

# Comhairle Chontae Atha Cliath Theas

## PR/0341/22

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

**Reg. Reference:** SD22B/0013      **Application Date:** 19-Jan-2022  
**Submission Type:** New Application      **Registration Date:** 19-Jan-2022

**Correspondence Name and Address:** Gary Mongey Box Architecture Top Floor, 2,  
Wexford Street, Dublin 2

**Proposed Development:** Modifications to previously approved permission,  
Ref. no. SD20A/0053: (1) small cantilevered extension to the south/side elevation at first floor, (2) minor adjustment to floor levels for provision of dormer window and rooflights, all to the rear, for use as storage at attic level, (3) minor internal alterations to all levels. All other approved details relating to driveways, drainage etc. remain unaltered.

**Location:** 29, Willington Crescent, Dublin 6W

**Applicant Name:** Bryan and Annemarie Mongey

**Application Type:** Permission

(CS)

#### Description of Site and Surroundings:

Site Area: 0.0561 Hectares as stated per application.

#### Site Description:

The existing site is located in the existing side garden of No.29 Willington Crescent. The wider residential area is characterised by two-storey semi-detached dwellings that are similar in design and scale to the proposed detached dwelling.

#### Proposal:

The proposed development comprises of the following:

- Amendments to previously approved Reg. Ref. SD20A/0053.
- SD20A/0053 was granted permission for the following:
  - subdivision of existing site for provision of a new detached, two storey three bed house with single storey lean to and roof lights, all to the rear (**122sq.m**).
  - Demolition of shed and associated garden walls (31sq.m).
  - Modifications to existing driveway and entrance with provision of new driveway with separate vehicular entrance.

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- This current application SD22B/0013 seeks the following amendments to SD20A/0053:
  - Addition to first floor (5sq.m).
  - Rear dormer, non-habitable (10sq.m).
  - Proposed works measure an additional 15sq.m to the original proposed 122sq.m as per previously permitted SD20A/0053.
- Therefore total **revised proposed works measure 137sq.m.** as stated.

#### **Zoning:**

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

#### **Consultations:**

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

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

#### ***SEA Sensitivity Screening***

Overlap is identified with the following environmental layers:

- SFRA A 2016
- SFRA B 2016

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

No Submissions were made concerning this application.

#### **Relevant Planning History**

**SD20A/0053:** Subdivision of existing site for provision of a new detached, two storey three bed house with single storey lean to and roof lights, all to the rear; demolition of shed and associated garden walls; modifications to existing driveway and entrance with provision of new driveway with separate vehicular entrance; re-routing of mains and local drains and all associated landscaping and site works throughout.

Decision: **GRANT PERMISSION.**

#### **Relevant Enforcement History**

None recorded for the subject site.

#### **Pre-Planning Consultation**

No pre-planning consultation was held concerning this application.

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

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

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*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.

*H17 Objective 5*

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 (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.

*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 11.8.1 Environmental Impact Assessment*

*Section 11.8.2 Appropriate Assessment*

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### **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).*

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

### **Assessment**

The main issues for the assessment are:

- Zoning and Council Policy
- Visual and Residential Amenity
- Service and 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' in the South Dublin County Development Plan 2016 – 2022.' 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 (ii) which relates to Corner/Side Garden Sites.

### ***Visual and Residential Amenity***

This application is seeking the following amendments to previously approved SD20A/0053.

- 1. Small cantilevered extension to the south/side elevation at first floor (5sq.m).
- 2. Rear dormer (non-habitable) and rear rooflight (10sq.m).

#### ***1. Small cantilevered extension (5sq.m.)***

The first floor rooms on the southern elevation have been squared off and walls at this level only have been slightly pushed out and cantilevered. Previously under SD20A/0053 the southern elevation was slightly curved in design. Both bedrooms will retain glazing and bedroom sizes will be increased and will remain in compliance with SDCC Development Plan Standards. This element of the proposal would visually accord with the character of the area and with the character of the proposed dwelling.

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#### *2. Rear dormer and rear roof light (non-habitable)*

The rear dormer will be set appropriately above the eaves of the existing dwelling and it will not breach the height of the ridge of roof of the dwelling. This is acceptable.

The dormer will have a width of c.3.52m and will project outwards from the roof by c.3.5m. It will be inset from the side (north) wall by c.0.21m. There will be no undue overlooking or overbearing impact and the proposal would visually accord with the character of the area.

The amendments to previously approved SD20A/0053 would not be considered to have a significant adverse impact on residential and visual amenity and would comply with the SDCC Development Plan 2016-2022.

#### ***Services and Drainage***

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

*IW Recommendation:*

*No Objection*

*IW Observations:*

#### *1 Water*

*1.1 Prior to the commencement of development the applicant or developer shall enter into water connection agreement(s) with Irish Water.*

*Reason: In the interest of public health and to ensure adequate water facilities.*

#### *2 Foul*

*2.1 Prior to commencement of development the applicant shall enter into a diversion agreement with Irish Water for the proposed diversion of the existing 225mm foul sewer traversing the site. Prior to commencement of development the applicant shall submit a signed written confirmation of the finalised diversion agreement with Irish Water for the proposed diversion of the 225mm foul water sewer traversing the site. 2.2 Prior to the commencement of development the applicant or developer shall enter into waste water connection agreement(s) with Irish Water.*

*Reason: In the interest of public health and to ensure adequate waste 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 Include water butts in proposed development as part of additional SuDS (Sustainable Drainage System).*

*2 Prior to commencement of development, the applicant or developer shall enter into*

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*Surface Water connection agreement(s) with South Dublin County Council.  
Application forms for Surface Water connections to the public drainage network are available at: <https://www.sdcc.ie/en/services/environment/environmentalhealth/water-services/drainage/>*

*Flood Risk Report: No objection subject to:*

*2.1 All floor levels shall be a minimum of 500mm above the highest known flood level for the site.*

*All works shall comply with the Building Regulations -Technical guidance document- Part H Drainage and Wastewater disposal.*

*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.

#### ***Screening for Appropriate Assessment (AA)***

Having regard to the distance of the proposed development from any Natura 2000 sites, the nature and scale of the proposed development in the context of the surrounding developments, it is not considered that the proposed development is likely to have a negative effect on a Natura 2000 site and therefore a Stage 2 Appropriate Assessment is not required.

#### ***Screening for Environmental Impact Assessment (EIAR)***

Having regard to the nature and scale of the proposed development and pursuant to Schedule 5 of the Planning and Development Regulations 2001 (as amended), the proposal is not a class of development for which a mandatory Environmental Impact Assessment Report is required. Additionally, having regard to the distance of the site from nearby sensitive receptors, the need for environmental impact assessment can therefore be excluded at preliminary examination and a screening determination is not required.

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#### Other Considerations

##### *Development Contributions:*

- Amendments to previously approved SD20A/0053 for a house measuring 122sq.m.
- With revised amendments the new house measures 137sq.m (rear dormer is non-habitable 10sq.m).
- Therefore this represents an additional 5sq.m.
- Assessable area is 127sq.m.

<b>SEA Monitoring Information</b>	
<b>Building Use Type Proposed</b>	<b>Floor Area (sq.m)</b>
Residential – House	137
<b>Land Type</b>	<b>Site Area (Ha.)</b>
Brownfield/Urban Consolidation	0.0561

#### Conclusion

Having regard to the provisions of the South Dublin County Council Development Plan 2016-2022, the Planning Authority is satisfied that subject to conditions the development as proposed is consistent with the Development Plan provisions. The proposed development therefore is consistent with the proper planning and sustainable development of the area and accordingly a grant of permission is recommended.

#### 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.

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#### 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. (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) Drainage - Irish Water.
  - (i) Prior to the commencement of development the applicant or developer shall enter into water connection agreement(s) with Irish Water.
  - (ii) Prior to commencement of development the applicant shall enter into a diversion agreement with Irish Water for the proposed diversion of the existing 225mm foul sewer traversing the site. Prior to commencement of development the applicant shall submit a signed written confirmation of the finalised diversion agreement with Irish Water for the proposed diversion of the 225mm foul water sewer traversing the site. 2.2 Prior to the commencement of development the applicant or developer shall enter into waste water connection agreement(s) with Irish Water.
  - (iii) Include water butts in proposed development as part of additional SuDS (Sustainable Drainage System).
  - (iv) Prior to commencement of development, the applicant or developer shall enter into Surface Water connection agreement(s) with South Dublin County Council. Application forms for Surface Water connections to the public drainage network are available at: <https://www.sdcc.ie/en/services/environment/environmentalhealth/water-services/drainage/>
  - (v) All floor levels shall be a minimum of 500mm above the highest know flood level.
  - (vi) All works shall comply with the Building Regulations -Technical guidance document- Part H Drainage and Wastewater disposal.
  - (vii) The Developer shall ensure that there is complete separation of the foul and surface water drainage for the proposed development.
  - (viii) All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.
  - (ix) The water supply and drainage infrastructure, shall comply with the requirements of Irish Water.



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(x) 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.

(xi) 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.

(c) 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.

(d) 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.

3. Restriction on Use.

The house shall be used as a single dwelling unit and shall not be sub-divided by way of sale or letting (including short-term letting) or otherwise nor shall it be used for any commercial purposes.

REASON: To prevent unauthorised development.

4. Conditions attached to reg. ref. SD20A/0053.

All relevant conditions attached as per SD20A/0053 shall apply to the granting of this permission.

REASON: In the interest of clarity and proper planning and sustainable development.

5. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €13,270.23 (thirteen thousand two hundred and seventy euros and twenty three cents), in respect of public infrastructure and facilities benefiting development within the area of the Planning Authority, that is provided, or intended to be provided by or on behalf of the authority, in accordance with the terms of the Development Contribution Scheme 2021 - 2025, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended).

The contribution shall be paid prior to commencement of development, or in such phased payments as the Planning Authority may facilitate. Contributions shall be payable at the rate pertaining to the year in which implementation of the planning permission is commenced as outlined in the South Dublin County Council Development Contribution Scheme 2021 - 2025.

REASON: The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

NOTE RE: CONDITION - Please note that with effect from 1st January 2014, Irish Water is now the statutory body responsible for water services. Further details/clarification can be obtained from Irish Water at Tel. 01 6021000 or by emailing [customerservice@water.ie](mailto:customerservice@water.ie).

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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.

NOTE: A Roads Opening Licence must be obtained from South Dublin County Council prior to the commencement of any works in the public domain in order to comply with the Roads Act 1993, Section 13, paragraph 10. Under this Act, non-compliance constitutes an offence.

NOTE: the applicant is advised that in order to use the attic as a habitable room it must comply with the building regulations.

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**REG. REF. SD22B/0013**

**LOCATION: 29, Willington Crescent, Dublin 6W**

*jjohnston*  
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**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:** 15.03.22

*Colm Harte*  
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**Colm Harte,**  
**Senior Executive Planner**