

# Comhairle Chontae Atha Cliath Theas

**PR/0079/22**

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

**Reg. Reference:** SD21A/0308      **Application Date:** 15-Nov-2021  
**Submission Type:** New Application      **Registration Date:** 15-Nov-2021

**Correspondence Name and Address:** Darren Murphy, Blueprint Developments 49,  
Killakee Lawns, Firhouse, Dublin 24, D24XRN3

**Proposed Development:** Amendments to granted planning permission  
SD20A/0185 to reduce the width of proposed  
dwelling due to site conditions; to alter proposed  
main roof to comply with the updated contiguous  
elevation; revise window positions on all elevations  
to match the existing dwelling.

**Location:** 46, Heatherview Road, Aylesbury, Tallaght, Dublin  
24.

**Applicant Name:** Gerald & Siobhan McKenna

**Application Type:** Permission

(CM)

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

#### **Site Description:**

This is a regularly shaped corner site currently accommodating an east-facing detached, 2-storey house with front and rear facing gables under a pitched roof. The extant dwelling is not typical of the established residential area, where most houses are semi-detached and wider in plan. The neighbouring houses on Heatherview Road have hipped roofs, although pitched gable-end roofs predominate elsewhere in the vicinity. Vehicular access is from the front, although not directly in front of the house, and via a dished section of the large verge. There are street trees in the verge to the site of the property, on Carrigmore Road. There is a drain cover in the grass verge, directly in front of the house.

Site Area: 0.0412 Ha.

Site Visit: 22/12/2021

### **Proposal:**

- Amendments to granted planning permission SD20A/0185 to **reduce the width of proposed dwelling due to site conditions;**
- to **alter proposed main roof** to comply with the updated contiguous elevation;
- **revise window positions on all elevations to match the existing dwelling.**

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### **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	No objection, subject to conditions.
Flood Risk	No objection, subject to conditions.
Irish Water	No objection, subject to conditions.
Roads	No objection, subject to conditions.

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

None.

### **Relevant Planning History**

#### **Subject Site**

**SD20A/0185** – Permission **granted** for a 2-storey semi-detached house. – granted permission on 1<sup>st</sup> Feb 2021.

**SD06A/0185** – Permission refused for two storey, 3 bedroom detached dwelling of 109sq.m. with a pitched roof and off street parking to the side.

Reasons for Refusal were as follows:

1. The proposed development would result in separation distance of approximately 1.2 metres between the existing dwelling and the proposed dwelling. This is considered unacceptable, and not in compliance with Section 12.4.7 of the Development Plan. As such, the proposed development would be contrary to the zoning objective for the area, which is to 'protect and/or improve Residential Amenity', and the proper planning and sustainable development of the area.
2. The proposed development, by reason of sub-standard separation distance between the existing and proposed dwellings, and a sub-standard separation distance between the proposed dwelling and the boundary wall to the south, would set an undesirable precedent for other similar developments in the area. The proposed development would therefore impact negatively upon the residential and visual amenity of the area. As such, the proposed development would depreciate the value of property in the vicinity. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

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### **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

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.

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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,

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).

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**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

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;
- Alterations from SD20A/0185;
- Access, Transport and Parking
- Water;
- Environmental impact assessment; and
- Appropriate assessment.

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### **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 corner gardens is guided by section 11.3.2 (ii) of the Plan.

The site received planning permission for a house in Feb 2021 under SD20A/0185. The proposed development seeks alterations to this permission.

### **Alterations Proposed**

The planning notices indicate 3 alterations to the permitted dwelling are being sought:

#### Reduce the Width of Proposed Dwelling

The applicant has proposed a new layout for the house, narrower and with consequent reconfigurations of the internal layout. These include a narrower living room (3.5 to 3.1m), and narrowing of the kitchen. Upstairs, 2 bedrooms have the bathroom have been made smaller to accommodate the house.

The house permitted under SD20A/0185 (after additional information had been submitted) showing the new house to have an overall width of 6.782m and provided for a separation distance of 800mm between the gable wall of the proposed house and the southern boundary wall (measured at the south-east corner). The new proposal shows the house width at 6.4m with a separation distance of 750mm from the southern boundary wall.

There is discrepancy between the drawings submitted under SD20A/0185 and the drawings now submitted. The applicant has not provided any explanatory comment on this, and I can only infer that the most recent set of drawings is accurate, and that the size of the site was overestimated in the original application.

The resulting layout compromises on some standards found in the 2007 'Quality Housing for Residential Communities' guidelines, in the form of living room width. Overall, the provision of storage is generally within rooms rather than circulation areas, which is not ideal. In the context of infill development, these compromises can be acceptable where the overall standard of residential amenity is acceptable. I am satisfied that the overall amenity provided to prospective occupants is acceptable and find the revised floor plans at ground and first floor acceptable.

#### Raise the Roof of the Proposed House

Another inaccuracy of the original drawings was to show the proposed roof as being generally level with the ridge of the existing house, to which the proposed dwelling would be attached.

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**The drawings now submitted show a metre rise from roof to roof in order to accommodate the attic level 3<sup>rd</sup> bedroom in the proposed house.**

The existing house is atypical of the area – its roof is on a perpendicular orientation to neighbouring houses, with a front-facing gable and pitched roof, in comparison to the hipped roofs of other houses on the street. In one sense it matches the houses opposite, which side onto this street but are end units in cul-de-sacs (Pineview Grove, Pineview Drive and Pineview Lane). The ridge level of this gable-fronted house is lower than that of the neighbouring houses, the nearest being No. 44 Heatherview Road.

The proposed ridge level of the proposed house appears to rise above both the existing house on the site and the roof of 44 Heatherview Road. It is considered that this haphazard arrangement is not ideal. There are several potential solutions to this:

1. The ridge level of the proposed house should match the ridge level of No. 46 (the existing house), thereby adhering to the plans initially lodged and reducing the floor-to-ceiling space of the proposed attic, such that it is non-habitable, OR
2. The ridge level of the proposed house should match the ridge level of No. 44, which is more typical of the area, and which would leave No. 46 as an outlier but would maintain a typical ridge level along the street, OR
3. The roof of No. 46 should be reconfigured such that a single roof profile sits over both houses, with ridge level matching that of No. 44, OR
4. As proposed by the applicant, the roof of the new house should accommodate a habitable bedroom but in so doing, detract from the existing character of the street.

As there is no explanatory comment from the applicant, it is unclear how the drawings erred so dramatically in their measurements of the site and, in this case, the height of No. 46. The level of error is very significant in this case.

The haphazard effect of the proposed elevations would detract from the character of the street for two reasons:

- Firstly, the roof level will not match any of the neighbouring dwellings and will interrupt the roofline, compounding the awkward shift of design between Nos. 44 and 46;
- Secondly, the proposed house, being similar in design and attached to the existing house, will look particularly unusual as it is essentially a 3-storey dwelling attempting to maintain the design of a 2-storey house.

Works are underway at the site, though it is not clear how far or on what timetable these works have progressed. Rather than seek additional information and delay the project, it is considered

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fair to **grant permission** but to impose changes to the design by **condition**, providing that Options 3 above is delivered on the site. Such option being:

*The roof of No. 46 should be reconfigured such that a single roof profile sits over both houses, with ridge level matching that of No. 44.*

This would avoid a haphazard appearance at a visually prominent corner location which would seriously detract from the character of the area, while allowing for some attic accommodation in the proposed house.

### **Revise Windows on all Elevations to match existing house**

It is isn't clear from the drawings what the proposed changes are in regard to windows. The proposed arrangement is acceptable but does not appear to revise what has been permitted.

### **Public Realm**

The Public Realm Department has made no comment on the application.

### **Access, Transport and Parking**

The Roads Department has stated no objection subject to standard conditions. These reflect the original permission and are acceptable.

### **Water**

The Environmental Services Department has stated no objection. Irish Water has stated no objection, subject to a connection agreement. This is acceptable.

### **Screening for Environmental Impact Assessment**

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

### **Screening for Appropriate Assessment**

The applicant has not provided information to assist the screening for Appropriate Assessment. Having regard to the nature of the development, connection to public services and the distance from the Natura 2000 sites the proposed development would not require a Stage 2 Appropriate Assessment.

### **Other Considerations**

#### ***Bonds and Contributions***

Permission is an alteration to a previously approved house not yet constructed (SD20A/0185). Permitted under this decision: 3-Bedroom House – 131.5sq.m



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### **SEA Monitoring**

Development Type: Residential

Floor Area: 131.5sq.m

Site Type: Brownfield / Urban Consolidation

Site Area: 0.0412 Ha.

### **Conclusion**

It is proposed to alter a previously permitted infill house in a corner garden. The changes appear to necessary to correct previous inadequacies, however, the proposed roof would present a disjointed appearance alongside the lower roof of the existing house it would connect to. This is proposed to be rectified by condition and the development would, in that case, accord with the 'RES' land-use zoning objective and the policies and objectives of the South Dublin County Development Plan 2016 – 2022, and the proper planning and sustainability 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 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. Previous Permission.
  - (a) This permission shall expire upon the expiry of permission Reg. Ref. SD20A/0185, subject to any extension thereof.

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(b) The conditions attached to the permission referenced in part (a) shall apply, save as may be required by conditions attached hereto or where amended as per the description of this development.

REASON: To specify the date on which the permission shall expire and clarify the conditions attached to the development.

### 3. Amendments.

Prior to the commencement of development the applicant, owner or developer shall submit the following for the written agreement of the Planning Authority:

Revised plans that incorporate the following:

The roof of No. 46 shall be reconfigured such that a single roof with 'Dutch' hips sits over both the proposed and existing house, with a ridge level matching that of No. 44 (the neighbouring house to the north).

REASON: To protect the amenities of the area and in the interests of the proper planning and sustainable development of the area.

### 4. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €13,740.44 (thirteen thousand seven hundred and forty euros and forty four 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.

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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.

NOTE: A Roads Opening Licence must be obtained from South Dublin County Council prior to the commencement of any works in the public domain in order to comply with the Roads Act 1993, Section 13, paragraph 10. Under this Act, non-compliance constitutes an offence.

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; please apply via <https://maproadroadworkslicensing.ie/MRL/> for a licence from the Local Authority to carry out those works.


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**REG. REF. SD21A/0308**

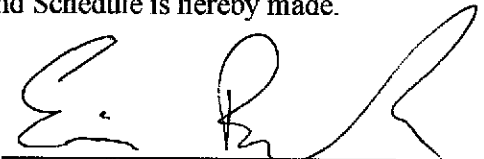
**LOCATION: 46, Heatherview Road, Aylesbury, Tallaght, Dublin 24.**

  
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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:** \_\_\_\_\_

18/1/22



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**Eoin Burke, Senior Planner**