

# Comhairle Chontae Atha Cliath Theas

**PR/0590/22**

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

**Reg. Reference:** SD22B/0112      **Application Date:** 15-Mar-2022  
**Submission Type:** New Application      **Registration Date:** 15-Mar-2022  
**Correspondence Name and Address:** Jason Walsh 12, Ard Mor Crescent, Tallaght, Dublin 24  
**Proposed Development:** Construction of palisade security fencing to rear boundary of existing rear garden and all associated site works.  
**Location:** 104, Oakcourt Drive, Dublin 20  
**Applicant Name:** Donal Woods  
**Application Type:** Permission

### **Description of Site and Surroundings:**

#### Site Description:

The subject site is located on the northern edge of Oakcourt Drive at No. 104 Oakcourt Drive, Dublin 20 and contains an existing single storey semi-detached dwelling with front and rear garden.

The subject site is bound to the east and west by residential dwellings, to the south by the internal access road known as Oakcourt Drive and to the north by a public laneway. Between the back walls of the rear gardens along Oakcourt Drive and the concrete carriageway of the public laneway there is an area of scrub which has been colonised by trees, shrubs and brambles. The other side of the lane are the garages and rear garden walls of properties along Wheatfield Road. A 1200m surface water drain (with a 5m wayleave) is located in the existing back gardens along Oakcourt Drive.

#### Site Area:

Stated as 0.029 Ha.

### **Proposal:**

Permission is sought for the construction of palisade security fencing to the rear boundary of the existing rear garden and all associated site works above and below ground. The proposed fencing has an approximate overall width of 7.8m and a height of 2.2m, with 2.3m high posts and a 1.14m wide pedestrian access gate.

### **Zoning**

The site is subject to zoning objective 'RES' – 'To protect and/or improve residential amenity' in the South Dublin County Development Plan 2016-2022.

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### **Consultations:**

Drainage and Water Services Department: No objection, subject to conditions.

Parks and Public Realm Department: Refusal recommended.

Roads Department: No objection, subject to conditions.

### **Screening for Strategic Environmental Assessment**

No overlap indicated with relevant environmental layers.

### **Submissions/Observations /Representations**

Final date for submissions/observations – 19<sup>th</sup> April 2022. None received.

### **Relevant Planning History**

#### Subject site

None recorded for the subject site.

#### Vicinity of the subject site

**SD13B/0288** – No. 103 Oakcourt Drive, Dublin 20

Construction of rear boundary wall of 2.2m in height following purchase of land parcel contiguous to rear garden. **SDCC Decision:** Grant Permission, subject to conditions.

**SD12B/0267/PL06S.242315** – No. 129 Oakcourt Drive, Dublin 20.

Permission granted on appeal for retention of a 2.16m high rear garden wall.

**SD12B/0268/PL06S.242317** – No. 130 Oakcourt Drive, Dublin 20.

Permission granted on appeal for retention of a 2.2m high rear garden wall.

**SD12B/0269/PL06S.242318** – No. 131 Oakcourt Drive, Dublin 20.

Permission granted on appeal for retention of a 2.13m high rear garden wall.

**Note:** The following condition was attached to all three permissions noted above:-

*Condition 1.*

*Within three months of the date of this order, the applicant shall enter into a Section 47 Agreement with the planning authority which shall allow access from the laneway at the rear (north) of the premises to the 1200 millimetres diameter surface sewer for the purpose of maintenance and repair only. This agreement shall permit the planning authority to temporarily remove the rear garden wall proposed to be retained to facilitate such access provided that on completion of necessary works the wall is reinstated in full.*

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**SD12B/0283** – No. 132 Oakcourt Drive, Dublin 20.

Permission granted for retention of a 2m high rear garden wall.

**Note:** Reference is made in the Application to the palisade fence constructed to the rear of No. 106 Oakcourt Drive however, there appears to be no associated Planning Application on record.

### **Relevant Enforcement History**

None found in preliminary search.

### **Pre-Planning Consultation**

None recorded.

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

H15 Objective 3: *To ensure that private open spaces are enclosed within perimeter blocks behind the building line and that they are subdivided by suitably robust boundary treatments of a sufficient height and composition to provide adequate privacy and security.*

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 11.4.2 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

### **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).

**Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities**, Department of the Environment, Heritage and Local Government, (2009).

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### **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;
- Drainage and Water Services;
- Access Arrangements;
- 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'. The alteration to the boundary treatment of a permitted dwelling is permitted in principle subject to its design being in accordance with the relevant provisions in the Development Plan.

#### **Visual Impact**

The Parks and Public Realm Section has assessed the proposed development and has indicated the following concerns regarding the potential visual impact of the proposed development:

*'The Public Realm Section would have concerns as to the potential impacts of the proposed palisade fencing on the adjoining hedgerows and trees and the proposed fencing would have a negative impact on visual amenity. The applicant is requested to provide a tree survey, arboricultural impact assessment and tree protection plan. In addition, the applicant is requested to provide an alternative to the palisade fencing proposed such as a mesh type system which is more visually appealing'.*

The Report of the Parks and Public Realm Section ultimately recommends that permission be Refused for the proposed development. Although the Planning Authority concurs with the concerns raised by the Parks and Public Realm Section, it is considered that the visual impact of the proposed fencing can be softened through the imposition of a condition requiring an alternative such as a mesh type system. This can be achieved by way of CONDITION requiring the provision of amended drawings prior to the commencement of development. Furthermore, it is considered that the Arboricultural Impact Assessment can be obtained by way of CONDITION. As such, the Planning Authority considers that the concerns regarding the visual impact of the proposal can be addressed by way of CONDITION.

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### **Drainage and Water Services**

The Report of the Drainage and Water Services Department indicates no objection to the proposed development, subject to the following conditions:

- The Developer shall ensure that there is complete separation of the foul and surface water drainage for the proposed development.
- All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.

### **Access Arrangements**

The Roads Department has assessed the proposed development and indicated no objection, subject to the following conditions:

- Access gate opening shall not exceed a width of 3.5 meters.
- Any gates shall open inwards and not outwards over the public domain.

### **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 alterations to the boundary treatment associated with 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.

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### **Other Considerations**

#### **Development Contributions**

No new floor area is proposed as part of this Application, as such the contribution assessment is nil.

#### **SEA Monitoring**

<b>SEA Monitoring Information</b>	
<b>Building Use Type Proposed</b>	<b>Floor Area (sq m)</b>
Residential Extension (Boundary Wall)	0sq.m
<b>Land Type</b>	<b>Site Area (Ha)</b>
Brownfield / Urban Consolidation	0.029 Ha

### **Conclusion**

Having regard to the 'RES' land-use zoning of the area and the relevant policies and objectives of the South Dublin County Development Plan 2016 – 2022, the proposed development is considered acceptable in principle and, subject to conditions, would adhere to the key principles of the proper planning and sustainable development of the area.

### **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 to be in accordance with submitted plans and details.  
The development shall be carried out and completed in its entirety 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,

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and that effective control be maintained.

2. Design.

Prior to the commencement of development the Applicant is required to submit for the written agreement of the Planning Authority, a complete set of plan, elevational and sectional drawings showing the amendment of the proposed fencing to a more visually appealing design such as a mesh type fence. No development shall commence until the written agreement of the Planning Authority has been obtained.

REASON: In the interests of the visual amenity of the area.

3. Arboricultural Impact Assessment.

Prior to the commencement of development the Applicant is required to submit a detailed Tree Survey and Arboricultural Impact Assessment and Tree Protection Plan all in accordance with, BS 5837: 2012 Trees in relation to design, demolition and construction – recommendations and carried out by an appropriately qualified Arborist. The Report and accompanying drawings shall be agreed in writing with the Planning Authority prior to the commencement of development.

REASON: To protect the condition and health of the existing trees and hedgerow in the vicinity of the subject site.

4. S47 Agreement.

Within 3 months of the Final Grant of Planning Permission, the developer shall enter into an agreement pursuant to Section 47 of the Planning and Development Act 2000 (as amended) with the Planning Authority which shall allow access from the laneway to the rear of the subject site to the 1200mm diameter surface water main for the purposes of maintenance, repair and replacement. This agreement shall permit the Planning Authority to temporarily remove the rear garden boundary treatment which is subject of this Planning Application to facilitate such access and works, provided that on completion of necessary works the boundary treatment will be re-instated by the Planning Authority.

REASON: To protect the public surface water sewer and in the interest of public health and safety.

5. Drainage - Irish Water.

(i) The water supply and drainage infrastructure, shall comply with the requirements of Irish Water.

(ii) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use. All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.

(iii) 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.

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### 6. 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.

### 7. Construction Noise and Hours.

To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, no 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 be operated on the site before 7.00 hours on weekdays and 9.00 hours on Saturdays nor after 19.00 hours on weekdays and 13.00 hours on Saturdays, nor 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 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.



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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/developer of these lands is advised that in the event of encroachment or oversailing of adjoining property, the consent of the adjoining property owner is required.

NOTE: Notwithstanding any grant of planning permission; if an applicant requires permission to access local authority land (e.g. public footpaths, public open space or roadways) in order to access utilities, or for any other reason; the applicant should apply via <https://maproadroadworkslicensing.ie/MRL/> for a licence from the Local Authority to carry out those works.

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**REG. REF. SD22B/0112**

**LOCATION: 104, Oakcourt Drive, Dublin 20**



**Sarah Watson,  
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**