

Comhairle Chontae Atha Cliath Theas

PR/0640/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22B/0121 **Application Date:** 21-Mar-2022
Submission Type: New Application **Registration Date:** 21-Mar-2022
Correspondence Name and Address: Ronan and Bethany Cotter 10, The Court, Cypress Downs, Dublin 6w
Proposed Development: First floor front and side extension over existing den with pitched roof, comprising of a bedroom; a single storey rear extension with flat roof and roof windows, comprising of a kitchen, utility and living area; a new roof window in existing side roof; remove existing chimney to front of house at den; increase vehicular entrance width and dish footpath to suit width; all associated site works.
Location: 10, The Court, Cypress Downs, Dublin 6w
Applicant Name: Ronan and Bethany Cotter
Application Type: Permission

(CS)

Description of Site and Surroundings:

Site Area: 0.0324 Hectares.

Site Description:

The site is located in Cypress Downs and contains a two-storey detached house with a hipped roof located close to a corner junction. It is noted there is a dwelling constructed in the original side garden of the original site. However, the extents of this application for No.10 The Court is identified within the red line boundary on the site location map submitted. The streetscape is characterised by houses of similar form and style, with a mainly uniform building line. The houses have front and back gardens, with driveways to the front. The existing dwelling has a single storey element with flat parapet roof to the side and single storey element to the rear with a flat parapet roof.

Proposal:

The proposed development consists of the following:

- First floor side extension over existing single storey side element.
- Single storey rear extension with flat parapet roof and rooflights.
- New rooflight in existing side roof.

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- Removal of existing front chimney.
- Widening existing vehicular entrance from c.2.732m to c.5m.
- Proposed works measure c.35.94sq.m. (as stated).

Consultations:

Irish Water – **Additional Information** recommended.

Parks & Landscaping - **Additional Information** recommended.

Roads Section - **Additional Information** recommended.

Surface Water Drainage – No objections subject to **conditions**.

SEA Sensitivity Screening

No overlap with environmental layers.

Submissions/Observations /Representations

None received.

Relevant Planning History

SD14A/0206: 10, The Court, Cypress Downs, Dublin 6w.

Demolition of existing single storey detached garage, subdivision of existing garden and construction of a new two storey detached dwelling and all associated site works.

Decision: **GRANT PERMISSION.**

Adjacent sites

SD17B/0106: 10a, The Court, Cypress Downs, Templeogue, Dublin 6W.

Construction of a new single storey porch measuring 2sq.m and retention of existing rear single storey utility extension measuring 4sq.m.

Decision: **GRANT PERMISSION AND GRANT RETENTION.**

SD11A/0079: 10, The Court, Cypress Downs, Dublin 6w.

Demolition of existing 25.6 sq.m. single storey detached garage and construction of a new 66.5 sq.m. single storey detached one bedroom dwelling and all associated siteworks.

Decision: **GRANT PERMISSION.**

Relevant Enforcement History

None on file.

Pre-Planning Consultation

No pre-planning consultation was held in relation to the development.

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

Section 2.4.1 Residential Extensions

Policy H18 Residential Extensions

It is the policy of the Council to support the extension of existing dwellings subject to the protection of residential and visual amenities.

Policy H18 Objective 2:

To favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 11 Implementation and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines).

Section 11.2.7 Building Height

Section 11.3.1 Residential

Section 11.3.1 (iv) Dwelling Standards

Section 11.3.1 (v) Privacy

Section 11.3.3 Additional Accommodation

Section 11.3.3 (i) Extensions

Section 11.4.2 Car Parking Standards

Table 11.24 Maximum Parking Rates (Residential Development)

Section 11.4.4 Car Parking Design and Layout

Section 11.7.2 Energy Performance in New Buildings

Section 11.8.2 Appropriate Assessment

South Dublin County Council House Extension Design Guide (2010)

Relevant Government Guidelines

Sustainable Residential Development In Urban Areas - Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government (2008).

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

Assessment

The main issues for assessment relate to:

- Zoning and Council policy,
- Residential and Visual Amenity,

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- Parks & Landscaping,
- Access & Parking,
- Services & Drainage,
- Screening for Appropriate Assessment (AA),
- Screening for Environmental Impact Assessment (EIAR),

Zoning and Council Policy

The site is subject to zoning objective RES - 'To protect and / or improve Residential Amenity'. The development of an extension to a dwelling is permitted in principle subject to its design being in accordance with the relevant provisions in the Development Plan and the House Extension Design Guide.

Residential & Visual Amenity

Single storey rear extension with flat parapet roof and rooflights (new construction c.25.4sq.m).

The existing dwelling has a single storey element with flat parapet roof to the southern side and single storey element to the rear with a flat parapet roof to the southern side. The existing single storey rear element project outwards from the main rear building line by c.4.82m and is offset by c.1.0m from the boundary with the immediate neighbour to the south. The existing rear extension has an internal width of c.2.12m and an internal length of c.4.72m, providing an internal floor area of c.10sq.m. The new rear extension will project outwards from the main rear building line by the same extent i.e. 4.82m and will integrate with the existing rear extension (existing extension c.10sq.m.). New construction accounts for c.25.4sq.m. The extension will be offset by c.1m from the boundary with the immediate neighbour to the south. It will be offset by c.0.855m from the boundary with the immediate neighbour to the north at its widest point and offset by c.0.175m at its narrowest point. The extension will have a parapet height of c.3.542m. It is noted that the neighbouring dwelling to the north (No.10A) has a single storey element to the rear which projects outwards from the rear building line of the dwelling by c.2.45m. The extension will have 6 no. rooflights and will integrate reasonably well with the character of the existing dwelling and with the character of the local area. There will be no undue overlooking or overbearing impact and a reasonable level of private open space will remain post completion.

First floor side extension over existing single storey side element (c.10.8sq.m.).

The first floor side extension will have a hipped roof to match that of the existing first floor side element which is set below the ridge of the main roof structure. The ridge height of the main roof structure measures c.7.68m and the ridge of the extension will be set below this level at c.7.114m. The extension will be constructed above the existing single storey side element referred to as the 'den' in the application. The extension will be offset by c.1m from the boundary with the immediate neighbour to the south. A new window will be inserted on the first

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floor front elevation that is in rhythm with existing front fenestration treatment. The extension will span an internal width of 2.29m and will have an internal length of c.4.73m (c.10.8sq.m.). The extension would visually accord with the character of the area and would not have a significant adverse impact on residential and visual amenity.

New rooflight in existing side roof.

This element of the proposal is considered acceptable.

Removal of existing front chimney.

This element of the proposal is considered acceptable.

Widening of Vehicular Entrance

The application proposes to increase the vehicular entrance width from c.2.732m to c.5m. In the interest of preserving the loss of an on-street car parking space and in the interest of road safety to limit the speed of vehicles accessing and egressing from the subject site a **condition** shall be attached in the event of a grant whereby the width of the vehicular entrance be limited to a maximum width of 3.5 metres. This element of the proposal is covered in further detail in the Access & Parking section of this report.

Parks & Landscaping

The front end of the Parks report recommends **Additional Information** is requested. However it is noted that within the main body of the report **conditions** are recommended in the event of a grant. 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. Tree Bond

A tree bond of €1,500 (one thousand five hundred euros) shall be lodged with the Planning Authority to ensure the protection of the existing street trees located in the grass margin during the course of the development works. The bond will only be refunded upon receipt by SDCC Public Realm Section of a satisfactory post-construction arboricultural assessment, carried out by a qualified arborist and provided that the trees proposed for retention are alive, in good condition with a useful life expectancy.

CONDITION

REASON: *In the interest of the proper planning and sustainable development of the area, streettree protection, and the maintenance of the county's green infrastructure in accordance with policy G2 Objective 9, G4 Objective 5, G2 Objective 13, G6 Objective 1, HCL15 Objective 3 of the CDP 2016-2022.*

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2. Protection of Street Tree in Grass Margin

In order to ensure the protection of the existing street tree adjacent to the entrance of this proposed development, suitable tree protection fencing should be installed in order to protect the existing tree during construction works. Protective tree fencing must be erected prior to all construction operations occurring on site. Fencing to be in accordance with BS 5837. This fencing, enclosing the tree protection areas must be installed prior to any plant, vehicle or machinery access on site. Fencing must be clearly signed 'Tree Protection Area – No Construction Access'. No Excavation, plant vehicle movement, materials or soil storage is to be permitted within the fenced tree protection area.

CONDITION

REASON: To ensure the safety and well-being of the trees on and adjacent to the subject 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.

3. No dig driveway

No work shall commence on site until such time as a method statement for the "No dig" method of driveway construction for the new proposed vehicular entrance has been submitted to the Planning Authority. The existing street immediately adjoining the existing driveway shall be protected from damage as a result of the works on site, to the satisfaction of the Public Realm Section in accordance with it relevant British Standards (e.g. BS5837:2012) for the duration of the development. In the event that the tree become damaged during construction, the Public Realm Section shall be notified, and remedial action agreed and implemented. In the event that the tree dies or is removed without the prior consent of the Public Realm Section, it shall be replaced within the first available planting season, in accordance with details agreed with the Public Realm Section.

CONDITION

REASON: To ensure the safety and well-being of the trees on and adjacent to the subject 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.

It is considered appropriate to attach a tree bond and tree protection measures by way of **condition** in the event of a grant.

Access & Parking

A report was received from the Roads Section recommending **Additional Information**. An extract taken from the Roads report states the following:

Prior to commencement of any works in the public domain, and in order to comply with The Roads Act 1993 Section 13 Paragraph 10, a Road Opening Licence must be secured from South Dublin County Council, Roads Maintenance Department.

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Description

An application to increase vehicular entrance width and dish footpath to suit width to 5.0m. The maximum vehicle access width is recommended to be 3.5m wide.

Roads recommend that additional information be requested from the applicant:

1. The applicant is requested to submit a revised layout of not less than 1:100 scale, showing a 3.5m wide vehicle access.

Notwithstanding the report issued by the Roads Section it is considered that the above may be dealt with by way of **condition** in the event of a grant.

Services and Drainage

A report was received from Irish Water recommending Additional Information be requested regarding the seeking of clarification on the location of appropriate access entry points for the foul sewer which the applicant proposes to construct over. An extract taken from Irish Water report states the following:

IW Recommendation:

Further Information Required

IW Observations:

1 Water

1.1 All development shall be carried out in compliance with Irish Water Standards codes and practices.

2 Foul

2.1 The applicant has proposed to build an extension over the existing private foul drain to the rear of the property however it is unclear where any existing access manholes are located on this drain. The applicant is required to submit a drawing showing existing and proposed foul water drainage layouts up to and including the point of connection to the public foul water sewer. The drawing shall include the location of all Aj's, manholes, pipe size, material type and direction of flow. The draining must demonstrate how access will be maintained to the pipe post development works have been carried out.

2.2 All development shall be carried out in compliance with Irish Water Standards codes and practices

Notwithstanding the report from Irish Water it is considered the above may be dealt with by way of **condition** in the event of a grant.

An extract taken from the Surface Water Drainage report states the following:

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Surface Water Report: No Objection Subject to:

1.1 Include water butts as part of SuDS (Sustainable Drainage Systems) for the proposed development.

Flood Risk Report: No objection subject to:

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.

It is considered appropriate to attach the above **conditions** in the event of a grant.

Other Considerations

Development Contributions

- First floor side extension (c.10.8sq.m.), Single storey rear extension (25.4sq.m. new construction not including existing s.s rear extension). Total c.36.2sq.m.
- Previous single storey rear extension measures c.10sq.m.
- 30sq.m exemption remains.
- Assessable area is 6.2sq.m.

SEA Monitoring Information	
Building Use Type Proposed	Floor Area (sq.m)
Residential – Extension	36.2
Land Type	Site Area (Ha.)
Brownfield/Urban Consolidation	0.0324

Conclusion

Having regard to the provisions of the South Dublin County Council Development Plan 2016-2022 and the overall design and scale of the development proposed, it is considered that, subject to the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

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Recommendation

I recommend that a decision be made pursuant to the Planning & Development Act 2000, as amended, for the reasons set out in the First Schedule hereto, to Grant Permission for the said development in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule hereto, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule.

FIRST SCHEDULE

It is considered that the proposed development accords with the policies and objectives of South Dublin County Council, as set out in the South Dublin County Council Development Plan 2016 - 2022 and subject to the conditions set out hereunder in the Second Schedule is hereby in accordance with the proper planning and sustainable development of the area.

SECOND SCHEDULE

Conditions and Reasons

1. Development in accordance with submitted plans and details.
The development shall be carried out and completed in its entirety fully in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the other conditions attached hereto.
REASON: To ensure that the development shall be in accordance with the permission and that effective control be maintained.
2. (a) External Finishes.
All external finishes shall harmonise in colour or texture that is complementary to the house or its context.
REASON: In the interest of visual amenity.

(b) Restriction on Use.
The house and the proposed extension shall be jointly used as a single dwelling unit for residential purposes and shall not be sub-divided or used for any commercial purposes, and the extension shall not be sold, let (including short-term letting), leased or otherwise transferred or conveyed, by way of sale, letting or otherwise save as part of the single dwelling unit.
REASON: To prevent unauthorised development.

(c) Drainage - Irish Water.
Prior to commencement of development the applicant shall submit the following information to the Planning Authority for written approval:

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- (i). The applicant has proposed to build an extension over the existing private foul drain to the rear of the property however it is unclear where any existing access manholes are located on this drain. The applicant shall submit a drawing showing existing and proposed foul water drainage layouts up to and including the point of connection to the public foul water sewer. The drawing shall include the location of all AJs, manholes, pipe size, material type and direction of flow. The drawing shall demonstrate how access will be maintained to the pipe post development works have been carried out.
- (ii). All development shall be carried out in compliance with Irish Water Standards codes and practices.
- (iii). Include water butts as part of SuDS (Sustainable Drainage Systems) for the proposed development.
- (iii). The Developer shall ensure that there is complete separation of the foul and surface water drainage for the proposed development.
- (iv). All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.
- (v). The water supply and drainage infrastructure, shall comply with the requirements of Irish Water.
- (vi). 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.
- (vii). All drainage works for this development shall comply fully with the Greater Dublin Regional Code of Practice for Drainage Works.

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

(d) Minimise Air Blown Dust.

During the construction and or demolition phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances. The applicant/developer shall comply with British Standard B.S. 5228 Noise Control on Construction and Open sites and British Standard B.S. 6187 Code of Practice for demolition.

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

(e) Construction Noise and Hours.

To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, Equipment or Machinery (to include pneumatic drills, on-site construction vehicles, generators, etc.) that could give

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rise to unacceptable levels of noise pollution as set out generally for evening and night-time in S.I. No. 140/2006 - Environmental Noise Regulations 2006 shall only be operated on the site between 7.00 hours and 19.00 hours weekdays and between 9.00 hours and 13.00 hours on Saturdays. No works shall take place at any time on Sundays, Bank Holidays or Public Holidays.

Any construction work outside these hours that could give rise to unacceptable levels of noise pollution shall only be permitted following a written request to the Planning Authority and the subsequent receipt of the written consent of the Planning Authority, having regard to the reasonable justification and circumstances and a commitment to 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.

3. Vehicular entrance.

Prior to commencement of development the applicant shall submit the following information to the Planning Authority and such amendments shall be implemented fully on site:

- (i). A revised layout of not less than 1:100 scale, showing a maximum width of 3.5 metres for the proposed vehicular entrance.

REASON: In the interest of preserving the loss of an on-street car parking space and in the interest of road safety to limit the speed of vehicles accessing and egressing from the subject site. In the interest of proper planning and sustainable development.

4. Tree Bond.

A maximum of two weeks from the date of the Commencement Notice and prior to the commencement of works on site, a Bond or bank draft to the value of €1,500 shall be lodged with South Dublin County Council as a security for the protection of the existing street tree in the grassed margin during the course of the development works. This bond

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will be released twelve months after the completion of all site works once it has been ascertained that the tree specified for retention has been preserved in its prior condition and has suffered no damage and the developer has complied with the requirements of the Planning Authority in relation to tree protection.

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

5. Tree Protection.

a) The existing street tree(s) in the adjoining grass verge(s) to the front of the site shall be retained and protected, both above and below ground, from damage during construction works.

b) No building materials, machinery, soil or debris shall be stored or deposited on the grass verges at any time during the construction of the proposed development.

c) Any damaged roadside margins shall be reinstated.

REASON: In the interests of visual amenity and of protecting existing trees from inappropriate storage, mixing or application of cement-based products or other phytotoxic materials that are likely to have a detrimental effect upon tree(s) in the grassed margin.

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: Waste, arising from the site, must be kept to a minimum, segregated where appropriate, and disposed in accordance with the Waste Management Regulations 2007, as amended. Transport of such waste, must be by an authorised waste permit holder. Waste disposal records must be maintained and made available, for inspection by Authorised Persons appointed under the Waste Management Act 1996, as amended. A Waste Transfer Form shall accompany the transportation of all hazardous waste arising from the construction works.

NOTE: A Roads Opening Licence must be obtained from South Dublin County Council prior to the commencement of any works in the public domain in order to comply with the Roads Act 1993, Section 13, paragraph 10. Under this Act, non-compliance constitutes an offence.

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REG. REF. SD22B/0121

LOCATION: 10, The Court, Cypress Downs, Dublin 6w

Jim Johnston
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: 16.05.2022

Colm Harte

Colm Harte, Senior Executive Planner