

Comhairle Chontae Atha Cliath Theas

PR/0641/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0085 **Application Date:** 29-Mar-2022
Submission Type: New Application **Registration Date:** 29-Mar-2022
Correspondence Name and Address: My House Architect 65, Greenville Place, Dublin 8, D08 F2Y4
Proposed Development: Erection of 1 two storey, three bedroom dwelling house circa 110sq.m nett internal area (circa 120sq.m gross external area) to include new vehicle access, car parking, new service & drainage connections & other associated site works including demolition of existing internal garden wall; partial lowering of height of boundary wall on overall site comprising 0.0233 hectares (circa 233sq.m).
Location: 1, Marley Rise, Rathfarnham, Dublin 16.
Applicant Name: Martina Murphy
Application Type: Permission

(CS)

Description of Site and Surroundings:

Site Area: 0.0233 Ha as stated per application.

Site Description:

The site is situated on a corner site of Marley Rise. The site consists of a two-storey brick and rendered semi-detached house with hipped roof and with side garden outlined in blue. The site is located on the eastern side of Marley Rise on the end of row of semi-detached properties. The site is situated on the bend on the Marley Rise access road with a slight gradient incline on the bend from Marley Avenue. The dwellings along Marley Rise are of a similar scale and design. The site is located opposite the Divine Word National School and Church. There is pedestrian access directly opposite the application site leading to Grange Manor Close. Other than the school and nearby church, the area is predominantly residential in character where the dwellings on the street have a mainly uniform building line. It is noted there are existing clearway markings on both sides of the road adjacent and opposite to the proposed development.

Comhairle Chontae Atha Cliath Theas

PR/0641/22

Record of Executive Business and Chief Executive's Order

Proposal

The proposed development would consist of:

- Construction of 2 two storey, detached, 3 bedroom dwelling house measuring c.110sq.m.
- New vehicular entrance.
- Demolition of existing internal garden wall on site.
- Partial lowering of boundary wall.

Zoning

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

Consultations

Roads Section – Recommend **Refusal** and also recommend **conditions** to be attached in the event of a grant.

Surface Water Drainage – **Additional information** recommended.

Irish Water – No objections subject to **conditions**

Parks Department – Grant with **conditions**.

SEA Sensitivity Screening

No overlap with environmental layers.

Submissions/Observations /Representations

An objection has been received that has raised the following concerns:

- Marley Rise is the main traffic route to the nearby school and church and the proposed vehicular entrance on a bend will have limited visibility of traffic.
- A new vehicular entrance will increase the risk of road traffic accidents in the area and would be a traffic hazard.
- The proposed flat roof dwelling is different to the character of other neighbouring dwellings in the vicinity.
- The removal of the boundary wall and grass verge will change the appearance of the entrance to Marley Rise.
- Overdevelopment of a constrained site.
- Concerns regarding how the drainage system that the cabin is connected to.

These concerns will be taken into account in the assessment of the application.

Comhairle Chontae Atha Cliath Theas

PR/0641/22

Record of Executive Business and Chief Executive's Order

Planning History

SD20A/0328: 1 2-storey, 3 bedroom dwelling house circa 100sq.m net internal area (circa 120sq.m gross external area) to include new vehicle access, car parking, new service & drainage connections & other associated site works including demolition of existing garden wall and reconfiguration of existing access & car parking on overall site comprising 0.0267 hectares (circa 267sq.m).

Decision: **REFUSE PERMISSION** by SDCC.

Application refused for the following reasons:

1. The introduction of an additional vehicular access on the bend in the road would create more traffic movements and increase traffic hazards at this location. At the proposed dwelling, the angle of driving onto the carriageway is such that additional traffic hazard is created by these vehicle movements due to a compromised sightline visibility. There would also be insufficient space on site to provide for 2 car parking spaces. In the proposed car parking layout there would be no turning room on curtilage and therefore there would be difficult reversing movements necessary (either entering or leaving) to access the proposed parking spaces detailed. The generation of additional traffic/turning movements at this location and close to a national school would therefore endanger public safety by reason of a traffic hazard and would be contrary to the proper planning and sustainable development of the area.
1. Having regard to the shape and shallow depth of the proposed rear amenity space, which is approx. 6.1 m. and with the retention of the trees along the eastern boundary, which is welcomed, the proposed development would leave insufficient useable rear amenity space. Furthermore, the remaining rear amenity space for the existing dwelling at No. 1 Marley Rise has several structures located to the rear of this dwelling which would leave insufficient amenity space. It is therefore considered that the proposed development by way of insufficient, usable amenity space would be contrary to the South Dublin County Council Development Plan 2016 - 2022 and the proper planning and sustainable development of the area.

SD19A/0375: Erection of 1 two storey dwelling house circa 72.5sq.m nett internal area (circa 91.4sq.m gross external area) to include new vehicle & pedestrian access; new service & drainage connections; surface treatments and other associated site works including demolition of existing garden wall on site comprising 0.0204 hectares (circa 204sq.m).

Decision: **REFUSE PERMISSION**.

Comhairle Chontae Atha Cliath Theas

PR/0641/22

Record of Executive Business and Chief Executive's Order

Application refused for the following reasons:

1. The proposal would fail to provide an adequate standard of accommodation for future residents of the dwelling by reason of the undersized nature of the dwelling, the poor quality, quantity and usability of private amenity space and the restricted levels of outlook and access to natural light. The proposal would therefore be contrary to: Policy H11 Objective 1 Residential Design and Layout, Section 11.3.1(iv) relating to minimum space standards and minimum private open space for houses, Policy H13 Private and Semi-Private Open Space of the South Dublin County Council County Development Plan (2016-2022). Thus the proposed development would be contrary to the proper planning and development of the area.
- 1.
2. It has not been properly demonstrated that the proposed vehicular crossing and height of the boundary walls would provide proper visibility and safe conditions for traffic and pedestrians alike. Thus, it has not been satisfactorily demonstrated that the proposed development would not give rise to traffic hazard.

SD19A/0071: Construction of 2 one-bedroom semi-detached dwellings; connection to existing services; widening of entrance to 7 metres to accommodate new development; all associated site works and services.

Decision: **REFUSE PERMISSION.**

Application refused for the following reasons:

1. A 7.0m width entrance is excessive and will be a hazard for pedestrians using the footpath, particularly school children. The proposed driveway entrance will result in a large bank of car parking from 3 dwellings. The orientation of the car parking in relation to the roadway will require a reversing manoeuvre onto the roadway which is on a bend. This site is located in close proximity to an existing national school and there are keep clear road markings on the road directly outside of the site, which are associated with the school. The proposed driveway entrance will create an undesirable streetscape for pedestrians, particularly school children. The location of the access serving the proposed development would endanger public safety by reason of traffic hazard and the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Comhairle Chontae Atha Cliath Theas

PR/0641/22

Record of Executive Business and Chief Executive's Order

1. The proposed development would give rise to a substandard form of residential development by reason of the poor configuration and inadequate provision of private amenity space to the rear of the proposed dwellings. The proposed development would provide poor residential amenity for future occupants of the proposed dwelling and materially contravene the provisions of the South Dublin County Council Development Plan 2016 - 2022. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The internal layout does not provide sufficient storage space in either dwelling. Storage areas are intended to accommodate the storage of bulky personal or household items and household utility functions such as clothes washing, the use of bedroom space for such a large proportion of store space is not acceptable. Failure to provide sufficient internal space constitutes over development of the site. Furthermore, the soffit and gutter for the existing roof will be overhanging the garden of the proposed dwelling (House B), and would result in the requirement for unsafe practice in terms of gable and gutter maintenance due to the lack of ladder space availability and the need to access private property to carry out maintenance. Having regard to the above, the development is not compliant with the provisions of the 2016-2022 South Dublin County Development Plan and would materially contravene the zoning objective 'RES' which is 'to protect and /or improve residential amenity'.
3. Insufficient details have been submitted in terms of the proposed surface water and drainage systems, therefore it has not been demonstrated by the applicant that the proposed development is consistent with the Greater Dublin Regional Code of Practise for Drainage Works or with the Irish Water Standard Details.

SD06A/1044/EP : 2 storey 3 bedroom detached house to side garden, incorporating 3rd bedroom in attic space with new vehicular entrance to front: permission sought is on foot of previously approved outline permission SD05A/0880.

Decision: **Grant extension of Duration of Permission**

SD06A/1044: 2 storey 3 bedroom detached house to side garden, incorporating 3rd bedroom in attic space with new vehicular entrance to front: permission sought is on foot of previously approved outline permission SD05A/0880.

Decision: **Grant Permission following grant of Outline Permission**

SD06A/0703 : Two storey three bedroom detached house with basement and partial removal of side boundary wall and replace with cast iron railings to same height to side garden with new vehicular entrance to front and are also applying for planning permission for removal of hip to

Comhairle Chontae Atha Cliath Theas

PR/0641/22

Record of Executive Business and Chief Executive's Order

roof of existing house and replace with new gable wall, with two new dormer windows to attic at rear and to relocate and widen existing vehicular entrance to front.

Decision: **REFUSE PERMISSION.**

SD05A/0880: Two storey three bedroom detached house to side garden, incorporating third bedroom to attic space with new vehicular entrance to front.

Decision: **Grant Outline Permission**

S00A/0262 : Two storey extension and conversion of garage to pre-school at side.

Decision: **REFUSE PERMISSION.**

Enforcement History

None recorded for site

Pre-Planning Consultation

PP114/21.

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

Section 2.4.0: Residential Consolidation – Infill, Backland, Subdivision & Corner Sites

Policy H17 Residential Consolidation

Policy H17 Objective 3:

To favourably consider proposals for the development of corner or wide garden sites within the curtilage of existing houses in established residential areas, subject to appropriate safeguards and standards identified in Chapter 11 Implementation.

Section 11.2.7 Building Height

Section 11.3.1 Residential

Section 11.3.1 (iv) Dwelling Standards

Table 11.20: Minimum Space Standards for Houses

Section 11.3.1 (v) Privacy

Section 11.3.2 Residential Consolidation

Section 11.3.2 (i) 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 form will be required, through density, features such as roof

Comhairle Chontae Atha Cliath Theas

PR/0641/22

Record of Executive Business and Chief Executive's Order

forms, fenestration patterns and materials and finishes. Larger sites will have more flexibility to define an independent character.

- Significant site features, such as boundary treatments, 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).

Section 11.3.2 (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 11.4.2 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 11.8.2 Appropriate Assessment

Relevant Government Guidelines

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

Sustainable Residential Development in Urban Areas: Guidelines for Planning

Authorities, Department of the Environment, Heritage and Local Government (2009).

Urban Design Manual: A Best Practice Guide, A Companion Document to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, Department of the Environment, Heritage and Local Government, (2009).

Comhairle Chontae Atha Cliath Theas

PR/0641/22

Record of Executive Business and Chief Executive's Order

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

Assessment

The main issues for assessment relate to:

- Zoning and Council policy,
- Background and Context
- Residential and Visual Amenity,
- Parks & Landscaping,
- Access & Parking,
- Services & Drainage,
- Overcoming Previous Reasons For Refusal,
- Screening for Appropriate Assessment (AA),
- Screening for Environmental Impact Assessment (EIAR),

Zoning and Council policy

The site is located in an area which is zoned 'RES' 'to protect and/or improve residential amenity.' The development of a dwelling is permitted in principle subject to its accordance with the relevant provisions in the Development Plan with specific reference to Section 11.3.2 (ii) which relates to Corner/Side Garden Sites.

Background and Context

As outlined in the Planning History section of this report, application SD20A/0328 for the construction of 1no. two storey dwelling house circa 267sq.m net internal area was recently refused on this site in 2020. Similar applications on the same site were also refused permission in 2019 namely SD19A/0375 and SD19A/0071.

Residential & Visual Amenity

Internal floor area

At c.1110sq.m. the internal floor areas of the proposed 3 bedroom dwelling would comply with the provisions of the Quality Housing for Sustainable Communities-Best Practice Guidelines (DOEHLG 2007) which require a minimum floor area of 92sq.m for a three bedroom dwelling.

Private Open Space

The planning drawings submitted show that the quantity of private open space for the existing 4 bedroom dwelling (1 Marley Rise) will be of a reasonable level post development (c.92sq.m.).

The private open space for the proposed dwelling with an internal floor area of 110sq.m is stated as c.60sq.m. and would comply with the 60sq.m minimum standard for a three bedroom

Comhairle Chontae Atha Cliath Theas

PR/0641/22

Record of Executive Business and Chief Executive's Order

house and would comply with the provisions of the South Dublin County Council Development Plan 2016-2022 Section, 11.3.1 Residential (iv) Dwelling Standards, (Table 11.20: Minimum Space Standards for Houses).

Room sizes

Proposed bedroom size **complies** with Section 11.3.1 Residential (iv) Dwelling Standards regarding minimum internal floor areas for proposed bedrooms.

The proposed unobstructed living room widths requirements would comply with Quality Housing for Sustainable Communities, Best Practice Guidelines for Delivering Homes Sustaining Communities 2007.

Storage

At c.4sq.m. the proposed level of dedicated storage would **comply** with the minimum storage area requirements as per the Quality Housing for Sustainable Communities, Best Practice Guidelines for Delivering Homes Sustaining Communities 2007, a minimum of 4sq.m of dedicated storage space should be provided for a 3 bed, 4 person, 1 storey house. Therefore, the level of storage to be provided **would comply** with the above policy.

Building lines

The proposed 2 storey contemporary style dwelling is triangular in design to accommodate the constraints of the corner site. The front main building line set back slightly from that of the existing dwelling (1 Marley Rise). The main rear building line projects outwards by c.3m from the main rear building line of the existing dwelling (1 Marley Rise). There will be a separation distance of c.0.985m between the proposed and the existing dwelling. Given the separation distance and the aspect it is not considered that this would have a significant overbearing or overshadowing impact on the existing dwelling (1 Marley Rise) and would be considered to be broadly acceptable in this instance.

Boundary Treatment

The existing site boundary to the north west along Marley Rise consists of a high (c.2m externally and c.1.5m internally) rendered block wall with brick capping to Marley Rise and towards Marley Avenue, which has a timber fence addition at higher level and which steps down to form a low wall to the western boundary/main front to Marley Rise. The boundary between the proposed site and the existing wall has been established as a high 1.8m timber fence which will be partially removed and will allow for a side entrance to the new and existing dwelling. The entire external boundary is proposed to be retained as exists with just the existing internal front high wall within the site to be demolished and a section of the low wall removed to form the new access and a portion of the high wall reduced to provide sightlines to the new access. This is considered to be broadly acceptable in this instance.

Comhairle Chontae Atha Cliath Theas

PR/0641/22

Record of Executive Business and Chief Executive's Order

Roof Profile

The proposed two storey dwelling has a flat parapet roof with a parapet height of c.5.7m. The existing dwelling has a hipped roof with a ridge height of c.8.19m and an eaves height of c.5.59m. It is noted that the proposed dwelling will be constructed on a site with a slightly lower ground level than that of the existing dwelling. This is considered to be broadly acceptable in this instance.

Overlooking & Overbearing impact

There will be an appropriate separation distance of c.22m between the proposed dwelling and the immediate neighbour to the rear (No.47 Marley Avenue) so that there will be no undue overlooking. This element of the proposal would comply with Section 11.3.1 Residential (iv) Dwelling Standards (v) Privacy of the SDCC Development Plan 2016-2022. There will be a separation distance of c.0.985m between the proposed dwelling and the existing dwelling. It is noted that a shared pedestrian side access to the rear is proposed. There will be no overbearing impact on the existing dwelling or on other dwellings in the vicinity.

In the event of a grant a **condition** shall be attached that an obscure bathroom window shall be proposed on the southern elevation at ground floor and first floor level. There will be no significant adverse impact on residential and visual amenity

Site Analysis

The application has not been accompanied with a site analysis that addresses the scale, siting and layout of new development taking account of the local context. A site analysis should accompany all proposals for infill development as per Section 11.3.2 (i). Infill Development of the SDCC Development Plan 2016-2022. Therefore the proposal would not comply with Section 11.3.2 of the SDCC Development Plan 2016-2022.

Section 11.3.2 (i): Infill Developments:

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 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.*

Comhairle Chontae Atha Cliath Theas

PR/0641/22

Record of Executive Business and Chief Executive's Order

Dual Frontage

Windows are proposed on the north, west & eastern sides of the dwelling at both ground level and first floor level providing dual frontage and providing for passive surveillance of the public realm. Dual frontage is covered in *Section 11.3.2 Residential Consolidation (ii) Corner/Side Garden Sites* of the SDCC Development Plan and is part of the criteria to be met for corner/side gardens.

Parks & Landscaping,

A report was received from the Parks Department recommending a grant with **conditions**. An extract taken from the Parks report states the following:

The Public Realm Section has assessed the proposed development in accordance with the policies and objectives of the County Development Plan 2016-2022 and with best practice guidelines and recommends the following:

1. Landscape Plan

Prior to the commencement of Development, a landscape plan and associated planting plan shall be submitted to the Planning Authority. The Landscape Plan shall include details of hard and soft landscaping. The Landscape Plan shall be implemented in full, within the first planting season following completion of the development. Details shall include:

- a) The planting plan shall clearly set out the following:
 - i. Location of species types, schedule of plants noting species, planting sizes and proposed numbers/densities where appropriate*
 - i. Implementation timetables.*
 - ii. Detailed proposals for the future maintenance/management of all landscaped areas**
- a) types and dimensions of all boundary treatments*

CONDITION

REASON: To protect and enhance the character of the site and the area, and to ensure its appearance is satisfactory, in accordance with the policies and objectives contained within Section 8.3.0 Public Open Space Hierarchy and Landscape Setting of the CDP 2016-2022.

1. Sustainable Drainage System (SuDS)

No development shall take place until a Sustainable Drainage Strategy and associated detailed design, management and maintenance plan of surface water drainage for the site using SuDS methods has been submitted to and approved in writing by the Planning Authority. The applicant shall submit the following information:

- a) A drawing to show how surface water shall be attenuated to greenfield run off rates.*

Comhairle Chontae Atha Cliath Theas

PR/0641/22

Record of Executive Business and Chief Executive's Order

- a) *Submit a drawing to show what SuDS (Sustainable Drainage Systems) are proposed. Examples of SuDS include permeable paving, filter drain planter boxes or other such SuDS.*
- b) *SUDs Management - The applicant is requested to submit a comprehensive SUDS Management Plan to demonstrate that the proposed SUDS features have reduced the rate of run off into the existing surface water drainage network. A maintenance plan should also be included as a demonstration of how the system will function following implementation.*

REASON: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal is incorporated into the design and the build and that the principles of sustainable drainage are incorporated into this proposal and maintained for the lifetime of the proposal, in accordance with policies under Section 8.4.0 Sustainable Urban Drainage Systems of the CDP 2016-22 in particular G5 Objective 1 and G5 Objective 2.

2. Tree Protection

All tree protection measures outlined in the submitted Tree Report shall be implemented in full by the applicant. In addition, no development shall commence on site, including works of demolition or site clearance until:

- a) *All trees to be retained shall be protected by secure, stout exclusion fencing erected at a minimum distance equivalent to the branch spread of the trees and in accordance with BS 5837 (2012) – Trees in Relation to Design, Demolition and Construction;*
- b) *Any works within the branch spread of the trees shall be by hand only. No materials, supplies, plant or machinery shall be stored, parked or allowed access beneath the branch spread or within the exclusion fencing. Any trees that are damaged or felled during construction work must be replaced with semi mature trees of the same or similar species.*

Reason: To ensure the safety and well-being of the trees on the site that are to remain after building works are completed, in accordance with policy G2 Objective 9, G4 Objective 5, G2 Objective 13, G6 Objective 1, HCL15 Objective 3 of the CDP 2016-2022.

Notwithstanding the report from the Parks Department it is considered appropriate that **conditions** are attached in the event of a grant regarding tree protection measures and a tree bond.

Access & Parking

A report was received from the Roads Section recommending Refusal while also recommending **conditions** to be attached in the event of a grant of permission. An extract taken from the Roads report states the following:

Comhairle Chontae Atha Cliath Theas

PR/0641/22

Record of Executive Business and Chief Executive's Order

Description:

To include

- *new vehicle access, car parking, new service & drainage connections &*
- *other associated site works including demolition of existing internal garden wall,*
- *partial lowering of height of boundary wall on overall site comprising 0.0233 hectares (circa 233sq.m).*

Access & Roads Layout:

An additional entrance is proposed to be located on a bend near a primary school. Any additional openings to the public roadway on this bend are likely to introduce significant risk to pedestrians and children walking to school.

The AutoTRAK drawing proposed shows cars reversing in, but there is no guarantee that cars wont be driven front first into the driveway and later reversed back onto the road. The site is located in close proximity to an existing national school with keep clear markings located almost up to the proposed entrance.

Roads recommend refusal

Reason: A new vehicular entrance at this location would bring about a significant increase in risk to all roadway users passing by, but especially so to school children on foot or on bicycle.

Should the permission be granted, the following conditions are suggested:

1. *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.*
1. *The vehicular access point shall not exceed a width of 3.5 meters.*
2. *Any gates shall open inwards and not outwards over the public domain.*
3. *All vehicles parked in the driveways must exit the site in a forward direction. No vehicles to reverse onto the public roadway at any time.*
4. *The entrance apron shall be dished and widened to the full width of the proposed widened driveway entrance and shall be constructed to the satisfaction of South Dublin County Council's Road Maintenance Department, and at the applicant's expense.*

Having regard to the Roads report, it is considered that the substantive recommendation is to refuse on grounds of traffic hazard. Thus permission should be **refused**.

The Planning Authority has serious concerns in relation to the introduction of an additional vehicular access on the crown of a bend which creates more traffic movements and increases traffic hazards at this location. The SDCC Roads Section report state that '*a new vehicular entrance at this location would bring about a significant increase in risk to all roadway users*

Comhairle Chontae Atha Cliath Theas

PR/0641/22

Record of Executive Business and Chief Executive's Order

passing by, but especially so to school children on foot or on bicycle'. The Roads report also states 'The site is located in close proximity to an existing national school with keep clear markings located almost up to the proposed entrance'.

Based on the information submitted with the application the Planning Authority is not satisfied that the proposal would not result in unsafe traffic and pedestrian conditions. The new proposed vehicular access on the bend creates more traffic movements and increases traffic hazards at this location. The generation of additional traffic/turning movements at this location and close to a National School would endanger public safety by reason of a **traffic hazard**.

Therefore, the proposed development should be **refused**.

Services & Drainage,

Surface Water Drainage have recommended **Additional Information** be requested regarding requirements for a soakaway. Irish Water have recommended no objections subject to **conditions**. An extract taken from the Surface Water Drainage report states the following:

Surface Water Report: Further Information Required:

1.1 There are no soil percolation test results, design calculations or dimensions submitted for the proposed soakaway. The applicant is required to submit a report showing site specific soil percolation test results and design calculations for the proposed soakaway in accordance with BRE Digest 365 – Soakaway Design.

1.2 The applicant has not proposed any SuDS (Sustainable Drainage Systems) features for the proposed development. The applicant is required to submit a drawing in plan and cross sectional views clearly showing proposed Sustainable Drainage Systems (SuDS) features for the development.

- Rain Gardens*
- Planter boxes with overflow connection to the public surface water sewer.*
- Permeable Paving*
- Grasscrete*

Flood Risk No Objection:

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.

Comhairle Chontae Atha Cliath Theas

PR/0641/22

Record of Executive Business and Chief Executive's Order

Notwithstanding the report from Surface Water Drainage, due to insufficient information submitted regarding requirements for Surface Water Drainage the Planning Authority cannot be satisfied that the proposed development would not be prejudicial to public health. Therefore, the proposed development should be **refused**.

Overcoming Previous Reasons For Refusal,

Three previous applications (SD20A/0328, SD19A/0375, SD19A/0071) for a similar dwelling on the same site were recently **refused** permission. The previous reasons for refusal are set out below.

SD20A/0328

- 1. The introduction of an additional vehicular access on the bend in the road would create more traffic movements and increase traffic hazards at this location. At the proposed dwelling, the angle of driving onto the carriageway is such that additional traffic hazard is created by these vehicle movements due to a compromised sightline visibility. There would also be insufficient space on site to provide for 2 car parking spaces. In the proposed car parking layout there would be no turning room on curtilage and therefore there would be difficult reversing movements necessary (either entering or leaving) to access the proposed parking spaces detailed. The generation of additional traffic/turning movements at this location and close to a national school would therefore endanger public safety by reason of a traffic hazard and would be contrary to the proper planning and sustainable development of the area.*
- 1. Having regard to the shape and shallow depth of the proposed rear amenity space, which is approx. 6.1 m. and with the retention of the trees along the eastern boundary, which is welcomed, the proposed development would leave insufficient useable rear amenity space. Furthermore, the remaining rear amenity space for the existing dwelling at No. 1 Marley Rise has several structures located to the rear of this dwelling which would leave insufficient amenity space. It is therefore considered that the proposed development by way of insufficient, usable amenity space would be contrary to the South Dublin County Council Development Plan 2016 - 2022 and the proper planning and sustainable development of the area.*

SD19A/0375

- 1. The proposal would fail to provide an adequate standard of accommodation for future residents of the dwelling by reason of the undersized nature of the dwelling, the poor quality, quantity and usability of private amenity space and the restricted levels of outlook and access to natural light. The proposal would therefore be contrary to: Policy H11 Objective 1 Residential Design and Layout, Section 11.3.1(iv) relating to minimum space standards and minimum private open space for houses, Policy H13 Private and Semi-Private Open Space of the South Dublin County Council County Development*

Comhairle Chontae Atha Cliath Theas

PR/0641/22

Record of Executive Business and Chief Executive's Order

Plan (2016-2022). Thus the proposed development would be contrary to the proper planning and development of the area.

- 2. It has not been properly demonstrated that the proposed vehicular crossing and height of the boundary walls would provide proper visibility and safe conditions for traffic and pedestrians alike. Thus, it has not been satisfactorily demonstrated that the proposed development would not give rise to traffic hazard.*

SD19A/0071

- 1. A 7.0m width entrance is excessive and will be a hazard for pedestrians using the footpath, particularly school children. The proposed driveway entrance will result in a large bank of car parking from 3 dwellings. The orientation of the car parking in relation to the roadway will require a reversing manoeuvre onto the roadway which is on a bend. This site is located in close proximity to an existing national school and there are keep clear road markings on the road directly outside of the site, which are associated with the school. The proposed driveway entrance will create an undesirable streetscape for pedestrians, particularly school children. The location of the access serving the proposed development would endanger public safety by reason of traffic hazard and the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*
- 2. The proposed development would give rise to a substandard form of residential development by reason of the poor configuration and inadequate provision of private amenity space to the rear of the proposed dwellings. The proposed development would provide poor residential amenity for future occupants of the proposed dwelling and materially contravene the provisions of the South Dublin County Council Development Plan 2016 - 2022. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*
- 3. The internal layout does not provide sufficient storage space in either dwelling. Storage areas are intended to accommodate the storage of bulky personal or household items and household utility functions such as clothes washing, the use of bedroom space for such a large proportion of store space is not acceptable. Failure to provide sufficient internal space constitutes over development of the site. Furthermore, the soffit and gutter for the existing roof will be overhanging the garden of the proposed dwelling (House B), and would result in the requirement for unsafe practice in terms of gable and gutter maintenance due to the lack of ladder space availability and the need to access private property to carry out maintenance. Having regard to the above, the development is not compliant with the provisions of the 2016-2022 South Dublin County*

Comhairle Chontae Atha Cliath Theas

PR/0641/22

Record of Executive Business and Chief Executive's Order

Development Plan and would materially contravene the zoning objective 'RES' which is 'to protect and /or improve residential amenity'.

- 4. Insufficient details have been submitted in terms of the proposed surface water and drainage systems, therefore it has not been demonstrated by the applicant that the proposed development is consistent with the Greater Dublin Regional Code of Practise for Drainage Works or with the Irish Water Standard Details.*

The Planning Authority considers that this application for permission has not satisfactorily overcome the previous reasons for **refusal** for a similar development.

Screening for Appropriate Assessment (AA)

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
- 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 (EIAR)

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.

Conclusion

The proposal would not be in accordance with the South Dublin County Development Plan 2016-2022 and would be contrary to the proper planning and sustainable development of the area. Permission should, therefore, be **refused**.

Recommendation

I recommend that a decision to Refuse Permission be made under the Planning & Development Act, 2000 (as amended) for the reasons set out in the Schedule hereto:-

Comhairle Chontae Atha Cliath Theas

PR/0641/22

Record of Executive Business and Chief Executive's Order

SCHEDULE

REASON(S)

1. The proposed development, by reason of the introduction of a new vehicular access that would be situated on a bend in the road, would result in an increase in traffic movements and associated traffic hazard at this location. Furthermore, due to the proximity of the development to the neighboring National School, it is considered that the proposed development would result in the creation of an unacceptable traffic hazard to cyclists and pedestrians. Accordingly, it is considered that the proposal would contravene TM7 Objective 3 of the South Dublin County Council Development Plan 2016 – 2022: 'To ensure that car parking does not detract from the comfort and safety of pedestrians and cyclists or the attractiveness of the landscape' and would be contrary to the proper planning and sustainable development of the area.
2. Due to insufficient information submitted regarding requirements for Surface Water Drainage the Planning Authority is not satisfied that the proposed development would not be prejudicial to public health.


Comhairle Chontae Atha Cliath Theas

PR/0641/22

Record of Executive Business and Chief Executive's Order

REG. REF. SD22A/0085

LOCATION: 1, Marley Rise, Rathfarnham, Dublin 16.

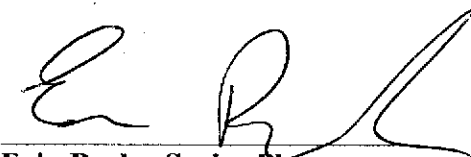


Jim Johnston
Senior Executive Planner

ORDER: A decision pursuant to Section 34(1) of the Planning & Development Act 2000 (as amended) to Refuse Permission for the above proposal for the reasons set out above is hereby made.

Date:

23/5/22



Eoin Burke, Senior Planner