

Comhairle Chontae Atha Cliath Theas

PR/0401/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22B/0036 **Application Date:** 31-Jan-2022
Submission Type: New Application **Registration Date:** 31-Jan-2022
Correspondence Name and Address: Stephen Maher 31, New Bawn Drive, Tallaght, Dublin 24
Proposed Development: Retention of single storey extension & planning permission for proposed subsequent alterations all to rear with associated site paving & landscaping.
Location: 31, New Bawn Drive, Tallaght, Dublin 24
Applicant Name: Stephen Maher
Application Type: Permission and Retention

(NM)

Description of Site and Surroundings

Site Area: 0.0325 Hectares.

Site Description:

The site is located at the end of a cul de sac adjoining the public open space of Dodder Valley Park to the south on New Bawn Drive within the established Newbawn residential estate. The site contains a semi-detached, two storey dwelling and existing single storey rear extensions. The streetscape is characterised by semi-detached houses.

Site Visit: 09/03/2022

Proposal:

- Retention of single storey extension & planning permission for proposed subsequent alterations all to rear with associated site paving & landscaping.
- Total area to be retained/permission 22.3sq.m

Zoning:

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

Consultations:

Surface Water Drainage – no objection subject to conditions.

Irish Water – no objection subject to standard conditions.

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Submissions/Observations /Representations

One submission received

Concerns raised relate to the following:

The development overshadows and affects the quality of life and enjoyment of the neighbouring properties. The plans provided are incorrect also and the extension is closer to the boundary walls than stated.

The submission lodged with the application has been considered in the overall assessment of the retention application.

Relevant Planning History

Subject

SD18B/0373: REFUSE PERMISSION for Single storey extension to the rear and change of roof profile to existing kitchen along with carport to side of house. Permission was refused for the following reasons:

- 1. Due to the excessive depth and the location of the proposed extension along the boundary with the attached dwelling at 29 Newbawn Drive and considering the 'RES' Zoning Objective 'to protect and/or improve residential amenity', the proposal would have an overbearing impact on the residential amenity of 29 Newbawn Drive and would contravene the zoning objective and would seriously injure the amenities of property in the vicinity. Furthermore the proposal would be contrary to South Dublin County Councils House Extension Design Guide (2010) and be contrary to the proper planning and sustainable development of the area.*
- 2. Due to insufficient information regarding both foul and surface water drainage requirements this proposal does not accord with South Dublin County Council and Irish Water drainage standards and would be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.*
- 3. The South Dublin County Council Development Plan 2016-2022, Table 11.20: Minimum Space Standards for Houses requires a private amenity space minimum of 70sq.m for a four bedroom house. The proposed development, coupled with existing buildings in the rear garden would result in a significant shortfall in this requirement and would result in a substandard amount of private amenity space for the existing and future occupants of the dwelling.*

SD05A/0907: Demolition of garage to side and new two storey detached dwelling with off-street parking and new boundary walls and associated works all to side.

Decision: **Refused Permission by SDCC and subsequently Refused Permission by ABP.**

ABP Reasons for Refusal below:

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The proposed development of a detached dwelling on a site of restricted width, by reason of its substandard separation distance from the adjoining property and being on the southern site boundary abutting public open space, would constitute overdevelopment of the site and seriously injure the amenities of the area, would set an undesirable precedent for similar developments which would conflict with the pattern of development in the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

SD09B/0326: Retention planning permission for existing dormer window to rear elevation.
Decision: **Grant Permission for Retention.**

SD09A/0040: Two storey extension to side of the existing house comprising newsagent/convenience store at ground level. Dimensions approximately 4m x 8m associated site car parking and drainage.
Decision: **Withdraw the Application.**

SD08B/0729: Double storey extension to side of existing two-storey house. Height to ridge 8.3m. New canopy to front. Associated site drainage.
Decision: **Grant Permission.**

Adjacent

SD02B/0139 - 32 New Bawn Park, Old Bawn, Tallaght, Dublin 24. -
Single storey extension to side with tiled roof over.
Decision: **Grant Permission**

Relevant Enforcement History

S8183: Single storey extension to the rear and change of roof profile to existing kitchen along with carport to side of house.
Open: **Hold in abeyance pending retention application**

S6129: Alterations to roof without the benefit of Planning Permission
Closed: **Granted Retention.**

S5963: erection of a large, shed type structure beside dwelling without PP.
Closed: **Exempted Development.**

Pre-Planning Consultation

PP109/21 – The applicant proposed reducing the ridge height of the property with no other significant amendments. The applicant was advised to address and overcome all the previous reasons for refusal as per SD18/0373.

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

Section 2.4.1 Residential Extensions

Policy H18 Residential Extensions

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

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 11.3.1 Residential

Section 11.3.1 (iv) Dwelling Standards

Section 11.3.1 (v) Privacy

Section 11.3.3(i) Additional Accommodation - Extensions.

The design of residential extensions should accord with the South Dublin County Council House Extension Guide (2010) or any superseding standards.

The House Extension Design Guide, *Section 4:*

- *Outside space*
- *Do not overlook, overshadow or have an overbearing impact on neighbouring properties*
- *Rear extension*

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 11.8.2 Appropriate Assessment

South Dublin County Council House Extension Design Guide (2010)

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).

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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 are

- Zoning and Council policy,
- Residential and Visual amenity,
- Services and Drainage
- Appropriate Assessment.
- Environmental Impact Assessment

Zoning and Council Policy

The site is located in an area which is zoned 'RES' 'to protect and/or improve residential amenity.' A development of a rear extension is considered permitted in principle subject to its accordance with the relevant provisions in the Development Plan with specific reference to Section 2.4.1 which relates to Residential Extensions.

Residential and Visual Amenity

The development for retention and planning permission indicates an area of 22.3sqm with a ridge height of 3.6m which follows the same line as the previous rear extension to the west. The original previous extension has a length of 4.7m and the new extension has a length of 4.79m with only 1.44m to the rear boundary wall as per the provided plans.

It should be noted that the Enforcement Report S8183 has indicated that the distance to the boundary wall is significantly less than that at 660mm and the area is 5.461m x 5.8m, totalling 31.9sq.m following a site inspection whereas the plans state an existing area of 23.75sqm. The current distance to the common boundary to the property of the attached dwelling to the north is 400mm tapering to 300mm.

Overall, the extended portions of this dwelling are longer than the original property at its longest point of 7.7m whereas the extended areas have a total length of 9.8m.

Under the revised proposal, the applicant has amended the plans in order to lessen the impact of the development by reducing the width of the new extension from 4.95m to 4.55m resulting in a distance of 1.146m to the party boundary with the property to the north. This would need to be confirmed and new plans provided. The plans note that the area to the north boundary is intended to be used as bike store but there is no development highlighted for the store and appears as open space.

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Previous Reasons For Refusal

The following items were highlighted as reasons for refusal previously on SD18B/0373.

1. *Excessive depth and the location of the proposed extension along the boundary with the attached dwelling at 29 Newbawn*

Consideration

The revised plans for the above shows the building line stepped back from the attached property to the north to allow a separation of 1.146m from the boundary wall for the new extension, the previous extension will still have a gap of approximately 400mm. The additional gap should reduce the overbearing nature of the existing development to a degree but does not address the issue of excessive depth which remains unchanged in the proposal. The ridge height is also unchanged.

2. *Insufficient information regarding both foul and surface water drainage requirements*

Consideration

A report from Irish Water states no objections subject to the standard conditions. The report from Water Services highlights the requirement for SuDS interventions including permeable paving surfaces in the proposed driveway area but the driveway was predominantly tarmacked on inspection with a small area in grass to the north. This will be required to be addressed.

3. *Minimum Space Standards for Houses requires a private amenity space minimum of 70sq.m for a four bedroom house. The proposed development, coupled with existing buildings in the rear garden would result in a significant shortfall in this requirement and would result in a substandard amount of private amenity space for the existing and future occupants of the dwelling.*

Consideration

There will be approximately 6sqm of additional open space to the north of the rear garden between the boundary wall of the attached property, this is intended to be used as a bike store. The overall area to the rear will now be approximately 74sq.m and in line with the requirements of the the South Dublin County Council Development Plan 2016-2022, Table 11.20: Minimum Space Standards for Houses but the distance to the rear boundary to the west would make it difficult to access the proposed bike shed. There is a further approximately 22.68sq.m of space to the side at the south elevation. This reason for refusal has been addressed sufficiently.

Summary

This development represents overdevelopment of the site and has an overbearing impact causing a substantial negative effect on the residential and visual amenity of the properties in the area with a significant impact on the attached dwelling to the north. However, the proposed reduction in the

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width of extension to the northern elevation should have a positive impact on the overbearing nature of the development.

The applicant has shown the proposed relationship between the extension and the adjoining property in cross-section format; however, considering the impact to the rear, and the overall depth of the extension which was a factor in the original reason for refusal, it is considered that an accurate cross-section drawing is required showing the relationship between the development and the property to the rear, and that this should show accurately:

- Separation distance from the rear boundary;
- Ridge height above ground;
- Height of rear boundary wall prior to any unauthorised works;
- Any garden structures in the rear of No. 32 New Bawn Park;
- The distance between the party boundary and the main dwelling at 32 New Bawn Park;
- Ground levels across the two sites.

Further information is required with revised drawings showing the area differences between the as built drawings and the measurements taken on inspection by the enforcement officer including the distance to the western boundary wall.

Services and Drainage

Surface Water Drainage

Surface Water Report:

No Objection Subject to:

1.1 The applicant shall include water butts and permeable paving surfaces in the proposed driveway area as part of additional SuDS (Sustainable Drainage Systems) features for the proposed development

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

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.

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Irish Water

Water:

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

Foul:

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

Conclusion

The submissions from Surface Water Drainage and Irish Water are noted and it is considered that these issues could be dealt with by way of **conditions**.

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 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

Extension for Retention:	22.3sq.m
Previous Extension	29sq.m
Assessable Area:	22.3sq.m

SEA Monitoring Information

Building Use Type Proposed:	
Floor Area:	22.3sq.m
Land Type: Urban Consolidation.	
Site Area:	0.0325 Hectares

Conclusion

Further information is required having regard to revised floor plan drawings showing the area differences between the as built drawings and the measurements taken on inspection by the enforcement officer including a site area plan indicating the actual distance to the western boundary wall, and a cross section drawing showing the relationship with the property to the west. The

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applicant shall also indicate how they will include permeable paving surfaces in the proposed driveway area and water butts as part of additional SuDS (Sustainable Drainage Systems) features for the proposed development.

Recommendation

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

1. The applicant is requested to submit revised floor plan drawings and elevation plans showing the area differences between the as built drawings and the measurements taken on inspection by the enforcement officer. The proposed drawings should include a site area plan indicating the distance to the western boundary wall to the rear of the property.
2. The applicant is requested to provide a cross section drawing showing the relationship between the proposed development and the property to the rear, No. 32 New Bawn Park. The drawing should be at a scale of not less than 1:200 and should accurately illustrate the following:
 - Separation distance from the rear boundary;
 - Ridge height above ground;
 - Height of rear boundary wall prior to any unauthorised works;
 - Any garden structures in the rear of No. 32 New Bawn Park;
 - The distance between the party boundary and the main dwelling at 32 New Bawn Park;
 - Ground levels across the two sites.
3. The applicant is requested to submit revised site layout plans indicating how they will include water butts and permeable paving surfaces in the proposed driveway area as part of additional SuDS (Sustainable Drainage Systems) features for the proposed development.

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REG. REF. SD22B/0036

LOCATION: 31, New Bawn Drive, Tallaght, Dublin 24

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:

28/3/22

E Burke
Eoin Burke, Senior Planner