

# Comhairle Chontae Atha Cliath Theas

**PR/0317/22**

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

**Reg. Reference:** SD22B/0008      **Application Date:** 14-Jan-2022  
**Submission Type:** New Application      **Registration Date:** 14-Jan-2022  
**Correspondence Name and Address:** Mr. Declan Heery & Liz McGrath, Declan Heery & Liz McGrath 432A, Orwell Park Green, Dublin 6W  
**Proposed Development:** (1) a new first floor rear extension; (2) a single storey side extension; (3) removal of main existing pitched roof on dwelling and replacement of same with a mixture pitch and flat roof, placing a 'Velux' window in front, 2 'Velux' window in rear, 5 'Velux' windows in north side of new roof, placing 2 'Velux' windows and 1 dormer structure with obscure window on side south face of new roof; (4) All associated site works.  
**Location:** 432A, Orwell Park Green, Dublin 6W  
**Applicant Name:** Declan Heery & Liz McGrath  
**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 one-off, two storey, detached house, located on Orwell Park Green on a corner site. The surrounding area is residential in nature.

### **Proposal:**

Permission is sought for the following:

- First floor rear extension (8.3sq.m)
- Single storey side extension (11.2sq.m)
- Attic extension to provide 2 rooms and a bathroom (53sq.m)
- Removal of main existing pitched roof on dwelling and replacement of same with a mixture pitch and flat roof, placing a 'Velux' window in front, 2 'Velux' window in rear, 5 'Velux' windows in north side of new roof, 2 'Velux' windows and 1 dormer structure with obscure window on side south face of new roof
- Replacement aluclad windows and doors
- 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:**

Surface Water Drainage – No objection, conditions recommended

Irish Water – No objection, conditions recommended

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

Submission expiry date – 17/02/2022

No submissions or observations were received.

### **Relevant Planning History**

**SD21B/0347: Permission refused** for construction of a first floor rear extension; two storey side extension; removal of main existing pitched roof on dwelling and replacement of same with a mixture of pitch and flat roof; 1 'Velux' window in front and rear of new roof; 3 'Velux' windows in side north face of new roof; 1 dormer structure with 3 obscure windows on side south face of new roof; all associated site works.

### **Reason for Refusal:**

*The proposed development, by reason of its scale, design, appearance and location on a prominent corner site would be out of character with the existing dwelling and with neighbouring dwellings in the vicinity. The proposal would be visually obtrusive on the streetscape and would have a significant adverse visual impact, would be contrary to the 'RES' zoning objective for the area which seeks 'To protect and/or improve residential amenity', and would be contrary to proper planning and sustainable development of the area. The proposal would seriously injure the amenities of property in the vicinity and would contravene the guidance in the SDCC House Extension Design Guide and the provisions of the South Dublin County Council Development Plan 2016-2022.*

### **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*

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### 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 concern the following:

- Zoning and Council Policy
- Residential and visual amenity
- Addressing Previous Reason for Refusal
- 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'*. A residential extension is 'Permitted in Principle' under this zoning objective.

### **Residential and Visual Amenity**

The proposal includes a two-room and bathroom attic extension (53sq.m), single storey side extension (11.2sq.m (measured from drawings)) and first floor rear extension (8.3sq.m (measured from drawings)). To facilitate the attic extension the roof profile would be altered from a pitched roof to a mixture of hipped and flat roof profile. The property would predominantly give the impression of having a hipped roof.

### Extensions

A single storey ground floor extension would be provided to the side, along the north elevation, and would incorporate and utility room accessed from the kitchen and a cloakroom/storage accessed from the hallway. The extension would be 3.3m in height, have a flat roof and a high window on the north elevation. The façade would be painted tereylene to match the existing dwelling. There is an existing concrete wall along the northern boundary. The extension would appear to replace part of this boundary wall. It is not considered that the extension would severely impact residential amenity and the inclusion of fenestration along this boundary could help with creating a sense of enclosure for pedestrians at this location. This extension is considered acceptable.

The first-floor rear extension would extend the width of the existing dwelling, extending 1.7m from the original rear building line over, creating a flush wall with the ground floor. The extension would provide for enlarged bedrooms and en-suite and would have 2 windows on the west elevation. there would be a separation distance of approximately 19m between opposing above ground windows of the subject house and neighbouring dwelling to the west. This would be contrary to the requirements of Section 11.3.1 (v) of the Development Plan which requires a distance of 22m to be maintained between opposing above ground floor windows. Given the proximity to the site boundary of less than 1m, it is also considered that

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the extension would have an overbearing impact on the dwelling to the south. The extension would also be visually prominent from the street. Based on the aforementioned, it is considered that the first-floor rear extension would negatively impact on the privacy and amenity of the neighbouring dwellings to the west, would have an overbearing impact on the dwelling to the south and would be visually obtrusive when viewed from the street. The extension is therefore not considered acceptable and should be **refused**.

The attic conversion would have a ceiling height of predominantly 2.4m and would therefore provide 2 habitable rooms and a bathroom in the attic space. A dormer would be located on the south elevation however, it appears from drawings that this would not be set down from the ridgeline of the roof. There would be 2 rooflights on the southern elevation, 5 rooflights on the north elevation, 1 on the east (front) elevation and 2 on the west (rear) elevation. Given the location of windows, it is not considered that there would be any issues of overlooking or loss of privacy to neighbouring dwellings. The altered roof profile would be 0.6m higher than adjoining residences to the south. It is considered that the existing dwelling is appropriately designed within the context of the area. The additional roof height and more pronounced slope would be considered unacceptable, representing a significant departure from the prevailing character of the area. It is considered that, given the prominent corner location of the site, the roof alterations would be visually obtrusive and represent overdevelopment of the site. This extension is not considered acceptable and should be **refused**.

Based on the above, the proposed ground floor side extension is considered acceptable and would comply with the Guidance contained in the House Extension Design Guide. The first-floor rear extension and attic extension are not considered acceptable and should be **refused**.

### Alterations to roof profile

To facilitate the attic conversion the roof would be amended to provide a largely hipped profile with a flat roof at the centre. The altered roof would be approximately 0.6m higher than the prevailing roof height in the area and would be considered unacceptable in terms of visual amenity. These alterations should therefore be **refused**.

### Other External Alterations

Drawings indicate that existing windows and doors would be replaced with new aluclad windows and doors. These works are considered acceptable and would likely assist in providing better insulation for the dwelling, thereby improving the insulation of the property and making it more sustainable. A **condition** should be attached to any grant requiring all bathroom/wc and stairway/landing windows to be obscure glazing to ensure privacy.

### Summary

Based on the above, the proposed side extension and replacement of existing windows and doors are considered acceptable. The first-floor rear extension and attic extension and associated roof profile alterations are considered overdevelopment and are not considered acceptable.

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### Addressing Previous Reason for Refusal

*The proposed development, by reason of its scale, design, appearance and location on a prominent corner site would be out of character with the existing dwelling and with neighbouring dwellings in the vicinity. The proposal would be visually obtrusive on the streetscape and would have a significant adverse visual impact, would be contrary to the 'RES' zoning objective for the area which seeks 'To protect and/or improve residential amenity', and would be contrary to proper planning and sustainable development of the area. The proposal would seriously injure the amenities of property in the vicinity and would contravene the guidance in the SDCC House Extension Design Guide and the provisions of the South Dublin County Council Development Plan 2016-2022.*

The extension has been revised to remove the two-storey side extension, providing only a single storey side extension. It is considered that removal of the two-storey element along the northern boundary assists in reducing the scale of the development, making it less visually obtrusive on the streetscape. This element of the scheme is considered acceptable.

To facilitate the attic rooms, the roof profile would be altered, resulting in an increase in height, above that of neighbouring dwellings. It is considered that the existing house is well designed in the context of the surrounding area. The revisions to the roof profile would be out of character with the neighbouring dwellings and would be visually obtrusive given the prominent corner location of the site. In this regard the current proposal does not address the previous reason for refusal.

The first-floor rear extension would be visible from the street, creating a flush rear wall with the ground floor. This extension would be within 22m of the dwelling to the south and would not provide sufficient separation distance to limit overlooking of this dwelling. It is considered that this element of the scheme would have a negative impact on the residential amenity of the dwelling to the south and therefore the previous reason for refusal has not been overcome in this regard.

In summary, it is considered that the side extension of the scheme addresses the previous reason for refusal and would be acceptable. The first-floor rear extension and attic extension do not address the previous reason for refusal sufficiently, would cumulatively represent overdevelopment of the site and would therefore not be acceptable.

### Services, Drainage and the Environment

Water Services and Irish Water have reviewed the application and have stated no objection. Irish Water have reviewed recommended **conditions** be attached that all works shall comply with standards, codes and practices. These should be included in the event of a grant.

### 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

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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 considerations**

#### **Development Contributions**

Existing extensions:	None
Proposed side extension:	11.2sq.m (measured from drawings)
Assessable Area:	Nil

#### **SEA Monitoring Information**

Building Use Type Proposed:	Residential extension
Floor Area:	11.2sq.m
Land Type:	Brownfield / Urban Consolidation
Site Area:	0.0236 hectares.

### **Conclusion**

Having regard to the provisions of the South Dublin County Council Development Plan 2016-2022 and the overall design and scale of the development proposed it is considered that, subject to conditions set out below, the side extension 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.

It is considered that, given the prominent corner location of the site, the first-floor rear extension and roof extension would represent a significant departure from the prevailing character of the area and would be visually obtrusive, having an overbearing impact on neighbouring dwellings and give rise to unacceptable levels of overlooking to the rear. For these reasons, it is considered that the first-floor rear extension and attic extension would injure the amenities of the area and property in the vicinity and would therefore not be in accordance with the proper planning and sustainable development.

### **Recommendation**

I recommend that permission be granted for:

- Single storey side extension (11.2sq.m)
- Replacement aluclad windows and doors

subject to the Conditions/Reasons set out in the First Schedule hereto and that Permission be refused for:

- First floor rear extension (8.3sq.m)
- Attic extension to provide 2 rooms and a bathroom (53sq.m)

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- Removal of main existing pitched roof on dwelling and replacement of same with a mixture pitch and flat roof, placing a 'Velux' window in front, 2 'Velux' window in rear, 5 'Velux' windows in north side of new roof, 2 'Velux' windows and 1 dormer structure with obscure window on side south face of new roof for the Reason(s) set out in the Second Schedule hereto.

### FIRST 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  
The following amendment to the design shall be carried out:
  - (a) The first floor rear extension, attic extension and roof alterations are NOT permitted as part of this decision. Only the ground floor side extension and replacement of windows and doors are permitted as part of this decision.
  - (b) All windows serving bathrooms, wc's, stairways or landings shall be fitted with obscure glazing, and such obscure glazing shall be maintained in perpetuity.  
REASON: In the interest of residential amenity.
3. Irish Water  
All works shall comply with the Irish Water Standard Details & Code of Practice for Water Infrastructure and Wastewater Infrastructure  
REASON: In the interest of public health and to ensure adequate water and wastewater facilities.
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 extension 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 extension 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.

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(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 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:



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- 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.

**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. SD22B/0008**

**LOCATION: 432A, Orwell Park Green, Dublin 6W**

### **SECOND SCHEDULE**

#### **Reason(s)**

1. The proposed first floor rear extension, attic extension and roof profile alterations, by reason of their scale, slope, design, appearance and location on a prominent corner site would be out of character with the existing dwelling and with neighbouring dwellings in the vicinity. The proposal would have a negative impact on the privacy and amenity of neighbouring dwellings, be visually obtrusive on the streetscape and would have a significant adverse visual impact. The development would be contrary to the 'RES' zoning objective for the area which seeks 'To protect and/or improve residential amenity', and would be contrary to proper planning and sustainable development of the area. The proposal would seriously injure the amenities of property in the vicinity and would contravene the guidance in the SDCC House Extension Design Guide and the provisions of the South Dublin County Council Development Plan 2016-2022.

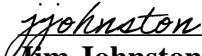
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REG. REF. SD22B/0008

LOCATION: 432A, Orwell Park Green, Dublin 6W

  
\_\_\_\_\_  
Jim Johnston,  
Senior Executive Planner

**ORDER:** A decision pursuant to Section 34(1) of the Planning and Development Act 2000 (as amended) to Grant Permission for single storey side extension (11.2sq.m), replacement aluclad windows and doors subject to the Conditions/Reasons set out in the First Schedule hereto and to Refuse Permission for first floor rear extension (8.3sq.m), attic extension to provide 2 rooms and a bathroom (53sq.m), removal of main existing pitched roof on dwelling and replacement of same with a mixture pitch and flat roof, placing a 'Velux' window in front, 2 'Velux' window in rear, 5 'Velux' windows in north side of new roof, 2 'Velux' windows and 1 dormer structure with obscure window on side south face of new roof for the Reason(s) set out in the Second Schedule hereto is hereby made.

Date: 10/3/2022

  
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Colm Harte,  
Senior Executive Planner