

# Comhairle Chontae Atha Cliath Theas

**PR/0170/22**

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

**Reg. Reference:** SD21B/0612      **Application Date:** 07-Dec-2021  
**Submission Type:** New Application      **Registration Date:** 07-Dec-2021

**Correspondence Name and Address:** Edward Fitzgerald Selby Architect 32, Butterfield Grove, Rathfarnham, Dublin 14

**Proposed Development:** Two storey 44sq.m extension to the rear accommodating a ground floor kitchen extension and new first floor bedroom with roof to be pitched; wall and roof finishes to match existing dwelling.

**Location:** 21, Belgard Green, Tallaght, Dublin 24

**Applicant Name:** Van Tai Luong

**Application Type:** Permission

(CM)

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

Site Area  
0.0262 Ha.

#### Site Description

The site accommodates a 2-storey semi-detached house with pitched roof and, a pitched roofed dormer to front and a bay window at ground level under a lean-to hipped canopy roof. The house has a side passage gate and what appears to be a side extension behind this. To the rear, there is a large unauthorised shed structure and metal palisade fencing approx. 3m in height around the boundary of the back garden, with barbed wire above.

The house is brick faced at ground level to the front elevation. At first floor level, and to the side and rear, it is finished in white render.

The house has a small pitched roof single-storey rear extension to the eastern side of its rear elevation, and this matches the rear extension of the adjoining house to the east in terms of roof profile and depth from the rear building line.

### **Proposal:**

Two storey 44sq.m extension to the rear accommodating a ground floor kitchen extension and new first floor bedroom with roof to be pitched; wall and roof finishes to match existing dwelling.

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### **Zoning:**

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

### **Consultations:**

Water Services                      No objection, subject to conditions.

Irish Water                              No objection, subject to conditions.

### **SEA Screening**

No overlap with the relevant environmental layers.

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

None.

### **Relevant Planning History**

**SD20B/0022 – permission granted** by SDCC for and extension to the side at first floor level, comprising a staircase from the rear first floor bedroom to attic level. The enclosure to the stairs to be 1m wide external.

**SD20B/0143 – Permission granted** by SDCC for Provision of a roof dormer to the rear of aspect of the roof.

These have not been implemented.

### **Relevant Enforcement History**

None.

### **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*

*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

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- 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 concern the following:

- Zoning and Council policy;
- Residential amenity and visual impact;
- 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.

### **Planning History**

As shown in the Planning History section above, the site has a permission for a rear dormer and a side extension which would provide for internal access to the attic from first floor level. This has not commenced as of 8<sup>th</sup> February 2022 and is not shown on the proposed drawings.

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

The proposed development would comprise of a 2-storey rear extension measuring 5.992 metres from the rear building line of the main house, 4.441 metres in width. The extension would be in line with the gable end elevation of the house, and would have an eaves height of 5.5 metres, matching the eaves level of the existing house. The ridge height of the proposed pitched roof would be approx. 7 metres, which is approx. a metre lower than the main ridge level of the house. The rear extension would be separated from the western site boundary by approx. 1 metre and from the eastern site boundary by approx. 1.5 metres.

Due to its siting, height and orientation, the structure would lead to loss of daylight to ground floor units on properties on either side, a reduction in aspect. The combination of length and height of the structure would provide for an overbearing visual impact on adjoining properties,

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as by its massing siting the structure would have a dominant presence and alter the character and context of adjoining private gardens.

The following guidance in the SDCC House Extension Design Guide (2010) is considered relevant and the proposed development would be contrary to this guidance:

- "Locate extensions, particularly if higher than one storey, away from neighbouring property boundaries. As a rule of thumb, a separation distance of approximately 1m from a side boundary per 3m of height should be achieved."
- "Two-storey extensions will not normally be accepted to the rear of terraced houses if likely to have an overbearing impact due to close spacing between houses."
- Assess the impact of the shadow cast by extensions that are two-storey or higher on the daylight received by neighbouring properties. If the assessment demonstrates that the proposed extension will result in significant overshadowing or loss of light to habitable rooms in the adjoining dwelling, redesign to reduce impact. ('Assessing the Shadowing Impacts' opposite page).
- "Prevent significant loss of daylight to the window of the closest habitable room in a neighbouring property, by not locating an extension within the 45° angle of the centre point at 2m above ground level of the nearest main window or glazed door to a habitable room, measured on both plan and elevation. If the extension has a pitched roof, then the top of the extension can be taken as the height of its roof halfway along the slope."
- "Make sure enough rear garden is retained."

Of particular note is the suggestion that 2-storey extensions should be located away from property boundaries to the effect of 1 metre for every 3 metres of height. The site is not large enough to accommodate this guidance and, though there are instances in the county of modest 2-storey rear extensions which do not strictly follow this guidance, the proposed development would impose on both adjoining properties. The guidance in relation to terraced houses is included above to illustrate the issue of inadequate separation, though the house is semi-detached.

### Private Amenity Space

The proposed structure would take in approx. 26.6sq.m. of the rear garden space. The garden currently accommodates a single-storey detached structure with a pitched roof. This is labelled as a 'shed' on the drawings. This structure is approx. 32sq.m in size. Between the proposed extension and the existing structure, a remaining area of approximately 2.7 metres in depth would be left over as private amenity space. The total private amenity space remaining available for the house would be approx. 18sq.m. This falls well below the minimum guidelines in the County Development Plan for a 3-bed house (60sq.m.).

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The lower standard of 25sq.m. – identified in the Planning and Development Regulations 2001 as amended – is used to determine if minor developments are exempt development or not and can be used as a reference point when considering the impact of larger extensions or the cumulative impact of several extensions/garden structures. In this case, that minimum target is not met in the central space, moreover the actual configuration of the remaining central space – being 2.7 metres in depth – is not considered to provide a quality space which would mitigate the small size. For similar reasons, the 1.5m passage that would be left between the proposed structure and the eastern property boundary has not been considered in the calculation of the space.

The following guidance in the SDCC House Extension Design Guide (2010) is considered relevant and the proposed development would be contrary to this guidance:

“Retain a reasonable amount of private garden area appropriate for the size of the house. The bigger the house, the more outside space is usually required.”

### Overdevelopment

It is considered, due to the detrimental visual impact of the proposed development, the loss of daylight and aspect for adjoining properties, the imposing and overbearing character of the proposed development, and the unacceptable remaining provision of private amenity space on the site, that the proposed development would constitute overdevelopment of the site and would be seriously injurious to the residential character and amenity of the area, and contrary therefore to the ‘RES’ land-use zoning objective. Permission should be **refused**.

### **Water**

The Environmental Services Department states no objection, subject to standard conditions. Irish Water also stated no objection, subject to works meeting their standards.

### **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.

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### **Conclusion**

The proposed development would, by way of its scale, height and siting, its separation from adjoining properties, its impact on daylight and aspect, provide for an overbearing visual impact and would be seriously injurious to adjoining properties and the character of the area. Due to the unacceptable loss of private amenity space, it would be detrimental to the residential amenity of prospective occupants and would not provide quality residential amenity, and furthermore would constitute overdevelopment of the site, both on its own and in combination with the existing garden structure. The proposed development would be contrary to the 'RES' land-use zoning objective, the guidance of the South Dublin County Council House Extension Design Guide (2010), and therefore would be contrary to Policy H18 Objective 1 and section 11.3.3 (i) and section 11.3.1 (iv) of the South Dublin County Development Plan 2016 – 2022, and would be contrary to the proper planning and sustainable development of the area.

### **Recommendation**

I recommend that a decision to Refuse Permission be made under the Planning & Development Act, 2000 (as amended) for the reasons set out in the Schedule hereto:-

### **SCHEDULE**

#### **REASON(S)**

1. Due to its siting, height and orientation, the structure would lead to loss of daylight to ground floor units on properties on either side, a reduction in aspect. The combination of depth and height of the structure would result in an overbearing visual impact on adjoining properties, as by its massing and siting the structure would have a dominant presence and alter the character and context of adjoining private gardens. The proposed development would furthermore be contrary to guidance in the South Dublin County Council House Extension Design Guide (2010) relating to separation distances, loss of daylight and overbearing visual impact. The proposed development would be seriously injurious to the adjoining properties and therefore the residential character and amenities of the area, and would thus be contrary to the 'RES' land-use zoning objective 'to protect and/or improve residential amenity', and Policy H18 Objective 1, and section 11.3.3 (iii), of the South Dublin County Development Plan 2016 - 2022, and would be contrary to the proper planning and sustainable development of the area.
2. The total private amenity space remaining available for the house would be approx. 18 sq.m. provided in a space that is 2.7m in depth between the proposed extension and the existing rear garden structure. A passage of 1.5m width would be created between the proposed extension and the eastern party boundary, which has not been taken into account in calculating this figure. Both the 1.5m passage and the 2.7m deep central space would fail to provide quality amenity space, and the quantity of amenity space provided is considered to be seriously inadequate for the extended house. The proposed development

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would also therefore be contrary to advice in the South Dublin County Council House Extension Design Guide (2010) relating to rear garden space, and would not provide adequate residential amenity for the current or prospective occupants. The proposed development would therefore be contrary to the 'RES' land-use zoning objective, and Policy H18 Objective 1, and section 11.3.1 (iv), of the South Dublin County Development Plan 2016 - 2022, and would be contrary to the proper planning and sustainable development of the area.

3. The scale of the proposed rear extension development would represent, both by itself and in combination with other structures on the site, overdevelopment of the site in contravention of the 'RES' land-use zoning objective and the proper planning and sustainable development of the area.



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**REG. REF. SD21B/0612**

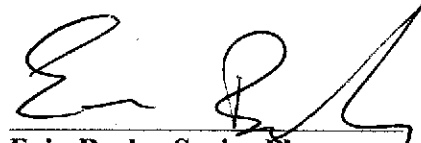
**LOCATION: 21, Belgard Green, Tallaght, Dublin 24**

  
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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 Refuse Permission for the above proposal for the reasons set out above is hereby made.

**Date:**

9/2/22

  
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**Eoin Burke, Senior Planner**