

# Comhairle Chontae Atha Cliath Theas

**PR/0393/22**

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

**Reg. Reference:** SD22A/0028      **Application Date:** 02-Feb-2022  
**Submission Type:** New Application      **Registration Date:** 02-Feb-2022

**Correspondence Name and Address:** Eoghan Collins Darragh Lynch Architects, Estuary House, Malahide, co. Dublin

**Proposed Development:** The provision of 1 new dwelling house, entrance and all associated site works to the rear of the existing dwelling. Proposed new dwelling to be accessed via new entrance from Palmers Park.

**Location:** 6, Boden Villas, Taylors Lane, Ballyboden, Dublin 16

**Applicant Name:** Ken Keegan

**Application Type:** Permission

(COS)

### **Description of Site and Surroundings**

Site Area: stated as 0.041 Hectares on the application.

Site Visit: 8<sup>th</sup> of March 2022.

### **Site Description**

The subject site is located on Palmer Park, off Taylor's Lane in Ballyboden. The site consists of the rear garden of No. 6 Boden Villas, which is a corner site on Taylor's Lane and Palmer Park and is accessed off Palmer Park. A stream runs through the rear of the site. There are existing mature trees along the eastern and southern boundaries. The site gradually slopes up from north to south.

### **Proposal**

Permission is being sought for the provision of 1 new dwelling house, entrance and all associated site works to the rear of the existing dwelling. Proposed new dwelling to be accessed via new entrance from Palmers Park.

### **Zoning**

The subject site is subject to zoning objective 'RES': *'To protect and/or improve residential amenity'* under the South Dublin County Development Plan 2016-2022.

### **Consultations**

Water Services – further information requested.

Irish Water – no objection subject to conditions.

Roads Department – no objection subject to conditions.

Public Realm – refusal recommended.

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SEA Sensitivity Screening – no overlap is recorded in the SEA monitoring system.

### Submissions/Observations /Representations

None.

### Relevant Planning History

#### *Subject site*

SD20A/0352

2 new dwellings; entrances and all associated site works to the rear. **Permission refused.** These reasons for refusal are assessed in full in this report.

#### *Adjacent and surrounding sites*

*No. 5 Boden Villas*

SD03B/0274

Demolish single storey side extension and construct new two storey rear extension. **Permission granted.**

SD18B/0480

(a) Demolition of porch entrance and relocation of front door; (b) construction of 68sq.m single storey rear extension; (c) internal alterations of existing dwelling; (d) construction of 21sq.m single storey structure with pitched roof containing plant room, utility and storage/playroom to rear garden; (e) raise existing front garden block boundary wall adjacent to No. 6 to 1.8m; (f) all associated site works. **Permission granted.**

### Relevant Enforcement History

None recorded for subject site according to APAS.

### Pre-Planning Consultation

PP049/20

2 x 110m<sup>2</sup> 3-bed semi-detached houses with 1 parking space to the front of each house and the removal of two existing trees on the site and all associated ground works.

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

*2 Housing*

*Section 2.3.0 Quality of Residential Development*

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

*Policy H17 Residential Consolidation*

*H17 Objective 2:*

*To maintain and consolidate the County's existing housing stock through the consideration of applications for housing subdivision, backland development and infill development on large sites in*

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*established areas, subject to appropriate safeguards and standards identified in Chapter 11 Implementation.*

*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.*

*7 Infrastructure & Environmental Quality*

*Policy IE 1 Water & Wastewater*

*Policy IE 2 Surface Water & Groundwater*

*Policy IE 3 Flood Risk*

*Policy IE 7 Environmental Quality*

*8 Green Infrastructure*

*Policy G1 Overarching*

*Policy G5 Sustainable Urban Drainage Systems*

*9. Heritage, Conservation & Landscapes*

*Policy HCL2 Natura 2000 sites*

*11 Implementation*

*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*

*(i) Infill Sites*

*Development on infill sites should meet the following criteria:*

- Be guided by the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities DEHLG, 2009 and the companion Urban Design Manual.*
- A site analysis that addresses the scale, siting and layout of new development taking account of the local context should accompany all proposals for infill development. On smaller sites of approximately 0.5 hectares or less a degree of architectural integration with the surrounding built form will be required, through density, features such as roof forms, fenestration patterns and materials and finishes. Larger sites will have more flexibility to define an independent character.*

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- *Significant site features, such as boundary treatments, pillars, gateways and vegetation should be retained, in so far as possible, but not to the detriment of providing an active interface with the street.*
- *Where the proposed height is greater than that of the surrounding area a transition should be provided (see Section 11.2.7 Building Height).*
- *Subject to appropriate safeguards to protect residential amenity, reduced open space and car parking standards may be considered for infill development, dwelling sub-division, or where the development is intended for a specific group such as older people or students. Public open space provision will be examined in the context of the quality and quantum of private open space and the proximity of a public park. Courtyard type development for independent living in relation to housing for older people is promoted at appropriate locations. Car parking will be examined in the context of public transport provision and the proximity of services and facilities, such as shops.*
- *Proposals to demolish a dwelling(s) to facilitate infill development will be considered subject to the preservation of the character of the area and taking account of the structure's contribution to the visual setting or built heritage of the area.*

### *(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 11.6.0 Infrastructure and Environmental Quality*

*(i) Flood Risk Assessment*

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*(ii) Surface Water*

*(iii) SUDS*

*(iv) Groundwater*

*(v) Rainwater Harvesting*

*(vi) Water Services*

*Section 11.7.2 Energy Performance in New Buildings*

*Section 11.8.1 Environmental Impact Assessment*

*Section 11.8.2 Appropriate Assessment*

### **Relevant Government Guidelines**

*Project Ireland 2040 National Planning Framework, Government of Ireland, (2018).*

*Regional Spatial & Economic Strategy 2019 - 2031, Eastern & Midlands Regional Assembly, (2019).*

*Section 5 – Dublin Metropolitan Area Strategic Plan, in Regional Spatial and Economic Strategy 2019 – 2031.*

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

*Urban Design Manual: A Best Practice Guide, A Companion Document to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 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).*

*Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities, Department of the Environment, Heritage and Local Government, (2009).*

*OPR Practice Note PN01 Appropriate Assessment Screening for Development Management (March 2021).*

### **Assessment**

The main issues for assessment relate to:

- Zoning and Council Policy;
- Previous Reasons for Refusal;
- Residential Amenity;
- Visual Amenity;
- Landscaping;
- Services and Drainage;
- Access and Parking;
- Environmental Impact Assessment; and
- Appropriate Assessment.

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### ***Zoning and Council Policy***

The proposed development is consistent in principle with zoning objective RES – ‘*To protect and/or improve residential amenity*’. 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 (i) which relates to Infill Sites and (ii) Corner/Side Garden Sites.

### ***Previous Reasons for Refusal***

Permission was previously refused under Reg. Ref. SD20A/0352 for 2 dwellings onsite for 6 reasons relating to in summary:

1. Impact on existing residential amenity
1. Vehicular access
2. Impact on visual and residential amenity
3. Appropriate assessment
4. Services
5. Ecology and biodiversity

It is relevant to assess the current application against these reasons for refusal.

### **Item 1: Impact on Existing Residential Amenity**

*The proposed new dwellings, by reason of their excessive height and depth proposed, and the proximity to neighbouring residential properties and their private amenity space, would result in a significant and material loss of light, overshadowing, overlooking and unacceptable sense of enclosure. The proposal would also result in a material loss of existing private rear amenity space and result in a poor quality and quantity of remaining amenity space with a significant lack of usability. Thus, the proposed development would seriously injure the amenity of property in the vicinity and would be contrary to the zoning objective for the area which seeks 'to protect/and or improve residential amenity' and would therefore be contrary to the South Dublin County Council Development Plan 2016 - 2022 and the proper planning and sustainable development of the area.*

The subject application involves the construction of 1 no. dwelling, a reduction from the 2 no. previously proposed under Reg. Ref. SD20A/0352. The height of the proposed dwelling is lower than previously proposed and split level, better integrating with the existing slope of the site. The overall height level of the proposed dwelling (two storey element) would be 7.4m. This has reduced from the previously proposed overall height of 9.7m.

The proposed dwelling has been reduced in scale to what was previously proposed. The dwelling would be located approx. 14.2m from the existing dwelling at No. 6 Boden Villas. The closest dwelling to the proposed dwelling would be that located at the rear of the adjoining site at No. 5 Boden Villas. The single storey element of the proposed dwelling would be approx. 3.5m from this existing dwelling. The higher element of the dwelling has been further setback from the western

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boundary and forward of the existing dwelling. It is therefore considered previous concerns relating to overshadowing and overbearing have been addressed.

The proposed dwelling would have no first floor windows on the western and southern elevations. The closest windows on the northern elevation, facing the dwelling at No. 6, would be to bathrooms and constructed with opaque glass. This would mitigate the potential for overlooking on existing residential development.

The applicant has advised that the primary private amenity space for No. 6 would be the area to the north of this dwelling. This would be sufficiently sized to cater for the existing dwelling. However, the CDP states that private open space should be located behind the front building line of the house and be designed to provide for adequate private amenity. The space is located to the side of the existing dwelling, given that this dwelling is accessed from and faces Palmer Park. However, since this site is a corner site, the private amenity space is located forward of the building line of the existing house when facing Taylor's Lane.

The area to the south of the existing dwelling is surfaced and appears to be used for car parking. The Planning Authority therefore has concerns in relation to the quality of private amenity space retained for the existing dwelling. High walls along the northern and eastern boundaries to provide privacy to the northern area of private open space are not desirable as it is a corner site and would negatively impact passive surveillance and visual amenity. More appropriately designed and located private open space should be explored for the existing dwelling. **The applicant should be requested to address this via additional information.**

It is therefore considered that this reason for refusal has not been fully overcome in relation to private amenity space for the existing dwelling. **This should be addressed via additional information.**

### Item 2: Vehicular Access

*Having regard to the proposed vehicular access for the proposed dwellings including the proposed parking layouts, the ability of vehicles to safely manoeuvre within and access and egress the site safely and the location of a street tree, the proposed development would generate a traffic hazard and would endanger public safety. The proposal would therefore be contrary to the proper planning and sustainable development of the area.*

The new proposal involves a single dwelling and therefore the vehicular access and layout has been revised. The Roads Department has reviewed the proposed development and has no objection subject to conditions relating to the design of the entrance. However, the Public Realm Section has reviewed the proposed development and has concerns regarding the proposed removal of a mature street tree along Palmer Park. It is also noted that the tree is outside of the site boundary, within lands in control of SDCC, and therefore requires the approval of SDCC.

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Under SDCC's County Development Plan and Tree Management Policy "Living with Trees" 2021-2026 it is policy to retain trees unless the tree is of limited life expectancy or is small enough to be relocated elsewhere. Exceptional circumstances will be considered by the Council on a case-by-case basis. The applicant advises it is preferable to removal this tree (for the vehicular entrance) and provide a replacement along Palmer Park or within the site.

The Public Realm Section and Planning Authority have concerns in relation to the removal of this tree. Insufficient information has been provided to justify the removal of this street tree. The inappropriate removal of a street tree for a new vehicular entrance could set an undesirable precedent for similar development. If the removal of this tree cannot be justified the layout of development should be revised so that this tree is retained. This would involve moving the proposed vehicular entrance northwards or providing a shared entrance with No. 6. The site boundary (red line) would need to be extended to include the relocated vehicular entrance and existing property at No. 6 Boden Villas.

The Roads Department has requested that, if the entrance is to be amended, plans should be provided demonstrating the provision of a visibility splay of 2.0m x 45m in both directions from the entrance. Sightlines should be shown to the near side edge of the road to the right hand side of entrance and to the centreline of the road to the left hand side of the entrance (when exiting).

If the removal of this tree can be sufficiently justified in relation to Council policy, this justification needs to be clearly set out. A letter of consent would be required from SDCC regarding these works. An appropriate replacement tree planted within the public realm would also be sought. This tree should be appropriately located within the public realm and in relation to existing utilities.

It is therefore considered that this reason for refusal has not been fully overcome. **This should be addressed via additional information.**

### Item 3: Impact on Visual and Residential Amenity

*The proposed dwellings, by reason of the significant change in ground levels and the excessive depth, height and roof profile proposed would represent overdevelopment and fail to integrate and respond to the site and surrounding context, and therefore would detract from the visual amenity and character of the area. Accordingly, the proposed dwellings would have a negative impact on the visual and residential amenity of the area and therefore are considered to be contrary to the provisions of the South Dublin County Development Plan 2016-2022 and the proper planning and sustainable development of the area.*

The dwelling has been designed to be spilt level and therefore better integrated into the existing slope of the site. The dwelling would appear two storey from the north and be single storey at the south. The proposed dwelling would have flat roofs across both the single storey and two storey



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elements. The proposed dwelling would be higher than the existing dwelling at No. 6. However, is well setback from this dwelling. The dwelling would also be well setback from Taylor's Lane and designed to integrate into the site. So it would not be highly visible when viewed from this street. It is considered that given its design and scale the proposal would not have a significant negative impact on the visual and residential amenity of the area.

It is therefore considered that this reason for refusal has been satisfactorily overcome.

### Item 4: Appropriate Assessment

*On the basis of the information submitted including the lack of an Appropriate Assessment screening report, the lack of information in relation to surface water and the proximity of the site to the stream to the south of the site and its hydrological connections to protected sites, the Planning Authority is not satisfied that the proposed development either individually or in combination with other plans or projects would not adversely affect the integrity of the European sites in view of their conservation objectives. The proposal would therefore be contrary to Policy HCL12 of the South Dublin County Development Plan (2016-2022) which seeks to protect the Natura 2000 network and the proper planning and sustainable development of the area.*

A Screening for Appropriate Assessment prepared by JBA Consulting has been submitted with the application. This report concludes that a stage 2 Appropriate Assessment is not required. The Planning Authority notes that the subject site is not located within nor within close proximity to a European site. The proposed development is located within an established area and comprises of a dwelling.

Having regard to:

- the scale and domestic nature of the development,
- the location of the development in a serviced urban area, and
- the consequent absence of a pathway to the European site,

it is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

It is therefore considered that this reason for refusal has been satisfactorily overcome.

### Item 5: Services

*Having regard to the lack of information submitted in relation to surface water, water and foul drainage, the Planning Authority is not satisfied, on the basis of the information submitted, that the proposed development would not be prejudicial to public health and therefore is not in the interests of the proper planning and sustainable development of the area.*

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Information regarding proposed surface water, water supply and foul water drainage has been submitted. Water Services and Irish Water have raised the setback of the proposed dwelling from the existing surface water sewer and watermain to the east of the site. The applicant should be requested to **submit additional information confirming sufficient setback distances can be achieved from these pipes**. It is therefore considered that this reason for refusal has not been fully overcome. However, it is noted that no objections have been raised in relation to the proposed service provision for the proposed development.

### Item 6: Ecology and Biodiversity

*Having regard to the lack of information submitted in relation to ecology and biodiversity and the potential for the site and surrounding area to support wildlife, the Planning Authority is not satisfied, on the basis of the information submitted, that the proposed development would not be prejudicial to biodiversity. The proposed dwelling would also be located within 10m of an existing watercourse. The proposal is therefore considered to be contrary to policy G3 objective 2 and policy HCL15 of the South Dublin County Development Plan (2016-2022) which seeks to protect watercourses and biodiversity, and the proper planning and sustainable development of the area.*

An Ecological Impact Assessment prepared by JBA Consulting has been submitted with the application. The mitigation measures outlined in this assessment should be conditioned in the event of a grant of permission. The layout has been revised so that the proposed dwelling would be located approx. 11.2 to 11.8 m from the Whitechurch stream. The retention of vegetation along the watercourse is welcomed. The applicant states there would be no alterations proposed to the stream.

A preliminary bat roost survey has been undertaken. However, no bat activity survey has been undertaken. The JBA ecologist states that the site has been valued as being of high local ecological importance for bats. A bat activity survey should be undertaken within the appropriate season. Any recommended measures from this should be incorporated into the proposed development. **This should be requested via additional information.**

It is therefore not considered that this reason for refusal has been fully overcome. **Additional information should be provided in relation to bat activity.**

### ***Residential Amenity***

#### Existing residential amenity

Existing residential properties are located to the north and east of the site, Boden Villas along Taylor's Lane, to the east of the site in Kingston Court and to the south along Palmer Park. The applicant has provided a site layout plan which shows the proposed dwelling in relation to the existing properties in the area. It is noted that there are significant level differences in the site with the site sloping upwards from north to south.

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The site of the proposed dwelling comprises of the existing rear garden for No. 6 Boden Villas. The proposed dwelling would be approx. 14.2 m from this existing dwelling. The height of the proposed dwelling would be higher than existing. The remaining garden area for No. 6 after development would be to the north of the dwelling. The applicant should be requested to address the quality of private amenity space retained for the existing dwelling **via additional information**.

No. 5 Boden Villas adjoins the site to the west. No. 5 has previously been extended to the rear with outbuildings. On review of the planning history of this site, the detached structure to the rear of the dwelling at No. 5 is also noted as a dwelling. As noted previously the higher element of the proposed dwelling has been located further away from this western boundary.

The proposed dwelling would be approx. 20.4m from No. 17 Palmer Park to the south. The proposed dwelling is therefore considered to be sufficiently setback from residential development to the south of the site.

### Standard of proposed accommodation

The proposed dwelling would be approx. 113.0sq.m in size with a private amenity space of approx. 162.5sq.m. The dwelling and private amenity would meet the minimum space standards for houses, as per Table 11.20 of the CDP. It is noted that the site slopes upwards which raises the question of the usability of the rear amenity space. However, this can be addressed via landscaping as a condition in the event of a grant of permission.

The private amenity space appears to be calculated to include up to the stream. However, it is noted that the trees and vegetation along this stream would be retained. It is considered that there is sufficient space in this instance to cater for a buffer along the stream and an area of private amenity space for the dwelling. In the event of a grant of permission the Planning Authority will consider including a condition requiring permission for any development falling within Classes 1 or 3 of Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended).

The proposed dwelling would include 3 no. bedrooms, which would all meet the minimum floorspace requirements of the CDP. Regarding storage, the minimum requirement for a two-storey dwelling of this size of 5sq.m. Sufficient storage space in line with these requirements would be provided.

### ***Visual Amenity***

Section 11.3.2 of the County Development Plan sets out a number of design criteria in relation to infill and corner/side garden sites. On smaller sites of approximately 0.5 hectares or less a degree of architectural integration with the surrounding built form will be required, through density, features such as roof forms, fenestration patterns and materials and finishes.

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The proposed dwelling would be one to two storeys, split level. It would be of a contemporary design compared to the existing dwelling. The materials and finishes would be selected render and brick finishes. The use of these materials is considered to be acceptable. The existing residential development in the immediate area is quite varied with a mix of dwelling designs, forms and styles. As such, a proposed contemporary design is acceptable in this instance.

Existing mature vegetation along the boundaries is to be retained, save for border planting along the eastern boundary. This would assist in screening the proposed dwelling. However, it is noted that the development is of a quality design.

### ***Landscaping***

The Public Realm Section has reviewed the proposed development and recommend refusal:

*Proposed Removal for Street Tree (Identified as No. 5)*

*As per South Dublin County Council's Tree Management Policy SDCC's "Living with Trees" 2021-2026*

□ *Section 6.18 Driveways and new entrances*

*Policy: The Council will not normally support either the removal of a tree or cutting of a tree's roots for the construction of vehicle crossovers and / or alterations to residential driveway access, unless the tree is of limited life expectancy or is small enough to be relocated elsewhere. Exceptional circumstances will be considered by the Council on a case-by-case basis.*

□ *Section 4.3 Reasons for tree pruning and felling*

*Policy: The Council will wherever possible try to avoid removing a tree or undertaking unnecessary pruning works where there is no good arboriculture reason. It has a duty to manage the tree population for the benefit of the wider community and in accordance with good arboriculture practices*

*The Council will undertake tree works to fulfil its legal obligations to ensure the safety of the public and properties. Tree works will be undertaken:*

- *Where an inspection has identified visible decay, fungal brackets indicating possible root and trunk decay or any other defect that would lead to the tree failing.*
- *A tree is dead or visibly in decline.*
- *To abate an actionable nuisance, where branches are touching buildings, e.g. physical contact with walls, windows and gutters.*
- *Where road signs, traffic signals, streetlights, and sightlines for vehicles and pedestrians are obscured.*
- *Evidence has been provided that the tree is a contributing factor in causing structural damage that cannot be reasonably addressed by an alternative solution and proactive tree management has had no mitigating effect.*

*As per the above, the Public Realm objects to the proposed removal of the street No. 5 as identified on the submitted Tree Impacts Plan, this tree which is outside the red line boundary and located in the grass margin is a public tree therefore the responsibility for its maintenance and/or proposed removal lies with the Public Realm Section of SDCC. This tree should be retained and protected*

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*during the course of any proposed development works with suitable tree protection fencing and included on the relevant Tree Protection Plan. As the applicant has proposed the removal of this SDCC Tree then the Public Realm Section would recommend the REFUSAL of this proposed planning application.*

### *Protection of Existing Trees*

*To ensure the protection of the existing trees in the adjacent grass margin suitable tree protection fencing must be erected prior to all construction operations occurring on site. This tree protection fencing must be in accordance with BS 5837:2012.*

*Trees are an intrinsically valuable part of the environment, particularly in an urban setting. They provide environmental, social, economic, health, amenity and functional benefits. Street trees assist in maintaining and enhancing biodiversity in the urban environment and provide habitat for a wide range of bird and animal life. They also assist in providing wildlife corridors for migratory species. In addition, the retention of existing street trees and planting of new trees can assist in moderating the effects of climate change. Therefore, every effort should be made to retain and protect existing trees and hedgerows from the potential negative impacts of development.*

### *Landscape Plan*

*A landscape scheme shall be provided which helps to integrate the development into the local landscape and through suitable planting provides visual screening, mitigation of negative visual effects and which improves local biodiversity and green infrastructure links.*

### *Riparian Zone/Set back*

*The applicant is advised that the Parks Section has concerns in relation to the impact of the proposed development on biodiversity, in particular, the set back from the river and its impact of existing vegetation. In this context the applicant is requested to submit the following:*

*A re-designed site layout plan with minimum of 10m from the bank of the watercourse located along the southern boundary of the proposed development in accordance with Chapter 8: Green Infrastructure G3 Objective 2 of the South Dublin County Development Plan 2016-2022.*

*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:*

*In the first instance the Public Realm would recommend REFUSAL of this proposed development due to its impact and proposed removal of the existing mature street tree in the adjoining grass margin.*

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*However, if it is proposed to request ADDITIONAL INFORMATION or GRANT PERMISSION then the following conditions should apply;*

### *1. Arboricultural Impact of the Proposed Development*

*The proposed removal of the street tree (Identified as Tree No. 5 on submitted tree related drawings) is not acceptable to the Public Realm Section; and would contravene policy G2 Objective 9, G4 Objective 5, G2 Objective 13, G6 Objective 1, HCL15 Objective 3 and other GI policies and objectives in the CDP. Response should include a revised/alternative layout which does not require the removal of this street. ADDITIONAL INFORMATION/CONDITION*

*REASON: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies G2 Objective 9, G4 Objective 5, G2 Objective 13, G6 Objective 1, HCL15 Objective 3 of the CDP 2016-2022.*

### *2. Landscape Plan*

*The site shall be landscaped in accordance with a comprehensive scheme of landscaping which includes boundary planting; details of which shall be submitted to the Planning Authority. In addition to the Landscape Plan, the applicant should provide a fully detailed landscape plan with full works specification. The landscape proposals to be prepared by a suitably qualified landscape architect.*

*The planting plan should provide the following information:*

- Location of species types, schedule of plants noting species, planting sizes and proposed numbers/densities where appropriate*
- Implementation timetables*

*CONDITION*

*REASON: In the interests of visual amenity and integrating the development into the landscape in accordance with relevant policies in the CPD 2016-2022.*

### *3. Protection of Existing Trees*

*To ensure the protection of trees to be retained with the site the applicant shall implement all the recommendations pertaining to tree retention, tree protection and tree works, as detailed in the submitted Arboricultural Report and Tree Protection Plan prepared by The Tree File. The arborist shall carry out a post construction tree survey and assessment on the condition of the retained trees. A completion certificate is to be signed off by the arborist when all permitted development works are completed and in line with the recommendations of the tree report. The certificate shall be submitted to the planning authority for written agreement upon completion of the works.*

*CONDITION*

*REASON: To ensure and give practical effect to the retention, protection and sustainability of trees during and after construction of the permitted development in accordance with relevant policies in the CPD 2016-2022.*

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### 4. *Tree Bond*

*A maximum of two weeks from the date of Commencement Notice within the meaning of Part II of the Building Control Regulations 1997 and prior to the commencement of any works on site, a Bond or bank draft to the value of €7,500 shall be lodged with the Planning Authority as a security for the protection of the existing street tree in the grassed margin along the northern boundary of the site during the course of the development works.*

*The release of the bond will be considered a minimum 12 months after the completion of all site works, at the discretion of the Landscape/Public Realm Section. This will involve assessment of whether the tree specified for retention have been preserved in their prior condition and have suffered no damage and the developer has complied with the requirements of the Planning Authority in relation to tree protection.*

*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 relevant policies in the CPD 2016-2022.*

### 5. *Post construction Tree Report*

*To ensure the protection of the trees to be retained in the adjacent grass margin, the developer shall implement all the recommendations pertaining to tree retention as outlined within the submitted tree report. The developer shall retain the services of its arboricultural consultant throughout the life of the site development works to ensure the protection of all trees listed for retention. The arborist shall carry out a post construction tree survey/assessment on the condition of the retained trees. A completion certificate is to be signed off by the arborist when all works are completed and in line with the submitted original landscape drawings*

### 6. *Riparian Zone/Set back*

*The applicant is advised that the Parks Section has concerns in relation to the impact of the proposed development on biodiversity, in particular, the set back from the river and loss of hedgerow. In this context the applicant is requested to submit the following: A re-designed site layout plan with minimum of 10m from the bank of the watercourse located along the southern boundary of the proposed development in accordance with Chapter 8: Green Infrastructure G3 Objective 2 of the South Dublin County Development Plan 2016-2022.*

*REASONS: In the interests of amenity, ecology and sustainable development in accordance with relevant policies in the CPD 2016-2022.*

The report from Public Realm is noted. It is considered that the concerns regarding the removal of the mature street tree can be addressed via **additional information**, given that the development is acceptable in principle.

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The proposed dwelling would be setback over 10 m from the existing watercourse. The existing trees along this stream would be retained. The other items from this report i.e. landscape plan can be addressed via conditions.

### *Services and Drainage*

Water Services has reviewed the proposed development and requests further information in relation to surface water:

*The proposed development is too close to an existing surface water sewer at approximately 3m (5m setback distance is required as a minimum) from the outside diameter of a 750mm surface water sewer east of site. The applicant is required to submit a drawing in plan and cross-sectional views showing the distance between the proposed extensions and the existing 750mm surface water sewer. The drawings shall also show the invert levels of the existing 750 surface water sewer and any adjacent proposed building foundations. A minimum clear setback distance of 5m is required between all building foundations and a surface water sewer this size. The distance measurement of proposed development to existing 750mm surface water sewer shall be carried out in the presence of a South Dublin County Council Official.*

Irish Water has reviewed the proposed development and has no objection subject to the following conditions:

#### *1 Water*

*1.1 South Dublin County Council records show that there is an existing 150mm watermain to the east of the site. The applicant is required to submit a drawing in plan and cross-sectional views showing the distance between the proposed extensions and the existing 150mm foul water sewer. The drawings shall also show the invert levels of the existing 150 watermain and any adjacent proposed building foundations. A minimum clear setback distance of 3m is required between all building foundations and a watermain this size according to Irish Water Standard Details for Water Infrastructure.*

*1.2 Obtain a letter of confirmation of feasibility from Irish Water and submit same to the planning authority.*

*- Where the applicant proposes to connect to a public water/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.*

#### *2 Foul*

*- Where the applicant proposes to connect to a public water/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 waste water facilities.*



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**It is recommended that the applicant addresses these concerns by way of additional information.**

### *Access and Parking*

The Roads Department has reviewed the proposed development and has no objection subject to conditions:

*A Mature tree which is adjacent to proposed vehicular entrance is to be removed subject to approval from SDCC Parks Department.*

*There is no information given on the heights of the boundary wall and pillars at the vehicular entrance.*

*No Roads objections subject to the following conditions:*

- 1. The vehicular access points shall be limited to a width of 3.5 meters.*
- 2. The boundary walls at vehicle access points shall be limited to a maximum height of 0.9m, and any boundary pillars shall be limited to a maximum height of 1.2m, in order to improve forward visibility for vehicles.*
- 3. Footpath and kerb shall be dished and widened, and the dropped crossing shall be constructed to the satisfaction of South Dublin County Council and at the applicant's expense. The footpath and kerb shall be dished and widened to the full width of the proposed widened driveway entrance.*
- 4. Applicant to submit details of discussions with Parks in resolving Tree conflict with access point.*
- 5. Any gates shall open inwards and not out over the public domain.*
- 6. 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.*

This report is noted and should be conditioned as such in the event of a grant of permission. **If the vehicular entrance has to be amended in relation to the street tree via additional information, this information should be provided along with sightlines.**

### *Screening for 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 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.

### *Screening for Appropriate Assessment*

Appropriate Assessment screening addressed previously in this report. This confirms that no stage 2 Appropriate Assessment is required.

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### Conclusion

Having regard to the:

- provisions of the South Dublin County Development Plan 2016-2022,
- previous reasons for refusal under Reg. Ref. SD20A/0352,
- the established character of the area, and
- the nature and scale of the proposed development,

it is considered that **Additional Information** is required, to ensure the proposed development would be in compliance with Council policy, 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 **ADDITIONAL INFORMATION** be requested from the applicant with regard to the following:

1. The Planning Authority has concerns regarding the quality of private amenity space retained for the existing dwelling at No. 6 Boden Villas. The applicant is requested to consider more appropriately designed and located private open space for the existing dwelling. The South Dublin County Development Plan 2016-2022 states that private open space should be located behind the front building line of the house and be designed to provide for adequate private amenity. The area of private amenity space identified for the existing dwelling is located to its side, given that this dwelling is accessed from and faces Palmer Park. However, since this site is a corner site, the private amenity space is located forward of the building line of the existing house when facing Taylor's Lane. The area to the south of the existing dwelling is surfaced and appears to be used for car parking. Changes to the walls along the northern and eastern boundaries to make them higher will not be acceptable.
2. The Public Realm Section and the Planning Authority have concerns in relation to the removal of a street tree to provide for the new vehicular entrance. Insufficient information has been provided to justify the removal of this street tree. The inappropriate removal of a street tree for a new vehicular entrance could set an undesirable precedent for similar development. If the removal of this tree cannot be justified the layout of development should be revised so that this tree is retained. This would involve moving the proposed vehicular entrance northwards or providing a shared entrance with No. 6. The site boundary (red line) would need to be extended to include the relocated vehicular entrance and existing property at No. 6 Boden Villas. If the removal of this tree can be sufficiently justified in relation to Council policy, this justification needs to be clearly set out. A letter of consent would be required from SDCC regarding these works. An appropriate replacement tree planted within the public realm would also be sought. This tree should be appropriately located within the public realm and in relation to existing utilities.

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3. If the proposed vehicular entrance is to be amended the applicant is requested to provide accurate plans demonstrating the provision of a visibility splay of 2.0m x 45m in both directions from the entrance. Sightlines should be shown to the near side edge of the road to the right hand side of entrance and to the centreline of the road to the left hand side of the entrance (when exiting). Additional information should also be provided addressing the following:
  - (a) The vehicular access points limited to a width of 3.5 meters.
  - (b) The 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) Footpath and kerb dished and widened, and the dropped crossing constructed to the satisfaction of South Dublin County Council and at the applicant's expense. The footpath and kerb dished and widened to the full width of the proposed widened driveway entrance.
  - (d) Any gates shall open inwards and not out over the public domain.
4. The applicant is requested to undertake and submit a bat survey(s) for bat activity carried out across the entire site and immediately adjoining sites to assess roosting and feeding/foraging activities and assessing potential impact on these species arising from the proposed development. The survey shall be undertaken by a qualified and experienced bat surveyor carrying professional indemnity insurance during the correct time of the year and under the weather conditions appropriate for a survey of such species. The recommended measures from this survey(s) should be addressed in the proposed development.
5. The proposed development is too close to an existing surface water sewer at approximately 3m (5m setback distance is required as a minimum) from the outside diameter of a 750mm surface water sewer east of site. The applicant is requested to submit a drawing in plan and cross-sectional views showing the distance between the proposed dwelling and the existing 750mm surface water sewer. The drawings should also show the invert levels of the existing 750 surface water sewer and any adjacent proposed building foundations. A minimum clear setback distance of 5m is required between all building foundations and a surface water sewer this size. The distance measurement of proposed development to existing 750mm surface water sewer shall be carried out in the presence of a South Dublin County Council Official.
6. (a) South Dublin County Council records show that there is an existing 150mm watermain to the east of the site. The applicant is requested to submit a drawing in plan and cross-sectional views showing the distance between the proposed dwelling and the existing 150mm foul water sewer. The drawings should also show the invert levels of the existing 150 watermain and any adjacent proposed building foundations. A minimum clear setback distance of 3m is required between all building foundations and a watermain this size

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according to Irish Water Standard Details for Water Infrastructure.

(b) The applicant is requested to obtain a letter of confirmation of feasibility for water and wastewater connections from Irish Water and submit same to the Planning Authority.

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**REG. REF. SD22A/0028**

**LOCATION: 6, Boden Villas, Taylors Lane, Ballyboden, Dublin 16**

*jjohnston*  
**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:**

29/3/22

*Eoin Burke*  
**Eoin Burke, Senior Planner**