

Comhairle Chontae Atha Cliath Theas

PR/0395/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22B/0035 **Application Date:** 31-Jan-2022
Submission Type: New Application **Registration Date:** 31-Jan-2022
Correspondence Name and Address: Christopher Curran Unit B5, Riverside Office Park,
Neil T. Blaney Road, Letterkenny, Donegal
Proposed Development: (1) Construction of single storey rear garden room
comprising of a gym and home office; (2) all
associated site works
Location: 50, Marian Grove, Rathfarnham, Dublin 14
Applicant Name: Aidan & Caitriona Bird
Application Type: Permission

(NM)

Description of Site and Surroundings:

Site Visit: 9/03/2022

Site Area: 0.04

Site Description:

The subject property is located on Marian Grove and abuts Butterfield Park to the south and west. It is a 2 storey, semi-detached, pitched roof dwelling which has been extended to the side (south) and to the rear (west). The properties in the immediate vicinity are mainly residential in nature with a uniform building line.

Proposal:

- (1) Construction of single storey rear garden room comprising of a gym and home office;
- (2) all associated site works
- Total area of proposed works 23sq.m

Zoning:

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

Consultations:

Irish Water - No objection, further information required.

Water Services - No objection, further information required.

Public Realm - No objection subject to condition.

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SEA Sensitivity Screening

No overlap with relevant layers

Submissions/Observations /Representations

None recorded for subject site.

Relevant Planning History

Subject Property

SD17B/0285 – **Permission Granted** for Demolition of existing garage and single storey extension to the rear of house. Construction of two storey extension with pitched roof to the side and rear, single storey extension with low pitch lean-to-roof to the rear of the house, new porch over main entrance to the side and all ancillary works.

Adjacent Properties

SD16B/0377 – **Permission Granted** - 46, Marian Grove, Rathfarnham, Dublin 14 Demolition of garage and existing single storey extension to rear of the house. Construction of two storey extension with pitch roof to the side, single storey extension with low pitch lean-to roof to rear of the house, bay window and canopy over main entrance to the front and ancillary works, extension floor area 60.42sq.m.

Relevant Enforcement History

S8018 – **Closed (Exempted Development)** - building of walls to the front of the property enclosing public lands

Pre-Planning Consultation

None recorded for subject site.

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

Section 2.4.1 Residential Extensions

Policy H13 Private and Semi-Private Open Space

- It is the policy of the Council to ensure that all dwellings have access to high quality private open space (incl. semi-private open space for duplex and apartment units) and that private open space is carefully integrated into the design of new residential developments.

Policy H14 Internal Residential Accommodation

- It is the policy of the Council to ensure that all new housing provides a high standard of accommodation that is flexible and adaptable, to meet the long-term needs of a variety of household types and sizes.

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Policy H17 – Residential Consolidation:

- It is the policy of the Council to support residential consolidation and sustainable intensification at appropriate locations, to support ongoing viability of social and physical infrastructure and services and meet the future housing needs of the County.

Policy H18 Residential Extensions

- It is the policy of the Council to support the extension of existing dwellings subject to the protection of residential and visual amenities.

Policy H18 Objective 2:

- To favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 11 Implementation and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines).

Section 8.0 Green Infrastructure

Policy G1 Overarching

Policy G1 Green Infrastructure Network

Policy G3 Watercourses Network

Policy G4 Public Open Space and Landscape Setting

Policy G5 Sustainable Urban Drainage Systems

Policy G6 New Development in Urban Areas

Section 11.2.7 Building Height

Section 11.3.1 Residential

Section 11.3.1 (iv) Dwelling Standards

Section 11.3.1 (v) Privacy

Section 11.3.2 Residential Consolidation

(iii) Backland Development

- Development that is in close proximity to adjoining residential properties should be limited to a single storey, to reduce overshadowing and overlooking.

Section 11.3.3 Additional Accommodation

Section 11.3.3 (I) Extensions

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

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Section 11.8.2 Appropriate Assessment

South Dublin County Council House Extension Design Guide (2010)

Rear Extensions:

- *Match or complement the style, materials and details of the main house*
- *Make sure enough rear garden is retained.*

Relevant Government Guidelines

Project Ireland 2040 National Planning Framework, Government of Ireland, 2018.

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

Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government (2008).

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, (2008)

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

Assessment

The main issues for assessment concern the following:

- Zoning and Council policy
- Residential and Visual Amenity
- Service Water and Drainage
- Public Realm
- Screening for Appropriate Assessment (AA)
- Screening for Environmental Impact Assessment (EIAR)

Zoning and Council Policy

Residential development is in principle consistent with zoning objective 'RES' – 'To protect and/or improve residential amenity'. A development consisting of a detached garden room to the rear of an existing site would be considered permitted in principle.

Residential & Visual Amenity

Residential Amenity

The proposal is for single storey rear garden room. The overall area would be 23sq.m as stated in the application with a lean to roof with a ridge height of 3.865m to the east falling to 2.745m to

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the west. The stated use of the building is a gym and home office and a **condition** should be attached to any grant of permission stating that the use must remain ancillary to the main dwelling and it is not to be used for separate accommodation or commercial purposes. To ensure the building is not used for habitable purposes a **condition** should be imposed omitting the wc.

Visual Amenity

The eastern façade backs on to the main dwelling and is timber clad with one window to the wc on the eastern elevation. There is a roof light over the proposed gym to the north which should not result in any significant overlooking. The development is accessed via the side access path to the south and the front door is to the west facing the rear boundary wall. There is also access from the rear boundary wall to the west abutting Butterfield Park which will need to be removed by **condition**. (Public Realm do not permit private access on to public open space). The proposal would be built to the boundary wall of the attached property to the north and the boundary wall abutting Butterfield Park partially to the west. There will be a relatively large garden left to the rear, west of the existing dwelling. The development does not appear to take advantage of the west facing gardens daylight due to the proposal's orientation and resultant lack of natural lighting by way of windows on the east elevation. The applicant should submit new drawings regarding access to the proposed development and the orientation of the proposal which should be provided before the commencement of works. This can be dealt with by way of **condition**.

Services & Drainage

Surface Water Report: No Objection Subject to:

- 1.1** The applicant has not submitted surface water drainage plans for the proposed development. Prior to commencement of development the applicant is required to submit a drawing showing existing and proposed surface water drainage layouts up to and including the point of connection to the public surface water sewer. The drawing shall include the location of all AJs, manholes, pipe size, material type and direction of flow. The drawing shall clearly show that the foul and surface water systems are discharging to separate pipe networks. Maps of the mains foul and surface water drainage networks may be obtained, if available, for required locations in South Dublin County Council by emailing: servicemaps@sdublincoco.ie.
 - 1.2** The applicant has not proposed any SuDS (Sustainable Drainage Systems) features for the proposed development. Prior to commencement of development the applicant is required to submit a drawing in plan and cross sectional views clearly showing proposed Sustainable Drainage Systems (SuDS) features for the development.
- All works shall comply with the Building Regulations -Technical guidance document- Part H Drainage and Wastewater disposal

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Flood Risk Report: No objection subject to:

- 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.

Irish Water

1 Water

1.1 All development shall be carried out in compliance with Irish Water Standards codes and practices.

2 Foul

2.1 The applicant has not submitted foul water drainage plans for the proposed development. Prior to commencement of development the applicant is required to submit a drawing showing existing and proposed foul water drainage layouts up to and including the point of connection to the public foul water sewer. The drawing shall include the location of all Aj's, manholes, pipe size, material type and direction of flow. The drawing shall clearly show that the foul and surface water systems are discharging to separate pipe networks. Maps of the public watermains and Wastewater drainage networks may be obtained, if available, for required locations in by emailing: datarequests@water.ie.

2.2 All development shall be carried out in compliance with Irish Water Standards codes and practices.

Conclusion

The reports from Water Services and Irish Water are noted. These concerns can be addressed by way of **conditions**.

The applicant is required to submit the following prior to the commencement of the proposed development:

- A drawing showing existing and proposed surface water drainage layouts up to and including the point of connection to the public surface water sewer. The drawing shall include the location of all Aj's, manholes, pipe size, material type and direction of flow. The drawing shall clearly show that the foul and surface water systems are discharging to separate pipe networks. Maps of the mains foul and surface water drainage networks may be obtained, if available, for required locations in South Dublin County Council by emailing: servicemaps@sdblincoco.ie.

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- A drawing in plan and cross sectional views clearly showing proposed Sustainable Drainage Systems (SuDS) features for the development.
- A drawing showing existing and proposed foul water drainage layouts up to and including the point of connection to the public foul water sewer. The drawing shall include the location of all Ajs, manholes, pipe size, material type and direction of flow. The drawing shall clearly show that the foul and surface water systems are discharging to separate pipe networks. Maps of the public watermains and Wastewater drainage networks may be obtained, if available, for required locations in by emailing: datarequests@water.ie

Public Realm

Recommendation: Grant With Conditions

Main Concern:

1. The development proposes a pedestrian access gate to the rear of property directly onto Public Open Space (Butterfield Park) which is contrary to SDCC Bye-Laws for Parks and Open Spaces.

Relevant Sections, Policies and Objectives of the South Dublin County Council (SDCC) Bye-Laws for Parks and Open Spaces 2011 and SDCC Development Plan 2016-2022:

SDCC bye-laws for Parks and Open spaces 2011

Definitions:

1.1 *“Park” shall include parks, open spaces and recreational playing grounds, Fishery owned, controlled by or in the charge of South Dublin County Council.*

2.1 *Entry and exit to and from a Park shall be gained only through the authorised access points*

DP 2016-22 Section 8.3.0 Public Open Space Hierarchy and Landscape Setting

It is the policy of the Council to provide a hierarchy of high quality and multi-functional public parks and open spaces.

G4 Objective 1: To support and facilitate the provision of a network of high quality, well located and multifunctional public parks and open spaces throughout the County and to protect and enhance the environmental capacity and ecological function of these spaces.

The Public Realm Section has assessed the proposed development and recommends the following condition:

1. Proposed Rear Entrance

The Public Realm have no objection to the development provided the rear access gate opening from the private property onto the Public Open Space (Butterfield Park) be removed in its entirety and omitted from all plans associated with the proposed Development as this would be contrary to SDCC BYE-LAWS FOR PARKS AND OPEN SPACES 2011 and would set an unwarranted precedent:

As per Section 2.1 (SDCC bye-laws for Parks and Open spaces 2011):

“Entry and exit to and from a Park shall be gained only through the authorised access points.”

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Conclusion

The report from Public Realm is noted and the rear boundary wall access is required to be removed. This can be **conditioned**.

Screening for Appropriate Assessment

Having regard to the scale and nature of the development and the distance from Natura sites, it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

Environmental Impact Assessment

Having regard to the modest nature of the proposed development, and the distance of the site from nearby sensitive receptors, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

Development Contributions

Development Contributions Assessment Overall Quantum

Proposed Rear Non-Habitable Garden Room:	23sq.m
Previous Extension	83.055sq.m
Assessable Area:	0sq.m

SEA Monitoring Information

Building Use Type Proposed:	
Floor Area:	23sq.m
Land Type: Urban Consolidation.	
Site Area:	0.04 Hectares

Conclusion

Having regard to the provisions of the South Dublin County Council Development Plan 2016-2022, and the scale of the proposed development, it is considered that, subject to the conditions set out, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Recommendation

I recommend that a decision be made pursuant to the Planning & Development Act 2000, as amended, for the reasons set out in the First Schedule hereto, to Grant Permission for the said development in accordance with the said plans and particulars, subject to the condition(s)

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specified in the Second Schedule hereto, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule.

FIRST SCHEDULE

It is considered that the proposed development accords with the policies and objectives of South Dublin County Council, as set out in the South Dublin County Council Development Plan 2016 - 2022 and subject to the conditions set out hereunder in the Second Schedule is hereby in accordance with the proper planning and sustainable development of the area.

SECOND SCHEDULE

Conditions and Reasons

1. Development in accordance with submitted plans and details.
The development shall be carried out and completed in its entirety fully in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the other conditions attached hereto.
REASON: To ensure that the development shall be in accordance with the permission and that effective control be maintained.
2. Access gate.
The rear access gate opening from the application site onto the Public Open Space (Butterfield Park) shall be removed in its entirety and omitted from all plans associated with the proposed Development. The rear boundary wall shall not include any gate access to the public open space.
REASON: This would be contrary to SDCC BYE-LAWS FOR PARKS AND OPEN SPACES 2011 and would set an unwarranted precedent.
3. Modifications.
Prior to commencement of works, the applicant, developer or land owner shall obtain the written consent of the Planning Authority to revised plans, which shall incorporate all of the following modifications:
 - (a) The access door to the proposed structure shall be located in the eastern elevation of the structure;
 - (b) The eastern elevation shall have additional fenestration of such a scale as is necessary to adequately light the interior.
 - (c) No foul water connection shall be installed and the permitted structure shall not contain a toilet.REASON: In the interests of proper planning and sustainable development of the area, and to ensure that the structure is not use for seperate habitable accomodation.

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4. Restrictions on Use.

The use of the development for residential purposes shall be restricted to a residential use directly associated with the use of the existing house on the site for such purposes, and the structure shall not be sub-divided from the existing house, either by way of sale or letting (including short-term) or otherwise, or used for any commercial purposes or any trade business, or otherwise transferred or conveyed, by way of sale, letting or otherwise save as part of the single dwelling unit.

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

5. SUDS.

(a) Prior to commencement of development the applicant shall obtain the written agreement of the Planning Authority (after consultation with SDCC Water Services if necessary) to drawings in plan and cross sectional views clearly showing proposed Sustainable Drainage Systems (SuDS) features for the development.

(i) If a soakaway is proposed, the applicant shall submit a report showing site specific soil percolation test results and design calculations for the proposed soakaway in accordance with BRE Digest 365 – Soakaway Design.

(ii) If a soakaway is proposed, the applicant shall submit a revised drawing showing plan & cross-sectional views, dimensions, and location of proposed soakaway. Any proposed soakaway shall be located fully within the curtilage of the property and shall be:

- At least 5m from any building, public sewer, road boundary or structure.
- Generally, not within 3m of the boundary of the adjoining property.
- Not in such a position that the ground below foundations is likely to be adversely affected.
- 10m from any sewage treatment percolation area and from any watercourse / floodplain.
- Soakaways must include an overflow connection to the surface water drainage network.

REASON: In the interests of public health, safety, the proper planning and sustainable development of the area.

6. Separation of Foul and Surface Water.

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.

REASON: In the interests of public health, safety, the proper planning and sustainable development of the area.

7. Irish Water Standards.

All development shall be carried out in compliance with Irish Water Standards codes and practices.

REASON: In the interests of public health, safety, the proper planning and sustainable development of the area.

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8. 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.

9. Construction Noise and Hours.

To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, no 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 be operated on the site before 7.00 hours on weekdays and 9.00 hours on Saturdays nor after 19.00 hours on weekdays and 13.00 hours on Saturdays, nor at any time on Sundays, Bank Holidays or Public Holidays.

Any construction work outside these hours that could give rise to unacceptable levels of noise pollution shall only be permitted following a written request to the Planning Authority and the subsequent receipt of the written consent of the Planning Authority, having regard to the reasonable justification and circumstances and a commitment to minimise as far as practicable any unacceptable noise outside the hours stated above. In this respect, the applicant or developer shall also comply with BS 5228:2009 Noise and Vibration Control on Construction and Open Sites, and have regard to the World Health Organisation (WHO) – Guidelines for Community Noise (1999).

The applicant or developer shall also endeavour to engage in local consultation in respect of any noise sensitive location within 30 metres of the development as approved prior to construction activity commencing on site. Such noise sensitive locations should be provided with the following:

- Schedule of works to include approximate timeframes
- Name and contact details of contractor responsible for managing noise complaints
- Hours of operation- including any scheduled times for the use of equipment likely to be the source of significant noise.

REASON: In the interest of public health by the prevention of unacceptable levels of noise pollution which could interfere with normal sleep and rest patterns and/or when people could reasonably expect a level of quietness, the proper planning and sustainable development of the area and to uphold the Council's amenity policies set out in the South Dublin County Council Development Plan.

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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: Adequate provision should be made to facilitate access to and the use of the development, buildings, facilities and services by disabled persons, including sanitary conveniences. The minimum requirements should be as per Part M of the Building Regulations.

NOTE: The applicant/developer of these lands is advised that in the event of encroachment or oversailing of adjoining property, the consent of the adjoining property owner is required.

NOTE: Notwithstanding any grant of planning permission; if an applicant requires permission to access local authority land (e.g. public footpaths, public open space or roadways) in order to access utilities, or for any other reason; the applicant should apply via <https://maproadroadworkslicensing.ie/MRL/> for a licence from the Local Authority to carry out those works.

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REG. REF: SD22B/0035

LOCATION: 50, Marian Grove, Rathfarnham, Dublin 14

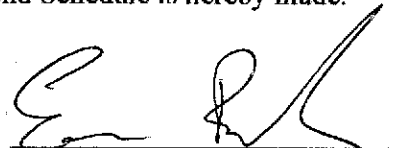


Jim Johnston,
Senior Executive Planner

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:

28/3/22



Eoin Burke, Senior Planner