

Comhairle Chontae Atha Cliath Theas

PR/0194/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD21B/0618 **Application Date:** 10-Dec-2021
Submission Type: New Application **Registration Date:** 10-Dec-2021

Correspondence Name and Address: Michael O Connor 18, Lissadel Wood, Malahide, Co. Dublin

Proposed Development: Two storey, one bedroom family flat to the side; alterations to existing garage elevation; pedestrian access gate to the side garden wall; all associated site works.

Location: 279, Orwell Park Grove, Dublin 6w

Applicant Name: Hugh Feighery

Application Type: Permission

(CS)

Description of Site and Surroundings:

Site Area: Stated as 0.03619 Hectares.

Site Description:

The subject site is located within the Orwell Park Grove residential area in Dublin 6W. The subject dwelling is a two-storey linked detached dwelling with attached side garage located on a corner site and with a section of space available to the eastern site boundary which faces directly onto the public footpath and public open space. The rear of the subject site backs onto the end of a cul-de-sac on Orwell Park Lawns. The subject site is not overlooked at the rear. The site has a single storey rear flat roof extension. The site tapers to the north towards the front of the existing dwelling.

Proposal:

The proposed development consists of the following:

- Two storey **1 bedroom 'family flat'** to side of house (67.5sq.m).
- Garage conversion measures c.14.5sq.m.
- Pedestrian access gate to side garden wall.
- Proposed works measure c. 82sq.m.

Zoning:

The subject site is subject to zoning objective 'RES' - 'To protect and / or improve Residential Amenity'.

Consultations:

Surface Water Drainage: **additional information** recommended.

Irish Water: **additional information** recommended.

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Roads Section – no objection subject to **condition**.
Parks Department – grant with **conditions**

SEA Sensitivity Screening

Indicates no overlap with the relevant environmental layers.

Submissions/Observations /Representations:

None.

Recent Relevant Planning History:

None traced to subject site.

Adjacent sites

SD19B/0414: 30, Willington Avenue, Templeogue, Dublin 6w.

Construction of extensions to the front, rear and side including garage conversion and two storey gable roof extension over garage also internal and window modifications and associated works to semi-detached two storey house.

Decision: **GRANT PERMISSION.**

Relevant Enforcement History:

None traced.

Pre-Planning Consultation:

No pre-planning consultation recorded.

Relevant Policy in South Dublin County Council Development Plan 2016 – 2022:

Policy H19 - Family Flat

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.

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:

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- *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.*

Residential Extensions

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).

House Extension Design Guide South Dublin County Council Planning Department, 2010.

Relevant Government Guidelines:

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

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

Assessment

The main issues for assessment relate to:

- Zoning and Council policy
- Residential and Visual amenity
- Access & Parking
- Parks & Landscaping
- Services and Drainage
- Screening for Environmental Impact Assessment (EIAR)
- Screening for Appropriate Assessment (AA)

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Zoning and Council Policy

The site is located in an area which is zoned 'RES' 'To protect and/or improve Residential Amenity'. The development of a family flat and a separate residential extension to a dwelling is permitted in principle subject to its design being in accordance with the relevant provisions in the Development Plan regarding family flat development and extensions, where a valid case for the family flat development is provided, and where the proposal would not otherwise detract from the existing residential amenity of the area.

Residential & Visual Amenity

Demonstration of Genuine Need for Family Flat.

Documentation has been submitted to satisfactorily demonstrate that there is an established need to provide semi-independent accommodation for an immediate family member (older parent or other dependent). This would comply with Section 2.4.2 Family Flats and Housing (H) Policy 19 Family Flats of the South Dublin County Council Development Plan 2016-2022. It is noted that in the documentation submitted the applicant outlines that he is applying for permission for a family flat as he has recently had some major health issues. The applicant and his wife intend to move into the family flat and the applicants' son and his family then plan to move into the existing main dwelling to assist and support his parents (i.e. the applicant).

Not exceed 50% of the floor area of the main dwelling (Family Flat)

At c.67.5sq.m the proposed two storey family flat does not exceed 50% of the total floor area of the main existing dwelling (166.7.sq.m).

Directly Accessible (Family Flat)

The proposed family flat is directly accessible from the main dwelling via an internal access door at ground floor level. However, it is noted that the family flat will not be connected at first floor level. In this instance this would broadly comply with the South Dublin County Development Plan regarding Family Flats (11.3.3 Additional Accommodation).

Pedestrian access gate to side of rear garden

There is a pedestrian access gate proposed to side of rear garden. This would allow for the family flat to be directly accessible without having to enter through the main existing dwelling. However, the pedestrian access gate would not visually accord with the character of the area. The Parks Department have also raised concerns regarding the proposed pedestrian access gate which is covered further in the Parks & Landscaping section of this report. It is considered that the pedestrian gate should be omitted and the applicant requested by **further information** to provide an alternative access to the family flat.

Design criteria for dwelling extensions (Family Flat)

The proposed family flat will have a part hipped roof and part flat roof (mansard roof) set c.1.25m below the ridge of the existing dwelling. As the majority of dwellings in the vicinity have hipped roofs this would broadly visually accord with the character of the area.

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The site tapers to the north towards the front of the existing dwelling. The family flat will be built to the boundary with the eastern site boundary where there will be 2 no. opaque windows inserted at first floor level. It is noted there will be no windows located on the eastern site boundary at ground floor level. The rear of the subject site backs onto the end of a cul-de-sac on Orwell Park Lawns and the subject site is not overlooked at the rear. There will be no undue overlooking and the proposal will not have a significant overbearing impact on other dwellings in the vicinity.

The family flat will be set back slightly from the main front building line. The family flat will project outwards from the side building line by c.1.75m towards the front and will project outwards from the side building line by c.3.8m towards the rear at its widest span at ground floor level. At ground floor level the family flat will extend outwards from the main rear building line by c.3.3m. The first floor element will align with the main rear building line of the original dwelling. A reasonable level of private open space would remain post completion. The family flat would integrate reasonably well with the character of the existing dwelling and with the character of the area. The proposal would not have a significant adverse impact on residential and visual amenity.

Garage conversion c.14.5sq.m

The existing garage door is to be replaced by a new window allow for the garage to be converted into habitable use. This would visually accord with the character of the area and this is considered to be broadly acceptable in this instance.

Access & Parking

A report was received from the Roads Section recommending no objections subject to **conditions**. An extract taken from the Roads report states the following:

Prior to commencement of any works in the public domain, and in order to comply with The Roads Act 1993 Section 13 Paragraph 10, a Road Opening Licence must be secured from South Dublin County Council, Roads Maintenance Department.

Description:

Pedestrian access gate to the side garden wall.

No Roads objections subject to the following conditions:

1.Any gates shall open inwards and not out over the public domain.

It is considered appropriate to attach the above **condition** in the event of a grant.

Parks & Landscaping

A report was received from the Parks Department recommending no objection subject to **conditions**. An extract taken from the Parks report states the following:

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Recommendation: Grant with Condition

Main Concern:

1. The development proposes a pedestrian access gate directly onto Public Open Space which is contrary to SDCC Bye-Laws for Parks and Open Spaces.

Relevant Sections, Policies and Objectives of the South Dublin County Council (SDCC) Bye-Laws for Parks and Open Spaces 2011 and SDCC Development Plan 2016-2022:

SDCC bye-laws for Parks and Open spaces 2011

Definitions:

1.1 "Park" shall include parks, open spaces and recreational playing grounds, Fishery owned, controlled by or in the charge of South Dublin County Council.

2.1 Entry and exit to and from a Park shall be gained only through the authorised access points

DP 2016-22 Section 8.3.0 Public Open Space Hierarchy and Landscape Setting

It is the policy of the Council to provide a hierarchy of high quality and multi-functional public parks and open spaces.

G4 Objective 1: To support and facilitate the provision of a network of high quality, well located and multifunctional public parks and open spaces throughout the County and to protect and enhance the environmental capacity and ecological function of these spaces.

The Public Realm Section has assessed the proposed development recommends the following condition:

1. Proposed Side Entrance

The Public Realm have no objection to the development provided the access gate opening onto Public Open Space is omitted as it would be contrary to SDCC BYE-LAWS FOR PARKS AND OPEN SPACES 2011 and would set unwarranted precedent:

2.1 Entry and exit to and from a Park shall be gained only through the authorised access points.

It is considered appropriate to attach the above **conditions** in the event of a grant.

Services & Drainage

Both Irish Water & Surface Water Drainage have recommended **Additional Information** be requested. An extract taken from the Irish Water report states the following:

1 Water

1.1 The proposed development is approximately 1.7m from a 6" uPVC public watermain located to the east of the site. Irish Water Standard Details for water Infrastructure require 3m clear distance

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from a main of this size. The applicant shall engage with Irish Water's diversions section to assess feasibility of existing design and an alternative design which accommodates Irish Water's minimum required separation distances from public infrastructure. The outcome of this engagement with Irish Water's diversions shall be submitted to the planning authority as a response to Request for Further Information

1.2 All development shall be carried out in compliance with Irish Water Standards codes and practices.

2 Foul

2.1 The applicant has not submitted foul water drainage plans for the proposed development. The applicant is required to submit a drawing showing existing and proposed foul water drainage layouts up to and including the point of connection to the public foul water sewer. The drawing shall include the location of all Aj's, manholes, pipe size, material type and direction of flow. The drawing shall clearly show that the foul and surface water systems are discharging to separate pipe networks.

2.2 All development shall be carried out in compliance with Irish Water Standards codes and practices.

It is considered appropriate to request the above **Additional Information**.

An extract taken from the Surface Water Drainage report states the following:

Surface Water Report: ***Further Information Required:***

1.1 South Dublin County Council records show that there is an existing 300mm public surface water sewer to the east of the site. The proposed dwelling extension is located too close to this sewer (Closest distance approx.. 1.7m). The applicant is required to submit a drawing in plan and cross-sectional views showing the distance between the proposed extension and the existing 300mm surface water sewer. The drawings shall also show the invert levels of the existing surface water sewer and any adjacent proposed building foundations. A minimum clear setback distance of 3m is required between all proposed structures and the existing surface water sewer.

1.2 The applicant has not submitted surface water drainage plans for the proposed development. The applicant is required to submit a drawing showing existing and proposed surface water drainage layouts up to and including the point of connection to the public surface water sewer. The drawing shall include the location of all Aj's, manholes, pipe size, material type and direction of flow. The drawing shall clearly show that the foul and surface water systems are discharging to separate pipe networks. Maps of the mains foul and surface water drainage networks may be

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obtained, if available, for required locations in South Dublin County Council by emailing: servicemaps@sdublincoco.ie

1.3 The applicant is required to submit a drawing showing plan and cross sectional views of proposed SuDS (Sustainable Drainage Systems) features for the development

All works shall comply with the Building Regulations -Technical guidance document- Part H Drainage and Wastewater disposal

The Developer shall ensure that there is complete separation of the foul and surface water drainage for the proposed development.

All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.

It is considered appropriate to request the above **Additional Information**.

Screening for Appropriate Assessment (AA)

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 (EIAR)

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

Other Considerations

Development Contributions

- Development subject of this application for family flat is 67.5sq.m as stated.
- Proposed garage conversion measures c.14.5sq.m.
- Existing single storey rear extension measures c.14.8sq.m.
- Garage conversion plus single storey rear extension measures c.29.3sq.m.
- 10.7sq.m. exemption remains.
- Assessable area is 56.8sq.m.

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SEA Monitoring Information	
Building Use Type Proposed	Floor Area (sq.m)
Residential – ‘family flat’ & garage conversion	82sq.m
Land Type	Site Area (Ha.)
Brownfield/Urban Consolidation	0.03619

Conclusion

Additional Information is required on the following issues:

- Omission of side pedestrian gate
- Surface Water Drainage requirements.
- Irish Water requirements.

Recommendation

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

1. The applicant is requested to submit the following information:
 - (a) The proposed development is approximately 1.7m from a 6 inch uPVC public watermain located to the east of the site. Irish Water Standard Details for water Infrastructure require 3m clear distance from a main of this size. The applicant is requested to engage with Irish Water's diversions section to assess feasibility of existing design and an alternative design which accommodates Irish Water's minimum required separation distances from public infrastructure. The outcome of this engagement with Irish Water's diversions should be submitted to the planning authority as a response to Request for Further Information.
 - (b) The applicant has not submitted foul water drainage plans for the proposed development. The applicant is requested to submit a drawing showing existing and proposed foul water drainage layouts up to and including the point of connection to the public foul water sewer. The drawing should include the location of all Ajs, manholes, pipe size, material type and direction of flow. The drawing should clearly show that the foul and surface water systems are discharging to separate pipe networks.
 - (c) South Dublin County Council records show that there is an existing 300mm public surface water sewer to the east of the site. The proposed dwelling extension is located too close to this sewer (Closest distance approx.. 1.7m). The applicant is requested to submit a drawing in plan and cross-sectional views showing the distance between the proposed extension and the existing 300mm surface water sewer. The drawings should also show the invert levels of the existing surface water sewer and any adjacent proposed building foundations. A minimum clear setback distance of 3m is required between all proposed structures and the existing surface water sewer.

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- (d) The applicant has not submitted surface water drainage plans for the proposed development. The applicant is requested to submit a drawing showing existing and proposed surface water drainage layouts up to and including the point of connection to the public surface water sewer. The drawing should include the location of all AJs, manholes, pipe size, material type and direction of flow. The drawing should clearly show that the foul and surface water systems are discharging to separate pipe networks. Maps of the mains foul and surface water drainage networks may be obtained, if available, for required locations in South Dublin County Council by emailing: servicemaps@sdblincoco.ie
- (e) The applicant is requested to submit a drawing showing plan and cross sectional views of proposed SuDS (Sustainable Drainage Systems) features for the development.
- (f) The proposed side gate is not acceptable to the Planning Authority as it would directly access the public park. The applicant is requested to submit an alternative access to the family flat via the existing house bearing in mind that the family flat should be easily integrated with the dwelling when no longer required as a family flat.
- (g) The applicant is requested to submit a floor plan stating the proposed use of the room which contains the stairwell. All rooms shall comply with minimum room sizes.

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REG. REF. SD21B/0618

LOCATION: 279, Orwell Park Grove, Dublin 6w

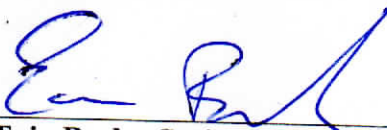
jjohnston

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:

14/2/22



Eoin Burke, Senior Planner