

Comhairle Chontae Atha Cliath Theas

PR/0043/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD21A/0303 **Application Date:** 09-Nov-2021
Submission Type: New Application **Registration Date:** 09-Nov-2021

Correspondence Name and Address: John Flood, DMVF Architects Ltd. 276-278, Lower Rathmines Road, Rathmines, Dublin 6

Proposed Development: Demolition of existing garage and construction of a part single, part two storey 3-bedroom detached dwelling in side garden of existing dwelling; associated rooflights; new vehicular entrance with new pillar and gate; all ancillary site and landscaping works.

Location: The Muddies, Whitechurch Road, Rathfarnham, Dublin 16, D16Y7R0

Applicant Name: John & Sheila Murphy

Application Type: Permission

(CM)

Description of Site and Surroundings:

Site Description:

The subject site is located on "The Muddies", a street off Whitechurch Road in Rathfarnham. This has the character of a rural lane. The wider area of Whitechurch is defined in the modern era by Marlay Park (to the north and east), Edmondstown Golf Course (north of the site), and the M50 (to the south of the site beyond some fields in agricultural use). This is an area of unique sylvian character within the M50 motorway.

The site accommodates a 2-storey (dormer style) wide pan detached house and a single storey garage/annex building. Each has a pitched roof. The house has an overhanging roof over wooden columns to the front, and a brick finish.

The area does not have a typical house type or style, with this and nearby houses having been developed individually and probably at different times. The house is located on a private laneway.

Site Area: 0.126 Ha.

Site Visit: 15/12/2021

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new vehicular entrance with new pillar and gate;
all ancillary site and landscaping works.

Zoning

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

Screening for Strategic Environmental Assessment

No overlap with the relevant environmental layers.

Consultations:

Environmental Services:

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

Irish Water:

Water Supply	Requests Additional Information
Waste Water	Refer to EHO

HSE Environmental Health Officer No report received.

Public Realm No objection, subject to conditions.

Roads Recommends Refusal.

Submissions/Observations /Representations

None.

Relevant Planning History

None.

Relevant Enforcement History

None.

Pre-Planning Consultation

None.

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

Chapter 1 Core Strategy

Policy CS1 Objective 1

Policy CS2 Objective 5

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Chapter 2 Housing
Section 2.4.0 Residential Consolidation
Policy H17 Residential Consolidation

Chapter 11 Implementation
Section 11.3.0 Residential
Section 11.3.2 Residential Consolidation
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,

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The architectural language of the development (including boundary treatments) should respond to the character of adjacent dwellings and create a sense of harmony. Contemporary and innovative proposals that respond to the local context are encouraged, particularly on larger sites which can accommodate multiple dwellings,

Where proposed buildings project forward of the prevailing building line or height, transitional elements should be incorporated into the design to promote a sense of integration with adjoining buildings, and

Corner development should provide a dual frontage in order to avoid blank facades and maximise surveillance of the public domain.

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).

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

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

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

PL02/2020: Covid-19 Measures

PL03/2020: Planning Time Periods

PL04/2020: Event Licensing

PL05/2020: Planning Time Periods

PL06/2020: Working Hours Planning Conditions

PL07/2020: Public Access to Scanned Documents

PL08/2020: Vacant Site Levy

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

Assessment

The main issues for assessment are:

- Zoning and Council policy;
- Visual impact and Residential amenity;
- 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, and other relevant policies and objectives of the Plan. Development in side gardens is guided by section 11.3.2 (ii) of the Plan.

Visual Impact and Residential Amenity

The proposed new dwelling would replace the single storey detached garage currently in place, and is divided into 2 sections in terms of its design. The section nearest the existing house would replicate the roof profile, orientation and footprint of the garage, but at 2 stories in height. This wing would contain at ground level a living room to the front, en-suite master bedroom to the rear opening out onto a private rear terrace, and at first floor level, en-suite bedrooms 2 and 3. The effect of retaining the front-facing gable profile, but to raise this up by

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one storey, and with a ridge line higher than that of the existing house, is to present a slightly disjointed pair of facades to the front of the site. It appears that an attempt has been made to replicate the original style of the detached garage but the effect has been lost with the increase in scale. This is an element of the development that could be revised and improved.

The other section of the new house, which accommodates the majority of its footprint, is a single-storey wing under a contemporary flat roof. This would contain the main entrance and hallway from which the aforementioned 2-storey wing, cloakroom, w/c, and kitchen would be accessed. The kitchen would have a utility room and linen store to side, and a living/dining area to the rear. The kitchen, living and dining area would open out onto a rear terrace and the rear garden.

The proposed dwelling meets all standards under the 2007 'Quality Housing for sustainable communities' guidelines, and ample rear garden space is provided for both residences.

The contemporary design of the single-storey wing of the house is not out of place, given that each plot is separately developed in the area and there is no uniform style. It is notable also that despite the rural nature of the area, it is not zoned 'RU' or high amenity, and there is no requirement to fit into the traditional style or landscape character of the area. The two-storey element would jar with the existing house and this could be improved by additional information; however, there are other issues with the development.

Public Realm

The Public Realm Department has stated no objection, subject to conditions relating to agreement and implementation of a final landscape plan, and SUDs for the site.

Access, Transport and Parking

The Roads Department has recommended **refusal**. Their assessment reads as follows:

This application is for a dwelling with access of Whitechurch Road via a private unsurfaced laneway.

The site has no public road frontage and as there are 5 no. existing houses on this private laneway this proposal will be for a sixth house. With the addition of a sixth house on this private laneway and the possibility of further houses a higher standard of visibility is required at the junction

It is noted that the sightlines at the junction of the private laneway over which a right-of-way is mentioned onto Whitechurch Road are restricted due to the alignment of the road. The proposed dwelling would result in an intensification of use of the access off Whitechurch Road and the use of Whitechurch Road itself which is a steeply graded winding road. No works can be done to improve sightlines at the junction as there is no frontage from the subject site onto Whitechurch Road.

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This proposal constitutes undesirable ribbon development on a substandard private laneway onto (Whitechurch Road), which will lead to a demand for the uneconomic provision of services and would set an undesirable precedent for further similar developments in the area.

Roads recommend that planning permission shall be refused for this application on the grounds of an intensification of use of the substandard road network which could result in an increased traffic hazard.

The laneway has not been taken in charge by South Dublin County Council (though this in itself is not a reason to refuse permission). Sections of laneway which are necessary to access this site are very narrow and visibility is poor. I concur with the report and assessment of the Roads Department and, given the advice that this would result in an increased traffic hazard, it is appropriate that **permission is refused** for that reason.

The creation of traffic hazard implies that the development itself would be haphazard development, and that the 'RES' zoning objective, while supporting development at the site in principle, would be contravened due to the impact on residential amenity. The land-use zoning objective reads, "To protect and/or improve residential amenity."

In the interest of providing a full rationale for refusal of permission, it should also be noted that the orientation of the new vehicular access for the proposed development is not acceptable. Cars accessing the site would be required to undertake a u-turn or a 3-point turn to enter and egress from the site, on a bend with poor visibility. The Planning Department is not satisfied that the vehicular access is safe and this would need to be resolved regardless of the traffic hazard issue identified above.

Water

The Environmental Services Department has sought additional information due to lack of information relating to the soakaway design, SUDs to be provided on site, or percolation testing having occurred. This would usually warrant either a request for additional information or conditions for later agreement, however in this case there are other issues with the application.

Irish Water has sought water supply layouts by way of additional information. This could reasonably be required as additional information but as there are other issues with the application, this should appear as a **reason for refusal**.

The applicant has not provided any details on the proposed waste water treatment system. On the application form, the applicant has indicated that a conventional septic tank system and/or 'other on-site treatment system' would be used. Under article 22 (c) of the Planning and Development Regulations 2001 as amended, details of the proposed system and evidence as to the suitability of the site should have been included in the application.

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The applicant states in their cover letter that the council had advised percolation tests results could be submitted as compliance – this is true in some cases in relation to surface water systems such as soakpits, but not wastewater treatment systems which require assessment as part of the planning process. The lack of information in this regard could be addressed by additional information, but, as there are other issues with this application, it should appear as a **reason for refusal**.

Section 11.6.1 states that the provision of private waste water treatment facilities, other than single house systems, will be strongly discouraged and all new developments will be required to utilise and connect to the public wastewater infrastructure, where practicable. It is the view of the Planning Authority that connection to a mains sewer should be investigated and prioritised.

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. Further information in regard to the ecology of the site and disposal of wastewater to assess the development

Conclusion

The proposed development should be refused, as the development would result in the intensification of use of the substandard road network and could result in an increased traffic hazard. This would in turn constitute a haphazard form of development and would be in contravention of the 'RES' land-use zoning objective, "To protect and/or improve residential amenities". The development would therefore contravene the South Dublin County Development Plan 2016 – 2022 and would not accord with the proper planning and sustainable development of the area.

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:-

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SCHEDULE

REASON(S)

1. This proposal provides for additional traffic movements on a substandard private laneway off Whitechurch Road and would set an undesirable precedent for further similar developments in the area. The proposed development would represent an intensification of use of the substandard road network and would endanger public safety by reason of traffic hazard. Due to said endangerment to public safety and traffic hazard, the development would contravene the 'RES' land-use zoning objective for the area under the South Dublin County Development Plan 2016 - 2022, which reads, 'To protect and/or improve residential amenity.'
Furthermore, the Planning Authority is not satisfied that the proposed vehicular access is safe, and is likely to give rise to traffic hazard.
2. The subject site is proposed to be serviced by an onsite treatment system. The application does not include information required under article 22 (c) of the Planning and Development Regulations 2001 as amended, on the on-site treatment system proposed and evidence as to the suitability of the site for the system proposed, where it is proposed to dispose of wastewater other than to a public sewer. In addition, the provision of an individual treatment system at this location is contrary to Section 11.6.1 which outlines that new developments will be required to utilise and connect to the public wastewater infrastructure, where practicable. There is therefore a risk of water pollution arising from the disposal of waste water on the site, and a grant of permission at this time would be prejudicial to public health, contrary to the Development Plan and the proper planning and sustainable of the area.
3. The application does not include information on the proposed layout of watermains on the site and as such, the proposed development is contrary to proper planning and sustainable development of the area.


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REG. REF. SD21A/0303

LOCATION: The Muddies, Whitechurch Road, Rathfarnham, Dublin 16, D16Y7R0



Jim Johnston,
Senior Executive Planner

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

Date:

12/1/22



Eoin Burke, Senior Planner