

# Comhairle Chontae Atha Cliath Theas

**PR/0191/22**

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

**Reg. Reference:** SD21A/0333      **Application Date:** 09-Dec-2021  
**Submission Type:** New Application      **Registration Date:** 09-Dec-2021

**Correspondence Name and Address:** Roger Bell, Bell Associates Executive House,  
Whitestown Road, Rush, Co. Dublin

**Proposed Development:** Demolition of existing garage to side; construction of  
new 2 storey dwelling to the side of the existing  
dwelling; new storm water percolation area to rear;  
new car parking provision for 2 vehicles accessible  
from Heatherview Avenue; associated site works.

**Location:** 50, Heatherview Avenue, Tallaght, Dublin 24,  
D24AC8H

**Applicant Name:** Trevor Wilde

**Application Type:** Permission

(CM)

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

#### Site Description:

The subject site is located at the dead end of a cul-de-sac and accommodates a 2-storey detached house with pitched roof and attached garage to side with flat roof. The front façade is finished in brick while the rear and sides are finished with render.

Other houses on the street are of similar character and treatment but are mostly semi-detached.

The site adjoins Carrigmore Road to the south. The northern side of Carrigmore Road is bounded exclusively by the boundary walls of houses on Heatherview Road and Heatherview Lawn, and the two parallel cul-de-sacs between these roads: Heatherview Avenue and Heatherview Park. This boundary wall has been raised along the boundary of the subject height, with blockwork.

County maps show there to be a strip of land between the subject site and the property to the east (No. 49a Heatherview Avenue) which is recorded as having been taken in charge by South Dublin County Council. A similar strip of land is found at the wall between Heatherview Park and Carrigmore Road and suggests that there were previously pedestrian routes at these locations.

Site Area: 0.0412 Ha.

Site Visit: 8/2/021

# Comhairle Chontae Atha Cliath Theas

PR/0191/22

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

### Proposal:

Demolition of existing garage to side; construction of new 2 storey dwelling to the side of the existing dwelling; new storm water percolation area to rear; new car parking provision for 2 vehicles accessible from Heatherview Avenue; associated site works.

### 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	Recommends Refusal.
Flood Risk	Requests Additional Information.
Irish Water	Requests Additional Information.
Roads	Recommends Request for Additional Information.

### Submissions/Observations /Representations

None.

### Relevant Planning History

#### Subject Site

**SD03B/0057** – Permission **granted** for retention of garage constructed to front and side of house with flat corrugated roof.

**SD04B/0070** – Permission **granted** by SDCC to demolish garage to side of house and construct two storey extension attached to front and side of house with pitch roof ridge height same as existing. NG: not implemented.

#### Nearby Sites

**S00A/0219** – Permission **refused** by SDCC for Dormer bungalow to side.

**SD02A/0341** at 46/46A Heatherview Avenue (East of site) – Permission granted for 2-storey detached house and driveway. **Note:** Following a request for further information, house was revised to be semi-detached, to ensure 2m separation from boundary wall.

**SD20A/0185** at 46 Heatherview Road – Permission **granted** by SDCC for construction of a new 3 storey, 4 bedroom dwelling to include dormer roof to rear, off street parking, new blockwork flat roofed shed/home office to rear of garden, new pedestrian access to side of rear garden,

# Comhairle Chontae Atha Cliath Theas

**PR/0191/22**

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

reconfiguration of vehicular entrances to existing dwelling and proposed dwelling and all ancillary site works.

**SD21A/0308** at 46 Heatherview Road – Permission **granted** by SDCC for 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.

### **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).

# Comhairle Chontae Atha Cliath Theas

**PR/0191/22**

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

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. 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.

# Comhairle Chontae Atha Cliath Theas

**PR/0191/22**

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

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

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

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

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

**Urban Development and Building Heights Guidelines for Planning Authorities**, (2018)

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

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

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

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

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

PL02/2020: Covid-19 Measures

PL03/2020: Planning Time Periods

PL04/2020: Event Licensing

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;
- Visual Impact and Residential Amenity;
- Boundary Issue;

# Comhairle Chontae Atha Cliath Theas

PR/0191/22

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

- Public Realm
- Access, Transport and Parking;
- Water;
- Environmental impact assessment; and
- Appropriate assessment.

### 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.

### Visual Impact and Residential Amenity

The proposed development would provide for a 2-storey semi-detached house with pitched roof. The house of 79 m<sup>2</sup> would have 2 bedrooms and a bathroom upstairs, and a living room, kitchen and utility room at ground level. In terms of visual amenity, the house would the character and height of the existing detached house. The separation distance from 1<sup>st</sup> floor windows to the rear surpasses 22 metres, and all building lines are kept at first floor level (there is a projecting element at ground floor).

To the south, the house presents a gable end almost on the boundary behind the raised boundary wall. This contains only a window to the bathroom. The window to the bathroom is proposed to be fitted with obscured glazing and this is considered appropriate although not essential for a bathroom facing onto the public street (houses opposite are approx. 22 metres separated).

The southern elevation should feature fenestration to a habitable room in order to both mitigate the visual impact of the development and provide passive surveillance to the street. The boundary wall at this location should be restored to its original height and the blockwork removed, to mitigate the visual impact and also to rectify the poor condition of the boundary where the wall has been raised in a haphazard manner (and appears to be unauthorised). These issues can be specified by **condition** but, as there are other issues with the development, they can form part of the **request for additional information**.

### Residential Amenity

The house is slightly under the minimum size for a 2-bed house in the SDCC County Development Plan 2016 – 2022 (80m<sup>2</sup>). The applicant's drawings make erroneous reference to a 70m<sup>2</sup> standard which is not contained in the County Development Plan, however it does appear as a minimum standard for 1-storey 2-bed houses in the 2007 'Quality Housing for Sustainable Communities' guidelines. Considering that this is infill development a 79m<sup>2</sup> house is acceptable subject to all other

# Comhairle Chontae Atha Cliath Theas

PR/0191/22

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

standards being met. It is noted however that the living room does not meet the recommended minimum obstructed width of 3.6m for a 2-bed house, being instead 3.35m in width, a shortfall of 7%.

### Private Amenity Space

The proposed private amenity space meets the minimum standard of 55m<sup>2</sup> for a 2-bed house. The applicant has not shown the dimensions for the remaining amenity space to the existing house. This should be required by **additional information**.

It is considered that the proposed house may need to be extended to the rear at ground floor level to (a) meet the minimum standards contained in the County Development Plan and (b) mitigate for the inadequate dimensions of the living room, which cannot in themselves be rectified unless the house were re-oriented. It is considered that the extension of the house at ground level to, for instance, match the existing rear return of the existing house, would be acceptable subject to a condition de-exempting any further domestic extensions to the rear. This can be requested as **additional information**.

### **Boundary Issues**

South Dublin County Council maps show a strip of land between Nos. 50 and 49A to have been taken in charge by South Dublin County Council, reflecting either a previous pedestrian connection or a route for services. A similar feature is noted on Heatherview Park, where a walled in strip of land is retained and contains a lamp post. It is possible that these were pedestrian connections which were blocked up.

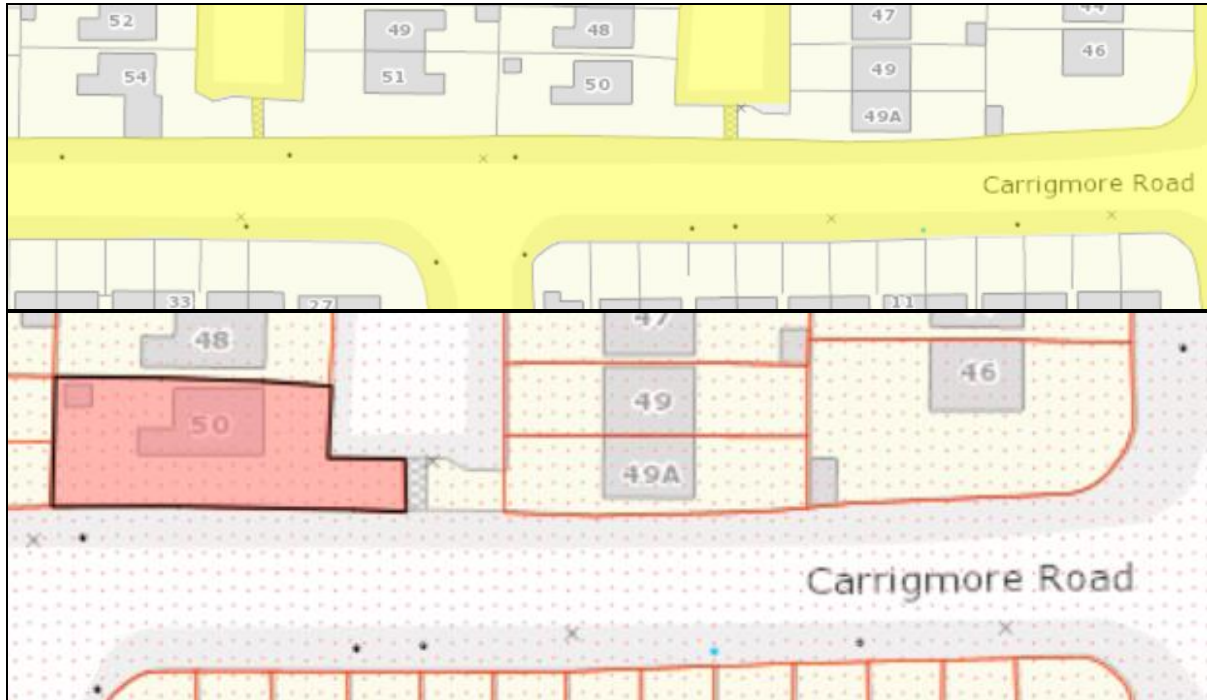
Measurements taken from aerial photograph appear to show the applicant's boundary being approx. 13.2m from the front building line of the existing garage; however, the site layout plan and floor plans taken together show a measurement of 14.2 metres between this same point and the far edge of the vehicular access (1.7m front projection at ground level and 12.789m distance marked on layout plan between front of house and edge of site). There is therefore a question as to whether the proposed development would include the enclosure of SDCC owned lands.

The applicant should be invited to comment on the ownership boundary by way of **additional information**.

# Comhairle Chontae Atha Cliath Theas

PR/0191/22

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



**Top:** Extract from SDCC maps showing areas taken in charge in yellow. Note No. 50 is the subject site. **Bottom:** Screenshot of Property Registration Authority Maps, with land parcel of No. 50 highlighted. Neither is guaranteed to provide an accurate representation of land ownership.

Policy TM3 Objective 2 of the County Development Plan reads:

“To ensure that connectivity for pedestrians and cyclists is maximised in new communities and improved within existing areas in order to maximise access to local shops, schools, public transport services and other amenities, while seeking to minimise opportunities for anti-social behaviour and respecting the wishes of local communities.”

It is considered that a pedestrian connection at this location would be successful if combined with a lowering of the boundary wall between the front building line of the proposed house and the site boundary with No. 49, to provide visual penetration through the site and ensure a potential pedestrian through route is open and subject to local passive surveillance. As there is an issue with the site boundary, it is considered appropriate to put the issue of pedestrian connectivity to the applicant by way of **additional information**. The provision of such a connection as part of this development would be in line with county policy.

Furthermore, the proposed flashing on the gable end of the roof would appear to overhang Carrigmore Road. The applicant should revise the proposal to ensure no parts of the development overhang the public realm, by **additional information**.



# Comhairle Chontae Atha Cliath Theas

PR/0191/22

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

### Public Realm

The Public Realm Department has stated no objection, subject to condition that a landscape plan including details of boundary planting be submitted to and agreed with the Planning Authority. This can be required by **condition**.

### Access, Transport and Parking

The proposed development provides space for 2 parked cars accessed via a 5-metre wide opening in the boundary, through which cars would have to turn 90 degrees to fit into the driveway.

The SDCC Roads Department has recommended additional information. The relevant parts of its report read as follows:

**“Vehicular Access:** It is proposed to create a vehicular entrance 5000mm wide. The maximum acceptable entrance width in a residential area is 3500mm. This proposed vehicular entrance will block the vehicular access for existing house no. 50.

**Car parking Provision:** The proposal is to provide 2 no. of vehicular parking space for a two-bedroom house, which is standard on-curtilage parking provision for this location. The design of proposed development appears to show that there is insufficient space provided for parking 2 no. cars on curtilage in a safe manner. The applicant should provide a swept path analysis showing how parked vehicles can access and egress the site safely in a forward direction.

### Roads recommend that additional information be requested from the applicant:

1. A revised layout of not less than 1:100 scale, showing a revised vehicular access with a maximum width of 3500mm.
2. A revised layout of not less than 1:100 scale, showing provision of space for 2 on curtilage parking spaces. And a swept path analysis showing how the two cars can safely access and egress these parking spaces.”

It is considered appropriate to limit the width of a vehicular access, but in this context the site boundary is at the end of a cul-de-sac and some flexibility may be required to provide a safe access for vehicles.

The **maximum** parking provision for a 2-bed house under the ‘Zone 1’ provisions in the County Development Plan is 1.5 spaces, and therefore a proposal containing parking provision for 1 car

# Comhairle Chontae Atha Cliath Theas

PR/0191/22

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

would be acceptable at this location. Thus, item no. 2 as recommended by Roads should be adjusted to reflect this point.

The houses opposite (Nos. 49 and 49A) are slightly differently aligned from No. 50 and the proposed location of the new house; however, the vehicular access at this point to No. 49A provides a blueprint for how cars can access this site without being required to turn so sharply within the site. The essential difference between the proposed layout and the layout of No. 49A, is that the vehicular access for No. 49A is not perpendicular in orientation to the space in which cars would have to park. Such an arrangement on the subject site might require the use of a shared vehicular access between the two houses, or some other alteration to the proposed boundary between the two.



**Above Left:** 49 and 49A Heatherview Avenue; **Above Right:** No. 50 and subject site; **Centre:** Proposed car parking arrangements and vehicular access.

The applicant should be requested to provide revised plans, showing a safe parking arrangement and swept path analysis which shows how cars can access and egress from the site, and noting that it is only a requirement that access for 1 car be provided. This can be done by **additional information**.

# Comhairle Chontae Atha Cliath Theas

**PR/0191/22**

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

### **Water**

In relation to water supply and foul water, Irish Water has stated no objection subject to connection agreements.

In relation to surface water, the Water Services report recommends refusal of permission due to the close proximity of a 225mm surface water pipe under the footpath on Carrigmore Road, with an invert level approx. 3.5 to 4m below ground. It is considered reasonable to request **additional information** on this point, by which the applicant might:

- Confirm the precise location and depth of the SW line;
- Provide section drawings showing how the foundations of the proposed dwelling will not impact on the surface water line.

It may be that the proposed dwelling is not feasible at the site but the applicant should be given the chance to specify a workable arrangement on the site.

In relation to flood risk, the Water Services report states no objection subject to standard conditions.

### **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**

There are a number of issues with the proposal for residential development on this site. Those issues relating to residential amenity and private amenity space are not considered, on their own, to indicate that the proposal would constitute overdevelopment or would be injurious to the character and amenities of the area; however, alterations should be made to the proposal and these are recommended by additional information. There are additionally some concerns relating to the site boundary and ownership, overhanging of the public realm, impact on nearby underground services, and the provision of a safe layout for vehicular access. These latter issues are considered to be separate from each other and may each be overcome. The applicant should also consider the

# Comhairle Chontae Atha Cliath Theas

**PR/0191/22**

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

potential benefit to the area of a pedestrian connection across those lands that appear to be in public ownership.

### **Recommendation**

I recommend that **ADDITIONAL INFORMATION** be requested from the applicant with regard to the following:

1. The applicant is requested to address the following issues by way of additional information:
  - (a) The southern elevation should feature a window or windows to a habitable room in order to both mitigate the visual impact of the development and provide passive surveillance to the street.
  - (b) The boundary wall at this location should be restored to its original height and the blockwork removed, to mitigate the visual impact and also to rectify the poor condition of the boundary where the wall has been raised in a haphazard manner (and appears to be unauthorised).
  
2. (a) The proposed house is 79 sq.m. whereas the minimum standard in the County Development Plan is 80sq.m. The proposed footprint would be acceptable in the context of infill if all other standards were met. However, the obstructed width of the living room is not adequate and storage throughout the house is not provided in the manner sought in the 2007 Quality Housing for Sustainable Communities guidelines, as it is not located off circulation areas. The applicant is requested to respond to these issues.

It is considered that the proposed house may need to be extended to the rear at ground floor level to (i) meet the minimum standards contained in the County Development Plan and (ii) mitigate for the inadequate dimensions of the living room and restricted storage arrangements. It is considered that the extension of the house at ground level to, for instance, match the existing rear return of the existing house, would be acceptable even though this would provide for a smaller garden than sought in the County Development Plan, subject to a condition to de-exempt future development in the rear garden area. The applicant is requested to address this by additional information.

  - (b) The proposed private amenity space meets the minimum standard of 55sq.m. for a 2-bed house. The applicant has not shown the dimensions for the remaining amenity space to the existing house. This should be provided on a revised Site Layout Plan.
  
3. (a) SDCC maps show a strip of land between Nos. 50 and 49A to have been taken in charge by South Dublin County Council, reflecting either a previous pedestrian connection or a route for services. A similar feature is noted on Heatherview Park, where a walled in strip of land is retained and contains a lamp post. It is possible that these were

# Comhairle Chontae Atha Cliath Theas

PR/0191/22

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

pedestrian connections which were blocked up. Having measured the proposed plans and taking measurements from the Site Layout Plan, it is considered that the proposed development might include the enclosure of lands in the ownership of South Dublin County Council (see Planner's report for details). The applicant is requested to comment on the ownership boundary and provide revised plans if appropriate, or as per part (b). (b) Under Policy Tm3 Objective 2 of the South Dublin County Development Plan 2016 - 2022, it is an objective of the council to ensure that connectivity for pedestrians and cyclists is improved in existing areas, while minimising opportunities for anti-social behaviour and respecting the wishes of local communities. It is considered that a pedestrian connection at this location would be successful if combined with a lowering of the boundary wall between the front building line of the proposed house and the site boundary with No. 49, to provide visual penetration through the site and ensure a potential pedestrian through route is open and subject to local passive surveillance. (c) It appears from the drawings submitted that flashing at roof level on the gable elevation might overhang the public realm / SDCC lands. The applicant is invited to comment on this and confirm that the development will not overhang the public realm / SDCC lands, and provide revised drawings if necessary.

4. The applicant is requested to provide revised plans and elevations to address the following concerns:
  - (i) the vehicular access is excessive in width at 5 metres. Usually a maximum width of 3.5m is considered appropriate but the Planning Authority can be flexible where the arrangement of a wider entrance is required to provide a safe arrangement for vehicular access.
  - (ii) the applicant should show, using swept path analysis, how cars are to access and egress the site safely.
  - (iii) it is noted that Nos. 49 and 49A opposite the site have been developed without the need for a vehicular access at a perpendicular orientation to the driveway, as is proposed here. The applicant should consider providing a similar arrangement, though it is noted that this may require alterations to the proposed boundary between No. 50 and 50A, possible alteration to the vehicular access of No. 50, or possibly the use of a shared vehicular access.
  - (iv) As per the South Dublin County Development Plan 2016 - 2022, and noting the maximum parking requirement in this area for a 2-bed house of 1 parking space, it is a requirement that safe provision for access, parking and egress is provided for 1 vehicle.
  
5. The Environmental Services Department has recommended that permission be refused due to the proximity of the proposed development to an existing SDCC 225mm Surface Water pipe located under the footpath on Carrigmore Road, with an invert level of approx.

# **Comhairle Chontae Atha Cliath Theas**

**PR/0191/22**

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

4m below ground. The applicant is requested to comment and as necessary provide the following:

- (i) an exact layout showing the distance of the pipe to the proposed structure;
- (ii) a section drawing showing the relationship between the pipe and the foundations of the proposed structure;
- (iii) show through the above drawings and any other necessary information how the proposed structure would not impact the surface water pipe by way of additional loading.

**Comhairle Chontae Atha Cliath Theas**

**PR/0191/22**

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

**REG. REF. SD21A/0333**

**LOCATION: 50, Heatherview Avenue, Tallaght, Dublin 24, D24AC8H**

*jjohnston*  
\_\_\_\_\_  
**Jim Johnston,**  
**Senior Executive Planner**

**ORDER:** I direct that **ADDITIONAL INFORMATION** be requested from the applicant as set out in the above report and that notice thereof be served on the applicant.

**Date:** 11/2/22

*E. Burke*  
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**Eoin Burke, Senior Planner**