

# Comhairle Chontae Atha Cliath Theas

**PR/0209/22**

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

**Reg. Reference:** SD21B/0626      **Application Date:** 15-Dec-2021  
**Submission Type:** New Application      **Registration Date:** 15-Dec-2021  
**Correspondence Name and Address:** Fergal Kelly Architectural Services 52, Lucan Heights, Lucan, Co. Dublin.  
**Proposed Development:** Retention of raising & relocation of existing boundary walls & associated site works.  
**Location:** 49, Esker Lawns, Lucan, Co. Dublin  
**Applicant Name:** Jonathan & Aoife Dillon  
**Application Type:** Retention

(SW)

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

#### **Site Description:**

The site is a semi-detached residential property, located within a established residential area. It is situated in a corner plot, with front, side, rear garden. The property has a large shed to the rear of the plot, adjacent to the boundary wall. The property benefits from a 2m high boundary wall along an element of the side, adjacent to the shed (the shed is significantly higher than the wall). A medical centre is situated to the rear. The medical centre has a 2m high wall to the front, adjoining the 2m high wall along the side of the application site.

**Site Area:** Stated as 0.0385 Hectares.

### **Proposal:**

Permission is sought for:

**Retention of raising & relocation of existing boundary walls & associated site works.**

### **Zoning:**

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

### **Consultations:**

Surface Water Drainage: No objections subject to conditions.

Roads: No objections subject to conditions:

Strategic Environmental Assessment: Indicates no overlap with relevant environmental layers.

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

None received.

### **Relevant Planning History**

SD20B/0430 Front porch extension and retention of raising & relocation of existing boundary walls & associated site works. **Permission Granted**

SD09B/0059 (1) 2-storey side extension to existing dwelling with internal alterations and associated site works and (2) widening of existing driveway entrance. **Permission Granted**

SD04A/0086 A three bedroom detached two storey dwelling to the side of and within the curtilage. **Permission Refused (SDCC and ABP)**

SD03A/0291 3 bedroomed detached two storey dwelling to the side. **Permission Refused.**

### *Adjacent Sites:*

SD03A/0890 Erection of single storey extension. (The Medical Centre, rear of No. 49, Esker Lawns, Lucan, Co. Dublin.) **Permission Granted**

### **Relevant Enforcement History**

S8507 building to the side of property which may not be exempt **Live File**

### **Pre-Planning Consultation**

None recorded for the proposal.

## **Relevant Policy in South Dublin County Council Development Plan 2016-2022**

### *Section 2.4.1 Residential Extension*

#### *Policy H18 Residential Extension*

#### *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 11.3.3 (i) Extensions*

#### *Section 11.8.0 Environmental Assessment*

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### **South Dublin County Council House Extension Design Guide, 2010**

The House Extension design guide contains the following guidance on house extensions, which is taken to include modifications to the driveway and entrance:

- *Respect the appearance and character of the area;*
- *Provide comfortable internal space;*
- *Do not overlook, overshadow or have an overbearing impact on neighbouring properties;*
- *Conserve water and save energy where possible;*

### **Relevant Government Guidelines**

*Project Ireland 2040 National Planning Framework, Government of Ireland, 2018.*

*Regional Spatial and Economic Strategy, Eastern & Midlands Regional Assembly, 2019.*

*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).*

### **Assessment**

The main issues to consider are:

- Zoning and Council policy;
- Design, visual impact and residential amenity;
- Roads and safety;
- Services and Drainage;
- Screening for Appropriate Assessment; and
- Screening for Environmental Impact Assessment.

### ***Zoning and Council Policy***

The proposed development is consistent with zoning objective 'RES'. An alteration to an access is permitted in principle subject to its design being in accordance with the relevant provisions in the Development Plan regarding Residential Extensions, and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010.

### ***Design, Visual Impact and Residential Amenity***

The raising of a portion of the side boundary wall, located behind the front building line and adjacent to the secondary street to the same height as the existing rear boundary wall is deemed acceptable in terms of impact on visual and residential amenity. The portion of wall

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perpendicular to the side boundary wall and the dwelling, is not located forward of the front wall of the house and is also deemed acceptable in terms of visual and residential amenity. The finishes match the existing wall. It is noted that the wall for retention has permission / retention permission alongside a porch (Ref: SD20B/0430), which is not proposed in this instance.

The Planning Authority is satisfied that the boundary wall to be retained does not have an adverse impact on the residential amenities of the adjacent properties and is in keeping with the visual amenities of the area.

### ***Roads and Safety***

Roads have stated that “*The raising of a portion of the side boundary wall, located behind the front building line and adjacent to the secondary street to the same height as the existing rear boundary wall is deemed acceptable*”. Conditions regarding boundary wall and pillar height are recommended. It is noted that the proposal would not impact the access and therefore the conditions are not necessary in this instance.

### ***Services and Drainage***

Water Services has no objections subject to conditions.

### ***Other Matters***

It is noted that there is live enforcement on the site. It is considered that should retention permission be granted, a condition should be imposed seeking development as per description in the notices only.

### ***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.

### ***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.

### **Other Considerations**

#### ***Development Contributions***

Boundary Wall – contributions nil.

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### ***SEA Monitoring***

Building Use Type Proposed: Residential extension / wall

Floor Area: nil

Land Type: Brownfield/Urban Consolidation.

Site Area: 0.0385 Hectares.

### **Conclusion**

Having regard to the information submitted to the Planning Authority, the 'RES' land-use zoning objective, and the provisions of the South Dublin County Development Plan 2016 – 2022, it is considered that, subject to the conditions attached hereto, the wall for retention does not seriously injure the amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Recommendation**

I recommend that a decision be made pursuant to the Planning & Development Act 2000, as amended, for the reasons set out in the First Schedule hereto, to Grant Permission for Retention 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 retained and completed fully in accordance with plans, particulars and specifications lodged with the application, within 6 months of the grant of permission, save as may be required by other conditions attached hereto.  
REASON: To ensure that the development is in accordance with the permission and that effective control is maintained.
2. (a) External Finishes.  
All external finishes shall harmonise in colour or texture that is complementary to the existing wall or its context.

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REASON: In the interest of visual amenity.

(b) Drainage - Irish Water.

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

(ii) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use.

(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).

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The applicant or developer shall also endeavour to engage in local consultation in respect 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.

### **3. Development Permitted**

Retention Permission is hereby granted solely for the development which is set out in Statutory Public Notices and description of development under Section 9 of the planning application form submitted.

**REASON:** In the interest of clarity, consistency and the proper planning and sustainable development of the area.

**NOTE:** The applicant is advised that under the provisions of Section 34 (13) of the Planning and Development Act 2000 (as amended) a person shall not be entitled solely by reason of a permission to carry out any development.

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**REG. REF. SD21B/0626**

**LOCATION: 49, Esker Lawns, Lucan, Co. Dublin**

*Colm Harte*

**Colm Harte,  
Senior Executive Planner**

**ORDER:** A decision pursuant to Section 34(1) of the Planning & Development Act 2000, as amended, to Grant Permission for Retention 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:**

07/2/22

*Eoin Burke*

**Eoin Burke, Senior Planner**