elevations.
- Drawing Number 2018-SD– Shadow Drawings.

The Additional Information provided by the Applicant will be assessed below in the context of the 5 No. items of Additional Information requested by the Planning Authority on 29th October 2021:

Additional Information Item No. 1 – Revised Design

- (a) Revised Drawings – It is noted that the projecting 2 No. storey element to the rear has been reduced by approximately 3m at first floor level. This is welcomed by the Planning Authority. However, concerns remain regarding the design and layout of the proposed dwelling. In particular, significant concerns arise regarding the provision of an internal bedroom with only a rooflight window. It is difficult to conceive how such a bedroom layout would achieve the required minimum standard for Average Daylight Factor in bedrooms as outlined in the relevant BRE Guidance. The proposed layout would therefore be contrary to Policy H11 Residential Design and Layout of the South Dublin County Council Development Plan (2016-2022). The Planning Authority considers that it has not been satisfactorily demonstrated that the revisions to the proposed dwelling will not have an adverse impact on the visual and residential amenity of adjacent properties.
- (b) Daylight Shadow Analysis – The Applicant has submitted a Shadow Drawing. However, no analysis of the potential impact of the proposed development on adjoining properties is provided. A full Daylight, Sunlight and Shadow Analysis Report would be required to allay the concerns of the Planning Authority. In this regard, the concerns of the Planning Authority regarding the potential adverse impact on the residential and visual amenity of adjacent properties has not been satisfactorily addressed.
- (c) Contiguous Front and Rear Elevations – Drawing No. 2018-SS-R1 submitted by the Applicant shows the contiguous front and rear elevations of the proposed development and surrounding context. It is noted that the Site Layout Plan does not clearly illustrate the relationship between the subject site and the adjoining properties, particularly located to the north. A simple shaded block is shown on the Site Layout Plan to indicate

Comhairle Chontae Atha Cliath Theas

PR/0034/22

Record of Executive Business and Chief Executive's Order

the location of the proposed structure. The floor plans provided by the Applicant do not include detail of surrounding properties to assist with understanding the relationship between the proposed development and adjoining properties. The deficiency in the information shown on the drawings renders it difficult to fully assess the potential for the proposed development to result in overlooking, overshadowing or overbearing of adjacent properties.

Additional Information Item No. 2 – Building Line

As demonstrated in Drawing Number 2018-PS – Proposed Site Plan the building line of the proposed dwelling matches that of the existing dwelling on the subject site. Drawing Number 2018-3R-R1 – Proposed Elevations demonstrates that the flat roof element to the front has been removed.

Additional Information Item No. 3 - Proposed SuDS

Drawing Number 2018-PS – Proposed Site Plan indicates the inclusion of permeable paving in the front garden of the proposed dwelling.

Additional Information Item No. 4 – Pre-Connection Enquiry

The Applicant has provided evidence of engagement with Irish Water, resulting in the provision of from a Pre-Connection Confirmation of Feasability from Irish Water dated 3rd December 2021.

Additional Information Item No. 5 - Tree Removal

The design of the proposed development has been amended to remove the previously proposed new entrance, with the existing entrance proposed to be utilised for both dwellings. As a result of this new entrance arrangement, no trees will be removed.

Conclusion

A significant re-design of the proposed dwelling was requested by way of Additional Information in the interests of protecting residential and visual amenity and to ensure that the development would comply with County Development Plan Policy. The response to the AI request has not significantly addressed the concerns raised by the Planning Authority. Furthermore, the internal bedroom, which is provided with only a rooflight for light and the northern façade which does not provide a dual frontage are both considered to be of substandard design and would give rise to negative residential amenity for both the inhabitants and the general area. In addition, the proposed two-storey element located in proximity to the single storey dwelling house located directly to the north would give rise to an unacceptable overbearing impact and overshadowing. The proposed development in its current form would be contrary to the proper planning and sustainable development of the area and should therefore be refused.

Comhairle Chontae Atha Cliath Theas

PR/0034/22

Record of Executive Business and Chief Executive's Order

Note: The Planning Authority notes that any future planning application at the subject site would benefit from a Pre-Planning discussion.

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 proposed development of a two-storey, three-bedroom dwelling situated immediately adjacent to single storey dwellings and located directly to the south of an existing residential property, would give rise to an unacceptable overbearing impact and overshadowing of these properties. Furthermore, the internal bedroom, which is provided with only a rooflight for light and the northern façade which does not provide a dual frontage would represent a substandard design and level of residential amenity for both the inhabitants of the dwelling and existing residents of the area. The proposed development would fail to comply with objectives set out under Policy H17 'Residential Consolidation' and standards set out in Chapter 11 of the South Dublin County Council Development Plan (2016-2022), would seriously injure the residential and visual amenities in the vicinity and would therefore be contrary to proper planning and sustainable development.
2. Insufficient, inconsistent and inaccurate information has been submitted with the application:
 - The site layout plan does not clearly illustrate the relationship between the subject site and the adjoining properties, particularly to the north.
 - The location of the first floor level bedroom window shown on the Side Elevation does not appear to be correct. The window is shown in the eaves, when it appears to be a bedroom window.

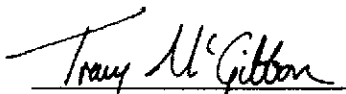
In the absence of accurate and sufficient information, the Planning Authority considers that the applicant has not substantially demonstrated that the proposed development will not adversely impact on residential amenity and/or the visual amenity of the area. The proposed development would therefore be contrary to the proper planning and development of the area.

Comhairle Chontae Atha Cliath Theas

PR/0034/22

Record of Executive Business and Chief Executive's Order

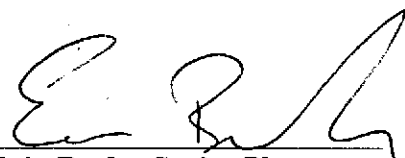
REG. REF. SD21A/0086
LOCATION: 19, Grange View Drive, Dublin 22


Tracy McGibbon,
A/Senior Executive Planner

ORDER: A decision pursuant to Section 34(1) of the Planning & Development Act 2000 (as amended) to Refuse Permission for the above proposal for the reasons set out above is hereby made.

Date:

12/1/22


Eoin Burke, Senior Planner