

Comhairle Chontae Atha Cliath Theas

PR/0167/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD21B/0442 **Application Date:** 09-Aug-2021
Submission Type: Additional **Registration Date:** 14-Jan-2022
Information

Correspondence Name and Address: Robert Fitzpatrick 3, Westbourne Close, Clondalkin, Dublin 22

Proposed Development: Remove existing roof on single storey extension to rear of existing dwelling; demolish garage in rear garden; erect single storey granny flat in rear garden and re-roof existing single storey extension to rear; all ancillary site works.

Location: 69, Castle Close, Clondalkin, Dublin 22

Applicant Name: Terry McAuliffe

Application Type: Permission

(COS)

Description of Site and Surroundings

Site Area: stated as 0.0267 Hectares on the application.
Site Visit: 9th of September 2021

Site Description

The subject site is located on Castle Close within an existing housing estate in Clondalkin. The site consists of a two-storey, semi-detached dwelling with a pitched roof. The dwelling has an existing rear extension and detached garage in the rear garden. The streetscape comprises of housing of a similar form and character.

Proposal

Permission is being sought to remove existing roof on single storey extension to rear of existing dwelling; demolish garage in rear garden; erect single storey granny flat in rear garden and re-roof existing single storey extension to rear; all ancillary site works.

Zoning

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

Consultations

Water Services – no objection subject to conditions.
Irish Water – no objection subject to conditions.

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SEA Sensitivity Screening – no overlap is recorded in the SEA monitoring system.

Submissions/Observations /Representations

None.

Relevant Planning History

Subject site

None traced to subject site.

Adjacent and surrounding sites

SD05B/0011 51, Castle View Road, Clondalkin, Dublin 22

Single storey flat roof bay window/entrance lobby to the front and a single storey flat roof extension to the rear consisting of a single bedroom, kitchen, utility room and bathroom.

Permission granted.

Relevant Enforcement History

None recorded for subject site according to APAS.

Pre-Planning Consultation

None recorded for subject site according to APAS.

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.

Policy H18 Objective 1:

To favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 11

Implementation and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines).

Section 2.4.2 Family Flats

Policy H 19 Family Flats

It is the policy of the Council to support family flat development subject to the protection of residential and visual amenities.

H19 Objective 1:

To favourably consider family flat development where the Council is satisfied that there is a valid need for semi-independent accommodation for an immediate family member (such as an older parent or other dependent), subject to the design criteria outlined in Chapter 11 Implementation.

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Section 11.3.1 Residential

Section 11.3.1 (iv) Dwelling Standards

Section 11.3.1 (v) Privacy

Section 11.3.3 Additional Accommodation

Section 11.3.3 (i) Extensions

Section 11.3.3 (ii) Family Flat

A family flat is to provide semi-independent accommodation for an immediate family member (dependent of the main occupants of a dwelling). A family flat is not considered to represent an independent dwelling unit and as such open space and car parking standards are not independently assessed. Proposals for family flat extensions should meet the following criteria:

- The applicant shall be required to demonstrate that there is a genuine need for the family flat,*
- The overall area of a family flat should not exceed 50% of the floor area of the main dwelling house,*
- The family flat should be directly accessible from the main dwelling via an internal access door, and*
- The design criteria for dwelling extensions will be applied.*

Section 11.4.2 Car Parking Standards

Table 11.24 Maximum Parking Rates (Residential Development)

Section 11.4.4 Car Parking Design and Layout

Section 11.7.2 Energy Performance in New Buildings

Section 11.8.2 Appropriate Assessment

South Dublin County Council House Extension Design Guide (2010)

The House Extension design guide contains the following guidance on house extensions, including for rear extensions:

Elements of Good Extension Design:

- Respect the appearance and character of the house and local area;*
- Provide comfortable internal space and useful outside space;*
- Do not overlook, overshadow or have an overbearing affect on properties next door;*
- Consider the type of extension that is appropriate and how to integrate it; and*
- Incorporate energy efficient measures where possible.*

Rear extensions:

- Match or complement the style, materials and details of the main house unless there are good architectural reasons for doing otherwise.*
- Match the shape and slope of the roof of the existing house, although flat roofed single storey extensions may be acceptable if not prominent from a nearby public road or area.*
- Make sure enough rear garden is retained*
- Do not create a higher ridge level than the roof of the main house.*

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-The roofline of large extensions to the rear of single storey bungalows should not be visible from public view to the front or to the side of the bungalow.

Relevant Government Guidelines

- Project Ireland 2040 National Planning Framework, Government of Ireland, (2018).
- Regional Spatial & Economic Strategy 2019 - 2031, Eastern & Midlands Regional Assembly, (2019).
- Section 5 – Dublin Metropolitan Area Strategic Plan, in Regional Spatial and Economic Strategy 2019 – 2031.
- Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government (2009).
- Urban Design Manual: A Best Practice Guide, A Companion Document to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, Department of the Environment, Heritage and Local Government, (2009).
- Quality Housing for Sustainable Communities-Best Practice Guidelines, Department of the Environment, Heritage and Local Government, (2007).
- Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities, Department of the Environment, Heritage and Local Government, (2009).

Assessment

The main issues for assessment relate to:

- Zoning and Council Policy;
- Visual and Residential Amenity;
- Services and Drainage;
- Environmental Impact Assessment; and
- Appropriate Assessment.

Zoning and Council Policy

The proposed development is consistent in principle with zoning objective RES – *'To protect and/or improve residential amenity'*. The proposal is for the construction of a 'granny flat' extending from the rear of the existing house. Family flats are permissible in principle under this zoning objective, subject to their being in accordance with Section 11.3.3 (ii) of the South Dublin County Development Plan 2016-2022 and the provisions of the South Dublin County Council House Extension Design Guide 2010.

In regard to Section 11.3.3 (ii), the applicant has not provided information demonstrating that there is a genuine need for the family flat. **This should be requested via additional information.** The flat would have a floor area of approx. 32 sq.m, which is under 50% of the size of the existing dwelling at approx. 130 sq.m. It would be accessible to the main dwelling via

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an internal door connecting the main dwelling's kitchen to a new utility room. The flat would also be accessible externally to the eastern and western sides. In the event of a grant of permission it should be conditioned that the flat is ancillary to the main dwelling to ensure it is not used as a separate dwelling.

Family flats are by nature a temporary development, creating an arrangement whereby someone who is unable to live completely autonomously, has some level of privacy in their residence. The Planning Authority applies, as standard, a condition that the flat be reintegrated with the main dwelling house if and when it is no longer needed as a family flat.

In this case, the flat is quite separate, in terms of its layout and location, from the main dwelling. The applicant should be requested to demonstrate by way of **additional information**, how the flat would be reintegrated following its use as a flat.

Visual and Residential Amenity

The proposed single storey extension would extend from the rear of the existing dwelling. The existing rear extension would be partly demolished and further extended to provide for a family flat. The proposed structure would be setback approx. 4.1m from the rear boundary. In part it would not be setback from the eastern side boundary and extend approx. 9.9m along this boundary. It would be setback approx. 0.5m from the western side boundary for approx. 1.6m then setback approx. 3.2 to 3.5m from this boundary for approx. 10.9m.

The structure would have a flat roof with a parapet (including replacing the existing mono-pitch roof of the existing rear extension). It would be approx. 3.6m in overall height and reduce to approx. 2.9m in height at the rear. The SDCC House Extensions Design Guide states that prominent flat roofed extensions are normally not acceptable. However, the structure is largely screened from the streetscape and surrounding area by the existing dwelling.

The proposed materials would be a render finish to match the existing dwelling. The proposed structure would provide for a utility room and family flat consisting of a living room, bedroom, and bathroom. The proposed bedroom would meet the minimum floorspace requirements for a double room under the County Development Plan. The remaining rear amenity space would be under the 70sq.m minimum requirement for a four or more bedroom house, however, it does meet the 25sq.m minimum requirement for an exempted extension.

In terms of residential amenity, the extension would extend along the eastern side boundary for approx. 9.9m. The applicant has not provided a full elevational drawing for the eastern side elevation. **This should be requested via additional information.** It is noted from the drawings that there is a detached garage on the adjoining site on this boundary. For the purposes of assessment of this extension, it is appropriate to consider this structure as being a temporary or moveable structure, and to focus on impacts on the main dwelling, which would be permanent. It

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is considered that given the setbacks and limited height of the structure it would not have an unacceptable negative impact on the dwelling at No. 68. However, this will be confirmed through the submission of a full eastern side elevational drawing. Given the setbacks from the western side boundary it is not considered that the extension would have a significant negative impact on the adjoining property to the west, No. 70.

In summary, the proposed extension is acceptable in principle. However, **additional information** is required to ensure it would comply with the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 and would have an acceptable impact in terms of residential and visual amenity.

Services and Drainage

Water Services has reviewed the proposed development and have no objections subject to standard conditions including the provision of water butts as part of the Sustainable Urban Drainage System (SuDS). Irish Water has no objection to the proposed development and recommends standard conditions. These reports are noted and shall be conditioned as such in the event of a grant of permission.

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.

Conclusion

Having regard to the:

- provisions of the South Dublin County Development Plan 2016-2022 and South Dublin County Council House Extension Design Guide (2010),
- the established character of the area, and
- the nature and scale of the proposed development,

it is considered that **Additional Information** is required to ensure the proposed development would be in compliance with Council policy, would not seriously injure the amenities of the remainder of the development, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

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Recommendation

Request Further Information.

Further Information

Further Information was requested on the 29th of September 2021.

Further Information was received on the 14th of January 2022 (not deemed significant).

Assessment

Item 1

Proposals for family flats should meet the criteria under Section 11.3.3 (ii) of the South Dublin County Development Plan 2016-2022. This includes the following criterion 'The applicant shall be required to demonstrate that there is a genuine need for the family flat'. The applicant has not submitted any information regarding the need for the proposed family flat. It is therefore requested that further information is provided demonstrating this.

Assessment:

A letter was submitted with the original application from the applicant's doctor advising the need for a family flat. This demonstrates the genuine need for the family flat and is considered acceptable to the Planning Authority. The proposed development therefore complies with Section 11.3.3(ii) in this regard.

Item 2

The proposed family flat is quite separate, in terms of its layout and location, from the main dwelling. The applicant is requested to demonstrate how the flat would be reintegrated with the main dwelling following its use as a family flat.

Assessment:

The applicant has submitted a drawing titled 'Proposed Future Plan for Family Flat' Drawing No. 210101/P/009. This shows that the walls between the main dwelling and family flat could be easily removed to incorporate the family flat into the main dwelling. It is considered that this item has been satisfactorily addressed.

Item 3 Requested

The applicant is requested to submit a full side eastern elevational drawing of the proposed structure to an appropriate scale.

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Assessment:

The applicant states that Drawing Nos. 210101/P/005 and 210101/P/006 address this item. The eastern elevation is the proposed side elevation on Drawing No. 210101/P/005 and what is further to this would be along the boundary, adjoining the neighbouring garage. Proposed Section A-A shows the full length section of the proposed family flat. Given the limited height of the structure it would not have an unacceptable negative impact on the dwelling at No. 68. It is therefore considered that this item has been satisfactorily addressed.

Summary:

It is considered that all further information items have been satisfactorily addressed and permission should be granted subject to conditions.

Development Contributions

Previous rear extension 8.5sq.m

Proposed family flat extension 32sq.m

40sq.m exemption less 8.5sq.m used up on previous extension leaves 31.5sq.m remaining of exemption.

32sq.m less 31.5sq.m remaining of exemption leaves an assessable area of 0.5sq.m.

Assessable area = 0.5sq.m

SEA monitoring

Building Use Type Proposed: Residential

Floor Area: 32sq.m

Land Type: Brownfield/Urban Consolidation.

Site Area: 0.0267 Hectares.

Conclusion

Having regard to the:

- provisions of the South Dublin County Development Plan 2016-2022 and South Dublin County Council House Extension Design Guide (2010),
- the established character of the area, and
- the nature and scale of the proposed development,

it is considered that, subject to the conditions set out below, the proposed development would be in compliance with Council policy in relation to extensions to dwelling houses and family flats, 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.

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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 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 the 14th of January 2022, 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. Restrictions on Family Flat.
 - (a) The use of the family flat shall be restricted to a residential use only, directly associated with the use of the existing house on the site for such purposes and the family flat shall not be subdivided or separated from the main house. In particular, it shall not be sold, leased or let (including short-term letting) independently of the main house.
 - (b) The family flat extension shall revert to use as part of the main house when the development is no longer required for use as a family flat.REASON: To ensure that the family flat does not operate as an independent dwelling unit or for any commercial purpose, in the interest of residential amenity and the proper planning and sustainable development of the area.
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.

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(b) 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.

(c) 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.

(d) 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

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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.

4. Drainage - Surface Water.

Water butts shall be included as part of SuDS (Sustainable Drainage Systems) for the site.

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. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €52.25 (fifty two euros and twenty five 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.

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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 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/0442


LOCATION: 69, Castle Close, Clondalkin, Dublin 22



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: 10/2/22



Eoin Burke, Senior Planner