

Comhairle Chontae Atha Cliath Theas

PR/0258/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0003 **Application Date:** 04-Jan-2022
Submission Type: New Application **Registration Date:** 04-Jan-2022
Correspondence Name and Address: Ken McLaughlin 5A, Dodsboro Cottages, Lucan, Co. Dublin
Proposed Development: A single storey, one bedroom log cabin in the rear garden.
Location: Rear Garden of, 61A, Dodsboro Cottages, Lucan, Co. Dublin.
Applicant Name: Sarah McLaughlin
Application Type: Permission

(SW)

Description of Site and Surroundings:

Site Area: stated as 0.57 ha

Site Description:

The application site contains a detached property that has been developed to the rear of a cottage. It is a long site, stretching 50m, north to south. Access is from 'Dodsboro Cottages'.

Proposal:

A single storey, one bedroom log cabin in the rear garden.

Zoning:

The subject site is subject to zoning objective RES - '*To protect and / or improve Residential Amenity*' under the South Dublin County Council Development Plan 2016-2022.

Consultations:

Water Services: No objections, subject to conditions.

Irish Water – No objections, subject to conditions.

Roads Section – No objections, subject to conditions.

Parks & Public Realm Section – No comments.

SEA Sensitivity Screening

No overlap with relevant environmental layers.

Submissions/Observations /Representations

None.

Comhairle Chontae Atha Cliath Theas

PR/0258/22

Record of Executive Business and Chief Executive's Order

Relevant Planning History

Application Site:

SD11B/0355 Demolition of single storey extension to the rear and its replacement with a two storey extension consisting of: a two storey element consisting of a hall, toilet and kitchen on ground floor level, bedroom on first floor level; single storey element consisting of a living room. **Permission Granted.**

SD04A/0820 Detached bungalow to rear with entrance from the front cottages. **Permission Granted.**

SD04A/0104 Detached two storey house at rear. **Permission Refused.**

S01B/0189 Permission sought to retain new entrance. **Permission Granted.**

Adjacent Sites:

SD19A/0091 Single storey building in the rear garden, comprising of a Montessori with entrance to side of house and all associated site works; 2 car spaces to front garden for Montessori. **Permission Granted.** (56A, Shackleton Way, Lucan, Co. Dublin)

SD08B/0632 Erection of a garden shed in the back garden. **Permission Granted.** (60, Dodsboro Cottages, Lucan, Co. Dublin)

Relevant Enforcement History

S8255 The construction of a driveway to the rear of the property without PP **Live File**

Pre-Planning Consultation

None.

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

Section 2.4.0: Residential Consolidation – Infill, Backland, Subdivision & Corner Sites

Policy H17 Residential Consolidation

Policy H17 Objective 3:

To favourably consider proposals for the development of corner or wide garden sites within the curtilage of existing houses in established residential areas, subject to appropriate safeguards and standards identified in Chapter 11 Implementation.

Section 11.2.7 Building Height

Section 11.3.1 Residential

Section 11.3.1 (iv) Dwelling Standards

Table 11.20: Minimum Space Standards for Houses

Section 11.3.1 (v) Privacy

Section 11.3.2 Residential Consolidation

Section 11.3.2 (i) Infill Sites

Comhairle Chontae Atha Cliath Theas

PR/0258/22

Record of Executive Business and Chief Executive's Order

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 treatments, 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).*

Section 11.3.2 (iii) Backland Development. The design of development on backland sites should meet the criteria for infill development in addition to the following criteria:

- *Be guided by a site analysis process in regard to the scale, siting and layout of development.*
- *Avoid piecemeal development that adversely impacts on the character of the area and the established pattern of development in the area.*
- *Development that is in close proximity to adjoining residential properties should be limited to a single storey, to reduce overshadowing and overlooking.*
- *Access for pedestrians and vehicles should be clearly legible and, where appropriate, promote mid-block connectivity.*

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

Relevant Government Guidelines

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

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

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, (2008)

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

Comhairle Chontae Atha Cliath Theas

PR/0258/22

Record of Executive Business and Chief Executive's Order

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

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).

Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, Building Research Establishment, (1991).

Assessment

The main issues for assessment are:

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

Planning note

Based upon the proposed description of the development, the drawings and documents submitted and the response to Question 14 on the submitted application form, it is considered that the current application would seek permission for the construction of a separate residential dwelling. Furthermore, the applicant has not indicated in their submission that this structure would be a family flat, as per the requirements of Section 11.3.1 of the County Plan. Accordingly, the application has been assessed as a new residential dwelling.

Zoning and Council Policy

The site is subject to zoning objective RES which is to protect and/or improve residential amenity. The development of a dwelling is permitted in principle subject to its accordance with the relevant provisions in the Development Plan with specific reference to Section 11.3.2 (i) Infill Sites (iii) Backland Development.

It is proposed to construct a single storey log cabin in the rear garden of No. 61A Dodsboro Cottages. No. 61A itself is constructed in the rear garden of No. 61. The application site in this instance incorporates No61A, but not No61, as the sites have already been subdivided. No. 61A

Comhairle Chontae Atha Cliath Theas

PR/0258/22

Record of Executive Business and Chief Executive's Order

has a long access road, taken from 'Dodsboro Cottages' road, adjacent to No. 61. The submitted plans indicate a gate and fence to the rear, adjacent to the proposal. These are labelled 'not in use' and it is apparent that these are subject to an enforcement enquiry. Should planning permission be granted, a condition is recommended setting out development as per notices only.

Council Policy

Section 11.3.2 sets out that the following criteria applies to 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. – **not apparent this has been considered.***
- *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. – **not apparent this has been considered.***
- *Significant site features, such as boundary treatments, 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. – **there would be no change in these features. It is noted that there is an existing gate to the rear, which is the subject of a live enforcement enquiry. No indication of the appearance of the structure at this interface has been given.***
- *Where the proposed height is greater than that of the surrounding area a transition should be provided (see Section 11.2.7 Building Height). – **the proposal is single storey.***

Section 11.3.2 (iii) Backland Development. The design of development on backland sites should meet the criteria for infill development in addition to the following criteria:

- *Be guided by a site analysis process in regard to the scale, siting and layout of development. – **not apparent this has been considered.***
- *Avoid piecemeal development that adversely impacts on the character of the area and the established pattern of development in the area. – **development would be single storey. It is noted that there are other single storey sheds etc to the rear of properties in the area.***
- *Development that is in close proximity to adjoining residential properties should be limited to a single storey, to reduce overshadowing and overlooking. – **proposal is single storey***
- *Access for pedestrians and vehicles should be clearly legible and, where appropriate, promote mid-block connectivity. – **the proposal is for a dwelling to the rear of an***

Comhairle Chontae Atha Cliath Theas

PR/0258/22

Record of Executive Business and Chief Executive's Order

existing backland dwelling. The access is taken past both these properties. Roads has not raised any objections, subject to conditions in this instance. However, it is not clear whether the proposed structure would function independently of No61A or would be used in conjunction with the property. It is not apparent that a separate access would be achievable past No61A from the current authorised access to the north.

The applicant has not given adequate consideration to the policies of the County Development Plan.

As set out in the report above, the applicant has not indicated in their submission that this structure would be a family flat as per Section 11.3.3 (ii) of the County Plan. However, in order to satisfy the policies relating to a family flat, the proposal would need to be directly accessible from the main dwelling via an internal access door, which the current application would fail to comply with.

Residential & Visual Amenity

Visual Amenity

The applicant has not provided any contiguous elevations. It is noted that the proposal is single storey and therefore the impacts are minimised in this regard, however, the proposal would change the character of Shackleton Way, to the rear, and no indication has been given as to the impact. The proposal would not be visible outside the site from the north. It is not considered that the applicant has provided sufficient information by which to assess the visual impacts.

Internal spaces

The proposed development is 27sq.m and the floorplans indicate a study / living / kitchen area, bedroom and WC. In accordance with table 11.20 of the CDP, a 1bed house should provide 50sq.m floorspace and 48sq.m private amenity. Quality Housing for Sustainable Communities, indicates that the following floor areas should be provided:

Table 5.1: Space provision and room sizes for typical dwellings

DWELLING TYPE	TARGET GROSS FLOOR AREA (m2)	MINIMUM - MAIN LIVING ROOM (m2)	AGGREGATE LIVING AREA (m2)	AGGREGATE BEDROOM AREA (m2)	STORAGE (m2)
1BED/2P House (1 storey)	44	11	23	11	2
1BED/2P Apartment	45	11	23	11	3

Comhairle Chontae Atha Cliath Theas

PR/0258/22

Record of Executive Business and Chief Executive's Order

The proposed development would provide significantly less than the gross floor area required. There is no main living room and the aggregate living area is also significantly below the required standard. The bedroom area is also below the required double bedroom size and no storage has been provided.

It is apparent from the submitted documents that the structure would have an eaves height of 2.1m and a ridge height of 2.97m. The section provided does not clearly indicate the internal height and whether the proposal would have a 2.4m height for more than 50% of the structure.

It is not considered that the proposal, as presented as a standalone dwelling is habitable. The proposal should therefore be **refused**.

The proposal may be suitable for storage only.

Private open space

The area of proposed private open space to serve the proposed dwelling is approximately 16sq.m which would not comply with the 48sq.m minimum private open space requirement set out in the South Dublin County Council Development Plan 2016-2022 for a house with 1 bedrooms.

The applicant has not clearly indicated what space would be retained as rear amenity for the host dwelling No61A. The entire space between the existing and proposed dwellings is approximately 41sq.m. The floorplans for SD04A/0820 indicate a 3bed dwelling. The CDP standard for amenity space for a new dwelling is 60sq.m. 41 sq.m may therefore be acceptable, however, it is not evident from the layout how this space would be subdivided between the two properties.

Boundary Treatment

No details of new boundary treatment have been provided.

Residential Amenity – adjacent occupiers.

The proposed dwelling would be single storey and would have an eaves height of approximately 2.1m. The proposal would not have a significant impact on the amenity of the adjacent occupiers in terms of overlooking, overshadowing or overbearing.

Trees & Landscaping

Parks Department has no comments on this application.

Vehicular Access & Parking

The Roads Department has no objections, subject to conditions.

Comhairle Chontae Atha Cliath Theas

PR/0258/22

Record of Executive Business and Chief Executive's Order

Services & Drainage

Water Services and Irish Water have no objections, subject to conditions.

Other considerations

Development Contributions

- New residential dwelling – 27sq.m

SEA Monitoring Information

Building Use Type Proposed Residential – new dwelling

Land Type Brownfield/Urban Consolidation

Floor Area (sq.m) 27

Site Area (Ha.) 0.057

Conclusion

Having regard to the provisions of the South Dublin County Development Plan 2016-2022, it is not considered that the proposal for a habitable log cabin in the rear garden meets the prescribed requirements satisfactorily. The proposal would, therefore, have an adverse impact on the residential amenities of the area and would not be in accordance with the proper planning and sustainable development of the area. It is not considered that the proposed development would be in compliance with Council policy.

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. The proposed development, with an internal floor area of 27sq.m, would fail to meet the minimum standards for a self-contained 1-bed house, therefore resulting in an unacceptable standard of residential amenity for future occupiers and would be contrary to Section 11.3.1(iv) of the South Dublin County Council Development Plan 2016 – 2022. Furthermore, by reason of its inappropriate siting and relationship with the existing houses, the proposal would comprise an unacceptable form of development that would fail to meet the requirements of Section 11.3.2 of the South Dublin County Council Development Plan 2016 – 2022 and would be contrary to the residential zoning objective and the proper planning and sustainable development of the area.

Comhairle Chontae Atha Cliath Theas

PR/0258/22

Record of Executive Business and Chief Executive's Order

REG. REF. SD22A/0003

LOCATION: Rear Garden of, 61A, Dodsboro Cottages, 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 Refuse Permission for the above proposal for the reasons set out above is hereby made.

Date:

28/2/22



Eoin Burke, Senior Planner