

# Comhairle Chontae Atha Cliath Theas

**PR/0060/22**

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

**Reg. Reference:** SD21B/0574      **Application Date:** 11-Nov-2021  
**Submission Type:** New Application      **Registration Date:** 11-Nov-2021  
**Correspondence Name and Address:** Niall Jones and Associates Somerton, 15, Butterfield Crescent, Rathfarnham, Dublin 14  
**Proposed Development:** Construction of new slate clad pitched roof structure not exceeding 8.950m in height above ground level to cover existing flat roof; to include new dormer roof over stairwell with frosted window to new attic landing level (area 5.67sq.m) with roof light over and 'Velux' window within front storage space to South elevation; all associated site works.  
**Location:** 54, Old Bawn Road, Tallaght, Dublin 24  
**Applicant Name:** Luke Wilson & Kelsey Phelan  
**Application Type:** Permission

(CM)

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

#### Site Area

0.02 Ha.

#### Site Description

The site accommodates a flat-roofed 2-storey terraced house in a row of similar houses on this side of Old Bawn Road. The houses on this side of Old Bawn Road share their design, form and character with those of the Millbrook estate to the rear, and the house backs onto houses on The Crescent.

#### Site visit:

22/12/21

### **Proposal:**

- Construction of new slate clad pitched roof structure not exceeding 8.950m in height above ground level to cover existing flat roof;
- to include new dormer roof over stairwell with frosted window to new attic landing level (area 5.67sq.m)
- with roof light over and 'Velux' window within front storage space to South elevation;
- all associated site works.

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### **Zoning:**

RES – 'To protect and/or improve residential amenity.

### **Consultations:**

Water Services                      No objection, subject to conditions.

### **SEA Screening**

No overlap with the relevant environmental layers.

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

None.

### **Relevant Planning History**

There are several grants of permission for similar modifications to flat-roofed houses in the immediate area. The most recent of these are as follows:

**SD21B/0209, SD20B/0249, SD20B/0227, SD19B/0127.**

### **Relevant Enforcement History**

None recorded for subject site

### **Pre-Planning Consultation**

None recorded for subject site

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

*Section 2.4.1 Residential Extensions*

*Policy H18 Residential Extensions*

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

*Section 9.3.4 Non-Designated Areas*

*Policy HCL 15 Non-Designated Areas*

*Objective 3 – To protect existing trees, hedgerows and woodlands...*

*Section 11.3.3 Additional Accommodation*

*Section 11.3.3 (i) Extensions*

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

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### National Guidelines & Policy relevant to Development Management in SDCC

#### Ministerial Guidelines and Policy

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

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

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

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

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

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

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

**Urban Development and Building Heights Guidelines for Planning Authorities**, (2018)  
**Quality Housing for Sustainable Communities-Best Practice Guidelines**, Department of the Environment, Heritage and Local Government (2007).

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

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

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

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

- PL02/2020: Covid-19 Measures
- PL03/2020: Planning Time Periods
- PL04/2020: Event Licensing

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- 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 concern the following:

- Zoning and Council policy;
- Residential amenity and visual impact;
- Overcoming Reasons for Refusal;
- Water
- Screening for Appropriate Assessment
- Screening for Environmental Impact Assessment

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

The site is located in an area which is subject to zoning objective 'RES' – '*To protect and/or improve Residential Amenity*'. The development of an extension or alteration to a dwelling is permitted in principle subject to its design being in accordance with the relevant provisions in the Development Plan with specific reference to Section 11.3.3 which relates to extensions to dwellings.

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

The property currently has a flat roof. The proposal includes a roof extension that would sit on top of the flat roof and extend over the existing two storey front projection. This is a similar proposal to many other changes in the area where houses of a similar type have been extended upwards, both to provide additional accommodation and improve insulation and water handling. This aspect of the proposal is considered to be visually acceptable. In terms of residential amenity, the extension would be confined to the footprint of the existing roof and therefore is not considered to be materially harmful.

#### **Dormer window**

The dormer would be similar to other front dormers in the area and based on its scale, design and siting is considered to be visually acceptable. The dormer window is proposed to mostly be fitted with obscure glazing, with a small upper panel of clear glazing. This is considered acceptable and can be the basis of a **condition** of permission.

#### **Water**

The Environmental Services Department has stated no objection subject to standard conditions. This is acceptable.

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### **Screening for Appropriate Assessment**

Having regard to the scale and nature of the development, connection to public services and the distance from Natura 2000 sites, it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

### **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 real 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.

### **Other**

#### **Development Contributions**

Development relates to non-habitable attic accommodation only.  
Assessable area is Nil.

### **SEA Monitoring**

Building Use Type Proposed:	Residential extension
Floor Area:	52sq.m
Land Type:	Brownfield/Urban Consolidation.
Site Area:	0.02 Hectares.

### **Conclusion**

Having regard to the provisions of the South Dublin County Council Development Plan 2016-2022, and the scale of the proposed development, it is considered that, subject to the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area. It is considered that the proposed extension would be in compliance with Council policy in relation to extensions to dwelling houses.

### **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.

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### **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 in accordance with submitted plans and details and Construction Management Plan.
  - (a) The development shall be carried out and completed in its entirety fully in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the other conditions attached hereto.
  - (b) Prior to the commencement of development the applicant/developer shall submit to the Planning Authority a Construction Management Plan for the proposed development. This Construction Management Plan should include details of construction specifications for the proposal, fire separation, details of all agreements necessary in respect of the building up of the party walls and necessary weather proofing.  
REASON: In the interest of safety and proper planning and sustainable development and to ensure that the development shall be in accordance with the permission and that effective control be maintained.
2. Amendments - Glazing.

The following amendment to the design shall be carried out:  
The window on the side elevation of the front dormer shall be fitted with obscure glazing, as shown in drawing P.04 submitted with the application. Such obscure glazing shall be maintained in perpetuity.  
REASON: In the interest of residential amenity.
3. (a) External Finishes.

All external finishes shall harmonise in colour or texture that is complementary to the house or its context.  
REASON: In the interest of visual amenity.

(b) Restriction on Use.  
The house and the proposed extension shall be jointly used as a single dwelling unit for residential purposes and shall not be sub-divided or used for any commercial purposes, and the extension shall not be sold, let (including short-term letting), leased or otherwise transferred or conveyed, by way of sale, letting or otherwise save as part of the single

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dwelling unit.

REASON: To prevent unauthorised development.

(c) Drainage - Irish Water.

(i) The water supply and drainage infrastructure, shall comply with the requirements of Irish Water.

(ii) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use. All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.

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

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

(d) Minimise Air Blown Dust.

During the construction and or demolition phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances. The applicant/developer shall comply with British Standard B.S. 5228 Noise Control on Construction and Open sites and British Standard B.S. 6187 Code of Practice for demolition.

REASON: In the interest of public health and to uphold the Council's policies set out in the South Dublin County Council Development Plan.

(e) Construction Noise and Hours.

To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, Equipment or Machinery (to include pneumatic drills, on-site construction vehicles, generators, etc.) that could give rise to unacceptable levels of noise pollution as set out generally for evening and night-time in S.I. No. 140/2006 - Environmental Noise Regulations 2006 shall only be operated on the site between 7.00 hours and 19.00 hours weekdays and between 9.00 hours and 13.00 hours on Saturdays. No works shall take place at any time on Sundays, Bank Holidays or Public Holidays.

Any construction work outside these hours that could give rise to unacceptable levels of noise pollution shall only be permitted following a written request to the Planning Authority and the subsequent receipt of the written consent of the Planning Authority, having regard to the reasonable justification and circumstances and a commitment to minimise as far as practicable any unacceptable noise outside the hours stated above. In this respect, the applicant or developer shall also comply with BS 5228:2009 Noise and

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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.

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

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

**NOTE:** Adequate provision should be made to facilitate access to and the use of the development, buildings, facilities and services by disabled persons, including sanitary conveniences. The minimum requirements should be as per Part M of the Building Regulations.

**NOTE:** The applicant/developer of these lands is advised that in the event of encroachment or oversailing of adjoining property, the consent of the adjoining property owner is required.

**NOTE:** Notwithstanding any grant of planning permission; if an applicant requires permission to access local authority land (e.g. public footpaths, public open space or roadways) in order to access utilities, or for any other reason; the applicant should apply via <https://maproadroadworkslicensing.ie/MRL/> for a licence from the Local Authority to carry out those works.



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NOTE: The applicant is advised that, in order to use the attic conversion as a habitable room, it must comply with the Building Regulations.

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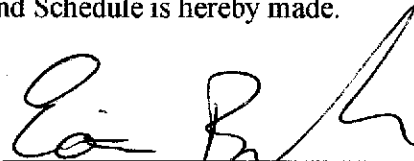
**REG. REF. SD21B/0574**

**LOCATION: 54, Old Bawn Road, Tallaght, Dublin 24**

  
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**Jim Johnston,**  
**Senior Executive Planner**

**ORDER:** A decision pursuant to Section 34(1) of the Planning & Development Act 2000, as amended, to Grant Permission for the reasons set out in the First Schedule above, in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule above, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule is hereby made.

**Date:** 14/1/22

  
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**Eoin Burke, Senior Planner**