

Comhairle Chontae Atha Cliath Theas

PR/0040/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD21A/0233 **Application Date:** 23-Aug-2021
Submission Type: Additional **Registration Date:** 07-Dec-2021
Information

Correspondence Name and Address: Donal Hickey 1, Nuns Lane, Abbeyfield, Killester, Dublin 5

Proposed Development: Erection of a detached, 2 storey 4-bedroom dwelling (154.87sq.m); a new single disabled car parking space; solar PV panels (10.3sq.m); new entrance and amended drainage landscape and boundary treatment to facilitate the development.

Location: 1, Killakee Park, Dublin 24, D24 W9T2

Applicant Name: Donal and Imelda Hickey

Application Type: Permission

(CM)

Description of Site and Surroundings:

Site Description:

The subject site is bounded on 3 sides by streets (Killakee Green, Killakee Park and Ballycullen Avenue). A 2-storey, semi-detached house is located towards the south of the site, which fronts west onto Killakee Park. As with other houses in this block, it backs directly onto Ballycullen Avenue to the east. The site is surrounded by numerous street trees and is situated across from a local green space.

Site Area: 0.0556 Ha.

Site Visit: 27/09/2021

Proposal:

- **Erection of a detached, 2 storey 4-bedroom dwelling (154.87sq.m);**
- a new single disabled car parking space;
- solar PV panels (10.3sq.m); and
- new entrance and amended drainage landscape and boundary treatment to facilitate the development.

Zoning

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

Comhairle Chontae Atha Cliath Theas

PR/0040/22

Record of Executive Business and Chief Executive's Order

Screening for Strategic Environmental Assessment

Overlap identified with the following relevant environmental layers in SEA screening tool.

- PFRA A 2016
- PFRA B 2016

Consultations:

Environmental Services:

- | | |
|-----------------|--------------------------------------|
| - Surface Water | Requests Additional Information. |
| - Flood Risk | No objection, subject to conditions. |

Irish Water No objection, subject to conditions.

Roads Requests Additional Information.

Public Realm No objection, subject to conditions.

Submissions/Observations /Representations

None.

Relevant Planning History

SD20A/0298 – Permission **refused** by SDCC for erection of **two** semi-detached two storey **dwellings**; one three bedroom house and one two bedroom house with adjacent two car space garage; drainage and amendments to existing landscape and boundaries. Reasons for refusal are listed under the ‘Overcoming Reasons for Refusal’ section below.

S99A/0739 – Permission **granted** by SDCC **for a 4 bedroom extension** along with ancillary areas to existing two-storey private dwelling for the purpose of conducting a bed and breakfast overnight accommodation. This permission has expired.

Relevant Enforcement History

None.

Pre-Planning Consultation

PP055/21 – Applicant sought pre-planning consultation on the proposed development. Internal records do not indicate a response from the Planner (case officer for SD20A/0298).

Relevant Policy in South Dublin County Development Plan (2016-2022)

Chapter 1 Core Strategy

Policy CS1 Objective 1

Policy CS2 Objective 5

Chapter 2 Housing

Section 2.4.0 Residential Consolidation

Policy H17 Residential Consolidation

Comhairle Chontae Atha Cliath Theas

PR/0040/22

Record of Executive Business and Chief Executive's Order

Chapter 11 Implementation

Section 11.3.0 Residential

Section 11.3.2 Residential Consolidation

1. 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 treatment, 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).
- Subject to appropriate safeguards to protect residential amenity, reduced open space and car parking standards may be considered for infill development, dwelling sub-division, or where the development is intended for a specific group such as older people or students. Public open space provision will be examined in the context of the quality and quantum of private open space and the proximity of a public park. Courtyard type development for independent living in relation to housing for older people is promoted at appropriate locations. Car parking will be examined in the context of public transport provision and the proximity of services and facilities, such as shops.
- Proposals to demolish a dwelling(s) to facilitate infill development will be considered subject to the preservation of the character of the area and taking account of the structure's contribution to the visual setting or built heritage of the area.

(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,

Comhairle Chontae Atha Cliath Theas

PR/0040/22

Record of Executive Business and Chief Executive's Order

- 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.

Section 11.6.1 (i) Flood Risk Assessment
Section 11.8.0 Environmental Assessment

Relevant Government Policy **Ministerial Guidelines and Policy**

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

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

- Section 5 – Dublin Metropolitan Area Strategic Plan, in Regional, Spatial and Economic Strategy 2019 – 2031.

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

Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, Department of Housing, Planning and Local Government (2020).

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

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

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

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

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

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

Comhairle Chontae Atha Cliath Theas

PR/0040/22

Record of Executive Business and Chief Executive's Order

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;
- Overcoming reasons for refusal;
- Visual impact;
- Residential amenity;
- Public realm
- Access, Transport and Parking
- Water services;
- Environmental impact assessment;
- Appropriate assessment.

Zoning and Council Policy

The proposed development is consistent with zoning objective 'RES' – 'To protect and/or improve residential amenity'. Infill residential development is permissible in principle under this zoning objective, subject to the criteria laid down in Chapter 11 of the South Dublin County Development Plan 2016 - 2022.

Overcoming Reasons for Refusal

A recent application for 2 no. dwellings on this site was recently refused by South Dublin County Council. The following is a summary assessment of the present application against the previous reasons for refusal.

1. Section 11.3.2(ii) Corner/Side Garden Sites states that the dwelling(s) should generally be designed and sited to match the building line and respond to the roof pitch profile of adjoining dwellings. It is considered that the front building line for House B would not be acceptable as it would not be designed and sited to match the building line of

Comhairle Chontae Atha Cliath Theas

PR/0040/22

Record of Executive Business and Chief Executive's Order

adjoining dwellings and would be out of character with the established pattern of development in the area and would have a significant adverse impact on residential and visual amenity. The proposal would be contrary to the zoning objective for the area which seeks 'to protect/and or improve residential amenity' and would therefore be contrary to the South Dublin County Development Plan 2016 - 2022.

The proposed building line steps out from the building line of the block along Killakee Park. The house is oriented at an angle from the existing block, in order to accommodate the large dwelling on the site.

It is considered that the building lines should be kept at first floor level at least, though it is generally acceptable that projecting elements at ground level may extend beyond this (by no more than 1.5m to the front). The slight change in orientation between the proposed and existing houses reflects the site context and in particular the relationship between the proposed dwelling and the northern boundary of the site. The first floor plan should adhere generally to the scale (and therefore building lines) of the existing houses, while allowing for the change in orientation of the house. The applicant should therefore reduce the scale of upstairs accommodation by way of **additional information**.

1. House A & House B do not comply with the minimum private open space requirements as set out in Section 11.3.2 Residential Consolidation (iv) Dwelling Standards of the SDCC Development Plan 2016-2022 (Table 11.20: Minimum Space Standards for Houses). To comply a two bedroom house should have a minimum of 55sq.m of adequate private open space and a three bedroom house should have a minimum of 60sq.m adequate private open space. Section 11.3.2 states that open space should be located behind the front building line of the house and be designed to provide for adequate private amenity. As private open space for House A is not located behind the front building line it is not considered to have adequate private open space and this would not comply with the provisions of the South Dublin County Council Development Plan 2016-2022. The majority of the area of private open space shown (c.32sq.m) for House B is located to the front of the dwelling and not behind the front building line so therefore cannot be counted as adequate private open space. This would not comply with the provisions of the South Dublin County Council Development Plan 2016-2022.

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 development of the area.

The County Development Plan provides for possible reduction in the provision of private amenity space beneath the stated minimums in the case of infill development, where good design is considered. The proposed development now relates to one larger house and minimum

Comhairle Chontae Atha Cliath Theas

PR/0040/22

Record of Executive Business and Chief Executive's Order

standards for private open space are clearly exceeded. This reason for refusal has been overcome.

2. (a) Regarding Killakee Park, the proposed development would intensify the use of an access with reduced sightlines, increasing the risk of a traffic accident, thereby endangering public safety by reason of traffic hazard.
(b) Regarding Ballycullen Avenue, there is inadequate visibility at the proposed entrance. The proposed entrance would lead to increased traffic movement on this roadway which would endanger public safety by reason of a traffic hazard.

The Roads Department has sought **additional information** on this issue.

3. The proposed development of House B, by reason of its height and proximity to the site boundary with the existing house would be overbearing, dominant and obtrusive when viewed from the rear garden of the existing house. Thus, the proposed development on a constrained site would constitute overdevelopment and would seriously injure the amenity of property in the vicinity and would be contrary to the zoning objective for the area which seeks 'to protect/and or improve residential amenity' and would therefore be contrary to the South Dublin County Development Plan 2016 - 2022 and the proper planning and sustainable development of the area.

The proposed development is not considered to be overbearing, dominant or obtrusive.

4. Having regard to the lack of information submitted in relation to both Irish Water and Surface Water Drainage requirements, the Planning Authority is not satisfied, on the basis of the information submitted, that the proposed development would not be prejudicial to public health and is not in the interests of the proper planning and sustainable development of the area.

The Environmental Services Department has sought **additional information** due to the lack of information provided in relation to site suitability and the design of the soakaway.

5. The proposed parapet and ridge heights of House A in particular being set significantly above the height of the existing house would be considered to have an adverse impact on visual amenity at this location. Section 11.3.2(ii) Corner/Side Garden Sites states that the dwelling(s) should generally be designed and sited to match the building line and respond to the roof pitch profile of adjoining dwellings. The proposal would be contrary to the zoning objective for the area which seeks 'to protect/and or improve residential amenity' and would therefore be contrary to the South Dublin County Development Plan 2016 - 2022.

Comhairle Chontae Atha Cliath Theas

PR/0040/22

Record of Executive Business and Chief Executive's Order

The proposed development features a hipped roof with exterior parapets and an incorporated lightbox which pops up above ridge level. It is considered appropriate to treat this lightbox as a feature – such as a chimney – rising above the main body of the roof. Even taking this approach, however, the ridge level and general height of the hipped roof is excessive when compared to adjoining dwellings. On an infill site of this size, and in respect of an application for a single dwelling, it is inappropriate to introduce additional height. Rather, the scheme should integrate with the adjoining development and match the ridge level and (usually) the eaves level of the adjoining. An appropriate change can be requested by way of **additional information**.

Visual Impact

The proposed development exceeds the front-to-rear depth of existing houses in this block and is oriented at a slight angle to them. The dwelling would breach both the front and rear building lines and would have a tall parapet (as compared to the existing eaves of the dwellings), and a taller ridge height than existing dwellings. The central light box feature is described as providing warmth and light to the central space of the house – it would serve the small first floor hallway.

Overall, the development should be scaled down. The house should adhere at least at first floor level to the front and rear building lines of the existing houses, notwithstanding that projections at ground level may be integrated into the design. Taking into consideration the proposed orientation of the dwelling, it is considered possible to accommodate a dwelling which matches the front-to-rear depth of the existing houses at first level, without requiring adherence to a straight rear building line.

The proposed development features a hipped roof with exterior parapets and an incorporated lightbox which pops up above ridge level. It is considered appropriate to treat this lightbox as a feature – such as a chimney – rising above the main body of the roof. Even taking this approach, however, the ridge level and general height of the hipped roof is excessive when compared to adjoining dwellings. On an infill site of this size, and in respect of an application for a single dwelling, it is inappropriate to introduce additional height. Rather, the scheme should integrate with the adjoining development and match the ridge level and (usually) the eaves level of the adjoining.

It is considered that the ridge height of the dwelling should be taken as the point at which the hipped roof meets the central lightbox feature. This point in the roof should be lowered to match that of the existing house, and this can be provided by **additional information**.

In terms of the parapet around the exterior of the roof. This is problematic as it gives the impression of a taller building and would not integrate with adjoining existing features. The parapet level and ceiling height of the upper floor should be lowered in conjunction with the proposed ridge level.

Comhairle Chontae Atha Cliath Theas

PR/0040/22

Record of Executive Business and Chief Executive's Order

The proposed development requires **additional information**.

Residential Amenity

The proposed development generally complies with the 'Quality Housing for Sustainable Communities-Best Practice Guidelines (2007)', with the exception that there is no 'main bedroom' of more than 13m². Several bedrooms are 12.9sq.m in size however and this is considered acceptable in the case of infill development.

Public Realm

The proposed development would require the removal of one street tree as currently proposed. The existing site layout plan shows a second street tree being removed, but this is not present on the site. The Public Realm Department has rejected the proposed loss of this tree and favours a revised layout which would facilitate retention of the tree. It is worth quoting their comments and proposed conditions in full:

Retention of Existing Mature

Based on the plans submitted by the applicant (Dwg No. PL-010) it is proposed to remove the existing mature street tree in the adjoining grass in order to facilitate the widening of the existing vehicular entrance – this is not acceptable to the Public Realm Section and is contrary to South Dublin County Councils Tree Management Policy 2015-2020 'Living with Trees' and with relevant policies in the SDCC CDP 2016-2022. The applicant shall ensure that the existing mature street tree is retained.

Protection of Existing Street Tree

The proposed alterations to the existing vehicular driveway should be minimised so that the existing street tree shall not be adversely impacted by the proposed construction works and In order to ensure the protection of the existing mature street tree suitable tree protection fencing must be erected prior to all construction operations occurring on site. This tree protection fencing must be in accordance with BS 5837: 2012.

Landscape Plan

A landscape scheme shall be provided which helps to integrate the development into the local landscape and through suitable planting provides visual screening, mitigation of negative visual effects and which improves local biodiversity and green infrastructure links.

The Public Realm Section has assessed the proposed development in accordance with the policies and objectives of the County Development Plan 2016-2022 and with best practice guidelines and recommends the following:

Comhairle Chontae Atha Cliath Theas

PR/0040/22

Record of Executive Business and Chief Executive's Order

1. Landscape Plan

*The site shall be landscaped in accordance with a comprehensive scheme of landscaping which includes boundary planting; details of which shall be submitted to the Planning Authority. **CONDITION***

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

2. Tree Management Plan

*No development or other operations shall commence on site in connection with the development including the proposed widening of the existing vehicular entrance until a Tree Management plan setting out how the existing mature street tree in the adjacent grass margin will be managed and has been submitted to and approved in writing by the Planning Authority. No development or other operations shall take place except in complete accordance with the approved tree management plan. **CONDITION***

REASON: *To ensure the continued well being of the protected species and habitats and in the interests of the amenity and environmental quality of the locality.*

3. Construction works within Root Protection area.

No operations shall commence on site in connection with the development including the proposed widening of the driveway until a detailed design and construction method statement of the proposed vehicular driveway within the root protection area (as defined by BS5837:2012) has been submitted in writing and approved by the Planning Authority. Every effort shall be made by the applicant to minimise the encroachment of the proposed driveway into the root protection area (RPA) of the mature street. The design and construction must:

- (a) Be in accordance with the recommendations of BS5837:2012.*
- (b) Include details of existing ground levels, proposed levels and depth of excavation.*
- (c) Include details of the arrangements for the implementation, supervision and monitoring of the works.*

CONDITION

REASON: *To ensure the continued well being of the trees in the interests of the amenity and environmental quality of the locality.*

4. Tree Bond

A tree bond of €3,000 (three thousand euros) shall be lodged with the Planning Authority to ensure the protection of the existing mature street tree in the grass margin during the course of the development works.

The release of the bond will be considered a minimum 12 months after the completion of all site works at the discretion of the Landscape/Public Realm Section. This will involve assessment of whether the trees specified for retention have been preserved in their prior

Comhairle Chontae Atha Cliath Theas

PR/0040/22

Record of Executive Business and Chief Executive's Order

*condition and have suffered no damage and the developer has complied with the requirements of the Planning Authority in relation to tree protection. **CONDITION REASON: In the interest of the proper planning and sustainable development of the area, street-tree protection, and the maintenance of the county's green infrastructure.***

5. Protection of Street Tree in Grass Margin

*In order to ensure the protection of the existing street tree adjacent to this proposed development, suitable tree protection fencing should be installed in order to protect the existing tree during construction works. Protective tree fencing must be erected prior to all construction operations occurring on site. Fencing to be in accordance with BS 5837. This fencing, enclosing the tree protection areas must be installed prior to any plant, vehicle or machinery access on site. Fencing must be clearly signed 'Tree Protection Area – No Construction Access'. No Excavation, plant vehicle movement, materials or soil storage is to be permitted within the fenced tree protection area. **CONDITION REASON: In the interests of visual amenity and of protecting existing street trees.***

This is explored more in the following section. In terms of the protection of the existing mature tree, it is considered that an alternative layout would be required and the feasibility of such a layout illustrated. This can be the basis for a **request for additional information**.

It is otherwise considered that, if for reasons of traffic safety, the removal of the street tree is deemed necessary, that the applicant be required to replant a tree of such species and in such a location as is agreed with the Planning Authority, as mitigation for the removal of a street tree. The Public Realm Department also recommends appropriate protection measures in the event of a grant of permission, both for the street trees to the north of the site (which are in close proximity to the proposed dwelling), and for the street tree to the west of the site in the event that it can be retained. These are appropriate **conditions** in the event of a grant.

Access, Transport and Parking

The Roads Department has sought additional information relating to the following:

- Provision of visibility splay of 2m x 45m in both directions from the entrance.
- Details of discussion with Public Realm in resolving tree conflict at access point.
- Limit vehicular access points to a width of 3.5 metres for both existing and proposed dwellings.
- Dishing of footpath and kerb.
- Maximum height of boundary walls specified.

The latter three points can be specified in a grant of permission; however, taken altogether the issues identified could be justifiably put to the applicant in a **request for additional information**. It is noted that the applicant has not shown the proposed boundary treatment in elevation, and such a drawing should also be requested.

Comhairle Chontae Atha Cliath Theas

PR/0040/22

Record of Executive Business and Chief Executive's Order

In terms of the potential removal of a street tree, the action of least impact would be to locate the vehicular entrances away from the existing tree, either by way of retaining the current access and creating a new access to the south, or by putting the new access further north, subject to traffic safety. The latter option may not be possible in this instance given the location of the tree and the junction; however, it would be useful as part of the request for additional information to see sightlines for potential alternate locations, to show if a safe arrangement is possible without the need to remove the street tree.

Access Width and Site Layout

The proposed development provides for a disabled parking space within the site of the new house. The applicant has not provided elevations of the proposed boundary treatment but it appears from the proposed Site Layout Plan that an opening of approx. 5 metres is proposed to serve this access, adjacent to the access for the existing house of 3 metres. The access for the existing house is proposed to shift southwards. The Proposed Site Layout Plan shows a new hedgerow lining the access for the existing house, and erroneously labels the space for the new driveway as "existing concrete" (it is not). Some **additional information** is required:

- Regardless of the space provided for accessibility within the site, the maximum width of either vehicular access at the boundary should be 3.5 metres.
- The Site Layout Plan should be amended to reflect the existing layout – i.e. the true extent of existing concrete in front of the existing house.
- Elevations showing the proposed boundary treatment are required.

This is in addition to the consideration of alternative layouts in order to retain the mature SDCC street tree, and the information should reflect the amended proposals.

Water

The Environmental Services Department has sought additional information in relation to the design of proposed soakaway and soil percolation results. Though the site is located in a flood zone, the report states no objection on that basis. These concerns should be addressed by way of **additional information**.

Irish Water has stated no objection, subject to standard conditions.

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.

Comhairle Chontae Atha Cliath Theas

PR/0040/22

Record of Executive Business and Chief Executive's Order

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

This is an application for a 1-bedroom house of 154.87sq.m.

SEA Monitoring

SEA Monitoring Information	
Building Use Type Proposed	Floor Area (sq.m)
Residential	154.87
Land Type	Site Area (Ha.)
Brownfield/Urban Consolidation	0.0556

Conclusion

It is considered acceptable in principle that the site can accommodate infill residential development. The proposed development requires some alterations regarding to the proposed dwelling itself, vehicular access arrangements, relating in particular to the protection and retention of a mature SDCC street tree, and design details for the proposed soakaway. The applicant should be requested to provide additional information.

Recommendation

Request Additional Information.

Additional Information

Additional information requested on 18th October 2021 and received on 7th December 2021.

Further Consultations

Roads	No objections, subject to conditions.
Public Realm	No objections, subject to conditions.
Environmental Services	Recommends Refusal

Further Observations / Submissions / Representations

None.

Comhairle Chontae Atha Cliath Theas

PR/0040/22

Record of Executive Business and Chief Executive's Order

Assessment of Additional Information

Item 1

As per County Development Plan standards, the house should adhere to existing building lines. The slight change in orientation of the proposed dwelling as compared to the existing dwelling is considered acceptable due to the site context. Taking into consideration the proposed orientation of the dwelling, it is considered possible to accommodate a dwelling which matches the front-to-rear depth of the existing houses at first level, without requiring adherence to a straight rear building line. The proposed house design should be altered as per the following requirements, and the applicant is requested to provide this as additional information:

- (a) At first floor level, the house shall keep the front building line established by the existing house and other houses on Killakee Park.
- (b) At ground floor level, a forward projecting element may extend by up to 1.5 metres beyond the main body of the house, and may step forward from the front building line of Killakee Park.
- (c) At first floor level, the house shall have a front-to-rear building depth that does not exceed that of the existing house and other houses on Killakee Park.
- (d) At ground floor level, a rear projection may extend the front-to-rear building depth beyond that outlined in (c).

Response

The applicant has provided a strong and detailed design rationale defending the initial design proposal. The key stated objectives of the design are to (1) provide a house suitable for an ageing couple and to accommodate advancing disabilities, and (2) produce a sustainable low carbon/low energy design. The written rationale states the following (in summary):

- The house follows the building line morphology of the area, noting that the other houses on Killakee Park have a staggered building line.
- To add projections at ground level would reduce the sustainability of the design.
- Reducing the top floor depth would reduce the top floor footprint and compromise the universality of the design. Due to modern / environmental standards for the thickness of external walls, the floor area of this house would be much reduced on a comparable neighbouring house if the building lines were kept.
- A rear projection would increase the building envelope and reduce the sustainability of the design.

Assessment

Section 11.3.2 (ii) of the South Dublin County Development Plan includes the following policies on building lines:

“

- The dwelling(s) should generally be designed and sited to match the building line and respond to the roof profile of adjoining dwellings...

Comhairle Chontae Atha Cliath Theas

PR/0040/22

Record of Executive Business and Chief Executive's Order

- 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..."

The applicant has additionally quoted the following recommendation from the same section:

"Contemporary and innovative proposals that respond to the local context are encouraged, particularly on larger sites which can accommodate multiple dwellings"

The applicant has provided a thorough rationale for the design and the deviations from corner site/infill policy regarding building lines. The 4 parts to the RFI item were predicated on matching this policy and so it is not necessary to assess each individually.

Overall, the deviation from the front building line can be noted to have less of an impact due to the staggered pattern of houses on Kilakee Park. The proposal can be noted as contemporary/innovative and it is considered that as there is a strong rationale for providing this design, it can be considered acceptable under the corner site development policy.

Item 2

The proposed roof type and profile is acceptable; however, the roof is generally taller than that of existing houses and the ridge line (measure at the point of connection between the hipped roof and the central lightbox feature) is taller than the existing. As per County Development Plan policy on infill residential development, and considering that this is an application for a single dwelling, the ridge height should match that of the existing houses. Therefore the applicant is requested to provide alterations by way of additional information, as follows:

- (a) It is considered that the ridge height of the dwelling should be taken as the point at which the hipped roof meets the central lightbox feature. This point in the roof should be lowered to match that of the existing house, and this can be provided by additional information.
- (b) In terms of the parapet around the exterior of the roof. This is problematic as it gives the impression of a taller building and would not integrate with adjoining existing features. The parapet level and ceiling height of the upper floor should be lowered in conjunction with the proposed ridge level.

Response

The applicant notes the following (in summary):

- CDP policy does not prevent infill development with a higher ridge or eaves height;
- Lowering the proposed roof height would compromise the environmental design of the development, which seeks to minimise surface area to volume ratio;
- Other examples are noted of infill development in side gardens with a larger difference in eaves and/or ridge height.

Comhairle Chontae Atha Cliath Theas

PR/0040/22

Record of Executive Business and Chief Executive's Order

Assessment

Considering the contemporary design, the issue of height is no so sensitive as to prevent a minor uplift in height where the design justifies it. It is considered that in this instance, where the design fulfils the dual function of universal accessibility and passive environmental standards, the uplift in height (of approx. 0.25 m) is acceptable.

Item 3

The Public Realm Department has rejected the proposal to remove the mature SDCC street tree located to the west of the site. This tree should be retained and the width of the new proposed vehicular entrance reduced in order to minimise the impact on the root protection area (RPA) of the existing street tree. The Public Realm Department has also recommended protection measures during construction to prevent damage to this tree. The Roads Department has raised concerns relating to traffic safety and these need to be addressed prior to a grant of permission.

(a) The applicant is requested to submit the following additional information:

(i) Relocate one or both of the proposed vehicular accesses to as not to interfere with the Root Protection Area of the existing street tree. Limit the width of each vehicular access point to 3.5m and if possible, provide enough separation to allow for on-street car parking between the accesses.

(ii) If assessment of alternatives under (i) shows there to be no safe alternative to the proposed layout, the applicant should show where a replacement tree would be planted, in the public realm, at the applicant's expense. Assessment under (i) should be demonstrated in this case.

(b) In relation to the proposed layout or alternative layouts assessed, the applicant should show:

(i) accurate plans demonstrating the provision of a visibility splay of 2.0m x 45m in both directions from the entrance. Sightlines should be shown to the near side edge of the road to the right hand side of entrance and to the centreline of the road to the left hand side of the entrance (when exiting).

(ii) The vehicular access points limited to a width of 3.5 metres for both existing and proposed dwelling at 1, Killakee Park, Dublin 24. Regardless of accessibility provided within the site, the vehicular access at the boundary should be no more than 3.5 metres in width.

(iii) The footpath and kerb dished and widened to the full width of each proposed driveway.

(iv) site elevations at a scale of no less than 1:200, showing the proposed boundary treatment and relative location of the SDCC Street Tree. The boundary walls at vehicle access points shall be limited to a maximum height of 0.9m, and any boundary pillars shall be limited to a maximum height of 1.2m, in order to improve forward visibility for vehicles.

(v) a revised Site Layout Plan showing the extent of existing concrete on the site.

Response

The applicant has consulted with the SDCC Roads Department on two alternative proposals: one which would see the street tree removed, and one which would retain the street tree. The former proposal would see the tree removed and a 3.5m access provided at a distance of 17.6m from the corner junction. The latter proposal would bring the vehicular access closer to the adjoining

Comhairle Chontae Atha Cliath Theas

PR/0040/22

Record of Executive Business and Chief Executive's Order

junction by approximately 5 metres (to avoid the root protection area of the existing tree), and retain the tree, with a total distance of 11.95 metres from the junction.

The applicant notes that the Roads Department when consulted expressed preference for the former option and the removal of the street tree.

The applicant has not expressly proposed to use this option but it is implied in their written response. Drawings of both options are provided as requested.

The applicant has not provided boundary treatment drawings as requested under (iv) above, stating that no boundary is proposed to the front of the site, with a hedge being provided to the north only to screen the site from the footpath and park there.

Assessment

The Roads Department has noted the proposal and their previous consultation, and supports the applicant's submission.

The Public Realm Department has again advised against the removal of the existing street tree, noting that it is a very good example of a mature street tree and one of the better examples in the county. It is noted that the street trees in this area are mostly all of a similar standard and are assumed to be original features and 3-4 decades in age. Subsequently, any replacement of the tree would not adequately mitigate its loss until a similar period of time has elapsed (assuming similar conditions for growth).

The Public Realm Department has recommended that the tree be not removed, but recommends the following solution to bring the vehicular access closer to the tree (and thus further away from the junction) without compromising the tree roots:

No dig driveway

In order **not** to damage the roots of the existing mature street, the Public Realm Section requires that a **no-dig** solution should be used in the construction of the new entrance drive way. A "no dig" method of driveway construction shall be used in accordance with BS 5837:2012 - Trees in relation to construction - Recommendations.

'No dig' construction is accomplished through the use of a perforated cellular confinement system in the sub-base layer. Cellular confinement systems reduce the overall depth of construction by introducing a cellular structure which dissipates downward loads by a horizontal transfer through the cell structure. This process in conjunction with the perforated cell wall also imports structural integrity to free draining aggregates which would otherwise be unacceptable in road construction. A robust, shallow and free-draining sub-base is achieved, which allows vehicular access whilst allowing water and oxygen to permeate down to the tree roots."

Comhairle Chontae Atha Cliath Theas

PR/0040/22

Record of Executive Business and Chief Executive's Order

The above method would 'bridge' the tree roots and avoid damaging the street tree.

The Roads Department and Public Realm Department recommendations conflict with one another, as was the case during initial assessment. The compromise option presented by the Public Realm Department would appear to be acceptable, as at a distance greater than 12m from the corner junction, and with no impediments to visibility, the additional driveway would be better placed than several nearby driveways on corner sites.

The 'no-dig' solution is considered to be appropriate and can be a **condition** of permission.

Item 4

(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 and 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 not provided a percolation test. The applicant wishes to delay detailed design and percolation testing until after permission has been obtained, and notes in their written response that they had discussed this with the planner and asked that it be a condition of permission.

It should be noted that no commitment was given to the applicant on this point.

Assessment

The Environmental Services Department has recommended refusal due to lack of percolation testing. The report reads as follows:

Surface Water Report: Recommend Refusal:

- 1.1 There is no report showing percolation test results for proposed soakaway as per BRE Digest 365 Standards.

Comhairle Chontae Atha Cliath Theas

PR/0040/22

Record of Executive Business and Chief Executive's Order

This creates a flood risk for the development because if the percolation test fails the soil will not be suitable for proposed soakaway and surface water network system.

Water services recommend that this proposed development be refused because there is a potential flood risk for the site. There is no percolation tests submitted for the development to assess the suitability of soakaway.

The proposed development would be prejudicial to public health and proper planning.

Flood Risk

Recommend Refusal

There is no report showing percolation test results and so it is unclear if there is suitable percolation for proposed soakaways. Poor soil percolation would result in flood issues on site.

It would be inconsistent and unusual to refuse permission on the basis of no percolation testing having been performed on-site, for an infill development in a suburban area. The relevant policy is IE3 Objective 5 of the Plan, which states:

“To limit surface water run-off from new developments through the use of Sustainable Urban Drainage Systems (SUDS) and avoid the use of underground attenuation and storage tanks.”

If percolation testing reveals that a soakaway is an inappropriate solution for surface water drainage on the site, another solution can be agreed in compliance. This can be a **condition** of permission.

Screening for Appropriate Assessment

The applicant has provided an Appropriate Assessment Screening report in support of the proposal. The report concludes that significant effects are not anticipated via surface water, groundwater, or land/air pathways on the identified SACs and SPAs. Having regard to the nature of the development, connection to public services and the distance from the Natura 2000 sites the proposed development would not require a Stage 2 Appropriate Assessment.

Screening for Environmental Impact Assessment

Having regard to the modest nature of the proposed development, and the distance of the site from nearby sensitive receptors, there is no likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

Comhairle Chontae Atha Cliath Theas

PR/0040/22

Record of Executive Business and Chief Executive's Order

Other Considerations

Bonds & Contributions

The proposed development is for a 4-bedroom dwelling (154.87sqm).

SEA Monitoring

Development Type: Residential

Floor Area (sq.m): 154.87

Site Type: brownfield/urban consolidation

Site Area (Ha.): 0.0556 Ha.

Conclusion

The proposed development is considered to comply with the South Dublin County Development Plan 2016 – 2022 policy on infill development on corner/side garden sites, and would – subject to the conditions attached herewith – accord with 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 7th December 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.

Comhairle Chontae Atha Cliath Theas

PR/0040/22

Record of Executive Business and Chief Executive's Order

2. Driveway.

The proposed 'Option B' driveway layout (as shown on drawing T-011 submitted on 7th December 2021) shall be implemented as part of the proposed development, subject to alterations as laid out in this condition. This layout retains the existing mature SDCC street tree.

Alterations:

In order to allow the vehicular access to be constructed closer to the tree and further away from the nearby junction, the applicant shall, prior to the commencement of development, agree in writing with the Planning Authority, a 'no dig' method of driveway construction. The existing street tree immediately adjoining the existing driveway shall be protected from damage as a result of the works on site, to the satisfaction of the Public Realm Section in accordance with its relevant British Standards (e.g. BS5837:2012) for the duration of the development. In the event that the tree become damaged during construction, the Public Realm Section shall be notified and remedial action agreed and implemented. In the event that the tree dies or is removed without the prior consent of the Public Realm Section, it shall be replaced within the first available planting season, in accordance with details agreed with the Public Realm Section.

REASON: To protect a mature SDCC Street Tree in the interest of green infrastructure and the proper planning and sustainable development of the area.

3. Roads.

(a) The vehicular access points shall be limited to a width of 3.5 meters for both existing and proposed dwelling at 1, Kilakee Park, Dublin 24.

(b) Footpath and kerb shall be dished and widened, and the dropped crossing shall be constructed to the satisfaction of South Dublin County Council and at the applicant's expense. The footpath and kerb shall be dished and widened to the full width of the proposed widened driveway entrance.

(c) As per the submitted particulars, boundary walls shall not be located to the front of the permitted house.

REASON: To protect local amenities and pedestrian and road safety.

4. Drainage - Surface Water.

The disposal of surface water, shall fully comply with all of the technical requirements of the Council's Water Services Section. In this regard, prior to the commencement of development, the applicant/developer shall submit the following for the written agreement of the Planning Authority:

(a) Fully detailed foul and surface water drainage plans for the proposed development as approved showing location of all manholes, AJs etc located within the site boundary up to and including point of connection to the public sewer that fully accords with the requirements Council's Water Services Section and or 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.

Comhairle Chontae Atha Cliath Theas

PR/0040/22

Record of Executive Business and Chief Executive's Order

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

(d) The soakaway design to be submitted shall be certified to BRE Digest 365 standard by a suitably qualified person carrying professional indemnity insurance and shall include documented evidence of infiltration test results to demonstrate that the soakaway complies with the requirements of BRE Digest 365.

The revised plans shall provide for a soakaway to be located within the curtilage of the property and this shall be:

(i) at least 5m from any buildings, public sewers or structures and not in such a position that the ground below foundations is likely to be adversely affected.

(ii) at least 5m from the nearest road boundary and not within 3m of the boundary of the adjoining site.

(iii) a minimum of 10m from any sewage treatment percolation area.

(iv) at least 10m from any stream / river / flood plain.

In addition only rainwater shall be discharged to soakaways.

(e) If percolation test results show that a soakaway would be an inappropriate solution at this site, the applicant shall agree an alternative solution with the SDCC Environmental Services Department prior to construction.

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

5. House Number.

The number of the house shall be 1A, and this number shall be placed on the completed house prior to its occupation in a manner so as to be clearly legible from the public road.

REASON: In the interests of the proper planning and sustainable development of the area and compliance with the Council's Development Plan.

6. External Finishes.

All external finishes shall be as per the submitted plans and particulars.

REASON: In the interest of visual amenity.

7. Restriction on Use.

The house shall be used as a single dwelling unit and shall not be sub-divided by way of sale or letting (including short-term letting) or otherwise nor shall it be used for any commercial purposes.

REASON: To prevent unauthorised development.

8. Occupation subject to service connection.

The dwelling unit shall not be occupied until all the services (drainage, water supply, electricity and or other energy supply, public lighting and roads) for each dwelling unit have been completed thereto and are operational.

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

Comhairle Chontae Atha Cliath Theas

PR/0040/22

Record of Executive Business and Chief Executive's Order

9. 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.

10. 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 (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.

Comhairle Chontae Atha Cliath Theas

PR/0040/22

Record of Executive Business and Chief Executive's Order

11. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €16,182.37 (sixteen thousand one hundred and eighty two euros and thirty seven cents), in respect of public infrastructure and facilities benefiting development within the area of the Planning Authority, that is provided, or intended to be provided by or on behalf of the authority, in accordance with the terms of the Development Contribution Scheme 2021 - 2025, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended).

The contribution shall be paid prior to commencement of development, or in such phased payments as the Planning Authority may facilitate. Contributions shall be payable at the rate pertaining to the year in which implementation of the planning permission is commenced as outlined in the South Dublin County Council Development Contribution Scheme 2021 - 2025.

REASON: The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

NOTE RE: CONDITION - Please note that with effect from 1st January 2014, Irish Water is now the statutory body responsible for water services. Further details/clarification can be obtained from Irish Water at Tel. 01 6021000 or by emailing customerservice@water.ie.

NOTE: The applicant is advised that under the provisions of Section 34 (13) of the Planning and Development Act 2000 (as amended) a person shall not be entitled solely by reason of a permission to carry out any development.

NOTE: The applicant or developer should ensure that all necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works and to ensure that any such instances arising are remedied immediately.

Comhairle Chontae Atha Cliath Theas

PR/0040/22

Record of Executive Business and Chief Executive's Order

REG. REF. SD21A/0233

LOCATION: 1, Kilakee Park, Dublin 24, D24 W9T2

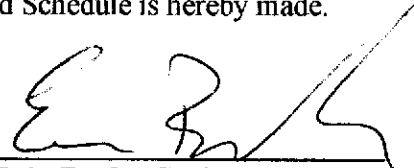


Jim Johnston,
Senior Executive Planner

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: _____

12/1/22



Eoin Burke, Senior Planner