

Comhairle Chontae Atha Cliath Theas

PR/0577/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22B/0102 **Application Date:** 09-Mar-2022
Submission Type: New Application **Registration Date:** 09-Mar-2022

Correspondence Name and Address: John Shevlin 114, Ashington Rise, Navan Road, Dublin 7.

Proposed Development: A single storey family flat to the side of existing house.

Location: 2, Neilstown Gardens, Dublin 22

Applicant Name: Margaret Morgan

Application Type: Permission

Description of Site and Surroundings:

Site Description:

The subject site contains a 2 storey, semi-detached three-bedroom house towards the northern end of Neilstown Gardens, a residential street overlooking a large green space. The house and adjoining property at No. 1 Neilstown Gardens break slightly from the building line along Neilstown Gardens, owing to a bend in the road.

The existing dwelling is comprised of an entrance hallway, living room, toilet, store and kitchen/living/dining room at ground floor level and 3 bedrooms, a hot press and a family bathroom at first-floor level. The dwelling has been subject to previous modification in the form of a single-story extension to the rear, providing approximately 9.7sq.m additional floor area to the kitchen/living/dining room. Whilst the front façade of the existing dwelling appears to include a garage with a vehicular door and a pedestrian door, it is noted that the doors lead to an enclosed courtyard providing a car port and bin storage space. There is a shed structure located in the back garden adjacent to the southern boundary and a smaller shed structure adjacent to the western boundary.

The surrounding streetscape is generally characterised by 2 storey semi-detached and terraced dwellings of a similar architectural form and scale. The wider area includes Collinstown Park approximately 100m to the east, the M50 approximately 475m to the east and Neilstown approximately 400m to the southwest.

Site Area:

Stated as 0.027 Ha.

Proposal:

Permission is sought for the provision of a single-storey family flat affixed to the western elevation of the existing dwelling. The family flat has an approximate gross floor area of 41.37m² and follows

Comhairle Chontae Atha Cliath Theas

PR/0577/22

Record of Executive Business and Chief Executive's Order

the 'wedge' shape of the site boundary with an approximate width of 5.4m to the front, narrowing to approximately 2.2m at the rear. The proposed family flat has a pitched roof profile to the front with a ridge height of approximately 4.2m, stepping down to a flat roof portion to the rear which has an approximate height of 3.1m.

Zoning

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

Consultations:

Drainage and Water Services Department: Additional Information required.
Irish Water: No objection, subject to conditions.
Parks and Public Realm Department: No objection.
Roads Department: Additional Information required.

Screening for Strategic Environmental Assessment

No overlap indicated with relevant environmental layers.

Submissions/Observations /Representations

Final date for submissions/observations – 12th April 2022. None received.

Relevant Planning History

Subject Site

None recorded.

Adjacent Sites

SD04A/0906 – No. 1 Neilstown Gardens, Neilstown, Clondalkin, Dublin 22.

Permission sought for a 2 storey two bedroom semi-detached dwelling with 2 storey rear extension with separate vehicular access & partial dishing of kerb. **SDCC Decision:** Refuse permission for the following reasons:

- The proposed development would seriously injure the amenities and would depreciate the value of property in the vicinity because, the proposed development would effectively transform the existing pair of semi-detached houses into a terrace of three dwellings.
- The proposed development would be contrary to the private amenity space standards as set out in section 11.11.7 of the South Dublin County Council Development Plan 2004- 2010, as the required rear garden area has not been achieved. Accordingly, the proposed development would materially contravene the zoning objective for the area which seeks to 'protect and/or improve residential amenity'.

Comhairle Chontae Atha Cliath Theas

PR/0577/22

Record of Executive Business and Chief Executive's Order

- The proposed development would infringe an existing building line.

Relevant Enforcement History

None found in preliminary search.

Pre-Planning Consultation

None.

Relevant Policy in South Dublin County Development Plan (2016-2022)

Section 2.4.1 Residential Extension

Policy H18 Residential Extension

Policy H18 Objective 1:

‘To favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 11 Implementation and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines).’

Policy H19 Family Flats

‘It is the policy of the Council to support family flat development subject to the protection of residential and visual amenities.’

Section 11.3.1 Residential

Section 11.3.1 (iv) Dwelling Standards

Section 11.3.1 (v) Privacy

Section 11.3.3 Additional Accommodation

Section 11.3.3 (i) Extensions

‘The design of residential extensions should accord with the South Dublin County Council House Extension Guide (2010) or any superseding standards.’

Section 11.3.3 (ii) Family Flat

‘A family flat is to provide semi-independent accommodation for an immediate family member (dependent of the main occupants of a dwelling). A family flat is not considered to represent an independent dwelling unit and as such open space and car parking standards are not independently assessed. Proposals for family flat extensions should meet the following criteria:

- The applicant shall be required to demonstrate that there is a genuine need for the family flat,
- The overall area of a family flat should not exceed 50% of the floor area of the main dwelling house,
- The family flat should be directly accessible from the main dwelling via an internal access door, and

Comhairle Chontae Atha Cliath Theas

PR/0577/22

Record of Executive Business and Chief Executive's Order

- The design criteria for dwelling extensions will be applied.'

Section 11.4.2 Car Parking Standards

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 11.8.0 Environmental Assessment

South Dublin County Council House Extension Design Guide, 2010

The House Extension Design Guide contains the following guidance on house extensions, including in particular side extensions:

- Respect the appearance and character of the area;
- Provide comfortable internal space and useful outside space;
- Do not overlook, overshadow or have an overbearing impact on neighbouring properties;
- Conserve water and save energy where possible;
- Locate extensions, particularly if higher than one storey, away from neighbouring property boundaries. As a rule of thumb, a separation distance of approximately 1m from a side boundary per 3m of height should be achieved.

For Side Extensions:

- *Respect the style of the house and the amount of space available between it and the neighbouring property, for example:*
 - o *if there is a large gap to the side of the house, and the style of house lends itself to it, a seamless extension may be appropriate;*
 - o *if there is not much space to the side of the house and any extension is likely to be close to the boundary, an ancillary style of extension set back from the building line is more appropriate;*
 - o *if the house is detached or on a large site or in a prominent location such as the corner of a street, it may be appropriate to consider making a strong architectural statement with the extension.*
- *Match or complement the style, materials and details of the main house unless there are good architectural reasons for doing otherwise. Where the style and materials do not seamlessly match the main house, it is best to recess a side extension by at least 50cm to mark the change.*
- *Leave a gap of at least 1m between the extension and the side party boundary with the adjoining property to avoid creating a terraced effect. A larger gap may be required if that is typical between properties along the street.*
- *If no gap can be retained, try to recess side extensions back from the front building line of the main house by at least 50cm and have a lower roof eaves and ridge line to minimise the terracing effect. In the case of a first floor extension over an existing garage or car port that*

Comhairle Chontae Atha Cliath Theas

PR/0577/22

Record of Executive Business and Chief Executive's Order

is flush with the building line of the main house, the first floor extension should be recessed by at least 50cm.

- *Match the roof shape and slope of the existing house. In the case of houses with hipped roofs it can be particularly difficult to continue the ridge line and roof shape; however, it is more visually pleasing to do so if this will not result in a terracing effect with the adjoining house.*
- *Where the extension is to the side of a house on a corner plot, it should be designed to take into account that it will be visible from the front and side. The use of blank elevations will be unacceptable and a privacy strip behind a low wall, hedge or railings should be provided along those sections of the extension that are close to the public pavement or road.*
- *Avoid creating a terraced effect and awkward join between the rooflines of two adjacent properties if building up to the party boundary.*
- *Do not include a flat roof to a prominent extension unless there is good design or an architectural reason for doing so.*
- *Do not incorporate blank gable walls where extensions face onto public footpaths and roads.*
- *The use of a 'false' roof to hide a flat roofed extension is rarely successful, particularly if visible from the side.*
- *Avoid locating unsightly pipework on side elevations that are visible from public view. Consider disguising or recessing the pipework if possible.*
- *Extending a hipped roof to the side to create a gabled end of half-hip will rarely be acceptable, particularly if the hipped roof is visually prominent and typical of other houses along the street.*
- *Avoid the use of prominent parapet walls to the top of side extensions.*

Relevant Government Policy

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

Regional, Spatial & Economic Strategy 2020-2032 (RSES), Eastern & Midlands Regional Assembly (2019)

- Section 5 – Dublin Metropolitan Area Strategic Plan, in Regional, Spatial and Economic Strategy 2019 – 2031.

Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, Department of the Environment and Local Government (2009).

Urban Design Manual, 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).

Comhairle Chontae Atha Cliath Theas

PR/0577/22

Record of Executive Business and Chief Executive's Order

Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities, Department of the Environment, Heritage and Local Government, (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;
- Drainage and Water Services;
- Vehicular Access and Parking;
- Environmental Impact Assessment; and
- Appropriate assessment.

Zoning and Council Policy

The proposed development is consistent with zoning objective 'RES' – 'To protect and/or improve residential amenity'. New residential extensions to existing dwellings are permissible in principle under this zoning objective, subject to their being in accordance with the relevant provisions of the South Dublin County Council House Extension Design Guide 2010.

Policy on Family Flats

The application is assessed below on the criteria provided in section 11.3.3 (ii) of the South Dublin County Development Plan 2016 - 2022.

- The applicant shall be required to demonstrate that there is a genuine need for the family flat.

In the Cover Letter provided with the application, it is indicated that the applicant requires the proposed family flat due to mobility issues accessing the first floor of the existing house. It is stated that the proposed family flat would provide a more accessible means of accommodation for the applicant whilst maintaining a link to the existing house where family members will continue to reside. The Planning Authority is satisfied that the applicant has demonstrated that there is a genuine need for the family flat and that a CONDITION can be attached to any decision to Grant Permission requiring the flat not to be operated or sold separately to the house.

- The overall area of a family flat should not exceed 50% of the floor area of the main dwelling house.

Comhairle Chontae Atha Cliath Theas

PR/0577/22

Record of Executive Business and Chief Executive's Order

The area of the flat is stated to be 41.37m² and the area of the existing dwelling is stated to be 90.3m². The area of the proposed family flat is therefore less than 50% of the floor area of the main house.

- The family flat should be directly accessible from the main dwelling via an internal access door

The flat is accessed internally from the existing entrance hallway of the main dwelling and has an external access to the rear garden.

- The design criteria for dwelling extensions will be applied.

The development is assessed below on the basis of a residential extension.

Temporary Nature of Development

Family flats are by nature a temporary development, creating an arrangement whereby someone who is unable to live completely autonomously, has some level of privacy in their residence. South Dublin County Council applies, as standard, a condition that the flat be reintegrated with the main dwelling house if and when it is no longer needed as a family flat.

In this case, it is apparent from the Floor Plan layout that the family flat would be easily reintegrated with the main house following its use as a flat.

South Dublin House Extension Design Guide (2010)

Having regard to the content of the South Dublin House Extension Design Guide (2010), the following concerns arise in relation to the proposed development:

Separation Distance – In relation to the provision of a gap between side extensions and adjoining properties, the House Extension Design Guide states that:

'Leave a gap of at least 1m between the extension and the side party boundary with the adjoining property to avoid creating a terraced effect. A larger gap may be required if that is typical between properties along the street.'

'If no gap can be retained, try to recess side extensions back from the front building line of the main house by at least 50cm and have a lower roof eaves and ridge line to minimise the terracing effect. In the case of a first floor extension over an existing garage or car port that is flush with the building line of the main house, the first floor extension should be recessed by at least 50cm' [Emphasis added]

Comhairle Chontae Atha Cliath Theas

PR/0577/22

Record of Executive Business and Chief Executive's Order

In relation to the potential for extensions to have an overbearing impact, the Extension Design Guide (2010) states that:

'Locate extensions, particularly if higher than one storey, away from neighbouring property boundaries. As a rule of thumb, a separation distance of approximately 1m from a side boundary per 3m of height should be achieved'. [Emphasis added]

Having regard to the above, a concern arises that the proposed family flat directly adjoins the boundary with No. 3 Neilstown Gardens, with the front façade of the proposed family flat set approximately 1m forward of the building line created by the dwelling and attached garage of No. 3 Neilstown Gardens.

Whilst it is acknowledged that a terraced appearance exists along the streetscape of Neilstown Gardens, the proposal is for a family flat which is larger in scale, bulk and height than the existing garage and as such would introduce new development to the subject site which has the potential to impact on the character and setting of the receiving context. Having regard to the Family Flat policy contained within Section 11.3.3(ii) and the content of the South Dublin House Extension Design Guide, it is considered that the proposal in its current form is not consistent with the policies and objectives contained therein.

It is considered that a modification to the front building line of the proposed family flat may reduce the potential visually incongruous appearance of the structure. In this regard, the Applicant should be requested, by way of ADDITIONAL INFORMATION, to setback the proposed flat and align its north-western corner with the existing front building line of the adjoining building at No. 3 Neilstown Gardens. The height and scale of the flat may then be acceptable given that it largely extends along the existing garage at No. 3.

The pitched roof of the flat at the front is acceptable given that it is inkeeping with the character of the dwelling and streetscape. Providing for a setback of the extension would better align with the adjoining property.

Visual Impact

The proposed development is essentially a single-storey side extension. As previously outlined a concern arises that the proposal will adversely impact on the visual character and setting of the streetscape along Neilstown Gardens.

Whilst the principle of a Family Flat is acceptable at the subject site, the development should be amended to comply with the South Dublin House Extension Design Guide (2010), having particular regard to its front building line as previously outlined in this Report.

Comhairle Chontae Atha Cliath Theas

PR/0577/22

Record of Executive Business and Chief Executive's Order

Residential Amenity

It is unclear from the documentation provided by the Applicant, whether the proposed bedroom within the family flat is a double or single room. If it is intended for use as a double room, it does not meet the standard for a double bedroom under the County Development Plan and 'Quality Housing for Sustainable Communities - Best Practice Guidelines' (2007). In this regard, the Applicant should be requested to clarify whether the room is intended for use as a single or double room and if it is a double room proposal should be re-designed to achieve the minimum requirement. This should be requested via ADDITIONAL INFORMATION.

It appears that sufficient rear amenity space for the dwelling would remain. The applicant is advised to ensure that the requested amendments do not result in insufficient rear amenity space.

Drainage and Water Services

The Report of the Drainage and Water Services Department indicates that the following ADDITIONAL INFORMATION is required:

'South Dublin County Council Water and Drainage section are concerned that there may be insufficient space to the rear of the property to cater 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 cross-sectional views, dimensions, and location of proposed soakaway. Any proposed soakaway shall be located fully within the curtilage of the property and shall be:*
 - (i) At least 5m from any building, public sewer, road boundary or structure.*
 - (ii) Generally, not within 3m of the boundary of the adjoining property.*
 - (iii) Not in such a position that the ground below foundations is likely to be adversely affected.*
 - (iv) 10m from any sewage treatment percolation area and from any watercourse / floodplain.*
 - (v) Soakaways must include an overflow connection to the surface water drainage network*

Comhairle Chontae Atha Cliath Theas

PR/0577/22

Record of Executive Business and Chief Executive's Order

- *Should a soakaway prove not to be feasible, then the applicant shall submit the following:*
 - (a) *Soil percolation test results demonstrating a soakaway is not feasible*
 - (b) *A revised surface water layout drainage drawing for the development showing the inclusion of alternative SuDS (Sustainable Drainage Systems) features. These may include green roofs, rain gardens, rain planter boxes for example'.*

Irish Water has assessed the proposed development and indicated no objection, subject to the following conditions:

- All development shall be carried out in accordance with Irish Water's Standards, Codes and Practices in relation to water infrastructure.
- All development shall be carried out in accordance with Irish Water's Standards, Codes and Practices in relation to wastewater infrastructure.

Vehicular Access and Parking

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

- The applicant to provide a revised drawing (with relevant dimensions) demonstrating how two cars could access/egress/park safely should the development be granted permission.
- The applicant to provide an Autotrack drawing showing the safe movements of cars entering and leaving the front driveway.

The proposed flat would extend into the existing driveway and be setback approximately 4.7m from the front boundary at the closest point. A 6m setback from the front boundary is advised to ensure sufficient room to park a car onsite. The above requested setback in relation to visual impact should also ensure that a car can be parked onsite.

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.

Comhairle Chontae Atha Cliath Theas

PR/0577/22

Record of Executive Business and Chief Executive's Order

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 house extension in the form of a family flat affixed to an existing 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

Having regard to the 'RES' land-use zoning of the area, the relevant policies and objectives of the South Dublin County Development Plan 2016 – 2022 and the South Dublin House Extension Design Guide 2010, the proposed development of a family flat is generally acceptable in principle. However, ADDITIONAL INFORMATION is required to address concerns regarding the impact of the proposal on the visual and residential amenities of the subject site, adjoining properties and the streetscape. Furthermore, ADDITIONAL INFORMATION is required to address the issues raised by the Drainage and Water Services Department and the Roads Department.

Recommendation

I recommend that **ADDITIONAL INFORMATION** be requested from the applicant with regard to the following:

1. The applicant is requested to re-design the proposed development to ensure adherence with the South Dublin County Development Plan 2016-2022 and the House Extension Design Guide (2010) as follows:
 - (a) Setback the proposed front building line of the flat and align its north-western corner with the existing front building line of the adjoining building at No. 3 Neilstown Gardens. The setback should also ensure that a car(s) can be sufficiently parked onsite.
 - (b) Clarify whether the proposed bedroom is intended for use as a single or double room. If it is a double room, the proposed flat should be re-designed to achieve the minimum requirement for a double bedroom as set out in the South Dublin County Development Plan 2016-2022 and 'Quality Housing for Sustainable Communities - Best Practice Guidelines' (2007).

Comhairle Chontae Atha Cliath Theas

PR/0577/22

Record of Executive Business and Chief Executive's Order

2. The applicant is requested to provide the following information in relation to the vehicular access and parking arrangements for the proposed development:
 - (a) a revised drawing (with relevant dimensions) demonstrating how two cars could access/egress/park safely should the development be granted permission.
 - (b) an AutoTRAK drawing showing the safe movements of cars entering and leaving the front driveway.

3. The applicant is requested to submit the following information in relation to the Drainage and Water Services Infrastructure for the proposed development:
 - (a) a report showing site specific soil percolation test results and design calculations for the proposed soakaway in accordance with BRE Digest 365 – Soakaway Design.
 - (b) a revised drawing showing plan and cross-sectional views, dimensions, and location of proposed soakaway. Any proposed soakaway shall be located fully within the curtilage of the property and shall be:
 - (i) At least 5m from any building, public sewer, road boundary or structure.
 - (ii) Generally, not within 3m of the boundary of the adjoining property.
 - (iii) Not in such a position that the ground below foundations is likely to be adversely affected.
 - (iv) 10m from any sewage treatment percolation area and from any watercourse / floodplain.
 - (v) Soakaways must include an overflow connection to the surface water drainage network
 - (c) Should a soakaway prove not to be feasible, then the applicant shall submit the following:
 - (i) Soil percolation test results demonstrating a soakaway is not feasible
 - (ii) A revised surface water layout drainage drawing for the development showing the inclusion of alternative SuDS (Sustainable Drainage Systems) features. These may include green roofs, rain gardens, rain planter boxes for example.

Comhairle Chontae Atha Cliath Theas

PR/0577/22

Record of Executive Business and Chief Executive's Order


REG. REF. S22B/0102

LOCATION: 2, Neilstown Gardens, Dublin 22


Caitlin O'Shea,
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: 03/05/2022


Conn Harte,
Senior Executive Planner