

Comhairle Chontae Atha Cliath Theas

PR/0266/22

Record of Executive Business and Chief Executive's Order

Register Reference:	ED21/0071
Correspondence Name & Address:	Main Uddin Level 1, The Chase, Carmanhall Road, Sandyford Industrial Estate, Dublin 18
Development:	Extension at the rear of existing dwelling.
Location:	20, Monastery Gate Copse, Dublin 22
Applicant:	Main Uddin

(EW)

Description of Site and Surroundings:

The streetscape is characterised by semi-detached dwellings of similar form and appearance, with token roof profiles. The subject dwelling faces a green area that backs onto the Monastery Road. The rear gardens back directly onto the rear gardens of the adjacent property to the rear (north) of the site Woodford Rise.

Zoning:

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

Proposal:

This is an application requesting a Section 5 Declaration on whether the following works are or are not exempted development;

- Proposed ground floor extension to rear as noted from the submitted report from *Growpad* titled '*site visit report – architectural services*' dated 27th July 2021.
 - Ridge height (stated as not above the existing ridge height with no figure provided)
 - Floor area of 28sq.m,
 - Area of remainder rear garden 51sq.m
 - Area of site (not stated)

This Section 5 Declaration application includes:

- Application form
- Site location map
- Site layout plan

This Section 5 Declaration did **not** include:

- Floor Plans
- Elevations
- Sections
- Ridge height
- Area of site

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It is noted from the submitted report from *Growpad* titled '*site visit report – architectural services*' that page '9 of 9' contained drawings. However, no drawings are evident in Plan or Elevation / Section drawings as is requested by the application for a Section 5 Declaration.

Relevant Planning History:

None for subject site.

Pre Planning

None recorded.

Relevant Enforcement History

None recorded.

Assessment:

Consideration as to whether a development constitutes exempted development or not is governed by Sections 4 and 5 of the Planning and Development Act 2000 (as amended) and Articles 5, 6, 7, 8, 9, 10 and 11 of the Planning and Development Regulations 2001 (as amended).

Is the proposal development?

Section 2(1) in this Act, except where otherwise requires –

'*works*' includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.

'*structure*' as any building, structure, excavation, or other thing constructed or made on, in or under any land, or part of a structure so defined, and –

- (a) Where the context so admits, includes the land on, in or under which the structure is situated.

Section 3(1) defines '*development*' as '*the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land*'.

The proposed development on site, comprising **construction** of a rear extension, constitutes '*works*' and is therefore deemed to be '*development*'.

Is the proposal exempted development?

Extensions to existing dwellings and within the curtilage of an existing house is laid out under **Class 1 of Part 1 of Schedule 2** of the Planning & Development Regulations 2001 (as amended) relates to development within the curtilage of a house. The development is within the curtilage of a house. **Class 1** sets out relevant development which is exempted development subject to conditions:

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Class 1: The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house is considered 'Exempted Development', subject to conditions and limitations:

- 1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres*

The house has not been extended previously. The proposed extension is less than 40sqm and stated at 28sq.m. However, internal measurements cannot be clarified as sufficient information has not been submitted to carry out a full assessment, **additional information** should be sought.

(b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.

The house is semi-detached. Rear elevation drawings have not been submitted to carry out a full assessment, **additional information** should be sought.

- 2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.*

The house has not been extended previously.

- 3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.*

Rear elevation drawings were not submitted to carry out a full assessment, **additional information** should be sought.

- 4. (b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.*

Rear elevation drawings were not submitted to carry out a full assessment, **additional information** should be sought.

(c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.

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Rear elevation drawings were not submitted to carry out a full assessment, **additional information** should be sought.

5. *The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.*

The area of remainder rear garden is stated as 51sq.m resulting in adequate private open space reserved exclusively for the use of the occupants of the house to the rear of the house. The proposal therefore does comply with this condition.

6. *(a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.*

Sufficient information has not been submitted to carry out a full assessment, **additional information** should be sought.

(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.

Sufficient information has not been submitted to carry out a full assessment, **additional information** should be sought.

7. *The roof of any extension shall not be used as a balcony or roof garden.*

Not applicable to this proposal as per submitted drawing: 2124-AO.2.

The applicant outlines in the submitted report from *Growpad* titled 'site visit report – architectural services' dated 27th July 2021, that the proposal is in the process of being built and has a floor area of 28sq.m and the area of remainder rear garden 51sq.m. However, no drawings or maps have been submitted for the Planning Authority to make an informed decision and there is not enough information to assess the proposed development against Class 1 of Part 1 of Schedule 2. The applicant should be requested to submit adequate further information to allow for a full assessment to be carried out. The applicant should be requested to submit drawings in Plan or Elevation / Section format. The applicant may wish to go through each of the Conditions and Limitations and demonstrate to the Planning Authority that the proposed extension comes within each of the five items laid out under Class 1.

Conclusion:

A lack of documentation has been submitted within this application, which has resulted in the Planning Authority being unable to fully assess and make a determination on

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whether or not the development is exempted development. Additional information is should be sought.

Recommendation:

The applicant should be requested to:

1. Provide scaled floorplans and a dimensioned rear elevation showing the proposed works. All windows proposed in any of the elevations should be clearly shown
2. Provide sections with an overall height and an area dimension of the entire site showing the proposed works.
3. The applicant may wish to go through each of the Conditions and Limitations, as outlined in Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, and satisfy both themselves and the Planning Authority that the proposed extension comes within each of the five items laid out under Class 1.

Further Information

Further Information was requested on 07/12/2021

Further Information was received on 01/02/2022

The Further Information requested is as follows:

Insufficient information has been submitted for the Planning Authority to fully assess the proposed development against Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, (as amended).

The applicant is therefore requested to submit:

- (1) scaled floorplans and a dimensioned rear elevation showing the proposed works. All windows proposed in any of the elevations should be clearly shown
- (2) sections with an overall height and an area dimension of the entire site showing the proposed works.
- (3) The applicant may wish to go through each of the Conditions and Limitations, as outlined in Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, and satisfy both themselves and the Planning Authority that the proposed extension comes within each of the five items laid out under Class 1

Item 1:

Scaled floorplans and a dimensioned rear elevation showing the proposed works. All windows proposed in any of the elevations should be clearly shown

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Assessment

The applicant has submitted scaled floorplans and a dimensioned rear elevation drawing showing all windows proposed with proposed works, as requested.

Item 2:

Sections with an overall height and an area dimension of the entire site showing the proposed works.

Assessment

The applicant has submitted elevational drawings with an overall height and an area dimension of the entire site showing the proposed works, as requested.

Item 3:

The applicant may wish to go through each of the Conditions and Limitations, as outlined in Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, and satisfy both themselves and the Planning Authority that the proposed extension comes within each of the five items laid out under Class 1

Assessment

Having regards to the revised submitted drawings, the Conditions and Limitations, as outlined in Class 1 of Part 1 of Schedule 2 are now as follows:

(a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres

The house has not been extended previously. The proposed extension is less than 40sqm and stated at 28sq.m. Internal measurements are now clarified. The proposal complies with this condition.

(b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.

Not applicable. The house is semi-detached. The proposed extension is for ground floor only. The proposal complies with this condition.

(c) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.

***(d) The house has not been extended previously.
Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.***

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Not applicable. The house is semi-detached. The proposed extension is for ground floor only. The proposal complies with this condition.

(e) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.

The house is semi-detached. The proposed extension is for ground floor only and does not exceed the height of the rear wall of the house. The proposal complies with this condition.

(f) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.

The proposed extension is for ground floor only and does not exceed the eaves or parapet of the house. The proposal complies with this condition.

(g) The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.

The area of remainder rear garden is stated as 51sq.m resulting in adequate private open space reserved exclusively for the use of the occupants of the house to the rear of the house. The proposal therefore does comply with this condition.

(h) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.

The proposed ground floor extension is sufficiently away from the boundary it faces and is further than 1 metre. The proposal complies with this condition.

(i) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.

The proposed extension is for ground floor only and does not exceed the first floor of the house. The proposal complies with this condition.

(j) The roof of any extension shall not be used as a balcony or roof garden.

Not applicable to this proposal as per original submitted drawing: 2124-AO.2. The applicant has submitted revised site layout, section and elevational drawings of the entire site showing the proposed works, and has now satisfied the Planning Authority that the proposed extension comes within each of the five items with

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Conditions and Limitations, as outlined in Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended.

Article 9 restrictions

The proposed development is not restricted by any of the restrictions in Article 9 of the Planning and Development Regulations 2001 (as amended).

Conclusion:

It is considered that the proposed development of a ground floor extension to rear would be exempted development having regard to the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended).

Recommendation

The applicant should be informed that the proposed development would be considered as Exempted Development and would not require planning permission.

Colm Harte _____

Colm Harte
Senior Executive Planner

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ORDER: That the applicant be informed that the proposed development of: **Extension at the rear of existing dwelling at 20, Monastery Gate Copse, Dublin 22** is considered to be exempted development under the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations, 2001 (as amended) and therefore **does not** require planning permission.

Date:

28/2/22



Eoin Burke, Senior Planner