

# Comhairle Chontae Atha Cliath Theas

**PR/0643/22**

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

**Reg. Reference:** SD21A/0333

**Application Date:** 09-Dec-2021

**Submission Type:** Additional  
Information

**Registration Date:** 21-Apr-2022

**Correspondence Name and Address:**

Roger Bell, Bell Associates Executive House,  
Whitestown Road, Rush, Co. Dublin

**Proposed Development:**

Demolition of existing garage to side; construction of new 2 storey dwelling to the side of the existing dwelling; new storm water percolation area to rear; new car parking provision for 2 vehicles accessible from Heatherview Avenue; associated site works.

**Location:**

50, Heatherview Avenue, Tallaght, Dublin 24,  
D24AC8H

**Applicant Name:**

Trevor Wilde

**Application Type:**

Permission

(CM)

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

#### Site Description:

The subject site is located at the dead end of a cul-de-sac and accommodates a 2-storey detached house with pitched roof and attached garage to side with flat roof. The front façade is finished in brick while the rear and sides are finished with render.

Other houses on the street are of similar character and treatment but are mostly semi-detached.

The site adjoins Carrigmore Road to the south. The northern side of Carrigmore Road is bounded exclusively by the boundary walls of houses on Heatherview Road and Heatherview Lawn, and the two parallel cul-de-sacs between these roads: Heatherview Avenue and Heatherview Park. This boundary wall has been raised along the boundary of the subject height, with blockwork.

County maps show there to be a strip of land between the subject site and the property to the east (No. 49a Heatherview Avenue) which is recorded as having been taken in charge by South Dublin County Council. A similar strip of land is found at the wall between Heatherview Park and Carrigmore Road and suggests that there were previously pedestrian routes at these locations.

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Site Area: 0.0412 Ha.

Site Visit: 8/2/021

### **Proposal:**

Demolition of existing garage to side; construction of new 2 storey dwelling to the side of the existing dwelling; new storm water percolation area to rear; new car parking provision for 2 vehicles accessible from Heatherview Avenue; associated site works.

### **Zoning**

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

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

No overlap with the relevant environmental layers.

### **Consultations:**

Environmental Services:

Surface Water	Recommends Refusal.
Flood Risk	Requests Additional Information.
Irish Water	Requests Additional Information.
Roads	Recommends Request for Additional Information.

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

None.

### **Relevant Planning History**

#### Subject Site

**SD03B/0057** – Permission **granted** for retention of garage constructed to front and side of house with flat corrugated roof.

**SD04B/0070** – Permission **granted** by SDCC to demolish garage to side of house and construct two storey extension attached to front and side of house with pitch roof ridge height same as existing. NG: not implemented.

#### Nearby Sites

**S00A/0219** – Permission **refused** by SDCC for Dormer bungalow to side.

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**SD02A/0341** at 46/46A Heatherview Avenue (East of site) – Permission granted for 2-storey detached house and driveway. **Note:** Following a request for further information, house was revised to be semi-detached, to ensure 2m separation from boundary wall.

**SD20A/0185** at 46 Heatherview Road – Permission **granted** by SDCC for construction of a new 3 storey, 4 bedroom dwelling to include dormer roof to rear, off street parking, new blockwork flat roofed shed/home office to rear of garden, new pedestrian access to side of rear garden, reconfiguration of vehicular entrances to existing dwelling and proposed dwelling and all ancillary site works.

**SD21A/0308** at 46 Heatherview Road – Permission **granted** by SDCC for amendments to granted planning permission SD20A/0185 to reduce the width of proposed dwelling due to site conditions; to alter proposed main roof to comply with the updated contiguous elevation; revise window positions on all elevations to match the existing dwelling.

### **Relevant Enforcement History**

None.

### **Pre-Planning Consultation**

None.

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

Chapter 1 Core Strategy  
Policy CS1 Objective 1  
Policy CS2 Objective 5

Chapter 2 Housing  
Section 2.4.0 Residential Consolidation  
Policy H17 Residential Consolidation

Chapter 11 Implementation  
Section 11.3.0 Residential  
Section 11.3.2 Residential Consolidation  
Infill Sites

Development on infill sites should meet the following criteria:

Be guided by the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities DEHLG, 2009 and the companion Urban Design Manual.

A site analysis that addresses the scale, siting and layout of new development taking account of the local context should accompany all proposals for infill development. On smaller sites of approximately 0.5 hectares or less a degree of architectural integration with the surrounding built

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form will be required, through density, features such as roof forms, fenestration patterns and materials and finishes. Larger sites will have more flexibility to define an independent character. Significant site features, such as boundary treatment, pillars, gateways and vegetation should be retained, in so far as possible, but not to the detriment of providing an active interface with the street.

Where the proposed height is greater than that of the surrounding area a transition should be provided (see Section 11.2.7 Building Height).

Subject to appropriate safeguards to protect residential amenity, reduced open space and car parking standards may be considered for infill development, dwelling sub-division, or where the development is intended for a specific group such as older people or students. Public open space provision will be examined in the context of the quality and quantum of private open space and the proximity of a public park. Courtyard type development for independent living in relation to housing for older people is promoted at appropriate locations. Car parking will be examined in the context of public transport provision and the proximity of services and facilities, such as shops.

Proposals to demolish a dwelling(s) to facilitate infill development will be considered subject to the preservation of the character of the area and taking account of the structure's contribution to the visual setting or built heritage of the area.

### **(ii) Corner/Side Garden Sites**

Development on corner and/or side garden sites should meet the criteria for infill development in addition to the following criteria:

The site should be of sufficient size to accommodate an additional dwelling(s) and an appropriate set back should be maintained from adjacent dwellings,

The dwelling(s) should generally be designed and sited to match the building line and respond to the roof profile of adjoining dwellings,

The architectural language of the development (including boundary treatments) should respond to the character of adjacent dwellings and create a sense of harmony. Contemporary and innovative proposals that respond to the local context are encouraged, particularly on larger sites which can accommodate multiple dwellings,

Where proposed buildings project forward of the prevailing building line or height, transitional elements should be incorporated into the design to promote a sense of integration with adjoining buildings, and

Corner development should provide a dual frontage in order to avoid blank facades and maximise surveillance of the public domain.

Section 11.6.1 (i) Flood Risk Assessment

Section 11.8.0 Environmental Assessment

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### **Relevant Government Policy**

#### **Ministerial Guidelines and 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.

**Rebuilding Ireland: Action Plan for Housing and Homelessness**, Government of Ireland (2016).

**Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities**, Department of Housing, Planning and Local Government (2020).

**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).

**Urban Development and Building Heights Guidelines for Planning Authorities**, (2018)

**Quality Housing for Sustainable Communities-Best Practice Guidelines**, Department of the Environment, Heritage and Local Government (2007).

**Design Manual for Urban Roads and Streets** Department of the Environment, Community and Local Government and Department of Transport, Tourism and Sport (2013).

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

**The Planning System and Flood Risk Management - Guidelines for Planning Authorities**, Department of the Environment, Heritage and Local Government & OPW, (2009).

**Departmental Circulars**, Department of Housing, Planning and Local Government (2020) – as listed:

PL02/2020: Covid-19 Measures

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PL03/2020: Planning Time Periods  
PL04/2020: Event Licensing  
PL05/2020: Planning Time Periods  
PL06/2020: Working Hours Planning Conditions  
PL07/2020: Public Access to Scanned Documents  
PL08/2020: Vacant Site Levy  
Circular NRUP 02/2021 - Residential Densities in Towns and Villages

### **Assessment**

The main issues for assessment are:

- Zoning and Council policy;
- Visual Impact and Residential Amenity;
- Boundary Issue;
- Public Realm
- Access, Transport and Parking;
- Water;
- 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'. Infill residential development is permissible in principle under this zoning objective, subject to the criteria laid down in Chapter 11 of the South Dublin County Development Plan 2016 – 2022, and other relevant policies and objectives of the Plan. Development in corner gardens is guided by section 11.3.2 (ii) of the Plan.

### **Visual Impact and Residential Amenity**

The proposed development would provide for a 2-storey semi-detached house with pitched roof. The house of 79 m<sup>2</sup> would have 2 bedrooms and a bathroom upstairs, and a living room, kitchen and utility room at ground level. In terms of visual amenity, the house would the character and height of the existing detached house. The separation distance from 1<sup>st</sup> floor windows to the rear surpasses 22 metres, and all building lines are kept at first floor level (there is a projecting element at ground floor).

To the south, the house presents a gable end almost on the boundary behind the raised boundary wall. This contains only a window to the bathroom. The window to the bathroom is proposed to be fitted with obscured glazing and this is considered appropriate although not essential for a bathroom facing onto the public street (houses opposite are approx. 22 metres separated).

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The southern elevation should feature fenestration to a habitable room in order to both mitigate the visual impact of the development and provide passive surveillance to the street. The boundary wall at this location should be restored to its original height and the blockwork removed, to mitigate the visual impact and also to rectify the poor condition of the boundary where the wall has been raised in a haphazard manner (and appears to be unauthorised). These issues can be specified by **condition** but, as there are other issues with the development, they can form part of the **request for additional information**.

### Residential Amenity

The house is slightly under the minimum size for a 2-bed house in the SDCC County Development Plan 2016 – 2022 (80m<sup>2</sup>). The applicant's drawings make erroneous reference to a 70m<sup>2</sup> standard which is not contained in the County Development Plan, however it does appear as a minimum standard for 1-storey 2-bed houses in the 2007 'Quality Housing for Sustainable Communities' guidelines. Considering that this is infill development a 79m<sup>2</sup> house is acceptable subject to all other standards being met. It is noted however that the living room does not meet the recommended minimum obstructed width of 3.6m for a 2-bed house, being instead 3.35m in width, a shortfall of 7%.

### Private Amenity Space

The proposed private amenity space meets the minimum standard of 55m<sup>2</sup> for a 2-bed house. The applicant has not shown the dimensions for the remaining amenity space to the existing house. This should be required by **additional information**.

It is considered that the proposed house may need to be extended to the rear at ground floor level to (a) meet the minimum standards contained in the County Development Plan and (b) mitigate for the inadequate dimensions of the living room, which cannot in themselves be rectified unless the house were re-oriented. It is considered that the extension of the house at ground level to, for instance, match the existing rear return of the existing house, would be acceptable subject to a condition de-exempting any further domestic extensions to the rear. This can be requested as **additional information**.

### **Boundary Issues**

South Dublin County Council maps show a strip of land between Nos. 50 and 49A to have been taken in charge by South Dublin County Council, reflecting either a previous pedestrian connection or a route for services. A similar feature is noted on Heatherview Park, where a walled in strip of land is retained and contains a lamp post. It is possible that these were pedestrian connections which were blocked up.

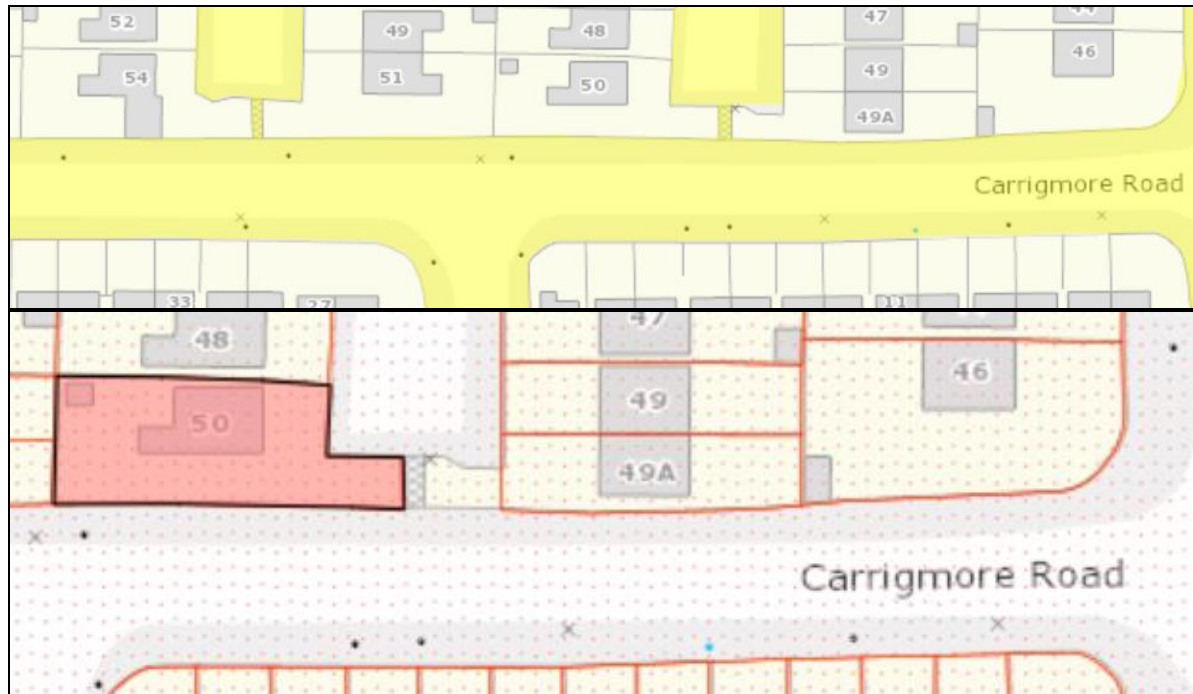
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Measurements taken from aerial photograph appear to show the applicant's boundary being approx. 13.2m from the front building line of the existing garage; however, the site layout plan and floor plans taken together show a measurement of 14.2 metres between this same point and the far edge of the vehicular access (1.7m front projection at ground level and 12.789m distance marked on layout plan between front of house and edge of site). There is therefore a question as to whether the proposed development would include the enclosure of SDCC owned lands.

The applicant should be invited to comment on the ownership boundary by way of **additional information**.



**Top:** Extract from SDCC maps showing areas taken in charge in yellow. Note No. 50 is the subject site. **Bottom:** Screenshot of Property Registration Authority Maps, with land parcel of No. 50 highlighted. Neither is guaranteed to provide an accurate representation of land ownership.

Policy TM3 Objective 2 of the County Development Plan reads:

“To ensure that connectivity for pedestrians and cyclists is maximised in new communities and improved within existing areas in order to maximise access to local shops, schools, public transport services and other amenities, while seeking to minimise opportunities for anti-social behaviour and respecting the wishes of local communities.”



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It is considered that a pedestrian connection at this location would be successful if combined with a lowering of the boundary wall between the front building line of the proposed house and the site boundary with No. 49, to provide visual penetration through the site and ensure a potential pedestrian through route is open and subject to local passive surveillance. As there is an issue with the site boundary, it is considered appropriate to put the issue of pedestrian connectivity to the applicant by way of **additional information**. The provision of such a connection as part of this development would be in line with county policy.

Furthermore, the proposed flashing on the gable end of the roof would appear to overhang Carrigmore Road. The applicant should revise the proposal to ensure no parts of the development overhang the public realm, by **additional information**.

### **Public Realm**

The Public Realm Department has stated no objection, subject to condition that a landscape plan including details of boundary planting be submitted to and agreed with the Planning Authority. This can be required by **condition**.

### **Access, Transport and Parking**

The proposed development provides space for 2 parked cars accessed via a 5-metre wide opening in the boundary, through which cars would have to turn 90 degrees to fit into the driveway.

The SDCC Roads Department has recommended additional information. The relevant parts of its report read as follows:

**Vehicular Access:** It is proposed to create a vehicular entrance 5000mm wide. The maximum acceptable entrance width in a residential area is 3500mm. This proposed vehicular entrance will block the vehicular access for existing house no. 50.

**Car parking Provision:** The proposal is to provide 2 no. of vehicular parking space for a two-bedroom house, which is standard on-curtilage parking provision for this location. The design of proposed development appears to show that there is insufficient space provided for parking 2 no. cars on curtilage in a safe manner. The applicant should provide a swept path analysis showing how parked vehicles can access and egress the site safely in a forward direction.

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### **Roads recommend that additional information be requested from the applicant:**

1. A revised layout of not less than 1:100 scale, showing a revised vehicular access with a maximum width of 3500mm.
2. A revised layout of not less than 1:100 scale, showing provision of space for 2 on curtilage parking spaces. And a swept path analysis showing how the two cars can safely access and egress these parking spaces.”

It is considered appropriate to limit the width of a vehicular access, but in this context the site boundary is at the end of a cul-de-sac and some flexibility may be required to provide a safe access for vehicles.

The **maximum** parking provision for a 2-bed house under the ‘Zone 1’ provisions in the County Development Plan is 1.5 spaces, and therefore a proposal containing parking provision for 1 car would be acceptable at this location. Thus, item no. 2 as recommended by Roads should be adjusted to reflect this point.

The houses opposite (Nos. 49 and 49A) are slightly differently aligned from No. 50 and the proposed location of the new house; however, the vehicular access at this point to No. 49A provides a blueprint for how cars can access this site without being required to turn so sharply within the site. The essential difference between the proposed layout and the layout of No. 49A, is that the vehicular access for No. 49A is not perpendicular in orientation to the space in which cars would have to park. Such an arrangement on the subject site might require the use of a shared vehicular access between the two houses, or some other alteration to the proposed boundary between the two.



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- Provide section drawings showing how the foundations of the proposed dwelling will not impact on the surface water line.

It may be that the proposed dwelling is not feasible at the site but the applicant should be given the chance to specify a workable arrangement on the site.

In relation to flood risk, the Water Services report states no objection subject to standard conditions.

### **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 applicant has not provided information to assist the screening for Appropriate Assessment. Having regard to the nature of the development, connection to public services and the distance from the Natura 2000 sites the proposed development would not require a Stage 2 Appropriate Assessment.

### **Conclusion**

There are a number of issues with the proposal for residential development on this site. Those issues relating to residential amenity and private amenity space are not considered, on their own, to indicate that the proposal would constitute overdevelopment or would be injurious to the character and amenities of the area; however, alterations should be made to the proposal and these are recommended by additional information. There are additionally some concerns relating to the site boundary and ownership, overhanging of the public realm, impact on nearby underground services, and the provision of a safe layout for vehicular access. These latter issues are considered to be separate from each other and may each be overcome. The applicant should also consider the potential benefit to the area of a pedestrian connection across those lands that appear to be in public ownership.

### **Recommendation**

Request Additional Information.

### **Additional Information**

Additional information was requested on 11<sup>th</sup> February 2022 and received on 21<sup>st</sup> April 2022.

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### Further Consultations

Water Services	Recommends Refusal.
Roads	No comment received.
Active Travel (oral advice)	No objection.

### Further Observations

None.

### Assessment of Additional Information

#### **Item 1**

The applicant is requested to address the following issues by way of additional information:

- (a) The southern elevation should feature a window or windows to a habitable room in order to both mitigate the visual impact of the development and provide passive surveillance to the street.
- (b) The boundary wall at this location should be restored to its original height and the blockwork removed, to mitigate the visual impact and also to rectify the poor condition of the boundary where the wall has been raised in a haphazard manner (and appears to be unauthorised).

#### Response

- (a) Three windows are to be provided at first floor level on the southern elevation, and these will serve the two bedrooms and bathroom of the development. The bathroom window is to be fitted with obscured glass as per the drawings.
- (b) The applicant has identified a section of wall that shall be lowered on a site elevation drawing.

#### Assessment

- (a) The applicant's response is acceptable.
- (b) It appears that the drawing submitted does not show the top layer of blockwork to be removed, as requested. The drawing label indicates that the relevant section of wall should be shaded green, but the only green shading is that of the garage to be demolished. It is the intention of the Planning Authority as per item 1 that the wall be lowered to its original height across the entire length of the site's boundary with Carrigmore Road. This can be a **condition of permission**.

#### **Item 2**

- (a) The proposed house is 79 sq.m. whereas the minimum standard in the County Development Plan is 80sq.m. The proposed floor print would be acceptable in the context of infill if all other standards were met. However, the obstructed width of the living room is not adequate and storage throughout the house is not provided in the manner sought in the 2007 Quality Housing

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for Sustainable Communities guidelines, as it is not located off circulation areas. The applicant is requested to respond to these issues.

It is considered that the proposed house may need to be extended to the rear at ground floor level to (i) meet the minimum standards contained in the County Development Plan and (ii) mitigate for the inadequate dimensions of the living room and restricted storage arrangements. It is considered that the extension of the house at ground level to, for instance, match the existing rear return of the existing house, would be acceptable even though this would provide for a smaller garden than sought in the County Development Plan, subject to a condition to de-exempt future development in the rear garden area. The applicant is requested to address this by additional information.

(b) The proposed private amenity space meets the minimum standard of 55sq.m. for a 2-bed house. The applicant has not shown the dimensions for the remaining amenity space to the existing house. This should be provided on a revised Site Layout Plan.

### Response

(a) The applicant has provided revised plans which show the house as 80sq.m. and the living room now conforming to 2007 standards.

(b) The proposed plans show the rear amenity space of No. 50 to be 73 sq.m. left after development, and 55sq.m. for the proposed dwelling. These figures are acceptable and comply with the County Development Plan.

### **Item 3**

(a) SDCC maps show a strip of land between Nos. 50 and 49A to have been taken in charge by South Dublin County Council, reflecting either a previous pedestrian connection or a route for services. A similar feature is noted on Heatherview Park, where a walled in strip of land is retained and contains a lamp post. It is possible that these were pedestrian connections which were blocked up. Having measured the proposed plans and taking measurements from the Site Layout Plan, it is considered that the proposed development might include the enclosure of lands in the ownership of South Dublin County Council (see Planner's report for details). The applicant is requested to comment on the ownership boundary and provide revised plans if appropriate, or as per part (b).

(b) Under Policy Tm3 Objective 2 of the South Dublin County Development Plan 2016 - 2022, it is an objective of the council to ensure that connectivity for pedestrians and cyclists is improved in existing areas, while minimising opportunities for anti-social behaviour and respecting the wishes of local communities. It is considered that a pedestrian connection at this location would be successful if combined with a lowering of the boundary wall between the front building line of the proposed house and the site boundary with No. 49, to provide visual penetration through

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the site and ensure a potential pedestrian through route is open and subject to local passive surveillance.

(c) It appears from the drawings submitted that flashing at roof level on the gable elevation might overhang the public realm / SDCC lands. The applicant is invited to comment on this and confirm that the development will not overhang the public realm / SDCC lands, and provide revised drawings if necessary.

### Response

(a) The applicant has confirmed that they do not own the strip directly east of the application site and that their own development will not encroach upon it.

(b) The applicant has proposed that wall heights of 900mm be used to the north and east elevation, allowing of passive surveillance of the strip if SDCC decides to re-open it as a pedestrian connection.

### Assessment

(a) Response to (a) is adequate.

(b) The prospective pedestrian path would benefit from not being boxed in by taller walls on all sides. If there were certainty about the delivery of the path, it would be reasonable to lower a section of the southern boundary wall at the south-east of the site, or alternatively replace the higher section of the wall with fencing. Such measures would allow for a prospective pedestrian path to be viewed from numerous angles, and would make the path safer.

The Active Travel Unit has advised that the path could be re-opened in the near future as part of the council's permeability programme. However, this is not a certainty.

It is therefore appropriate that a **condition** be attached allowing for boundary arrangements to be altered as per an agreement with the Planning Authority should works be undertaken before or during the main construction works.

### **Item 4**

The applicant is requested to provide revised plans and elevations to address the following concerns:

(i) the vehicular access is excessive in width at 5 metres. Usually a maximum width of 3.5m is considered appropriate but the Planning Authority can be flexible where the arrangement of a wider entrance is required to provide a safe arrangement for vehicular access.

(ii) the applicant should show, using swept path analysis, how cars are to access and egress the site safely.

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(iii) it is noted that Nos. 49 and 49A opposite the site have been developed without the need for a vehicular access at a perpendicular orientation to the driveway, as is proposed here. The applicant should consider providing a similar arrangement, though it is noted that this may require alterations to the proposed boundary between No. 50 and 50A, possible alteration to the vehicular access of No. 50, or possibly the use of a shared vehicular access.

(iv) As per the South Dublin County Development Plan 2016 - 2022, and noting the maximum parking requirement in this area for a 2-bed house of 1 parking space, it is a requirement that safe provision for access, parking and egress is provided for 1 vehicle.

### Response

The applicant has shown a vehicular access of 4m, with swept path analysis showing that a car would need to turn on the public road to enter/egress the site. The proposed entrance remains as per the originally proposed alignment, i.e. straight from the end of the cul-de-sac, and perpendicular with the orientation of the house. Provision of 1 space is shown.

### Assessment

The SDCC Roads Department has assessed the revised arrangements. Despite a usual limit of 3.5m, their report states that the 4m-wide access would be a justified exception, given the particular circumstances of the proposal. The Report otherwise finds the arrangement to be acceptable. Five standard conditions are proposed, including that vehicles must exit the site in a forward direction. This is not an enforceable condition and is not typically applied.

The findings of the Roads Department are generally accepted, and the **conditions of permission** are appropriate, subject to the above comments.

### **Item 5**

The Environmental Services Department has recommended that permission be refused due to the proximity of the proposed development to an existing SDCC 225mm Surface Water pipe located under the footpath on Carrigmore Road, with an invert level of approx. 4m below ground. The applicant is requested to comment and as necessary provide the following:

- (i) an exact layout showing the distance of the pipe to the proposed structure;
- (ii) a section drawing showing the relationship between the pipe and the foundations of the proposed structure;
- (iii) show through the above drawings and any other necessary information how the proposed structure would not impact the surface water pipe by way of additional loading.

### Response

The applicant has proposed to install a strip foundation to a depth of 4m under the southern elevation of the building, which would if installed, prevent loading on the pipe. No further set-back from the pipe is proposed.



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### Assessment

The Environmental Services Department has recommended refusal as per the following:

- 1.1** The revised drawing shows a foundation 4m deep. While the revised drawing shows that there would not be a load transfer from building onto existing 225mm surface water pipe this in practice is very difficult to do. It is not practical to build because of the length and depth of foundation that would be required would not be easily done.
- 1.2** The proposed development is too close (approximately 2.5) to adjacent 225mm surface water sewer south of site. The existing 225mm surface water sewer is approximately 3.5 to 4m deep. As such a 4m set back distance from proposed building and existing 225mm surface water sewer is required to prevent any load transfer from proposed building to existing 225mm surface water sewer.
- 1.3** There is no comment from the designer of proposed soakaway as to the suitability or otherwise of proposed soakaway, percolation test results in respect to meeting BRE Digest 365 Standards.
- 1.4** Water services **recommend refusal** of proposed development in order to protect 225mm surface water sewer from loading of proposed development.

A setback distance of 3m is also required for access maintenance purposes and a setback distance of 4m is required to prevent load transfer from building to existing 225mm surface water sewer.

The proposed development is prejudicial to public health and proper planning.

The applicant has proposed a solution to avoid loading on the pipe. Notwithstanding what is in the Environmental Services report, it is considered appropriate that permission is granted subject to the proposed solution being implemented, with photographic evidence and a monitoring visit required by way of a **condition of permission**.

### **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. Having regard to:

- the small scale and domestic nature of the development,
- the location of the development in a serviced urban area, and

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- 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.

### **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 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.

### **Other Considerations** **Bonds & Contributions**

Proposed 2-bed dwelling of 80 sq.m.

### **SEA Monitoring**

Development Type: Commercial/Community Facilities

Floor Area (Sq.m.): 80 sq.m.

Site Type: Brownfield/Urban Consolidation

Site Area (Ha.): 0.01671 Ha.

### **Conclusion**

The applicant has addressed the requested items satisfactorily. Subject to the conditions attached herewith, the proposed development will not be seriously injurious to the residential amenities of the area, or to public health, and will therefore accord with the 'RES' land-use zoning objective and 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.

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### **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, and as amended by Further Information received on 21st April 2022, 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. Foundation details to protect surface water sewer.
  - (a) The foundations along the southern side of the dwelling shall be installed at a level of 4m below ground as per the submission of 21st April 2022.
  - (b) The applicant, developer, contractor or land owner shall arrange for inspection of the site once the demolition works and preparation works for the laying of foundations have been undertaken, but prior to other works taking place. The inspection shall be carried out by an appropriate officer of the Planning Authority, and further works shall not commence without the written agreement of the Planning Authority.
  - (c) The applicant shall maintain a photographic record, showing that the foundations have been installed at the correct depth, and this shall be lodged with the Planning Authority and kept on the public file. The photographic record shall be available to the Planning Authority on request during the works.  
REASON: To protect public health.
3. Boundary Treatment.
  - (a) The boundary wall/fence to the north and east of the property shall be no higher than 900mm and gate piers shall not exceed 1200mm.
  - (b) The boundary wall along the southern boundary shall be reduced in size to the original stone finish, with all new block work and any other material above the level of the original wall being removed.
  - (c) The applicant and the Planning Authority may further agree alterations to the eastern and southern boundary in the context of works to provide a pedestrian path to the east of

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the site.

REASON: To protect the visual amenities of the area and to ensure public safety.

### 4. Soakaway.

a) Prior to commencement of development, the applicant is required to submit soil percolation test results, design calculations and dimensions to the Planning Authority to demonstrate that the proposed soakaway is feasible in accordance with BRE Digest 365 – Soakaway Design. The applicant is required to submit a revised drawing showing plan & cross-sectional views, dimensions, and location of proposed soakaway to the Planning Authority. Any proposed soakaway shall be located fully within the curtilage of the property and shall be:

vi) At least 5m from any building, public sewer, road boundary or structure.

vii) Generally, not within 3m of the boundary of the adjoining property.

viii) Not in such a position that the ground below foundations is likely to be adversely affected.

ix) 10m from any sewage treatment percolation area and from any watercourse / floodplain.

x) Soakaways must include an overflow connection to the surface water drainage network.

b) In the event that the proposed soakaway is not feasible in accordance with BRE Digest 365 – Soakaway Design, the applicant shall submit the following for the written agreement of the Planning Authority:

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 the following SuDS (Sustainable Drainage Systems) features, unless otherwise agreed in writing with the Planning Authority:

- rain garden;

- rain planters

- water butts.

REASON: In the interest of sustainable development and proper planning of the area.

### 5. Irish Water Connection Agreement.

Prior to the commencement of development the applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

REASON: In the interest of public health and to ensure adequate water/wastewater facilities.

### 6. Drainage - Surface Water.

(a) The disposal of surface water, shall fully comply with all of the technical requirements of the Council's Water Services Section. In this regard, prior to the commencement of development, the applicant/developer shall submit the following for the written agreement

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of the Planning Authority fully detailed foul and surface water drainage plans for the proposed development as approved showing location of all manholes, AJs etc located within the site boundary up to and including point of connection to the public sewer that fully accords with the requirements Council's Water Services Section and or Irish Water, (b) 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.

REASON: In the interests of public health, safety, the proper planning and sustainable development of the area and in order to ensure adequate and appropriate surface water drainage provision.

### 7. Roads.

- a) The vehicular access points shall be limited to a width of 4 meters.
- b) The boundary walls at vehicle access points shall be limited to a maximum height of 0.9m, and any boundary pillars shall be limited to a maximum height of 1.2m, in order to improve forward visibility for vehicles.
- c) Footpath and kerb shall be dished and widened, and the dropped crossing shall be constructed to the satisfaction of South Dublin County Council and at the applicant's expense. The footpath and kerb shall be dished and widened to the full width of the proposed widened driveway entrance.
- d) Any gates shall open inwards and not out over the public domain.

REASON: To protect the amenities of the area and to avoid traffic hazard.

### 8. House Number.

The number of the house shall be 50A, and this number shall be placed on the completed house prior to its occupation in a manner so as to be clearly legible from the public road.

REASON: In the interests of the proper planning and sustainable development of the area and compliance with the Council's Development Plan.

### 9. Restriction on Use.

The house shall be used as a single dwelling unit and shall not be sub-divided by way of sale or letting (including short-term letting) or otherwise nor shall it be used for any commercial purposes.

REASON: To prevent unauthorised development.

### 10. External Finishes.

All external finishes shall be as per the submitted plans and particulars.

REASON: In the interest of visual amenity.

### 11. Occupation subject to service connection.

The dwelling unit shall not be occupied until all the services (drainage, water supply, electricity and or other energy supply, public lighting and roads) for each dwelling unit have been completed thereto and are operational.

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REASON: In the interest of the proper planning and sustainable development of the area.

### **12. 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.

### **13. 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.

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REASON: In the interest of public health and to uphold the Council's policies set out in the South Dublin County Council Development Plan.

### 14. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €8,359.20 (eight thousand three hundred and fifty nine euros and twenty cents), in respect of public infrastructure and facilities benefiting development within the area of the Planning Authority, that is provided, or intended to be provided by or on behalf of the authority, in accordance with the terms of the Development Contribution Scheme 2021 - 2025, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended).

The contributions under the Scheme shall be payable prior to commencement of development or as otherwise agreed in writing by the Council. Contributions due in respect of permission for retention will become payable immediately on issue of the final grant of permission. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced.

REASON: The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

NOTE RE: CONDITION - Please note that with effect from 1st January 2014, Irish Water is now the statutory body responsible for water services. Further details/clarification can be obtained from Irish Water at Tel. 01 6021000 or by emailing [customerservice@water.ie](mailto:customerservice@water.ie).

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: Adequate provision should be made to facilitate access to and the use of the development, buildings, facilities and services by disabled persons, including sanitary conveniences. The minimum requirements should be as per Part M of the Building Regulations.

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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. SD21A/0333**

**LOCATION: 50, Heatherview Avenue, Tallaght, Dublin 24, D24AC8H**

*Colm Harte*

**Colm Harte**

**Senior 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:**

18/5/22

*Eoin Burke*

**Eoin Burke, Senior Planner**