

Comhairle Chontae Atha Cliath Theas

PR/0315/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0016 **Application Date:** 18-Jan-2022
Submission Type: New Application **Registration Date:** 18-Jan-2022

Correspondence Name and Address: Sean Hayes, DMG Architects DMG Architects, 2 Neptune House, Canada Street, Waterford, X91KH57

Proposed Development: Garden building to the rear of the property and the removal of existing piers, pedestrian gate and front wall replacing with a new driveway entrance consisting of new piers and wall forming a car parking area including a new crossover altered path verge with dished kerbs along with associated site works.

Location: 45 Muckcross Green, Perrystown Dublin 12

Applicant Name: Ricardo Seabra

Application Type: Permission

(AOCM)

Description of Site and Surroundings:

Site Area: stated as 0.0236 hectares

Site Visited:

15 February 2022

Site Description:

The application site contains a two storey, terraced house, located on Muckcross Green in a row of similar dwellings. The surrounding area is residential in nature.

Proposal:

Permission is sought for the following:

- Demolition of existing single storey structure to rear, accessed via laneway serving the rear of Muckcross Green and Rockfield Avenue
- Construction of garden building at rear of property
- Removal of existing entrance piers, pedestrian gate and front wall
- Implementation of driveway with new vehicular entrance (3.2m wide) with crossover altered path verge with dished kerbs and all associated site works.

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Zoning:

The site is subject to zoning objective 'RES' - *'To protect and/or improve residential amenity'*.

Consultations:

Roads – No objection, conditions recommended

Public Realm – No comment

Surface Water Drainage – No objection, conditions recommended

Irish Water – No objection, conditions recommended

Submissions/Observations /Representations

Submission expiry date – 21/02/2022

No submissions or observations were received.

Relevant Planning History

None recorded for subject site.

Relevant Enforcement History

None recorded for subject site.

Pre-Planning Consultation

None recorded for subject site.

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

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.

Section 11.3.3 Additional Accommodation

(i) Extensions

*The design of residential extensions should accord with the **South Dublin County Council House Extension Design Guide (2010)** or any superseding standards*

Relevant Government Guidelines

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

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

Assessment

The main issues for assessment concern the following:

- Zoning and Council Policy

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- Residential and Visual Amenity
- Public Realm
- Roads
- Services, Drainage and the Environment
- Appropriate Assessment
- Environmental Impact Assessment

Zoning and Council Policy

The site is subject to zoning objective 'RES' - *'To protect and/or improve residential amenity'*. Residential development is 'Permitted in Principle' under this zoning objective.

Residential and Visual Amenity

The proposal includes demolition of existing single storey rear garden structure and construction of a single storey, flat roof garden building with gym/home office, w/c, laundry and shed storage accessed via the properties garden and the laneway to the rear. In addition, a driveway and new vehicular entrance would be provided at the front of the property. No other external alterations are noted from drawings.

Rear garden room

The garden room would be 34sq.m and comprise an office/gym, w/c, laundry room accessed via the garden and rear laneway, and a storeroom accessed only from the rear garden. This structure would replace an existing garage that drawings state will be demolished, however the sq.m of the demolition is not stated on the application form. Measured from drawings, the existing garage is approximately 19sq.m.

The north elevation, fronting the garden would be timber clad with a single door serving the store room and glazed double doors serving the home office/gym. All other elevations would be coloured render, with the south elevation, fronting the laneway, having 4 high level windows and a solid single door. The structure would have a flat roof and would be 2.7m in height. The structure would encroach into the existing laneway, up to the site boundary where previously this space was hardstanding.

Overall, the design of the replacement garden structure is considered acceptable and would have a limited impact on the laneway and surrounding residences. A **condition** should be attached removing the w/c to ensure this is not used as a dwelling. In addition, it would not be acceptable for this structure to be used for any use other than ancillary to the main dwelling. A **condition** should be attached stating that this structure cannot be used to provide additional residential accommodation separate to the use of the main dwelling.

Entrance

It is proposed to provide a new vehicular access and driveway onto Muckross Green. The

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vehicular access would be 3.2m wide with entrance pillars 1.08m tall, to match existing. The existing front garden is 10.5m long. A driveway of 5.5m long would be provided, with space for one vehicle, with the remaining front garden landscaped. A path would connect the driveway with the house. While it is noted that on street parking would be impacted by the inclusion of a driveway, from the site visit it was noted that parking along the street is haphazard and could create vehicle passing issues and therefore, in this instance, provision of off-street parking would be preferable. This is considered acceptable. To mitigate the loss of grass and soft landscaping at the front, a **condition** should be attached that any new driveway shall be permeable paving, to assist with sustainable urban drainage.

Public Realm

The Public Realm Department has reviewed the application and has stated no comment to make. They have not recommended any **conditions**.

Roads

The Roads Department has reviewed the application and has stated no objection to the development. The following **conditions** are recommended in their Report:

- 1. Any gates shall open inwards and not out over the public domain.*
- 2. All vehicles parked in the driveways must exit the site in a forward direction. No vehicles to reverse onto the public roadway at any time.*

These **conditions** are considered acceptable in the interest of traffic safety however, enforcement of no reversing onto the public highway would be difficult and therefore should not be included in the event of a grant.

Services, Drainage and the Environment

Water Services has reviewed the application and has stated no objection. Their Report recommends the following **conditions**:

- 1.1 Prior to commencement of development submit a revised drawing showing plan and cross-sectional views, dimensions, and location of proposed soakaway. Any proposed soakaway shall be located fully within the curtilage of the property and shall be:*
 - At least 5m from any building, public sewer, road boundary or structure.*
 - Generally, not within 3m of the boundary of the adjoining property.*
 - Not in such a position that the ground below foundations is likely to be adversely affected.*
 - 10m from any sewage treatment percolation area and from any watercourse / floodplain.*
- 1.2 The applicant shall include SuDS (Sustainable urban Drainage Systems) features for the proposed development such as but not limited to the following:*

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- *Rain Gardens*
- *Planter boxes with overflow connection to the public surface water sewer.*
- *Permeable Paving*
- *Grasscrete*
- *Water butts*

These **conditions** are considered appropriate to ensure the adequate provision of SuDS measures at the site.

Irish Water has reviewed the application and has stated no objection. Their report recommends **conditions** are attached stating that all works are to comply with Irish Water standards, codes and practices. These should be attached in the event of a grant to ensure compliance.

Screening for Appropriate Assessment

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.

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 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

Development Contributions

Building

- | | |
|--------------------------------|--------|
| • Existing extensions: | None |
| • Garden room (non-habitable): | 34sq.m |
| • Assessable area: | Nil |

Other

- New access driveway (3.2m wide) with crossover altered path verge and dished curbs

SEA Monitoring

Building Use Type Proposed:	Garden room (non-habitable) & new entrance
Floor Area:	34sq.m
Land Type:	Brownfield/Urban Consolidation.
Site Area:	0.0236 Hectares.

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Conclusion

Having regard to the provisions of the South Dublin County Council Development Plan 2016-2022, and the scale of the proposed development, it is considered that, subject to the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity 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 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 in accordance with submitted plans and details.
The development shall be carried out and completed in its entirety fully in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the other conditions attached hereto.
REASON: To ensure that the development shall be in accordance with the permission and that effective control be maintained.
2. Amendments.
 - (a) The wc shall be omitted from the garden building
 - (b) The door to the rear on to the rear lane shall not open out in to the lane but shall be contained within the application site.REASON: In the interest of residential amenity and to ensure the building is not used as a dwelling.
3. Restrictions on Use.
The use of the development for residential purposes shall be restricted to a residential use directly associated with the use of the existing house on the site for such purposes, and the

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structure shall not be sub-divided from the existing house, either by way of sale or letting (including short-term) or otherwise.

REASON: In the interests of proper planning and sustainable development of the area.

4. (a) External Finishes.

All external finishes shall harmonise in colour or texture that is complementary to the house or its context.

REASON: In the interest of visual amenity.

(b) Restriction on Use.

The house and the proposed garden room shall be jointly used as a single dwelling unit for residential purposes and shall not be sub-divided or used for any commercial purposes, and the garden room shall not be sold, let (including short-term letting), leased or otherwise transferred or conveyed, by way of sale, letting or otherwise save as part of the single dwelling unit.

REASON: To prevent unauthorised development.

(c) Drainage - Irish Water.

(i) The water supply and drainage infrastructure, shall comply with the requirements of Irish Water.

(ii) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use. All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.

(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.

(d) 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.

(e) Construction Noise and Hours.

To control, limit and prevent the generation of unacceptable levels of Environmental

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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).

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.

5. Vehicular Entrance and Driveway

- (1) Any gates shall open inwards and not out over the public domain.
- (2) The driveway shall be permeable paving and not poured concrete or any other impermeable surface.

REASON: To reduce traffic hazard and ensure a suitable driveway surface.

6. Soakaway

Prior to commencement of development submit a revised drawing showing plan and cross-sectional views, dimensions, and location of proposed soakaway. Any proposed soakaway shall be located fully within the curtilage of the property and shall be:

- At least 5m from any building, public sewer, road boundary or structure.
- Generally, not within 3m of the boundary of the adjoining property.
- Not in such a position that the ground below foundations is likely to be adversely affected.

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- 10m from any sewage treatment percolation area and from any watercourse/floodplain.
REASON: To ensure suitability of soakaway.

7. Sustainable Urban Drainage Systems (SuDS).

The applicant shall include SuDS (Sustainable urban Drainage Systems) planter boxes and permeable paving features for the proposed development, unless otherwise agreed in writing with the Planning Authority.

REASON: To ensure provision of SuDS

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.

NOTE: The applicant or developer should ensure that all necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works and to ensure that any such instances arising are remedied immediately.

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REG. REF. SD22A/0016

LOCATION: 45 Muckcross Green, Perrystown Dublin 12

jjohnston

Jim Johnston,
Senior Executive Planner

ORDER: A decision pursuant to Section 34(1) of the Planning & Development Act 2000, as amended, to Grant Permission 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: 14th March 2022

Hazel Craigie

Hazel Craigie, Senior Planner