

Comhairle Chontae Atha Cliath Theas

PR/0477/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22B/0071 **Application Date:** 16-Feb-2022
Submission Type: New Application **Registration Date:** 16-Feb-2022
Correspondence Name and Address: Mark Byrne Gormanstown, Kilcullen, Co. Kildare
Proposed Development: For a side access gate, relocation of front entrance pier to widen driveway and all associated site development works.
Location: 12, Esker Lodge, Lucan, Co. Dublin
Applicant Name: William and Martina Murphy
Application Type: Retention

(CS)

Description of Site and Surroundings:

Site Area: 0.024 Hectares.

Site Description:

The corner site is located at No. 12 Esker Lodge, Lucan, Co. Dublin and contains an existing two storey, semi-detached dwelling with single storey side and rear extension and with front and rear gardens. The streetscape is characterised by two storey dwellings with front and rear gardens. The vehicular entrance has been widened and a pedestrian access to the side has been inserted.

Proposal:

The application for **retention** is for the following:

- **Retention** of pedestrian access gate to side.
- **Retention** of widened vehicular entrance which was originally c.2.8m and is now c.4.0m.
- Proposed works measure 0sq.m.

SEA Sensitivity:

No overlap identified with relevant environmental layers.

Zoning:

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

Consultations:

Parks Department – **Refusal** recommended.

Surface Water Drainage – No objections subject to **conditions**.

Irish Water – No objections subject to **conditions**.

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Roads Department – No objections subject to **conditions**.

Submissions/Observations /Representations

None.

Relevant Planning History

See under 'Assessment' heading.

Relevant Enforcement History

Live case remains open S8728.

Pre-Planning Consultation

None.

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 11.2.7 Building Height

Section 11.3.1 Residential

Section 11.3.1 (iv) Dwelling Standards

Section 11.3.1 (v) Privacy

Section 11.3.3(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*
- *Attic Conversions and Dormer Windows*
 - Avoid large and dominant roof extensions and dormer windows that are over-scaled in relation to the roof of the house,

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- Avoid extending the full width of the roof or right up to the gable ends – two small dormers on the same elevation can often be a suitable alternative to one large dormer,
- Avoid dormer windows that are over dominant in appearance or give the appearance of a flat roof.

Section 11.4.2 Car Parking Standards

Section 11.4.4 Car Parking Design and Layout

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

Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities, 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 relate to the following:

- Zoning and Council Policy.
- Planning history
- Residential and Visual Amenity.
- Access & Parking.
- Parks & Landscaping.
- Services and Drainage.
- Screening for Appropriate Assessment (AA).
- Screening for Environmental Impact Assessment (EIAR).

Zoning and Council Policy

The site is located in an area which is zoned RES 'To protect and/or improve residential amenity'. The proposed development is permitted in principle, subject to its design being in accordance with the relevant provisions in the Development Plan.

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Planning History

SD18B/0290: Extension to existing dwelling on site measuring 232sq.m: (a) proposed ground floor extension to side and rear (29sq.m), (b) to retain existing exempt development attic conversion to wc and study/storage (26sq.m) and (c) associated drainage alterations.

Decision: **GRANT PERMISSION.**

It is noted that a condition was attached to this grant regarding the pedestrian entrance stating the following:

Omit Pedestrian Access.

While the drawings submitted show a proposed pedestrian access to the rear garden, this was not advertised in the public notices. Therefore, the proposed pedestrian access does not form part of this planning permission and shall be omitted.

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

It is noted that the applicant proceeded to construct this pedestrian entrance without the benefit of planning permission and is now seeking to regularise this by way of seeking retention permission.

Residential & Visual Amenity

Retention of pedestrian access gate to side

The pedestrian access gate to the side has a height of c.2m and has a width of c.1m. The drawings submitted show that the gate will open inwards and therefore will not impact adversely on pedestrians using the public footpath in the vicinity of the gate. The gate is not considered to have a significant adverse impact on residential and visual amenity.

Retention of widened vehicular access

The widened vehicular entrance was originally c.2.8m wide and is now c.4m wide. In the event of a grant the vehicular entrance shall be limited to a maximum width of 3.5m. This is covered further in the Access & Parking section of the report.

Access & Parking

The Roads Department has issued a report stating no objections subject to **conditions**. An extract taken from the Roads Department states the following:

Prior to commencement of any works in the public domain, and in order to comply with The Roads Act 1993 Section 13 Paragraph 10, a Road Opening Licence must be secured from South Dublin County Council, Roads Maintenance Department.

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Description

For a side access gate, relocation of front entrance pier to widen driveway and all associated site development works.

Road's objections:

- 1. The vehicular access points shall be limited to a width of 3.5 meters.*
- 2. The boundary walls and gates 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. The proliferation of access, additional pedestrian access to public footpath could set a precedent.*

It is considered that the above conditions be attached in the event of a grant apart from condition no.3 as it is considered that the pedestrian entrance is acceptable in this instance. It is noted that the applicant is required to reconstruct part of the vehicular entrance that was demolished so that the vehicular entrance width is limited to a maximum width of 3.5m. The 3.5 width of the vehicular entrance shall be measured from the westernmost pier.

Parks & Landscaping

A report was received from the Parks Department recommending **refusal** regarding the loss of part of the grass margin and the subsequent loss of biodiversity. An extract taken from the Parks report states the following:

Reasons for Refusal

The Public Realm Section is of the opinion that granting this application to allow "relocation of front entrance pier to widen driveway" Ref. SD22B/0071 known as No. 12, Esker Lodge, Lucan, Co. Dublin would set an unwanted precedent in relation to the widening of driveways/entrances and would also result in an associated reduction in grass margins which along with street trees play an extremely important role in mitigating the impacts of climate change by aiding in the retention of surface water.

In addition, it's not very clear from the drawings submitted the actual extent of the works proposed and its potential impact on the adjoining grass margins and associated services.

Notwithstanding the report from the Parks Department, the loss of part of the grass margin is not considered to have a significant adverse impact on biodiversity.

Services & Drainage

Both Irish Water and Surface Water Drainage have stated no objections subject to **conditions**. An extract taken from the Surface Water Drainage report states the following:

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Surface Water Report: No Objection Subject to:

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.

It is considered appropriate to attach the above **conditions** in the event of a grant.

An extract taken from the Irish Water report states the following:

IW Recommendation:

No Objection

1 Water

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

2 Foul

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

It is considered appropriate to attach the above **conditions** in the event of a grant.

Screening for Appropriate Assessment (AA)

Having regard to the scale and nature of the development, connection to public services and the distance from Natura sites, it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site, therefore Stage 2 AA is not required.

Screening for Environmental Impact Assessment (EIAR)

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.

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Other considerations

Development Contributions

- No increase in floor area.
- Assessable area is 0sq.m.

SEA Monitoring Information	
Building Use Type Proposed	Floor Area (sq.m)
Residential	0sq.m.
Land Type	Site Area (Ha.)
Brownfield/Urban Consolidation	0.024

Conclusion

Having regard to the provisions of the South Dublin County Council Development Plan 2016-2022, the Planning Authority is satisfied that subject to conditions the development is consistent with the Development Plan provisions and the proper planning and sustainable development of the area and accordingly a grant of permission is recommended.

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, save as may be required by other conditions attached hereto.
REASON: To ensure that the development is in accordance with the permission and that

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effective control is maintained.

2. (a) Drainage - Irish Water.
 - (i) All works shall comply with the Building Regulations -Technical guidance document- Part H Drainage and Wastewater disposal.
 - (ii) The Developer shall ensure that there is complete separation of the foul and surface water drainage for the proposed development.
 - (iii) All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.
 - (iv) All development shall be carried out in compliance with Irish Water Standards codes and practices.
 - (v) The water supply and drainage infrastructure, shall comply with the requirements of Irish Water.
 - (vi) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use. All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.
 - (vii) 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.

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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.

3. Roads Requirements.

Within 6 months of the date of final grant of permission

- (a) the applicant shall reconstruct part of the vehicular entrance that was demolished so that the vehicular entrance width is limited to a maximum width of 3.5m and such new width of 3.5m shall be measured from the westernmost pier.
- (b) the boundary walls and gates 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.
- (c) the pedestrian gate to the side of the property shall not open outwards on to the public footpath but shall open inwards in to the site.

REASON: To maintain on street car parking, to reduce impact on the tree in the grass margin and in the interest of visual amenity and pedestrian and traffic safety.

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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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: Waste, arising from the site, must be kept to a minimum, segregated where appropriate, and disposed in accordance with the Waste Management Regulations 2007, as amended. Transport of such waste, must be by an authorised waste permit holder. Waste disposal records must be maintained and made available, for inspection by Authorised Persons appointed under the Waste Management Act 1996, as amended. A Waste Transfer Form shall accompany the transportation of all hazardous waste arising from the construction works.

NOTE: A Roads Opening Licence must be obtained from South Dublin County Council prior to the commencement of any works in the public domain in order to comply with the Roads Act 1993, Section 13, paragraph 10. Under this Act, non-compliance constitutes an offence.

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REG. REF. SD22B/0071

LOCATION: 12, Esker Lodge, Lucan, Co. Dublin



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 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: _____

12/4/22



Eoin Burke, Senior Planner