

Comhairle Chontae Atha Cliath Theas

PR/0445/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0043 **Application Date:** 10-Feb-2022
Submission Type: New Application **Registration Date:** 10-Feb-2022

Correspondence Name and Address: Kevin Tiernan 19, Aranleigh Gardens, Rathfarnham, Dublin 14

Proposed Development: An end of terrace, two storey two bed house with pitched roof over with single storey flat roof extension to the rear, to side of existing dwelling; creation of new vehicular access and dished kerb; off-street car parking space.

Location: Plot Adjacent to 11, Neilstown Gardens, Clondalkin, Dublin 22, D22Y602

Applicant Name: Angela Rooney

Application Type: Permission

Description of Site and Surroundings

Site Description

The site is the side garden of a 2-bed, end-of-terrace dwelling on the edge of a 4-unit terrace in Neilstown Gardens, Clondalkin, Co. Dublin. The site is bound to the east, south and west by residential dwellings and to the north by an internal circulation road for Neilstown Gardens.

The surrounding streetscape is generally characterised by residential dwellings of a similar architectural form and scale.

Site Area:

0.181 Ha.

Proposal

The proposed development would comprise an end of terrace, 2 storey two bedroom house with pitched roof over and single-storey flat roof extension to the rear, to the side of existing dwelling, provision of a new vehicular access and dished kerb; off-street car parking space.

The proposed dwelling is comprised of an entrance hall, living room, store, utility, toilet and kitchen/dining room at ground floor level and 2 bedrooms and a bathroom at first floor level. The proposed dwelling has an approximate gross floor area of 93sq.m.

Zoning

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

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Consultations

Drainage and Water Services:	Additional Information required.
Irish Water:	Additional Information required.
Parks and Public Realm:	No objection subject to conditions.
Roads:	Additional Information required.
Transport Infrastructure Ireland:	No report received at time of writing.

Submissions/Observations/Representations

Final date for submissions/observations – 9th March 2022.

None received.

Relevant Planning History

Subject Site

SD19A/0189

An end of terrace 2 storey four bed house with pitched roof over with single storey flat roof extension to the rear, to the side of existing dwelling; new vehicular access and dished kerb; off-street car parking space. **SDCC Decision:** Refuse Permission.

In refusing permission for the development proposed under SD19A/0189, SDCC cited 2 No. reasons for refusal. The proposed development of this Planning Application shall be assessed in the context of the previous reasons for refusal later in this Report.

CE19/0038

The applicant sought and was granted a S.96 Certificate of Exemption for social housing, in relation to a new End of Terrace house. **SDCC Decision:** Certificate of Exemption Granted.

SD09A/0374

Modifications to previously approved grant of permission for a 2 storey end of terrace house (Registry Reference SD08A/0229). The works include (i) an upper floor extension above the front entrance doorway with front elevational changes to include a new upper floor bedroom window and the removal of the approved obscured bathroom window, (ii) an extended upper floor bedroom to the approved 2 -storey annex at the rear of the house, (iii) internal layout alterations and (iv) all associated site and drainage works. **SDCC Decision:** Grant Permission, subject to conditions. This permission has expired.

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SD08A/0229

An end-of-terrace terrace, 2 storey house to the side of existing dwelling using the existing vehicular access from Neilstown Gardens for car parking and providing a new car entrance from Neilstown Gardens to the existing house. The works also involve all associated site and drainage works. **SDCC Decision:** Grant Permission, subject to conditions. This permission has expired.

Enforcement History

None recorded for the subject site.

Pre-Planning Consultation

None for this development.

Relevant Policy in South Dublin County Development Plan 2016 – 2022

Section 2.3.0: Quality of Residential Development

Policy H11 Residential Design and Layout

Policy H11 Objective 1

Policy H13 Private and Semi-Private Open Space

Policy H13 Objective 3

Policy H14 Internal Residential Accommodation

Policy H14 Objective 1:

To ensure that all residential units and residential buildings are designed in accordance with the relevant quantitative standards, qualitative standards and recommendations contained in Sustainable Urban Housing: Design Standards for New Apartments (2015), the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), the companion Urban Design Manual and have regard to the standards and targets contained in Quality Housing for Sustainable Communities (2007), particularly the standards and recommendations that relate to internal amenity/layout, overall unit size, internal room sizes, room dimensions, aspect, sound insulation, communal facilities, storage, sustainability and energy efficiency.

Policy H15 Privacy and Security

Policy H15 Objective 3

Policy H15 Objective 4

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

Policy H17 Residential Consolidation

Policy H17 Objective 1

Policy H17 Objective 2

Policy H17 Objective 5

Section 7.1.0: Water Supply & Wastewater

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*Policy IE1 Water & Wastewater
Policy IE1 Objective 7*

*Section 7.2.0: Surface Water & Groundwater
Policy IE 2 Surface Water & Groundwater
Policy IE2 Objective 5*

*Section 11.3.0: Land Uses
Section 11.3.1 (iv): Dwelling Standards
Table 11.20: Minimum Space Standards for Houses
Section 11.3.1 (v): Privacy
Section 11.3.2: Residential Consolidation
Section 11.3.2 (i): Infill Developments:*

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.*

Section 11.3.2 (ii): Corner/Side Garden Sites

Development on corner and/or side garden sites should meet the criteria for infill development in addition to the following criteria:

- *The site should be of sufficient size to accommodate an additional dwelling(s) and an appropriate set back should be maintained from adjacent dwellings,*
- *The dwelling(s) should generally be designed and sited to match the building line and respond to the roof profile of adjoining dwellings,*
- *The architectural language of the development (including boundary treatments) should respond to the character of adjacent dwellings and create a sense of harmony. Contemporary and innovative proposals that respond to the local context are encouraged, particularly on larger sites which can accommodate multiple dwellings,*

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- *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

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.

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).

Wastewater Treatment and Disposal Systems Serving Single Houses Environmental Protection Agency (November 2009)

The Planning System and Flood Risk Management - Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government & OPW, (2009)

Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities DoEHLG (2009)

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

Assessment

The main issues for assessment are

- Zoning and Council Policy
- Previous Reason for Refusal

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- Visual Impact and Residential Amenity
- Access and Parking
- Drainage and Water Services
- Parks and Public Realm
- Environmental Impact Assessment
- Appropriate Assessment.

Zoning and Council Policy

The proposed development is consistent with zoning objective 'RES' – 'To protect and/or improve residential amenity'. New residential development is permissible in principle under this zoning objective. The proposed development is permissible in principle, subject to its being in accordance with the relevant provisions of the South Dublin County Development Plan 2016 – 2022, with specific reference to section 11.3.2 (ii) – 'Corner/Side Garden Sites'.

Criteria for Corner/Side Garden sites

Under section 11.3.2 (ii) of the South Dublin County Development Plan 2016 - 2022, development on corner and/or side garden sites should meet certain criteria for development. These are assessed below:

“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 site is considered to be of sufficient size to accommodate an additional dwelling, in principle.

“The dwelling(s) should generally be designed and sited to match the building line and respond to the roof profile of adjoining dwellings,”

The proposed development matches building line and roof profile to the front. To the rear, the building appears to project approximately 3m beyond the existing rear building line at ground floor level and approximately 1.5m at first floor level. A concern arises in relation to the potential for this to impact on the adjoining property at No. 11 Neilstown Gardens. ADDITIONAL INFORMATION in the form of a design amendment should be requested from the Applicant. This is further addressed in the Visual Impact and Residential Amenity Section of this Report.

Additionally, insufficient detail is shown on the Site Layout Plan to fully assess the potential for the proposed development to impact on the residential and visual amenity of surrounding properties. In this regard, the Applicant should be requested to provide ADDITIONAL INFORMATION in the form of an Existing and Proposed Site Layout Plan pursuant to Section 23(1)(a) of the Planning and Development Regulations 2001-2021 (as amended) which states that:

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'Site or layout plans shall be drawn to a scale (which shall be indicated thereon) of not less than 1:500 or such other scale as may be agreed with the planning authority prior to the submission of the application, the site boundary shall be clearly delineated in red, and buildings, roads, boundaries, septic tanks and percolation areas, bored wells, significant tree stands and other features on, adjoining or in the vicinity of the land or structure to which the application relates shall be shown,'

Section 11.3.2 of the Development Plan also states that:

"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,"

The proposed development is similar to existing developments in terms of its architectural language, it is noted and welcomed by the Planning Authority that the fenestration pattern and levels broadly match that of existing dwellings along Neilstown Gardens. This aids in creating a sense of harmony with the receiving streetscape.

"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"

The proposed development does not include a forward projection.

"Corner development should provide a dual frontage in order to avoid blank facades and maximise surveillance of the public domain."

This is not corner development. The side elevations does not include fenestration, which is welcomed by the Planning Authority as it prevents the potential for overlooking to adjacent properties.

The proposed development is largely consistent with the policies and objectives set out in Section 11.3.2 of the Development Plan regarding residential consolidation. However, ADDITIONAL INFORMATION is required to facilitate a complete assessment of the proposal in the context of the receiving environment and potential to impact on the visual and residential amenity of surrounding properties.

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Previous Reasons for Refusal

In refusing permission for the dwelling proposed under SD19A/0189, South Dublin County Council cited 2 No. reasons which are outlined below along with a brief assessment of the proposed development of this Planning Application.

Refusal Reason No. 1

The proposed development is located in an area zoned 'RES' in the South Dublin County Development Plan 2016 - 2022, with an objective 'to protect and /or improve residential amenity. Having regard to:

- *non-compliance with standards contained within the 'Quality Housing for Sustainable Communities - Best Practice Guidelines' (2007) in relation to room size, room widths and storage provision;*
- *the overbearing visual impact the proposed first floor rear extension would have on the attached dwelling, due to mass, bulk and overshadowing*
- *overlooking to the south and to the east*
- *inadequate separation distance to rear;*
- *the constrained nature of the site; and*
- *the existing residential character of the area;*

the proposed development would be overdevelopment of the site, would contravene the 'RES' land-use zoning objective and would contravene the policies on corner site development. Thus the proposed development would seriously injure the amenities of property in the vicinity, and would be contrary to the proper planning and sustainable development of the area'.

It is considered that the revisions applied to the proposed development of this Planning Application largely overcome Reason for Refusal No.1 However, a concern arises in relation to the potential for the proposed development to adversely impact on the visual and residential amenity of surrounding properties. This is further outlined throughout this Report.

Refusal Reason No. 2

The proposed private open space does not comply with the minimum standard of 70sq.m. set out for a 4-bedroom house in Table 11.20 of the South Dublin County Development Plan, 2016 - 2022. Furthermore, the configuration of the space would render it unsuitable as quality amenity space'.

The proposed development of this Planning Application is for a 2 bedroom dwelling, which has a requirement for 55sq.m private amenity space according to Table 11.20 of the Development Plan.

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The proposed private amenity space exceeds the requirements set out in Table 11.20, as such it is considered that Refusal Reason No. 2 has been successfully addressed in this Planning Application.

Visual Impact and Residential Amenity

The proposed development provides for an end of terrace, 2 storey two bedroom house with pitched roof over and single-storey flat roof extension to the rear.

To the rear, the building appears to project approximately 3m beyond the existing rear building line at ground floor level and approximately 1.5m at first floor level. The Planning Authority is concerned that this projection beyond the building line set by No. 11 Neilstown Gardens to the west. In this regard, the Applicant should be requested by way of ADDITIONAL INFORMATION to revise the design of the proposed development to reduce the potential impact on adjacent properties. The Applicant should provide a separation distance of at least 1m from the party boundary per 3m of height of the rear projection. Alternatively, the Applicant could reduce the rear projection to match the building line set by No. 11 Neilstown Garden.

No windows are proposed in the side elevation, which protects the visual and residential amenity of the rear garden of Nos. 44 and 45 Neilstown Park.

As previous outlined, the Site Layout Plan contains insufficient information to allow an assessment of the potential for the rear windows at first floor level to impact on the amenity of No. 39 Neilstown Park to the south. In relation to privacy, Section 11.3.1(v) of the Development Plan states:

'Section 10 of the Urban Design Manual (2009) addresses privacy and amenity. A separation distance of 22 metres should generally be provided between directly opposing above ground floor windows to maintain privacy. Reduced distances will be considered in respect of higher density schemes or compact infill sites where innovative design solutions are used to maintain a high standard of privacy.'

Having regard to the content of Section 11.3.1(v) of the Development Plan, it is incumbent on the Applicant to demonstrate that the proposed first floor windows are at least 22m from the opposing windows at No. 39 Neilstown Park. In this regard, the Site Layout Plan is deficient. The Applicant should be requested to provide ADDITIONAL INFORMATION in the form of a Site Layout Plan at a scale not less than 1:500 which clearly demonstrates the separation distance between the proposed development and surrounding properties.

Internal Layout of Proposed Dwelling

The internal layout and floor areas of the proposed dwelling accords with the recommendations in Chapter 5 of the '*Quality Housing for Sustainable Communities: Best Practice Guidelines (2007)*', regarding a two bedroom house.

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Private Amenity Space

The existing property would be divided in order to provide the proposed dwelling. In these circumstances, the Planning Authority is required to be satisfied that both the proposed dwelling and the existing dwelling would benefit from adequate residential amenity.

The minimum standard private open space for two bedroom house, in Table 11.20 of the County Development Plan, is 55sq.m. The proposed development exceeds this requirement.

Access and Parking

The proposed development includes a new vehicular entrance and gate piers to the front of the property, to provide car parking on-curtilage.

The Roads Department has assessed the proposed development and indicated that the following **ADDITIONAL INFORMATION** is required to facilitate a complete assessment of the proposed development:

- The applicant is requested to submit a revised layout of not less than 1:200 scale showing the location and dimensions of the vehicular access and parking layout for the existing house at No. 11 Neilstown Gardens. The site layout plan should also show the location of the existing street tree to the front of the site boundary, which must be protected as part of the works by maintaining a 600mm distance between the footpath and the tree. In addition, the front boundary wall must 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 exiting the site.

Drainage and Water Services

The Drainage and Water Services Department and Irish Water have assessed the proposed development and indicated that the following **ADDITIONAL INFORMATION** is required to facilitate a complete assessment of the proposed development:

- The applicant has not proposed any SuDS (Sustainable Drainage Systems) features for the proposed development. SuDS (Sustainable urban Drainage Systems) features for the proposed development may include but are not limited to the following:
 - Permeable Paving
 - Rain Gardens
 - Planter boxes with overflow connection to the public surface water sewer.
 - Grasscrete
 - Green Roofs
 - Water Butts

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Parks and Public Realm

The Parks and Public Realm Department has assessed the proposed development and has indicated no objection, subject to the following conditions:

- Prior to the commencement of Development, a landscape plan and associated planting plan shall be submitted to the Planning Authority. The Landscape Plan shall include details of hard and soft landscaping. The Landscape Plan shall be implemented in full, within the first planting season following completion of the development. Details shall include:
 - (a) The planting plan shall clearly set out the following:
 - i. Location of species types, schedule of plants noting species, planting sizes and proposed numbers/densities where appropriate
 - ii. Implementation timetables.
 - iii. Detailed proposals for the future maintenance/management of all landscaped areas

(b) Types and dimensions of all boundary treatments.

REASON: To protect and enhance the character of the site and the area, and to ensure its appearance is satisfactory, in accordance with the policies and objectives contained within Section 8.3.0 Public Open Space Hierarchy and Landscape Setting of the CDP 2016-2022.

A tree bond of €1,500 (one thousand five hundred euros) shall be lodged with the Planning Authority to ensure the protection of the existing street tree located in the grass margin during the course of the development works. The bond will only be refunded upon receipt by SDCC Public Realm Section of a satisfactory post-construction Arboricultural Assessment, carried out by a qualified arborist and provided that the tree proposed for retention is alive, in good condition with a useful life expectancy.

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 policy G2 Objective 9, G4 Objective 5, G2 Objective 13, G6 Objective 1, HCL15 Objective 3 of the CDP 2016-2022.

- In order to ensure the protection of the existing street tree adjacent to the entrance of this proposed development, suitable tree protection fencing should be installed in order to protect the existing tree during construction works. Protective tree fencing must be erected prior to all construction operations occurring on site. Fencing to be in accordance with BS 5837. This fencing, enclosing the tree protection areas must be installed prior to

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any plant, vehicle or machinery access on site. Fencing must be clearly signed 'Tree Protection Area – No Construction Access'. No Excavation, plant vehicle movement, materials or soil storage is to be permitted within the fenced tree protection area.

REASON: To ensure the safety and well-being of the trees on and adjacent to the subject site that are to remain after building works are completed, in accordance with policy G2 Objective 9, G4 Objective 5, G2 Objective 13, G6 Objective 1, HCL15 Objective 3 of the CDP 2016-2022.

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

The subject site is not located within nor within close proximity to a European site. The proposed development is located within an established residential area and comprises of a single dwelling.

Having regard to:

- the small 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.

Conclusion

The proposed development is acceptable in principle having regard to the zoning objective of the subject site and the policies and objectives of the South Dublin County Development Plan. However, Further Information is required to ensure that the proposal will not have an adverse impact on the visual and residential amenity of surrounding properties. Furthermore, Further Information is required in relation to the access and parking arrangements and the drainage and water services infrastructure to facilitate a complete assessment of 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 amend the design of the proposed development to protect the visual and residential amenity of adjoining properties. The applicant could either provide a separation distance of at least 1m from the party boundary per 3m of height of the rear

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projection. Alternatively, the applicant could reduce the rear projection to match the building line set by No. 11 Neilstown Garden. The applicant is requested to provide a complete set of drawings including site layout plan, floor plans, elevations and sections at the appropriate scale to facilitate a complete assessment of the amended design.

2. The information shown on the Site Layout Plan is deficient and does not facilitate a complete assessment of the proposed development in the surrounding receiving context. In this regard the applicant is requested to provide a Site Layout Plan at a scale not less than 1:500 which includes clear delineation of the site boundary, contours/levels, key features on the site and adjoining lands including buildings, roads, boundaries, septic tanks and trees. The Site Layout Plan should clearly demonstrate the separation distance between the proposed development and surrounding properties.
3. The applicant is requested to submit a revised layout of not less than 1:200 scale showing the location and dimensions of the vehicular access and parking layout for the existing house at No. 11 Neilstown Gardens. The site layout plan should also show the location of the existing street tree to the front of the site boundary, which must be protected as part of the works by maintaining a 600mm distance between the footpath and the tree. In addition, the front boundary wall must 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 exiting the site.
4. The applicant is requested to provide a detailed Drainage Layout drawing which includes proposals for SuDS (Sustainable Drainage Systems) features for the proposed development. SuDS (Sustainable urban Drainage Systems) features for the proposed development may include but are not limited to Permeable Paving, Rain Gardens, Planter boxes with overflow connection to the public surface water sewer, Grasscrete, Green Roofs and Water Butts.

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REG. REF. SD22A/0043

LOCATION: Plot Adjacent to 11, Neilstown Gardens, Clondalkin, Dublin 22, D22Y602

Colm Harte

**Colm Harte,
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:

6/4/22

Eoin Burke

Eoin Burke, Senior Planner