

# Comhairle Chontae Atha Cliath Theas

PR/0598/22

## Record of Executive Business and Chief Executive's Order

<b>Register Reference:</b>	ED22/0006
<b>Correspondence Name &amp; Address:</b>	Graham McNevin 3, Killakee Gardens, Firhouse, Dublin 24
<b>Development:</b>	Single storey pitched roof extension to rear of existing dwelling
<b>Location:</b>	47, Peyton Close, Stoney Lane, Rathcoole, Co. Dublin
<b>Applicant:</b>	Billy & Suzanne O'Neill

(EW)

### Description of Site and Surroundings:

This corner site is notably a dual frontage dwelling located in the residential estate of Peyton Close, Stoney Lane, Rathcoole. The streetscape is characterised by semi-detached dwellings of similar form and appearance, with pitched roof profiles. The subject dwelling is highly visible at this corner site location to the northern end of Peyton close. The rear gardens face directly onto the gable side of an adjacent property to the rear (east) of the site, it is also noted that a garden shed exists in the subject rear garden.

### Zoning:

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

### Proposal:

This is an application requesting a Section 5 Declaration on whether the following works are or are not exempted development;

- Proposed ground floor extension to rear
  - Ridge height approximately 3.2m
  - Internal floor area of 22.5sq.m,
  - Area of remainder rear garden 110sq.m
  - Area of site 282sq.m

This Section 5 Declaration application includes:

- Application form
- Site location map
- Site layout plan
- Floor Plans
- Elevations

# Comhairle Chontae Atha Cliath Theas

PR/0598/22

## Record of Executive Business and Chief Executive's Order

### Relevant Planning History:

SD22B/0011 - 47, Peyton Close, Stoney Lane, Rathcoole, Co. Dublin. **Grant Permission** for a single storey extension to rear of existing dwelling and all associated site works.

ED21/0061 - Single storey pitched roof extension to rear of existing dwelling (Circa 36sqm) – **Declared Not Exempt:**

### Reasons:

*The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.*

Having regard to the dual frontage nature of this dwelling, the proposed 34.8 sqm extension would cover the entire landholding behind both of the front building lines, resulting in no private open space reserved exclusively for the use of the occupants of the house to the rear of the house. The proposal therefore does not comply with this condition.

SD09A/0384 – **Granted Permission** for Amendments to the design & layout of houses at 1- 38 Peyton Close, 19 - 29 Peyton Drive and 1 - 4 Peyton Crescent previously granted planning permission under Reg Ref SD06A/0699. These amendments include replacement of the above house types with 18 no. 3 storey, 4 bed semi-detached, 50 3 storey, 3 bed semi-detached and 2no. 3 storey, 3 bed terraced houses. Permission is also sought for the relocation of apartment blocks A1, A2, B1, B2 (37 - 84 Peyton Hall) previously granted permission under Reg. Ref. SD07A/0351 along with apartment blocks C and D (1-36 Peyton Hall) and houses at 1 - 20 Peyton Square previously granted under permission Reg. Ref. SD06A/0699 along with alterations to the site boundary location along with all other ancillary site development works.

Significant Additional Information: omission of apartment blocks A1, A2, B1, B2, C & D approved under planning Reg. Ref. SD06A/0699 and SD07A/0351 and replacing them with 30 no. houses comprising 3 no. 3 storey, 4 bedroom, detached houses, 19 no. 3 storey, 3 bedroom plus study, semi-detached houses, 2 no. 3 storey, 3 bedroom detached houses and 6 no. 3 storey, 2 bedroom, with option for third bedroom in roof space, semi-detached houses. Permission is also sought for amendments to M and M1 type houses, previously lodged, along with proposed optional extension to the rear of the M type houses. It is also proposed to omit from this application the development of the area on the south west corner of the site on which houses 1 to 20 Peyton Square, previously approved under Reg. Ref. SD06A/0699, were located, shaded blue on the site plan submitted, drawing no. 0915 PD03A. This area will be the subject of a future planning application. The amendments reduce the number of residential units for which permission is currently sought from 251 units to 168 units. Amendments are also sought for changes to finished floor levels from that approved in the original permission.

# Comhairle Chontae Atha Cliath Theas

PR/0598/22

## Record of Executive Business and Chief Executive's Order

SD06A/0699 - **Granted Permission** for Reduction in the number of units from 273 units to 268 units, with the change in unit types as follows: Revision in numbers of Type A, 2 bed 2 storey terraced units from 25 to 22, revision in numbers of Type G, 4 bed 2 storey plus attic semi-detached houses from 18 to 22, revision in numbers of Type G1, 4 bed 2 storey plus attic corner semi-detached houses from 12 to 6. Houses 19, 20, 89, 90 and 149 (total 5 units) have been omitted. The number of unit types A1, A2, E, E1, F, F1 and D remain unchanged. The area of public open space in front of the existing Forest Hills estate has been increased. The numbers and types of apartments in Blocks A, B, C and D remain unchanged. Apartment Blocks C and D and the communal bin store have been relocated towards the east. Revisions also include the retention and re-alignment of the existing Storey Road, with the introduction of a new roundabout to serve the site. Revisions have been made to the layout of 16 no. Type G and G1 houses at the entrance, with the creche being relocated to the north. The size and hours of operation of the creche remains the same, with the decrease in the outside play area from 581sq.m. to 405sq.m. and the increase in staff parking / drop off area from 30 spaces to 31 Spaces. Revisions have also been made to houses 49 to 63, with these houses being relocated towards the west. The total number of residential car parking spaces has decreased from 457 to 453, comprising of 349 surfaces car parking spaces and 104 basement car parking spaces.

### Pre Planning

None recorded.

### Relevant Enforcement History

None recorded.

### Assessment:

Consideration as to whether a development constitutes exempted development or not is governed by Sections 4 and 5 of the Planning and Development Act 2000 (as amended) and Articles 5, 6, 7, 8, 9, 10 and 11 of the Planning and Development Regulations 2001 (as amended).

### Is the proposal development?

**Section 2(1)** in this Act, except where otherwise requires –

**'works'** includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.

**'structure'** as any building, structure, excavation, or other thing constructed or made on, in or under any land, or part of a structure so defined, and –

- (a) Where the context so admits, includes the land on, in or under which the structure is situated.

# Comhairle Chontae Atha Cliath Theas

PR/0598/22

## Record of Executive Business and Chief Executive's Order

*Section 3(1) defines 'development' as 'the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land'.*

The proposed development on site, comprising **construction**, constitutes 'works' and 'development'.

Is the proposal exempted development?

In order to assess whether or not the works to be carried out constitute exempted development, regard must be had to the following:

Article 6(1) 'Exempted Development' of the Regulations states that '*Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1*'.

**Class 1 of Part 1 of Schedule 2** of the Planning & Development Regulations 2001 (as amended) relates to development within the curtilage of a house. The development is within the curtilage of a house.

**Class 1** sets out relevant development which is exempted development subject to conditions:

*The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house is considered 'Exempted Development', subject to the following Conditions and Limitations:-*

- 1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres*

The house has not been extended previously. The proposed extension is less than 40sqm (measured internally), measured at 22.5sqm. The proposed extension would be located behind both of the existing front building lines of the dwelling (the dwelling house is designed and permitted as a dual frontage house, which wraps around a corner and addresses two streets). The proposal complies with this condition

- (b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.*

The house is semi-detached and there is no development proposed above ground floor. The proposal complies with this condition.

## Comhairle Chontae Atha Cliath Theas

PR/0598/22

### Record of Executive Business and Chief Executive's Order

2. *(a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.*

The house has not been extended previously.

3. *Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.*  
Not Applicable.

4. *(b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.*

The rear wall does not include a gable. The proposal seeks to provide a single storey rear extension with a pitched roof height of approximately 3.2m. The proposal does not exceed the height of the rear wall of the house.

*(c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.*

The highest part of the roof of the single storey extension proposed does not exceed the height of the eaves or the parapet of the existing dwelling.

5. *The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.*

Planning Note: Under Previous Planning Application ED21/006, the applicants proposed an Circa 34.8 sqm extension that would cover the entire landholding behind both of the front building lines, resulting in no private open space reserved exclusively for the use of the occupants of the house to the rear of the house

Having regard to the subject proposal that has now omitted the previously proposed rear office at 9.9sq.m, the revised proposed 22.5sqm extension would not cover the entire landholding behind both of the front building lines. The resulting 25sq.m of private open space

# Comhairle Chontae Atha Cliath Theas

PR/0598/22

## Record of Executive Business and Chief Executive's Order

reserves exclusively for the use of the occupants of the house to the rear of the house as outlined on Dwg No: 21-BR-PA-0101 titled *Proposed Floor Plans*.

The applicant has overcome the previous reasons for refusal and the proposal therefore does comply with this condition.

6. *(a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.*

There are no windows proposed less than 1 metre from the boundary it faces.

*(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.*

There is no window proposed above ground floor level.

7. *The roof of any extension shall not be used as a balcony or roof garden.*

Not applicable to this proposal.

### Article 9 restrictions

The proposed development is not restricted by any of the restrictions in Article 9 of the Planning and Development Regulations 2001 (as amended).

### Conclusion:

Having regard to the dual frontage nature of this dwelling, the proposed 22.5sqm extension now allows a 25sq.m open space reserved exclusively for the use of the occupants of the house to the rear of the house, the proposal therefore does comply with this Condition and Limitation 5 of Class 1 of Part 1 of 2 of the Planning and Development Regulations, 2001, as amended and is deemed to be exempted development.

It is therefore considered that the proposed development would be exempted development having regard to the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended).

### Recommendation:

The applicant should be informed that the proposed development would be considered as Exempted Development and would not require planning permission.

**Comhairle Chontae Atha Cliath Theas**

**PR/0598/22**

**Record of Executive Business and Chief Executive's Order**

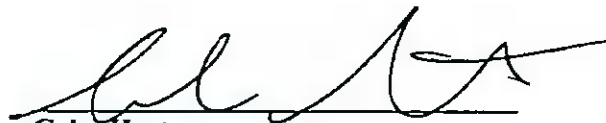
**Register Reference: ED22/0006**



**Sarah Watson  
Executive Planner**

**ORDER:** That the applicant be informed that the proposed development of:  
**Single storey pitched roof extension to rear of existing dwelling at 47, Peyton Close, Stoney Lane, Rathcoole, Co. Dublin** is considered to be exempted development under the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations, 2001 (as amended) and therefore **does not** require planning permission.

**Date: 10/5/2022**



**Colm Harte,  
Senior Executive Planner**