

Comhairle Chontae Atha Cliath Theas

PR/0586/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22B/0111 **Application Date:** 15-Mar-2022
Submission Type: New Application **Registration Date:** 15-Mar-2022
Correspondence Name and Address: Kevin Tiernan 19, Aranleigh Gardens, Rathfarnham, Dublin 14
Proposed Development: Dormer window to the front area; new side gable window
Location: 21, Ballycullen Green, Ballycullen, Dublin 24
Applicant Name: Craig Lawless
Application Type: Permission

(EW)

Description of Site and Surroundings:

Site Area: 0.0206 ha

Site Description:

The site is located on the southern side of Oldcourt Road. The site is bound by Oldcourt Lane to the west and the Gunny Hill Road to the east. Construction was permitted for 79 residential dwellings under the parent permission SD18A/0025. The dwellings are two storey semi-detached dwellings with pitch roofed profiles.

Adjacent lands to the north are residential with a Local Centre located directly opposite the site, occupied with by a 'Lidl' retail store. Lands to the east of the Gunny Hill Road comprise a residential development known as 'Hunters Wood'. Lands to the immediate south are zoned rural.

Proposal:

Permission for the construction of a dormer window to the front area; new side gable window.

Zoning:

The subject site is subject to zoning objective RES-N - 'To provide for new residential communities in accordance with approved area plans'.

The subject site is located within the Ballycullen – Oldcourt Local Area Plan (2014) area. On the 7th May 2019, by resolution, the Local Area Plan was extended for further period (in accordance with Section 19 of the Planning and Development Act 2000, as amended). The Local Area Plan will now expire 2nd June 2024.

Consultations:

Surface Water Drainage – No objections, standards conditions to apply.

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Irish Water –	No new connection proposed.
Roads –	No roads related issues.
Public Realm –	No report received.
<i>SEA Sensitivity Screening</i> –	No overlap indicated.

Submissions/Observations /Representations

None received for subject site.

Relevant Planning History

Parent Permission:

SD18A/0025 - Ballycullen Green, Oldcourt Road, Oldcourt, Firhouse, Dublin 24.

Development as part of a permitted residential development (under Reg. Ref. SD15A/0150), which is currently under construction and is known as Ballycullen Green, which is located south of Oldcourt Road, Oldcourt, Firhouse, Dublin 24. The permission being sought consists of a change of house type and increase in number from 37 permitted houses to 41 proposed houses. The proposed development is comprised of 5 2-storey, 4 bed detached houses, 34 2-storey, 4 bed semi-detached houses and 2 2-storey, 3 bed semi-detached houses, all on a site area of 1.02 hectares. The proposed development also includes for all associated site development works and the effect of the proposed development will be a modification to an extant permission under Reg. Ref. SD15A/0150.

Granted Permission with conditions (Noted: *no conditions were issued restricting modifications to dwellings.*)

Adjacent sites

None relevant to subject proposal.

Relevant Enforcement History

None recorded for subject site.

Pre-Planning Consultation

None recorded for subject site.

Relevant Policy in South Dublin County Council Development Plan 2016 - 2022

Section 1.9.0 Local Area Plans, Approved Plans And Studies

Policy CS6 Local Area Plans

- *It is the policy of the Council to prepare Local Area Plans as appropriate, and to prioritise areas that are likely to experience large scale residential or commercial development or regeneration.*

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Policy CS6 Objective 2:

- *To support a plan led approach in Local Area Plan areas by ensuring that development complies with the specific local requirements of the Local Area Plan, in addition to the policies and objectives contained in this Development Plan.*

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 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).*

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 Additional Accommodation

Section 11.3.3 (i) Extensions

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 11.8.1 Environmental Impact Assessment

Section 11.8.2 Appropriate Assessment

South Dublin County Council House Extension Design Guide (2010)

Attic conversions and dormer windows:

- *Locate dormer windows as far back as possible from the eaves line (at least three tile courses).*
- *In the case of a dormer window extension to a hipped roof, ensure it sits below the ridgelines of the existing roof and matches the materials used in the main house.*

Overlooking and loss of privacy:

- *Provide frosted or opaque glass windows with restricted openings in bathrooms, halls and stairways.*

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Ballycullen – Oldcourt Local Area Plan (2014)

Section 4.0 Plan Rationale

Section 5.0 Framework Strategies

Appendix 1: Plan Objectives

Appendix 2: Standards & Design Criteria

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).

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

Assessment

The main issues for assessment relate to:

- Zoning and Council policy,
- Residential and visual amenity
- Services and drainage.

Zoning and Council Policy

The proposed dormer and gable windows to the existing dwelling is consistent in principle with zoning objective 'RES-N' and the Ballycullen – Oldcourt Local Area Plan (2014), subject to compliance with the provisions of the South Dublin County Council House Extension Design Guide (2010), and the relevant detailed policies in the County Development Plan, which will be assessed below.

Residential & Visual Amenity

Conversion of Attic

A new attic stair is proposed for storage or for habitable space. The floor to ceiling height of the attic would be approx. 2.25m. In any event, a **note** should attach stating that in order to use the attic for habitable space it must comply with the Building Regulations.

Front Dormer Window

A flat roof dormer window is proposed under the ridgeline level of the main dwelling that is three tile courses from the eaves of the roof (to the south facing side of the dwelling). The window fenestration is consistent with the existing dwelling at ground and first-floor level and the proposed development would comply with the guidance set out in the South Dublin County Council House Extension Design Guide, 2010.

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The proposed attic gable window will be **conditioned** to be frosted. No overlooking to the adjacent property to the east is envisaged.

Having regard to the surrounding area and the roof line symmetry it is considered in this instance that the proposed dormer window to the front (south facing) side of this pitched roof, by reason of its size, design and how it matches the materials of the existing dwelling would not be visually prominent and a visual imbalance would not result from the proposal. The front dormer window due to its location to the rear of Ballycullen Green estate, and facing a large rural zoned land is considered, subject to conditions, to be acceptable and would not have a negative impact on the visual amenities of the area and therefore a grant of permission is recommended.

Services & Drainage

Water Services has no objections to the proposed development subject to standard conditions. The proposed development is considered acceptable.

Regarding Irish Water, it is deemed that no new connection has been proposed and therefore the above requirements will not apply to this attic conversion proposal.

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 dormer and gable windows.

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.

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 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.

Development Contributions

Conversion of existing attic (Non- Habitable): 34sq.m

Assessable area: NIL.

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SEA Monitoring

Building Use Type Proposed: Conversion of existing attic.

Floor Area: 34sq.m

Land Type: Brownfield/Urban Consolidation

Site Area: 0.0206 ha

Conclusion

Having regard to the provisions of the South Dublin County Council Development Plan and Ballycullen – Oldcourt Local Area Plan (2014) and the overall design and scale of the development proposed it is considered that, subject to conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area. It is considered that the proposal would be in compliance with Council policy in relation to extensions to dwelling houses.

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 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 in accordance with submitted plans and details.
The development shall be carried out and completed in its entirety fully in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the other conditions attached hereto.
REASON: To ensure that the development shall be in accordance with the permission and that effective control be maintained.
2. (a) The following amendment to the design shall be carried out:
The attic level window on the gable elevation shall be fitted with obscure glazing, and

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such obscure glazing shall be maintained in perpetuity.

REASON: In the interest of protecting residential amenity.

(b) External Finishes.

All external finishes shall harmonise in colour or texture that is complementary to the house or its context.

REASON: In the interest of visual amenity.

(c) Drainage - Surface Water.

(i) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use.

(ii) 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.

(d) 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.

(e) 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.

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

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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.

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.

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: The applicant is advised that, in order to use the attic conversion as a habitable room, it must comply with the Building Regulations.

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REG. REF. SD22B/0111


LOCATION: 21, Ballycullen Green, Ballycullen, Dublin 24



**Caitlin O'Shea,
Executive Planner**

ORDER: A decision pursuant to Section 34(1) of the Planning & Development Act 2000, as amended, to Grant Permission 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: 09/05/2022



**Colm Harte,
Senior Executive Planner**