

Principal Planning Officer  
Planning Department  
South Dublin County Council  
County Hall  
Tallaght  
Dublin 24

5<sup>th</sup> April 2022  
[By Hand]

Dear Sir/ Madam

**1.0 INTRODUCTION – APPLICATION FOR PLANNING PERMISSION FOR DEVELOPMENT AT 58A AND 58B CAPPAGHMORE, CLONDALKIN, DUBLIN 2**

**1.1 The Purpose of This Document**

George Buffini<sup>1</sup> (referred to as the Applicant throughout unless otherwise specified) has retained Tom Phillips + Associates, town planning consultants<sup>2</sup>, to make this Planning Application to South Dublin County Council (SDCC) for permission to provide 2 No. houses in place of the permitted house and associated granny flat at Nos. 58A and 58B Cappaghmore, Clondalkin, Dublin 22 and the extension of the rear garden at No. 58B Cappaghmore.

**2.0 PLANNING HISTORY**

**2.1 Planning permission for house at No. 58A Cappaghmore, Clondalkin, Dublin 22 – SDCC Reg. Ref. 91A/0072**

Planning permission was granted on 28<sup>th</sup> August 1991 for the development of 2 No. semi-detached dwellings (including No. 58A Cappaghmore) which was constructed shortly after.

**2.2 Planning permission for 2 storey granny flat extension at No. 58B Cappaghmore, Clondalkin, Dublin 22 – SDCC Reg. Ref. SD02B/0338**

Planning permission was granted on 14<sup>th</sup> January 2003 for the development of a 2 storey 'granny flat' (No. 58B Cappaghmore) immediately adjoining the existing dwelling, No. 58A Cappaghmore, which was built in 2004. The unit provides for a 2 No. bedroom granny flat of c. 68 sqm in size.

Condition No. 6 of the permission states:

'That when the structure is no longer required for use as a family flat by the applicant, that its use reverts to use as part of the existing dwelling unit.'

<sup>1</sup> Heritage House, 23 St. Stephen's Green, Dublin 2

<sup>2</sup> Tom Phillips + Associates, 80 Harcourt Street, Dublin 2



In effect, Condition No. 6 requires that the house and granny flat is connected at ground floor level and that when the use of the granny flat is no longer required by a family member that the house reverts to a single unit which would comprise a 5 bedroom house of c. 173 sqm.

### **2.3 Planning permission to provide 2 No. houses at No. 58A and 58B Cappaghmore, Clondalkin, Dublin 22 – SDCC Reg. Ref. SD20A/0164; An Bord Pleanála (ABP) Ref. ABP-308289-20**

Planning permission was sought for the provision of 2 No. houses in place of the permitted house and associated granny flat. SDCC and subsequently ABP refused permission for a sole reason as follows:

*‘Having regard to guidance set out in ‘Quality Housing for Sustainable Communities – Best Practice Guidelines’ (2007) and ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Area (Cities, Towns and Villages)’ (2008) issued by the Department of the Environment, Heritage and Local Government, to the provisions of the South Dublin County Council Development Plan 2016-2022, to the zoning of the area, and to its nature and layout, it is considered that the proposed development would be substandard in terms of the quantum and quality of private open space to be provided for the two-bedroom dwelling. The proposed development would seriously injure the residential amenity of its occupants and would, therefore, be contrary to the proper planning and sustainable development of the area.’*

The proposed development seeks to address the above reason for refusal by providing an enlarged and improved private open space to the rear of the property through extension of the garden to the north and west. It is noted that the area of the newly extended garden will be located within the Clonburris Strategic Development Zone planning scheme area.

## **3.0 DESCRIPTION OF PROPOSED DEVELOPMENT**

### **3.1 Rationale for Instant Application and Description of Development**

The Applicant formerly worked as a builder and has recently retired (at the age of 69) and lives in the granny flat at No. 58B Cappaghmore. The main house is lived in by his daughter and family (from the Applicant), including 3 young children. The original property was built as an investment property in the early 90’s with the associated granny flat was built in 2004, primarily as a living space for an elderly family member.

The Applicant previously lived at No. 58A Cappaghmore from 2008 and then moved into No. 58B Cappaghmore when his daughter’s family required a house to live in. The Applicant has resided at 58B Cappaghmore since this time.

The Applicants’ construction business was severely affected by the economic crash in the late 2000s and ran into difficulties to operate as a going concern. Arising from the crash, the Applicant still has significant outstanding debts which are now required to be settled with the bank. The Applicant wishes to be able to sell the property at No. 58A to settle his debts and also be in a position to sell to his daughters family to ensure that they will be provided with a family home into the future. The Applicant intends to live at No. 58B Cappaghmore



which will be a separate dwelling. The dwellings will be separated at ground floor level by a block wall in place of the permitted link doorway between the kitchens in both units. There is no further requirement to provide a 'family flat' at this location and it is also considered that the provision of single 5 bedroom house (which will have a poor internal layout for such a unit) is not required at this location and will not be commercially viable to sell (as required by the Applicant currently).

Further to the Refusal of Permission on the site (as outlined in Section 2.3 above), the Applicant engaged with the adjoining landowner to the north, Sordino Limited c/o Kelland Homes Limited to discuss extending the rear garden of the property to the north and west to address the single issue of refusal relating to substandard private open space for the dwelling. In this regard, it is now proposed to extend the rear of the property to create a larger private rear garden (a Letter of Consent from Sordino Limited) is included as part of this application.

No. 58A will provide for a large 3 bedroom dwelling with back garden which will serve the needs of a young family. No. 58B will provide for a 2 bedroom dwelling that provides a spacious front garden and will now incorporate a new proposed large rear garden. It is also proposed to slightly move the rear partition wall between both properties to the north to align with the dividing wall of the 2 No. houses. This will result in a rear garden of c. 77 sqm serving No. 58A and a rear garden of c. 67 sqm serving No. 58B which provides for large spacious private open space areas for each dwelling.

No. 58B Cappaghmore is considered to provide for a substantial level of residential amenity in this regard and the reason of refusal relating to the substandard '*...quantum and quality of private open space would be provided for the two-bedroom dwelling*' has now been fully addressed. A new boundary wall will be constructed between No. 58B and the adjoining lands to the north and west. Both dwellings will continue to use the existing shared vehicular access onto Cappaghmore.

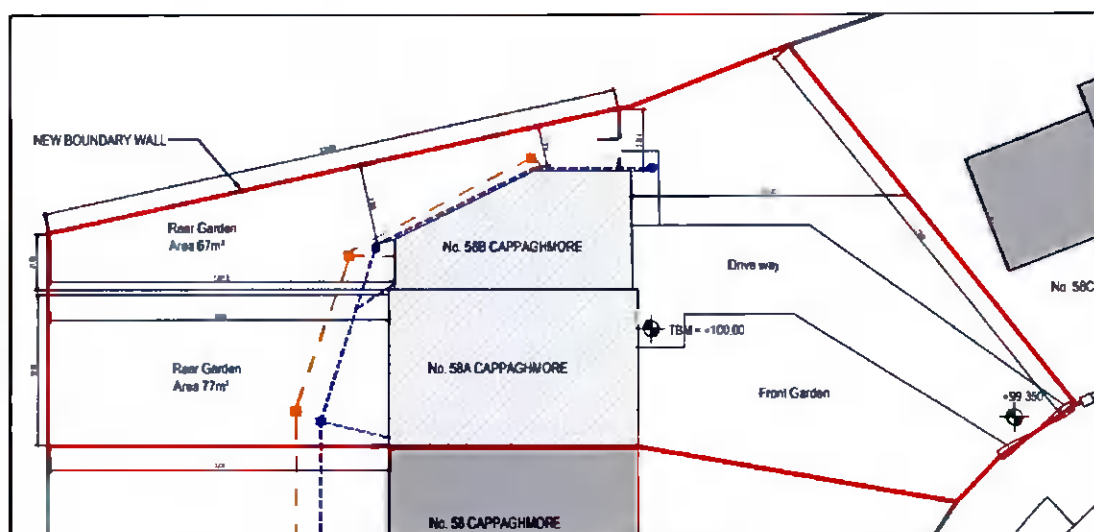


Figure 1: Extract from Proposed Site Block Plan illustrating enlarged rear garden area to No. 58B Cappaghmore

The provision of 2 No. dwellings at this location is considered appropriate and will ensure that the properties will provide for accommodation for families as required in the area.



## 4.0 PLANNING POLICY

### 4.1 South Dublin County Council Development Plan 2016-2022

Section 11.3.2 of the County Development Plan addresses 'Residential Consolidation'. Part (iv) of the Section refers to dwelling sub-division and states that (this is also reiterated in Section 13.5.8 of the *Draft Development Plan 2022-2028*):

*"Dwelling sub-division and 'over the shop' accommodation should accord with the relevant guidelines and standards contained in this Development Plan relating to apartments and contribute positively to the established character and amenities of the area. The design of 'over the shop' housing should include mitigation measures to address possible sources of external noise. A separate, distinctive point of entry with an identifiable address should also be provided. Dwelling sub-divisions should preserve the established character and amenities of the area."*

Having regard to the above it is considered that the sub-division of the dwelling does not impact adversely on the established character and amenities of the area and will allow for the continued use of the proposed houses for residential use by the occupants.

Whilst it is still considered that as per Section 11.3.2 the relevant guidelines to assess No. 58B Cappaghmore are the apartment guidelines, we have also had regard to the previous decision of SDCC and ABP and their commentary in relation to the private open space associated with No. 58B Cappaghmore. In this regard, we note that the Applicant has engaged with the adjoining landowner and that an enlarged rear garden space can now be provided to No. 58B Cappaghmore through extension into the adjoining lands. This will result in a rear garden for No. 58B of c. 67 sqm and a rear garden of c. No. 58A of 77 c. sqm which entirely accords with the private open space requirements for houses as outlined in Section 11.3.1 of the Development Plan.

It is noted that the proposed 2 bedroom dwelling at No. 58B Cappaghmore has a substantial front garden which will now be further enhanced by the proposed large rear garden. Section 11.3.2 of the Development Plan also states that:

*"At the discretion of the Planning Authority and subject to appropriate safeguards to protect residential amenity, reduced internal space, open space and car parking standards may be considered in exceptional circumstances for dwelling subdivisions or 'over the shop' accommodation, subject to compensating amenity features that maintain the residential amenities of the development and/or the area."*

It is considered that the proposed dwellings fully accord with the residential standards as attributable to them under the Development Plan (and *Quality Housing for Sustainable Communities – Best Practice Guidelines' (2007)*) and that they represent high quality residential development at this location.

We also refer to Housing Policy 17 of the County Development Plan with outlines the Councils support for 'Residential Consolidation'.



### **HOUSING (H) Policy 17 Residential Consolidation**

**It is the policy of the Council to support residential consolidation and sustainable intensification at appropriate locations, to support ongoing viability of social and physical infrastructure and services and meet the future housing needs of the County.**

#### **H17 Objective 1:**

To support residential consolidation and sustainable intensification at appropriate locations and to encourage consultation with existing communities and other stakeholders.

#### **H17 Objective 2:**

To maintain and consolidate the County's existing housing stock through the consideration of applications for housing subdivision, backland development and infill development on large sites in established areas, subject to appropriate safeguards and standards identified in Chapter 11 Implementation.

#### **H17 Objective 3:**

To favourably consider proposals for the development of corner or wide garden sites within the curtilage of existing houses in established residential areas, subject to appropriate safeguards and standards identified in Chapter 11 Implementation.

#### **H17 Objective 4:**

To promote and encourage residential uses on the upper floors of appropriate buildings located in Town, District, Local and Village Centres within the County save for public houses and nightclubs and other inappropriate places where similar business is conducted.

#### **H17 Objective 5:**

To ensure that new development in established areas does not impact negatively on the amenities or character of an area.

Having regard to H17 Objectives 1-5 highlighted above, we note that the proposed 2 bedroom dwelling supports residential consolidation through the sub-division of an existing dwelling which is within walking distance of services and facilities available at Clondalkin Village. There will be no negative impact on the amenities of adjoining dwellings or the local area.

## **4.2 Clonburris Strategic Development Zone**

The area of land now included in the application to extend the rear garden of No. 58B Cappaghmore is located within the Clonburris Strategic Development Zone (SDZ) planning scheme area. Having regard to the SDZ, this small area of land is located within the Clonburris Character Area and particularly the area identified as "CSE-S2".

The land is illustrated as open space area and as part of the subject planning application will provide for private open space associated with the proposed dwellings. Notwithstanding the very limited nature of the development in the SDZ, it is considered that the proposed development is consistent to the Clonburris SDZ in this regard and does not impact adversely on its character or setting.



## 5.0 DOCUMENTS SUBMITTED AS PART OF THIS PLANNING APPLICATION

### 5.1 Planning Application Form

A copy of the completed South Dublin County Council *Planning Application Form*, signed by Stephen Barrett, Tom Phillips + Associates, and dated 5<sup>th</sup> April 2022.

### 5.2 Planning Fee

PAID - RECEIPT NO. T4/0/202219

A cheque made payable to 'South Dublin County Council' for the sum of €130 representing the planning application fee, is enclosed with this planning application in accordance with the provisions of Schedule 9 of the *Planning and Development Regulations 2001-2021*.

The fee payable is calculated based on Class 1 – 2 No. dwelling units at €65 each.

### 5.3 Public Notices

- An original page of the Irish Daily Star, published 5<sup>th</sup> April 2022, in which notice of the application has been published pursuant to article 17(1)(a) of the *Planning and Development Regulations, 2001 – 2021*.
- One copy of a Site Notice, dated 5<sup>th</sup> April 2022, and erected or fixed on the land pursuant to article 17(1)(b) of the *Planning and Development Regulations, 2001 – 2021*.

### 4.4 Planning Report

- 6 No. copies of this *Planning Report* prepared by Tom Phillips + Associates, dated 5<sup>th</sup> April 2022

### 4.5 Planning Drawings

- 6 No. copies of the Planning Drawings prepared by George Buffini
  - Site Location Map
  - Site Block Plan, Plans, Sections and Elevations
  - Proposed Site Block Plan



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**5.0 CONCLUSION**

The provision of 2 No. separate houses at this location will allow for the provision of appropriate accommodation to serve the needs of the Applicant and provide for an additional dwelling suitable for a family and will allow the Applicant to be financially secure throughout his retirement. The provision of a significantly larger rear garden to serve No. 58B Cappaghmore is considered to fully address the previous reason for refusal on the site.

We trust that you will find this planning application in order and we look forward to receipt of an acknowledgement at your earliest convenience.

Please revert back to us should you require further clarification in relation to any aspect of the application and we look forward to an early and favourable decision on this application.

Yours faithfully

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**Stephen Barrett**  
**Director**  
**Tom Phillips + Associates**

