

Comhairle Chontae Atha Cliath Theas

PR/0036/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD21B/0578 **Application Date:** 15-Nov-2021
Submission Type: New Application **Registration Date:** 15-Nov-2021
Correspondence Name and Address: Niall Jones and Associates Somerton, 15, Butterfield Crescent, Rathfarnham, Dublin 14
Proposed Development: Construction of a new slate clad pitched roof structure not exceeding 8.950m in height above ground level to cover the existing flat roof; new dormer roof over stairwell with frosted window to new attic landing level, area 12.27 sq.m with roof light over; Velux window within front storage space to South Elevation; all associated site works.
Location: 34 The Crescent, Millbrook Lawns, Tallaght, Dublin 24.
Applicant Name: Ger Bermingham
Application Type: Permission

(AOCM)

Description of Site and Surroundings:

Site Area: stated as 0.0191 hectares

Site Description:

The application site contains a two storey, flat roof, terraced house, located on The Crescent, Tallaght in a row of similar dwellings, many of which have undergone similar works to those proposed in this application to amend the roof profile from a flat roof to pitched roof. The surrounding area is residential in nature.

Proposal:

Permission is sought for the following:

- Slate clad pitched roof structure, not exceeding 8.950m above ground level to cover existing flat roof (similar to works constructed at other properties along The Crescent)
- New dormer window with obscure glazing to attic landing at side with a dome ventilated rooflight over stairwell.
- 1 rooflight on rear elevation and 1 rooflight on side of front pitched roof (shown on roof plan and noted on elevations)

Zoning:

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

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Consultations:

Surface Water Drainage – No objection, conditions recommended

Submissions/Observations /Representations

Submission expiry date – 20/12/2021

No submissions or observations were received.

Relevant Planning History

Subject Site

SD14B/0298: SDCC refused permission for construction of new slate clad pitched roof structure not exceeding 8.95m in height above ground level to cover the existing flat roof; new dormer roof over stairwell with frosted window to attic landing level; roof light over and 'Velux' window to front storage space to north elevation; all associated site works. This application was the same as that previously refused under SD13B/0196.

SDCC reason for refusal:

- 1. The applicant has not demonstrated sufficient legal interest to carry out the proposed development in its entirety, specifically all matters relating to the building up of the party wall of adjoining dwelling No. 36. Because of this, such development would adversely impact on the residential amenity of adjoining dwelling No. 36 and be contrary to the zoning objective of the area which seeks to 'To protect and/or improve Residential Amenity'.*

Decision to refuse upheld by An Bord Pleanala (ABP. Ref. PL06S.244906) following a first party appeal. Refused for the following reasons:

- 1. It is considered that the quantity of private open space retained to the rear of the dwelling house would be inadequate to provide for a sufficient level of residential amenity for the proposed dwelling, as modified and would be contrary to the standards for such development set out in Appendix 5 of the South County Development Plan 2011-2017. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*
- 2. The applicant has not demonstrated sufficient legal interest to carry out the proposed development in its entirety, specifically all matters relating to the building up of the party wall of adjoining dwelling number 36 The Crescent. The proposed development would adversely impact on the residential amenity of the adjoining dwelling and would, therefore, be contrary to the zoning objective of the area which seeks to "To protect and/or improve Residential Amenity".'*

SD13B/0196: Permission refused on appeal (ABP Ref. PL06S.242575) for construction of new slate clad pitched roof structure not exceeding 8.95m in height above ground level to cover the

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existing flat roof to include new dormer roof over stairwell with frosted window to attic landing level; roof light over and 'Velux' window to front storage space to north elevation and all associated site works. The reasons for refusal were as follows:

1. *Having regard to the scale and extent of the existing building on site and its relationship to the neighbouring dwelling to the north, it is considered that the scale and height of the proposed development particularly when viewed from the rear of neighbouring properties, is excessive, represents overdevelopment of the site and is visually overbearing. The Board is not satisfied that the proposed development would not also overshadow the private open space of the dwelling immediately to the north, which would seriously injure the existing residential amenities associated with the dwelling and would be contrary to the zoning objective of the area which is to protect and/or improve residential amenities. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

2. *It is considered the quantity of private open space retained to the rear of the dwelling house is inadequate to provide for a sufficient level of residential amenity for a dwelling of this size (174 square metres), is contrary to the standards for such development set out in Appendix 5 of the South County Dublin Development Plan 2011-2017. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

SD11B/0181: Retention permission granted for; single storey shed in rear garden floor area 7.8sq.m., partial glazed roof (2 no. Velux rooflights) over to enhance 13.6sq.m. of rear garden.

SD09B/0008: SDCC refused retention permission for shed to rear of dwelling and removal of wall and pier to front of site. **Decision to refuse upheld by An Bord Pleanála following a first part appeal.** The Reasons for Refusal were as follows:

1. *It is considered that the quantity of private open space (12.4sq.m) retained to the rear of the dwelling house is inadequate to provide for a sufficient level of residential amenity for a dwelling of this size (151.3sq.m), is contrary to the standards for such development as set out under section 12.4.2 'Extensions to Dwellings' of the South Dublin County Development Plan, 2004-2010. The development proposed for retention reduces the amenities of this residential property and would, therefore, be contrary to the proper planning and sustainable development of the area.*
2. *The removal of the boundary wall and pier to the front of the site renders the property inconsistent with the character of property in the vicinity and seriously detracts from the visual amenities of this residential area, for which it is the objective of the South Dublin County Development Plan, 2004-2010, to protect in accordance with the land use zoning objective for this area "to protect and/or improve residential amenity". The development proposed to be retained would, therefore, be contrary to the proper planning and sustainable development of the area.*

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SD08B/0059: Permission granted for alterations to the rear of the building: (1) an increase in building depth of 6900mm to the living space and 2900mm to the kitchen space (28.9 net) at ground floor level; (2) permission of a bedroom extension measuring 900mm (4.1sq.m.) at first floor level. Also proposed is an increase in building depth, to the front at first floor level, above the existing porch of 1540mm (3.2sq.m.) and a porch extension to the front of 1600mm(4.0sq.m.). The overall internal floor area of the dwelling and increase by 40.2sq.m.

Neighbouring Sites

SD20B/0307: Permission granted for a new double storey rear extension with first floor projecting 1.5m from the rear. The extension will house a kitchen/dining area and extensions to bedrooms. New masonry facade on front elevation. The construction of new slate clad pitched roof structure not exceeding 8.95m in height above ground level to cover the existing flat roof, to include new dormer roof over stairwell with frosted window to attic landing level, roof light over and 'Velux' window to front storage space and all associated site works.

It is noted that this is the property that objected to previous applications at the subject site.

Relevant Enforcement History

S5835: Potential non-compliance with condition 1 of permission SD08A/0059

S5761A: Potential erection of shed and removal of wall pillars.

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 11.3.3 Additional Accommodation

(i) Extensions

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

Relevant Government Guidelines

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

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

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Assessment

The main issues for assessment concern the following:

- Zoning and Council Policy
- Residential and Visual Amenity
- Overcoming Previous Reasons for Refusal
- Services, Drainage and the Environment
- Appropriate Assessment
- Environmental Impact Assessment

Zoning and Council Policy

The site is subject to zoning objective 'RES' - *'To protect and/or improve residential amenity'*. A residential extension is 'Permitted in Principle' under this zoning objective.

Residential and Visual Amenity

The proposal includes a new pitched roof over existing flat roof (similar to elsewhere along The Crescent), new side dormer with obscure glazed window, dome light over stairwell and roof lights on front and side elevations. No other external alterations are noted from drawings.

Roof extension

The property currently has a flat roof, and the proposal includes a roof extension that would sit on top of the flat roof and extend over the existing two storey front projection of the house. Whilst this would be a significant change visually, it is noted that similar applications have been granted permission and constructed in the area. Therefore, 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. The roof extension would create two rooms at attic level (approximately 40sq.m) with a landing area of 12.27sq.m. It should be noted by the applicant that to be used as habitable rooms all building regulations must be complied with.

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. It is recommended that the window serving the dormer is **conditioned** to be obscure glazed to reduce any overlooking.

Front rooflights

Based on the scale, design and siting of the proposed rooflights, they are considered to be acceptable in terms of residential and visual amenity.

Addressing Previous Reasons for Refusal

1. *It is considered that the quantity of private open space retained to the rear of the dwelling house would be inadequate to provide for a sufficient level of residential*

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amenity for the proposed dwelling, as modified and would be contrary to the standards for such development set out in Appendix 5 of the South County Development Plan 2011-2017. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

The existing quantum of private open space to the rear was established as a result of the construction of rear extensions, granted retention permission under **SD11B/0181**. Given the existing rear space was regularised by SDCC, it is considered inappropriate to retroactively go against this decision and raise an issue with the quantum of open space provided to the rear of the dwelling. It is noted that the attic rooms would not comply with required ceiling heights and therefore could not be used as habitable rooms. The existing rear garden space is therefore considered to be acceptable, given no additional bedrooms would be permitted as part of this application.

It is therefore considered that the previous reason for refusal is dealt with by the fact the existing garden layout has planning permission and has therefore been previously approved as acceptable. In addition, it is considered that the benefits of upgrading the roof and altering the profile to match neighbouring properties, thereby insulating the dwelling better and creating a more uniform appearance along the street, outweigh the negative of the reduced rear open space at the property.

- 1. The applicant has not demonstrated sufficient legal interest to carry out the proposed development in its entirety, specifically all matters relating to the building up of the party wall of adjoining dwelling, No. 36 The Crescent. The proposed development would adversely impact on the residential amenity of the adjoining dwelling and would, therefore, be contrary to the zoning objective of the area which seeks to 'To protect and/or improve Residential Amenity'.*

It is noted that No. 36 has been sold since the last application at the subject site was lodged. It is further noted that extensive renovation works are being undertaken at No. 36, including similar works to the roof, granted under **SD20B/0307**. It is noted from reviewing the planning history that issues regarding legal interest to carry out the works stemmed from a neighbourly dispute that prevented works being undertaken at the subject site. As the ownership of the adjoining property has changed it is considered likely that these issues no longer arise. It is noted that no submissions were received in relation to this application. It is therefore considered that this previous reason for refusal is no longer relevant to the current application.

Services, Drainage and the Environment

Water Services has reviewed the application and has stated no objection subject to a standard **condition** on the inclusion of water butts as part of the development. It is considered that this

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condition is appropriate given the level of hardstanding and impermeable surfaces that currently cover the entire site.

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.

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 Considerations

Development Contributions

Attic (non-habitable) – 52.27sq.m

Assessable area - Nil

SEA Monitoring

SEA Monitoring Information	
Building Use Type Proposed	New roof and attic area (non-habitable)
Floor Area (sqm)	52.27sq.m
Land Type	Brownfield
Site Area	0.0191 ha

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.

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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 in accordance with submitted plans and details.
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.
REASON: To ensure that the development shall be in accordance with the permission and that effective control be maintained.
2. Domestic Extension Requirements
 - (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 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.

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(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 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:

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- Schedule of works to include approximate timeframes
- Name and contact details of contractor responsible for managing noise complaints
- Hours of operation- including any scheduled times for the use of equipment likely to be the source of significant noise.

REASON: In the interest of public health by the prevention of unacceptable levels of noise pollution which could interfere with normal sleep and rest patterns and/or when people could reasonably expect a level of quietness, the proper planning and sustainable development of the area and to uphold the Council's amenity policies set out in the South Dublin County Council Development Plan.

3. Dormer Window

The dormer window to the side shall be obscured glazing.

REASON: To ensure the protection of privacy.

4. Sustainable Urban Drainage Systems

The applicant shall include water butts as part of SuDS (Sustainable Drainage Systems) for proposed development.

REASON: To ensure the inclusion of adequate SuDS measures.

5. Construction Management Plan.

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.

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 is advised that in the event of encroachment or oversailing of adjoining property, the consent of the adjoining property owner is required.

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

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.

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REG. REF. SD21B/0578

LOCATION: 34 The Crescent, Millbrook Lawns, Tallaght, Dublin 24.

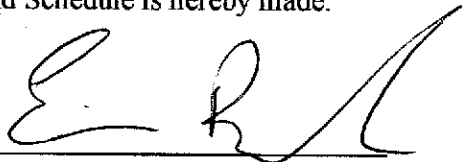
jjohnston

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:

13/1/22



Eoin Burke, Senior Planner