

Comhairle Chontae Atha Cliath Theas

PR/0494/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0063 **Application Date:** 21-Feb-2022
Submission Type: New Application **Registration Date:** 21-Feb-2022

Correspondence Name and Address: Stephen Mason 2, Clonkeefy, Castlerahan,
Ballyjamesduff, Co. Cavan

Proposed Development: (1) The demolition of the existing shed/garage building to the rear of the existing dwelling; (2) the construction of 1 2-bedroom, 3 person detached single storey pitched roof mews dwelling with attic conversion, and a single storey flat roof rear projection located to the rear of the existing dwelling and fronting Brideswell Lane; (3) the vehicular entrance is off Brideswell Lane; (4) connection to all public services; (5) all necessary ancillary site development works to facilitate this development.

Location: 97 Boot Road, Clondalkin, Dublin 22.

Applicant Name: John Dunne

Application Type: Permission

Description of Site and Surroundings

Site Description

The subject site is comprised of backland infill lands to the rear of No. 97 Boot Road. Although the subject site directly fronts onto Brideswell Lane, the site is considered to be backland/infill lands owing to its location to the rear of No. 97 Boot Road and the sub-standard nature of the lane in terms of pedestrian safety, waste/emergency vehicle access and the proliferation of informal parking which significantly reduces the width of the lane to the extent that two cars cannot safely pass each other.

The subject site currently contains a garage (125 sq m) which appears to be operating as a commercial business for vehicle repairs. The site is bound to the north by the rear amenity space of No. 96 Boot Road which contains a garage structure of a similar size also operating as a commercial business, to the east by Brideswell Lane, to the south by the rear amenity space of No. 98 Boot Road which contains a shed/garage structure operating as a commercial business and to the west by the existing 2 No. storey dwelling at No. 97 Boot Road.

The streetscape along Brideswell Lane is generally comprised of a number of single storey shed/garage structures with a non-uniform building line. There are a number of car

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repair/mechanic businesses and a childcare facility in operation along the lane, resulting in a significant level of informal parking along the lane.

Site Area:

Stated as 0.027 Ha.

Proposal

Permission is sought for the following:

- Demolition of the existing garage structure (125 sq m);
- Construction of a two bedroom detached two storey pitched roof dwelling with a single storey rear projection.
- Vehicular entrance off Brideswell Lane.
- Connection to all public services; and
- All necessary ancillary site development works.

Zoning

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

Consultations

Drainage and Water Services - Additional Information required.

Irish Water – No objection, subject to conditions.

Parks and Public Realm – No objection, subject to conditions.

Roads – Refusal recommended.

Environmental Health Officer – No objection, subject to conditions.

Transport Infrastructure Ireland – No objection, subject to conditions.

SEA Sensitivity Screening

Screening for Strategic Environmental Assessment indicates overlap with the Zone of Archaeological Potential established around an area of archaeological interest, recorded monument DU021-016.

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Submissions/Observations

Deadline for submissions/observations 28th March 2022.

None Received.

Relevant Planning History

Subject Site

CE22/0012 – Permission was Refused for a certificate of exemption under Section 96 of the Planning and Development Act 2000 (as amended).

SD03B/0132 – Retention permission sought for a domestic garage/store to the rear. **SDCC Decision:** Grant Retention Permission, subject to conditions.

SD02A/0132 – Retention permission sought for a workshop to the rear of No. 97 Boot Road. **SDCC Decision:** Refuse Permission.

Enforcement History

S3322 – Alleged unauthorised workshop to the rear of No. 97 Boot Road. **Status:** File closed, with the reason for closure states as 'Notice complied with'.

S2299 – Commercial premises being erected to the rear of No. 97 Boot Road. **Status:** File closed

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

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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

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*

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forms, fenestration patterns and materials and finishes. Larger sites will have more flexibility to define an independent character.

- *Significant site features, such as boundary treatments, pillars, gateways and vegetation should be retained, in so far as possible, but not to the detriment of providing an active interface with the street.*
- *Where the proposed height is greater than that of the surrounding area a transition should be provided (see Section 11.2.7 Building Height).*
- *Subject to appropriate safeguards to protect residential amenity, reduced open space and car parking standards may be considered for infill development, dwelling subdivision, or where the development is intended for a specific group such as older people or students. Public open space provision will be examined in the context of the quality and quantum of private open space and the proximity of a public park. Courtyard type development for independent living in relation to housing for older people is promoted at appropriate locations. Car parking will be examined in the context of public transport provision and the proximity of services and facilities, such as shops.*
- *Proposals to demolish a dwelling(s) to facilitate infill development will be considered subject to the preservation of the character of the area and taking account of the structure's contribution to the visual setting or built heritage of the area.*

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 11.3.2(iii) Backland Development

The design of development on backland sites should meet the criteria for infill development in addition to the following criteria:

- *Be guided by a site analysis process in regard to the scale, siting and layout of development.*
- *Avoid piecemeal development that adversely impacts on the character of the area and the established pattern of development in the area.*
- *Development that is in close proximity to adjoining residential properties should be limited to a single storey, to reduce overshadowing and overlooking.*
- *Access for pedestrians and vehicles should be clearly legible and, where appropriate, promote mid-block connectivity*

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).

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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
- Visual Impact
- Residential Amenity
- Archaeology
- Vehicular Access and Parking
- Drainage and Water Services
- Compliance with Part V
- 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 of the Development Plan.

Visual Impact

The proposed development provides for the demolition of a garage operating as a commercial enterprise, and the construction of a residential dwelling facing onto Brideswell Lane. The proposed dwelling and associated amenity space will be located on the site of the existing garage, approximately 25m from the existing dwelling at 97 Boot Road. The proposed dwelling has an approximate gross floor area of 117 sq m and is comprised of a two storey structure with a pitched roof profile containing an entrance hall, home office/study, kitchen/living/dining area, storage and toilet at ground floor level and 2 No. bedrooms and a bathroom at first floor level.

The Applicant describes the dwelling as a 'detached single storey pitched roof mews dwelling with attic conversion', however owing to the height and design of the proposed dwelling it reads a 2 No. storey structure and thus would be more accurately described as such.

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Furthermore, as the Development Plan does not contain any specific policies or objectives in relation to 'mews' buildings and the receiving context is not characterised by mews buildings the proposed development shall be assessed as a standard dwelling proposal.

Demolition of the Garage

The demolition of the garage structure is considered acceptable in principle. The structure appears to operate as a commercial and the existing use contributes to significant congestion along Brideswell Lane and is inconsistent with the 'RES' land-use zoning objective. It is unclear from the documentation provided by the Applicant whether the commercial premises will cease operations should permission be granted for the proposed development of this Planning Application. However, the cessation of the commercial operations would be welcomed by the Planning Authority owing to their incompatibility with the zoning objective and the significant impact on the laneway.

Provision of a dwellings

The visual impact of the proposed dwelling is assessed having regard to the content of Sections 11.3.2(i) and (iii) of the Development, which relates to infill sites and backland development respectively.

Section 11.3.2 (i) of the Development Plan states that 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.*

The Planning Authority is satisfied that the proposed development largely accords with the content of the *Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities DEHLG, 2009* and the *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.*

The Applicant has not provided a detailed site analysis in support of the proposed development. However, having regard to the area of the subject site (stated as 0.027 Ha) it is considered that a detailed analysis is not required.

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- *Significant site features, such as boundary treatments, pillars, gateways and vegetation should be retained, in so far as possible, but not to the detriment of providing an active interface with the street.*

The Planning Authority would require detailed information in relation to the boundary treatment for the proposed dwelling to ensure an active interface with the adjacent streetscape is created.

- *Where the proposed height is greater than that of the surrounding area a transition should be provided (see Section 11.2.7 Building Height).*

It is noted that the ridge height of the proposed dwellings is approximately 7.3m, which sits just below that of the adjacent dwelling at No. 97 Boot Road.

- *Subject to appropriate safeguards to protect residential amenity, reduced open space and car parking standards may be considered for infill development, dwelling subdivision, or where the development is intended for a specific group such as older people or students. Public open space provision will be examined in the context of the quality and quantum of private open space and the proximity of a public park. Courtyard type development for independent living in relation to housing for older people is promoted at appropriate locations. Car parking will be examined in the context of public transport provision and the proximity of services and facilities, such as shops.*

The private amenity space and car parking provision adhere to the minimum standards outlined in the Development Plan.

- *Proposals to demolish a dwelling(s) to facilitate infill development will be considered subject to the preservation of the character of the area and taking account of the structure's contribution to the visual setting or built heritage of the area.*

The proposed development does not include the demolition of a habitable dwelling.

Section 11.3.2(iii) outlines the Planning Authority's policy in relation to Backland Development as follows:

The design of development on backland sites should meet the criteria for infill development in addition to the following criteria:

- *Be guided by a site analysis process in regard to the scale, siting and layout of development.*

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The Applicant has not provided details of the site analysis process which informed the design, scale, siting and layout of the proposed development. The Applicant states that the proposal represents a coordinated approach to the development of Brideswell Lane having regard to the 2 No. dwellings proposed under SD22A/0062 and the 2 No. dwellings permitted under SD19A/0131 and SD19A/0385/ABP Ref. PL06S.306855 respectively. It is considered that the dwelling permitted under SD19A/0131 cannot reasonably be described as development along Brideswell Lane as it fronts onto Boot Road to the west. In relation to the 3 No. remaining dwellings, it should be noted that 3 No. are under consideration (SD22A/0062 and this Planning Application).

Having regard to the length of Brideswell Lane and the quantum of commercial premises, the Planning Authority does not accept that the provision of 4 No. dwellings along the lane would amount to a coordinated approach to the development of Brideswell Lane. The Planning Authority considers that a coordinated approach would take the form of a detailed site analysis and Masterplan for the entire lane, demonstrating adequate residential amenity, refuse and emergency vehicle access and safe pedestrian and cyclist navigation.

- *Avoid piecemeal development that adversely impacts on the character of the area and the established pattern of development in the area.*

The receiving context along Brideswell Lane is comprised of a number of shed/garage structures that appear to be operating as commercial premises. The nature of the businesses along the lane results in a proliferation of informal on-street car parking along the length of the lane, resulting in an environment that is not conducive to residential development. In this regard, it is considered that the proposed development represent piecemeal development that could inhibit the development potential of the rear gardens along the laneway. In order to ensure the appropriate development of the lands along the lane providing a high-quality residential environment with quality residential amenity for existing and proposed residents in the area, it is appropriate that a plan-led coordinated approach to the development of these lands is taken.

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

The proposed dwellings includes a separation distance of approximately 25m between the proposed ground floor windows and the rear elevation of the existing dwelling at No. 97 Boot Road and the dwelling permitted under SD19A/0131. Owing to the single storey rear return the separation distance between first floor windows is approximately 29m.

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- *Access for pedestrians and vehicles should be clearly legible and, where appropriate, promote mid-block connectivity*

Access for pedestrians and vehicles to the proposed dwellings is not clearly legible. Significant concerns arise in relation to the provision of a residential development along a laneway which has no pedestrian infrastructure, no public lighting and is difficult to navigate owing to the proliferation of informal on-street car parking which has narrowed the lane to such an extent that 2 No. cars cannot safely pass and larger refuse and emergency vehicles would need to reverse the length of the lane. Further details of the concerns regarding the legibility of access are outlined in the Access and Parking Section of this Report.

Overall, it is considered that the proposed dwelling would not have a significant impact on the visual amenity and character of the laneway. However, concerns arise regarding the potential for the proposed development to result in the creation of a traffic safety hazard. These concerns are further outlined in the Access and Parking section of this Report.

Residential Amenity

Internal Layout of Proposed Dwelling

The internal layout and floor areas of the proposed dwellings accord with the recommendations in Chapter 5 of the '*Quality Housing for Sustainable Communities: Best Practice Guidelines (2007)*', regarding a 2-bedroom, 3-person house.

Private Amenity Space

The proposed private amenity spaces for each dwelling meet or exceed the standards laid down in the County Development Plan and the arrangement is considered acceptable.

Separation Distance to Adjacent Dwellings

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.'

It is noted that the proposed development includes a separation distance of approximately 25m from the existing dwelling at No. 97 Boot Road. The Planning Authority is satisfied that there would be no significant impact to the residential amenity of surrounding properties in terms of overlooking, overbearing and overshadowing.

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Archaeology

The application site is partially within a Zone of Archaeological Potential which relates to registered monument No. DU021-16, should permission be granted for the proposed development, it is considered appropriate to attach a condition regarding archaeological monitoring.

Access and Parking

The proposed development includes the provision of a vehicular access point onto Brideswell Lane. In its current state, the laneway includes several commercial premises which has resulted in a prevalence of informal on-street parking along the laneway. It is noted that the laneway is a cul-de-sac with no turning head for large vehicles. There is no public footpath along the laneway and very little public lighting. As a result of the proliferation of parking, the laneway is significantly narrowed and has become a dangerous environment for pedestrians and cyclists. It is clear that the existing scenario along the laneway is not conducive to the introduction of a residential use which would result in increased pedestrian, cyclist and traffic movements along the laneway, further exacerbating the traffic safety issues along the laneway.

The Roads Department have assessed the proposed development and have noted the following:

'Because of the presence of numerous car sales/service businesses along the laneway, there is a permanent presence of parked cars along the eastern side of the road. This concentration of vehicles serves to constrict the safe passage of pedestrians, bicycles or other vehicles. There are no footpaths and clearance is very tight.'

'The Roads Department would have concerns regarding the safety of (1) pedestrians when travelling along the laneway as their only option would be to walk on the road, and (2) cyclists who would experience significant difficulty when encountering oncoming traffic. The existing public lighting would need to be examined for adequacy.'

In relation to the safe navigation of vehicles along the laneway, the Roads Department noted that:

'There is no mention of a bin service in the proposal. It would appear that a bin lorry would struggle to traverse this laneway and would have nowhere to turn around when it got to the end. Emergency vehicles would have the same issues. Reversing back down the laneway would not be acceptable to the Roads Department.'

The Roads Department have recommended that permission be REFUSED for the proposed development on the following grounds:

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- (1) 'The proposed development would introduce a significant increase in pedestrian/cyclist activity on the laneway, and the safe movements of this cohort have not been catered for in the proposal.
- (2) There is no public footpath.
- (3) The public lighting requires upgrading.
- (4) Neither safe access or turning can be achieved by emergency vehicles or bin trucks along, or at the end of, the laneway.'

The Planning Authority notes the concerns of the Roads Department and considers that they are too significant to be addressed by way of additional information or overcome by a condition. Whilst the Planning Authority is not opposed to the principle of residential development at the subject site, given the complex nature of the existing scenario along Brideswell Lane it is considered that a more cumulative approach to development along the laneway would be appropriate.

Drainage and Water Services

The Drainage and Water Services Department have assessed the proposed development and have noted in their Report that the following ADDITIONAL INFORMATION is required:

- There are no soil percolation test results and design details submitted for the proposed soakaway. The applicant is required to 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.
- The applicant is required to submit a revised drawing showing plan and crosssectional views, dimensions, and location of proposed soakaway. Any proposed soakaway shall be located fully within the curtilage of the property and shall be:
 - a. At least 5m from any building, public sewer, road boundary or structure.
 - b. Generally, not within 3m of the boundary of the adjoining property.
 - c. Not in such a position that the ground below foundations is likely to be adversely affected.
 - d. 10m from any sewage treatment percolation area and from any watercourse / floodplain.

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- e. Soakaways must include an overflow connection to the surface water drainage network.
- The applicant has not proposed any SuDS (Sustainable Drainage Systems) features for the proposed development. The applicant is required to submit a drawing in plan and cross-sectional views showing proposed Sustainable Drainage Systems (SuDS) features for the development. Examples of such SuDs devices are listed below:
 - Permeable Paving
 - Grasscrete
 - Green Roofs
 - Planter Boxes
 - Rain Gardens
 - Water Butts
 - Other such SuDS

Irish Water have also assessed the proposed development have no objection, subject to standard conditions.

Compliance with Part V

Under CE22/0012 permission was refused for a Certificate of Exemption pursuant to Section 96 of the Planning and Development Act 2000 (as amended). In the event that permission is granted a Part V condition should be attached.

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

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- 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

Having regard to the provisions of the South Dublin County Development Plan regarding backland and infill development, in addition to the 'RES' zoning objective, traffic navigation, vehicular access and pedestrian safety concerns, it is considered that the proposed development would endanger public safety by reason of a traffic safety hazard. It is therefore considered that permission for the proposed development should be refused.

Recommendation

I recommend that a decision to Refuse Permission be made under the Planning & Development Act, 2000 (as amended) for the reasons set out in the Schedule hereto:-

SCHEDULE

REASON(S)

1. The proposed development, by reason of its location within Brideswell Lane and the associated lack of pedestrian and cyclist infrastructure, is considered to constitute piecemeal and haphazard development and would therefore be contrary to Section 11.3.2(iii) of the South Dublin County Council Development Plan 2016-2022. Furthermore, considering the proliferation of informal on-street parking within Brideswell Lane and the inadequate access and navigation route for refuse and emergency vehicles, it is considered that the proposed development would endanger public safety by reason of traffic hazard and therefore be contrary to the proper planning and sustainable development of the area.

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REG. REF. SD22A/0063

LOCATION: 97 Boot Road, Clondalkin, Dublin 22.

Colm Harte

Colm Harte

Senior Executive Planner

ORDER: A decision pursuant to Section 34(1) of the Planning & Development Act 2000 (as amended) to Refuse Permission for the above proposal for the reasons set out above is hereby made.

Date:

19/4/22


Eoin Burke, Senior Planner