

Comhairle Chontae Atha Cliath Theas

PR/0416/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22B/0054 **Application Date:** 09-Feb-2022
Submission Type: New Application **Registration Date:** 09-Feb-2022
Correspondence Name and Address: Arc Projects 28, Larchfield, Dunboyne, Co. Meath
Proposed Development: The construction of a concrete block boundary wall to north boundary of the front garden.
Location: 2, Yellow Meadows Vale, Dublin 22 D22Y299
Applicant Name: James Hayden
Application Type: Retention

(SW)

Description of Site and Surroundings:

Site Description:

The site is a semi-detached residential property, located within an established residential area. It has front and rear gardens. The side of the property faces the rear of the property to the north.

Site Area: Stated as 0.0275 Hectares.

Proposal:

Permission is sought for the retention of a concrete block boundary wall to north boundary of the front garden.

Zoning:

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

Consultations:

Surface Water Drainage: No objections subject to conditions.

Parks: No objections.

Roads: No objections.

Strategic Environmental Assessment: Indicates no overlap with relevant environmental layers.

Submissions/Observations /Representations

Submission received:

- Current block wall contravenes planning regulations, which states walls should not be constructed in excess of 1.2m height.
- Wall is unfinished with no rendering and no capping.

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- There was a shed erected without planning permission – now removed.
- Wall provides enclosure for work van. Enclosed area is a health hazard and an eyesore.
- Wall reduces sunlight to living room.

The matters raised are considered in the overall assessment of the planning application.

Relevant Planning History

None,

Relevant Enforcement History

S8570 1. Front wall in excess of 1.2m, 2. Operation of a business without PP, 3. Back Wall in excess of 2m – Live

S6448 Erection of structure in front garden without benefit of planning permission - live

Pre-Planning Consultation

None recorded for the proposal.

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

Section 2.4.1 Residential Extension

Policy H18 Residential Extension

Objective 1

“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 11.3.3 (i) Extensions

Section 11.8.0 Environmental Assessment

South Dublin County Council House Extension Design Guide, 2010

The House Extension design guide contains the following guidance on house extensions, which is taken to include modifications to the driveway and entrance:

- *Respect the appearance and character of the area;*
- *Provide comfortable internal space;*
- *Do not overlook, overshadow or have an overbearing impact on neighbouring properties;*
- *Conserve water and save energy where possible;*

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Relevant Government Guidelines

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

Regional Spatial and Economic Strategy, Eastern & Midlands Regional Assembly, 2019.

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).

Assessment

The main issues to consider are:

- Zoning and Council policy;
- Design, visual impact and residential amenity;
- Roads and safety;
- Services and Drainage;
- Screening for Appropriate Assessment; and
- Screening for Environmental Impact Assessment.

Zoning and Council Policy

The proposed development is consistent with zoning objective 'RES'. An alteration to an access is permitted in principle subject to its design being in accordance with the relevant provisions in the Development Plan regarding Residential Extensions, and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010.

Design, Visual Impact and Residential Amenity

It is noted that the wall is subject to retention permission. The wall in question is located on the north boundary of the application site, partially along the boundary with No. 15 Yellow Meadows Drive.

Design and Visual Impact

It is noted that the wall is unfinished block, however, it is set back from all road frontages. It is somewhat visible, however, it is not on the roadside boundary, which minimises the impact. It is noted that there are rendered walls in the area, however there are examples of block boundary walls, that are finished in red brick. Concerns are maintained in relation to the visual impact of the existing wall and it is recommended that a condition be imposed requiring the wall to be rendered and capped on both sides.

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Given the scale of the wall, the location and the surrounding walls in the area, it is considered the wall to be retained is acceptable.

Residential Amenities

The wall does not result in any undue overbearing or overshadowing impacts on the neighbouring properties.

The Planning Authority is satisfied that the boundary wall to be retained does not have an adverse impact on the residential amenities of the adjacent properties and is in keeping with the visual amenities of the area.

Roads and Safety

Roads have stated "*Permission for the retention of a block wall. The wall does not interfere with any roads, sight lines etc*". There are no objections to the retention of the wall.

Services and Drainage

Water Services has no objections subject to conditions.

Other Matters

It is noted that there is live enforcement on the site. It is considered that should retention permission be granted, a condition should be imposed seeking development as per description in the notices only.

On the basis of the information on file, which is considered adequate to undertake a screening determination and having regard to:

- the nature and scale of the proposed development,
- the intervening land uses and distance from European sites,
- the lack of direct connections with regard to the Source-Pathway-Receptor model,

it is concluded that the proposed development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on the above listed European sites or any other European site, in view of the said sites' conservation objectives.

An appropriate assessment is not, therefore, required.

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.

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Other Considerations

Developer Contributions

Boundary Wall – contributions nil.

SEA Monitoring

Building Use Type Proposed: Residential extension/wall

Floor Area: nil

Land Type: Brownfield/Urban Consolidation.

Site Area: 0.0275 Hectares.

Conclusion

Having regard to the information submitted to the Planning Authority, the 'RES' land-use zoning objective, and the provisions of the South Dublin County Development Plan 2016 – 2022, it is considered that, subject to the conditions attached hereto, the wall for retention does not seriously injure the amenities of the area 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 Retention for the said development in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule hereto, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule.

FIRST SCHEDULE

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

SECOND SCHEDULE

Conditions and Reasons

1. Development to be in accordance with submitted plans and details.
The development shall be retained and completed fully in accordance with plans, particulars and specifications lodged with the application, within 6 months of the grant of permission, save as may be required by other conditions attached hereto.
REASON: To ensure that the development is in accordance with the permission and that effective control is maintained.

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2. (a) Drainage.

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

(ii) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use.

(iii) All drainage works for this development shall comply fully with the Greater Dublin Regional Code of Practice for Drainage Works.

REASON: In the interests of public health, the proper planning and sustainable development of the area and in order to ensure adequate water supply and drainage provision.

(b) 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.

(c) Construction Noise and Hours.

To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, Equipment or Machinery (to include pneumatic drills, on-site construction vehicles, generators, etc.) that could give rise to unacceptable levels of noise pollution as set out generally for evening and night-time in S.I. No. 140/2006 - Environmental Noise Regulations 2006 shall only be operated on the site between 7.00 hours and 19.00 hours weekdays and between 9.00 hours and 13.00 hours on Saturdays. No works shall take place at any time on Sundays, Bank Holidays or Public Holidays.

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

The applicant or developer shall also endeavour to engage in local consultation in respect of any noise sensitive location within 30 metres of the development as approved prior to

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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.

3. Development Permitted

Retention Permission is hereby granted solely for the development which is set out in Statutory Public Notices and description of development under Section 9 of the planning application form submitted.

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

4. Wall Finish.

Within 6 months from the final grant of permission, or as otherwise agreed in writing with the PLanning Authority, the boundary block wall shall be rendered on both sides and capped with precast concrete capping.

REASON: To ensure a satisfactory standard of the development.

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.


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REG. REF. SD22B/0054


LOCATION: 2, Yellow Meadows Vale, Dublin 22 D22Y299



Caitlin O'Shea,
Executive Planner

ORDER: A decision pursuant to Section 34(1) of the Planning & Development Act 2000, as amended, to Grant Permission for Retention 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: 4/4/22



Eoin Burke, Senior Planner