

Comhairle Chontae Atha Cliath Theas

PR/0320/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0015 **Application Date:** 17-Jan-2022
Submission Type: New Application **Registration Date:** 17-Jan-2022

Correspondence Name and Address: Ban Dubh Building Design Ban Dubh Building Design, Ban Dubh, Mackeys Cross, Clogheen, Cork

Proposed Development: Detached two storey house with new vehicular entrance to side of 54 Fernwood Avenue as per previously granted application SD16A/155

Location: 54, Fernwood Avenue, Dublin 24

Applicant Name: Niall Murphy

Application Type: Permission

(CS)

Description of Site and Surroundings:

Site Area: 0.0234 Hectares.

Site Description:

This site is located at the head of a cul-de-sac at the corner junction of Fernwood Avenue and Fernwood Court, within the established Fernwood housing estate in Springfield, Tallaght. The site comprises the side garden of an existing house, 54 Fernwood Avenue, which is an end of terrace two storey dwelling with a pitched gable roof profile. The side garden boundary to 54 Fernwood Avenue comprises a 1.2 metre concrete block wall, backed by a tall evergreen boundary hedge.

Proposal:

The proposed development comprises the following:

- Linked-detached 2 storey, 4 bedroom dwelling in side garden with vehicular entrance to side as previously granted as per reg. ref. SD16A/0155.
- Proposed works measure **120sq.m.** as stated (SD16A/0155 proposed works were 117sq.m.)

It is noted that previously approved SD16A/0155 was granted for a similar but not identical proposal.

Zoning:

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

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Consultations:

Roads Department – **Additional Information** recommended.

Surface Water Drainage – No objections subject to **conditions**.

Irish Water – No objections subject to **conditions**.

Parks Department – Grant with **conditions**.

SEA Sensitivity Screening

No overlap identified with SEA screening tool software.

Submissions/Observations /Representations

None received.

Relevant Planning History

SD16A/0155/EP: 54, Fernwood Avenue, Dublin 24.

Detached two storey house with new vehicular entrance to side.

Decision: **REQUEST ADDITIONAL INFORMATION.**

Additional Information was requested on 24/06/2021. It is noted that no additional information has currently been received

SD16A/0155: 54, Fernwood Avenue, Dublin 24.

Detached two storey house with new vehicular entrance to side.

Decision: **GRANT PERMISSION.**

SD15A/0347: Two storey detached house to side.

Decision: **GRANT PERMISSION.**

In the vicinity

SD07A/0225: Planning permission consequent on Grant of Outline Permission Reg. Ref. SD06A/0402 for a two-storey three-bedroom end of terrace house at the side with ancillary site works and the relocation of the driveway to the front.

Decision: **GRANT PERMISSION FOLLOWING OUTLINE.**

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

11.3.2 RESIDENTIAL CONSOLIDATION

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(ii) Corner/Side Garden Sites

Development on corner and/or side garden sites should meet the criteria for infill development in addition to the following criteria:

- *The site should be of sufficient size to accommodate an additional dwelling(s) and an appropriate set back should be maintained from adjacent dwellings,*
- *The dwelling(s) should generally be designed and sited to match the building line and respond to the roof profile of adjoining dwellings,*
- *The architectural language of the development (including boundary treatments) should respond to the character of adjacent dwellings and create a sense of harmony. Contemporary and innovative proposals that respond to the local context are encouraged, particularly on larger sites which can accommodate multiple dwellings,*
- *Where proposed buildings project forward of the prevailing building line or height, transitional elements should be incorporated into the design to promote a sense of integration with adjoining buildings, and*
- *Corner development should provide a dual frontage in order to avoid blank facades and maximise surveillance of the public domain.*

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 are:

- Zoning and Council Policy,
- Planning History,
- Residential & Visual Amenity,
- Legal Interest,
- Access & Parking,
- Parks & Landscaping,
- Services & Drainage,
- Screening for Appropriate Assessment (AA),
- Screening for Environmental Impact Assessment (EIAR),

Zoning and Council Policy

The site is located in an area which is zoned 'RES' 'to protect and/or improve residential amenity.' The development of a dwelling is permitted in principle subject to its accordance with the relevant

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provisions in the Development Plan with specific reference to Section 11.3.2. Residential Consolidation which relates to Corner/side Garden Sites.

Planning History

Permission was granted on this site for a similar but not identical house design under register reference SD16A/0155. Permission was also approved previously on this site for a similar but not identical house design under register reference SD15A/0347.

The principle differences between this application and the previous register reference SD16A/0155 relate to elevation treatment where an increased number of windows will be provided on the south elevation at both ground floor and first floor level providing for a level of dual frontage and passive surveillance of the public realm on the corner.

Residential & Visual Amenity

Demolition (shed c.21sq.m)

The existing 'barna' shed that straddles the red line and blue line boundary will be demolished to allow for construction of the proposed dwelling. This is considered to be broadly acceptable in this instance.

Internal floor area

The proposal comprises of the construction of a linked-detached, two storey, 4 bedroom dwelling in the side garden of No. 54 Fernwood Avenue. The existing dwelling is located at the end of a row of 8 terraced dwellings. The planning drawings submitted show that the internal floor area for the **proposed 4 bedroom dwellings** with gable fronted pitched roof measures 120sq.m as stated. This would comply with the provisions of the South Dublin County Council Development Plan 2016-2022 which requires a minimum floor area of 110sq.m for a house with four bedrooms (Table 11.20: Minimum Space Standards for Houses). It is noted that Reg. Ref. SD16A/0155 was granted permission for a 4-bedroom dwelling measuring 117sq.m.

Private Open Space

The planning drawings submitted show that the quantity of private open space for the existing dwelling (No. 54 Fernwood Avenue) will be of a reasonable level post development (c.67sq.m.). The existing dwelling appears to be a three bedroom dwelling. It is noted that a minimum area of private open space of 60sq.m is required for a house with three bedrooms (Table 11.20: Minimum Space Standards for Houses).

The private open space for the proposed dwelling with an internal floor area of c.120sq.m measures c.81sq.m. A minimum area of private open space of 70sq.m is required for a house with four bedrooms (Table 11.20: Minimum Space Standards for Houses). Therefore, this would comply with

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the provisions of the South Dublin County Council Development Plan 2016-2022 Section, 11.3.1 Residential (iv) Dwelling Standards, (Table 11.20: Minimum Space Standards for Houses).

Room sizes

Bedroom sizes do not comply with Section 11.3.1 Residential (iv) Dwelling Standards regarding minimum internal floor areas for proposed bedrooms of the SDCC Development Plan 2016-2022. Drawings submitted do not indicate if bedrooms are intended for use as single or double bedrooms. The internal floor area of all four bedrooms are listed below.

Bed 1 = c.9.8sq.m.

Bed 2 = 6.9sq.m.

Bed 3= 11.4sq.m.

Bed 4 = 5.2sq.m.

To comply with Section 11.3.1 Residential (iv) Dwelling Standards the floor area of the main bedroom must be at least 13sq.m. For this proposal the area of the main bedroom (**bed 3**) is 11.4sq.m. which is slightly below the required standard and **would not comply**. To comply with Section 11.3.1 Residential (iv) Dwelling Standards the floor area of a double bedroom must be a minimum of 11.4sq.m. To comply with Section 11.3.1 Residential (iv) Dwelling Standards the floor area of a single bedroom must be a minimum of 7.1sq.m. Therefore **bed 2** (6.9sq.m) and **bed 4** (5.2sq.m) **do not comply**. It is considered this may be addressed by way of **additional information**.

At 3.6m the living room width will be slightly below the 3.8m set out for unobstructed living room width as per Quality Housing for Sustainable Communities, Best Practice Guidelines for Delivering Homes Sustaining Communities 2007. Therefore, this would not comply. It is considered this may be addressed by way of **additional information**.

Overlooking & Separation Distance

The proposed dwelling will be built to the northern site boundary with the existing dwelling (No. 54 Fernwood Avenue) and will be separated in part by c.0.502m but will also be built to the single storey entrance hall of the existing dwelling (No. 54). The dwelling will be inset by c.2m from the southern site boundary at its widest point and c.0.4m at its narrowest point.

There will be no directly opposing above ground floor windows and therefore the proposal would comply with *Section 11.3.1 Residential (v) Privacy* of the SDCC Development Plan 2016-2022. It is noted from the drawings submitted that the first floor bathroom window on the southern elevation will use obscure glazing. Therefore, there will be no undue overlooking.

Dual Frontage

It is noted that for this current application elevation treatments have now been revised in contrast to previously approved SD16A/0155. Additional windows are now proposed on the southern elevation

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at both ground level and first floor level providing for a level of dual frontage. However, to provide for improved passive surveillance of the public realm an additional window should be inserted on the southern elevation for bed 4. It is considered this may be addressed by way of **additional information**.

Dual frontage is covered in *Section 11.3.2 Residential Consolidation (ii) Corner/Side Garden Sites* of the SDCC Development Plan and is part of the criteria to be met for corner/side gardens.

Storage

The drawings submitted show no dedicated storage to be provided for the proposal. This would not comply with the minimum storage area requirements as per the Quality Housing for Sustainable Communities, Best Practice Guidelines for Delivering Homes Sustaining Communities 2007. A minimum of 6sq.m of dedicated storage space should be provided for a 4 bed, 7 person, 2 storey house. Therefore, the level of storage to be provided would not comply with the above policy. It is considered this may be addressed by way of a request for **additional information**.

Building lines & Overbearing impact

The proposed main front and rear building line would broadly align with the front and rear building lines of the existing dwelling on the subject site (No. 54 Fernwood Avenue) and with the row of adjoining terrace dwellings the existing dwelling it is attached to.

Site Analysis

Given that this relates to a single dwelling in a side garden and that permission was granted for a similar dwelling in 2016 a site analysis is not considered necessary.

Boundary Treatment

No boundary treatment details have been submitted for the proposal. Therefore, the applicant is requested to submit clear boundary treatment details in both plan and elevation for **all** front, rear and **all** side boundaries. All proposed boundary treatment details should comply with the SDCC Development Plan 2016-2022. It is considered this information should be requested by way of **additional information**.

Roof Profile

The proposed dwelling will be gable fronted and will have a pitched roof with a ridge height that will broadly align with the ridge height of the existing dwelling. Although the majority of neighbouring dwellings in the vicinity are not gable fronted the proposal would be considered to visually accord with the character of the area and would not have a significant adverse impact on residential and visual amenity. It is noted that the applicant has not submitted a contiguous elevation for this current application showing the front elevation of the proposed dwelling and the front elevation of the existing dwelling. In the interest of clarity it is considered this information should

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be requested by way of **additional information**. The ridge height of the proposed dwelling should not exceed the height of the neighbouring dwelling to the north.

Legal Interest,

In *Section 10. Legal Interest* of the application form the applicant states 'other' and a description is made that the site proposed is owned by the applicants' father and will be transferred to the sons ownership. A letter of consent has been submitted as part of this application.

Access & Parking,

A report was received from the Roads Section recommending **Additional Information** be requested. An extract taken from the Roads report states the following:

Prior to commencement of any works in the public domain, and in order to comply with The Roads Act 1993 Section 13 Paragraph 10, a Road Opening Licence must be secured from South Dublin County Council, Roads Maintenance Department.

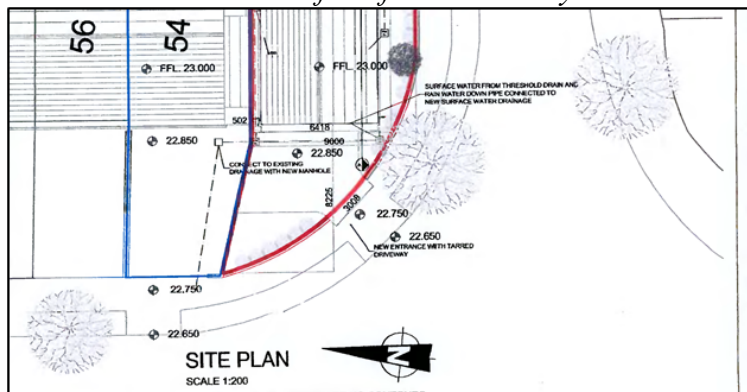
Description:

Detached two storey house with new vehicular entrance to side of 54 Fernwood Avenue.

Vehicular Entrance:

The proposed vehicular entrance has an acceptable width of 3008mm but it's location on a corner would be unacceptable as it would endanger public safety by reason of traffic hazard.

The submitted drawings do not show the heights of the boundary wall and pillars at the vehicular entrance. An elevation of the front boundary should be submitted for agreement



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Parking:

Under the current County Development Plan standards the applicant is required to provide 1-2 spaces for a new dwelling. The proposed site plan does not show the number or layout of required parking spaces.

Roads recommends that additional information be requested from the applicant:

- 1. A revised layout of not less than 1:200 scale showing vehicular access to proposed dwelling moved as far north as possible away from the junction of Fernwood Court.*
- 2. A vertical elevation of not less than 1:200 scale, showing boundary walls at vehicle access points limited to a maximum height of 0.9m, and any boundary pillars limited to a maximum height of 1.2m, in order to improve forward visibility for vehicles.*
- 3. Details on location and number of parking spaces to be provided. Refer to Table 11.24: Maximum Parking Rates (Residential) – from the SDCC County Development Plan 2016-2022.*

It is considered appropriate to request the above **Additional Information**.

It is noted that previously approved SD16A/0155 was granted permission based on the following Roads **conditions**.

The kerbs and footpath of the public road at the vehicle entrance(s) shall be,

(a) Dished at the applicant's, developer's or owner's expense, to the requirements of the Planning Authority, and

(b) Completed in accordance with the terms of a Lowering of Footpath Licence to be obtained by the applicant, developer, or owner from the Council before any works are carried out.

REASON: In the interest of public safety and the proper planning and development of the area.

It is also noted that the drawings submitted for SD16A/0155 did not clearly show the exact location of the vehicular entrance for the new proposed dwelling.

Parks & Landscaping

A report was received from the Parks Department recommending a grant with **conditions**. An extract taken from the Parks report states the following:

The Public Realm Section has assessed the proposed development in accordance with the policies and objectives of the County Development Plan 2016-2022 and with best practice guidelines and recommends the following:

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1.Landscape Plan

Prior to the commencement of Development, a landscape plan and associated planting plan shall be submitted to the Planning Authority. The Landscape Plan shall include details of hard and soft landscaping. The Landscape Plan shall be implemented in full, within the first planting season following completion of the development. Details shall include:

a) a scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted;

b) The planting plan shall clearly set out the following:

i. Location of species types, schedule of plants noting species, planting sizes and proposed numbers/densities where appropriate

ii. Implementation timetables.

iii. Detailed proposals for the future maintenance/management of all landscaped areas

c) types and dimensions of all boundary treatments

CONDITION

REASON: To protect and enhance the character of the site and the area, and to ensure its appearance is satisfactory, in accordance with the policies and objectives contained within Section 8.3.0 Public Open Space Hierarchy and Landscape Setting of the CDP 2016-2022.

2.Tree Bond

*A tree bond of €3,000 (three thousand euros) shall be lodged with the Planning Authority to ensure the protection of the existing street trees located in the grass margin during the course of the development works. The bond will only be refunded upon receipt by SDCC Public Realm Section of a satisfactory post-construction arboricultural assessment, carried out by a qualified arborist and provided that the trees proposed for retention are alive, in good condition with a useful life expectancy. **CONDITION***

REASON: In the interest of the proper planning and sustainable development of the area, street-tree protection, and the maintenance of the county's green infrastructure in accordance with policy G2 Objective 9, G4 Objective 5, G2 Objective 13, G6 Objective 1, HCL15 Objective 3 of the CDP 2016-2022.

3.Protection of Street Tree in Grass Margin

*To ensure the protection of the existing street tree adjacent to the entrance of this proposed development, suitable tree protection fencing should be installed in order to protect the existing tree during construction works. Protective tree fencing must be erected prior to all construction operations occurring on site. Fencing to be in accordance with BS 5837. This fencing, enclosing the tree protection areas must be installed prior to any plant, vehicle or machinery access on site. Fencing must be clearly signed 'Tree Protection Area – No Construction Access'. No Excavation, plant vehicle movement, materials or soil storage is to be permitted within the fenced tree protection area. **CONDITION***

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REASON: To ensure the safety and well-being of the trees on and adjacent to the subject site that are to remain after building works are completed, in accordance with policy G2 Objective 9, G4 Objective 5, G2 Objective 13, G6 Objective 1, HCL15 Objective 3 of the CDP 2016-2022

4.SUDS

Prior to the commencement of Development, the following information shall be submitted to the Planning Authority:

- (i) A drawing to show how surface water shall be attenuated to greenfield run off rates.*
- (ii) Submit a drawing to show what SuDS (Sustainable Drainage Systems) are proposed. Examples of SuDS include permeable paving, filter drains etc.*
- (iii) SUDs Management - The applicant is requested to submit a comprehensive SUDS Management Plan to demonstrate that the proposed SUDS features have reduced the rate of run off into the existing surface water drainage network. A maintenance plan should also be included as a demonstration of how the system will function following implementation.*

CONDITION

REASON: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies under Section 8.4.0 Sustainable Urban Drainage Systems of the CDP 2016-22 in particular G5 Objective 1 and G5 Objective 2

In the event that the proposed entrance driveways cannot be re-located away from the existing street trees/or the development is limited to one new driveway entrance; then the following condition should be applied to any proposed grant of permission:

5.No dig driveway

No work shall commence on site until such time as a method statement for the "No dig" method of driveway construction for the new proposed vehicular entrance has been submitted to the Planning Authority. The existing street immediately adjoining the existing driveway shall be protected from damage as a result of the works on site, to the satisfaction of the Public Realm Section in accordance with it relevant British Standards (e.g. BS5837:2012) for the duration of the development. In the event that the tree become damaged during construction, the Public Realm Section shall be notified, and remedial action agreed and implemented. In the event that the tree dies or is removed without the prior consent of the Public Realm Section, it shall be replaced within the first available planting season, in accordance with details agreed with the Public Realm Section. CONDITION

Notwithstanding the report from the Parks Department it is considered appropriate to attach a tree bond, tree protection and SUDs measures by way of **condition** in the event of a grant.

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Services & Drainage

Both Irish Water and Surface Water Drainage have no objections subject to **conditions**. An extract taken from the Irish Water report states the following:

IW Recommendation:

No Objection

IW Observations:

1 Water

Where the applicant proposes to connect to a public water network operated by Irish Water, the applicant must sign a connection agreement with Irish Water prior to the commencement of the development and adhere to the standards and conditions set out in that agreement. Reason: In the interest of public health and to ensure adequate water facilities.

2 Foul

Where the applicant proposes to connect to a public wastewater network operated by Irish Water, the applicant must sign a connection agreement with Irish Water prior to the commencement of the development and adhere to the standards and conditions set out in that agreement. Reason: In the interest of public health and to ensure adequate water facilities.

It is considered appropriate to attach the above **conditions** in the event of a grant.

An extract taken from the Surface Water Drainage report states the following:

Surface Water Report: No Objection Subject To:

1.1 The applicant shall include SuDS (Sustainable urban Drainage Systems) features for the proposed development such as but not limited to the following:

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

Flood Risk No Objection

The Developer shall ensure that there is complete separation of the foul and surface water drainage for the proposed development.

All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.

It is considered appropriate to attach the above **conditions** in the event of a grant.

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Screening for Appropriate Assessment (AA)

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 (EIAR)

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 Consideration

Development Contributions

- 2 storey dwelling.
- Assessable area measures 120sq.m.

SEA Monitoring Information	
Building Use Type Proposed	Floor Area (sq. m.)
Residential – dwelling	120sq. m.
Land Type	Site Area (Ha.)
Urban Consolidation	0.0234Ha

Conclusion

Request Additional Information.

Recommendation

I recommend that **ADDITIONAL INFORMATION** be requested from the applicant with regard to the following:

1. The applicant is requested to submit the following information regarding requirements for access and parking.
 - (a) A revised layout of not less than 1:200 scale showing vehicular access to proposed dwelling moved as far north as possible away from the junction of Fernwood Court.
 - (b) A vertical elevation of not less than 1:200 scale, showing boundary walls at vehicle access points limited to a maximum height of 0.9m, and any boundary pillars limited to a maximum height of 1.2m, in order to improve forward visibility for vehicles.
 - (c) Details on location and number of parking spaces to be provided. Refer to Table 11.24:

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Maximum Parking Rates (Residential) – from the SDCC County Development Plan 2016-2022.

2. The applicant is requested to submit a proposed contiguous elevation for this current application showing the front elevation of the proposed dwelling and the front elevation of the existing dwelling.

3. Bedroom sizes do not comply with Section 11.3.1 Residential (iv) Dwelling Standards regarding minimum internal floor areas for proposed bedrooms of the SDCC Development Plan 2016-2022. Additionally drawings submitted do not indicate if bedrooms are intended for use as single or double bedrooms. The internal floor area of all four bedrooms are listed below.

Bed 1 = c.9.8sq.m.

Bed 2 = 6.9sq.m.

Bed 3= 11.4sq.m.

Bed 4 = 5.2sq.m.

To comply with Section 11.3.1 Residential (iv) Dwelling Standards the floor area of the main bedroom must be at least 13sq.m. For this proposal the area of the main bedroom (bed 3) is 11.4sq.m. which is slightly below the required standard and would not comply.

To comply with Section 11.3.1 Residential (iv) Dwelling Standards the floor area of a double bedroom must be a minimum of 11.4sq.m. To comply with Section 11.3.1 Residential (iv) Dwelling Standards the floor area of a single bedroom must be a minimum of 7.1sq.m. Therefore bed 2 (6.9sq.m.) and bed 4 (5.2sq.m.) do not comply. The applicant is requested to submit revised scaled and dimensioned drawings clearly indicating whether each bedroom is a single or a double bedroom. The applicant is requested to submit revised drawings for all bedrooms clearly showing how this complies with Section 11.3.1 Residential (iv) Dwelling Standards of the SDCC Development Plan 2016-2022.

4. To provide for improved dual frontage and improved passive surveillance of the public realm an additional window should be inserted on the southern elevation for bed 4. Therefore, the applicant is requested to submit revised drawings clearly showing the insertion of an additional window for bed 4 on the southern elevation.
5. The drawings submitted show no dedicated storage to be provided for the proposal. This would not comply with the minimum storage area requirements as per the Quality Housing for Sustainable Communities, Best Practice Guidelines for Delivering Homes Sustaining Communities 2007. A minimum of 6sq.m of dedicated storage space should be provided for a 4 bed, 7 person, 2 storey house. Therefore, the level of storage to be provided would not comply with the above policy. The applicant is requested to submit revised drawings clearly showing the appropriate level of dedicated storage will be provided to comply with the Quality Housing for Sustainable Communities, Best Practice

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Guidelines for Delivering Homes Sustaining Communities 2007.

6. At 3.6m the living room width will be slightly below the 3.8m set out for unobstructed living room width as per Quality Housing for Sustainable Communities, Best Practice Guidelines for Delivering Homes Sustaining Communities 2007. Therefore, this would not comply. The applicant is requested to submit appropriate revised scaled and dimensioned drawings to address this issue so that it complies with the Quality Housing for Sustainable Communities, Best Practice Guidelines for Delivering Homes Sustaining Communities 2007.
7. No boundary treatment details have been submitted for the proposal. Therefore, the applicant is requested to submit clear boundary treatment details in both plan and elevation for all front, rear and all side boundaries. All proposed boundary treatment details should comply with the SDCC Development Plan 2016-2022.

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REG. REF. SD22A/0015
LOCATION: 54, Fernwood Avenue, Dublin 24



Jim Johnston,
Senior Executive Planner

ORDER: I direct that **ADDITIONAL INFORMATION** be requested from the applicant as set out in the above report and that notice thereof be served on the applicant.

Date: 14/03/2022



Hazel Craigie, Senior Planner