

Comhairle Chontae Atha Cliath Theas

PR/0655/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD21B/0619 **Application Date:** 10-Dec-2021
Submission Type: Significant **Registration Date:** 29-Apr-2022
Additional
Information

Correspondence Name and Address: Graham McNevin 3, Killakee Gardens, Firhouse,
Dublin 24

Proposed Development: Widening of existing vehicular access; conversion of
existing attic space to non-habitable space with
dormer to the rear; internal alterations and all
associated site works.

Location: 66, Wainsfort Road, Terenure, Dublin 6W

Applicant Name: Karl Chatterton & Jean McAdam

Application Type: Permission

(AOCM)

Description of Site and Surroundings:

Site Area: stated as 0.04 hectares

Site Description:

The application site contains a two storey, semi-detached house, located on Wainsfort Road in a row of similar dwellings. There is an existing first floor extension over the side garage, similar to other works along the road. The surrounding area is residential in nature.

Site visited:

10 January 2022

Proposal:

Permission is sought for the following:

- Rear dormer to facilitate conversion of attic to non-habitable area (35sq.m)
- Demolition of existing rear extension (24sq.m) and construction of larger, flat roof, rear extension approximately 43.08sq.m (37.7sq.m living area and 5.38sq.m covered side access) – **this is not specifically noted on the site notice.**
- Internal alterations at ground and first floor level
- Widening of vehicular access from 2.4m to 3.6m

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Zoning:

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

Consultations:

Roads – No objection, conditions recommended

Parks – No objection, conditions recommended

Surface Water Drainage – Further information recommended

Irish Water – No objection, conditions recommended

Submissions/Observations /Representations

Submission expiry date – 24/01/2022

No submissions or observations received

Relevant Planning History

None recorded for subject site.

Relevant Enforcement History

None recorded for subject site.

Pre-Planning Consultation

None recorded for subject site.

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

Section 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.

Section 11.3.3 Additional Accommodation

(i) Extensions

*The design of residential extensions should accord with the **South Dublin County Council House Extension Design Guide (2010)** or any superseding standards*

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).*

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Assessment

The main issues for assessment concern the following:

- Zoning and Council policy
- Residential and Visual Amenity
- Roads
- Parks
- Services, Drainage and the Environment
- Appropriate Assessment
- Environmental Impact Assessment

Zoning and Council Policy

The site is subject to zoning objective 'RES' - '*To protect and/or improve residential amenity*'. A residential extension is 'Permitted in Principle' under this zoning objective.

Residential and Visual Amenity

Rear Extension

It is proposed to demolish an existing rear lean-to extension with shallow pitched roof, approximately 24sqm and construct a flat roof rear extension of approximately 33sq.m. These works were not explicitly stated on the site notice, and it is considered that the applicant should be requested to readvertise and submit revised notices by way of **additional information**, to ensure full transparency in the information provided for public consultation.

It is proposed to remove the existing rear wall of the property and ground floor level to create a large, open plan area connecting the existing dining room with the 33sq.m rear extension. The extension would extend the full width of the property, including a 1.3m wide covered side access allowing movement from the front to the rear of the dwelling without having to come through the main house. The extension would protrude 6.4m from the existing rear building line, with the original property being approximately 13m deep. The depth of the extension is therefore considered acceptable, not exceeding 50% of the depth of the existing house. A large rear garden in excess of 70sqm will be retained and this is considered acceptable.

Based on the above, the principle of the rear extension is considered acceptable subject to **additional information** being submitted, confirming that the applicant has readvertised the development, accurately stating the full extent of the works proposed to include the rear extension.

Internal Alterations

Internal alterations can be summarised as follows:

- Change of use of 2.5sq.m of existing garage to create separate downstairs toilet
- Creation of large open plan living area, incorporate existing dining room with proposed extension

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- Existing kitchen to become utility room
- Conversion of existing rear bedroom into part family bathroom and part en-suite serving master bedroom to front.
- Existing separate bathroom and w/c to be incorporated in remaining rear bedroom as walk in wardrobe resulting in the removal of two windows on rear elevation.

The above internal alterations are considered acceptable.

Dormer Extension

The dormer extension would be located in the rear roof slope and would facilitate the conversion of the existing attic space to non-habitable storage. The dormer would have a flat roof and would be suitably located down from the ridgeline and up from the eaves. From plans and elevations, it appears that the dormer would extend beyond the intersection of the ridgeline and the roof hip. However, it would not extend beyond the ridge of the hipped roof. This is acceptable.

There is a distance in excess of 40m between the subject property and neighbouring dwellings to the rear. It is therefore not considered that the dormer would give rise to unacceptable levels of overlooking. In addition, given the siting of the dormer in the rear roof slope, it is not considered that there will be any harmful loss of light or overshadowing consequences for neighbouring properties.

Roads

The Roads department have reviewed the application and have stated no objection subject to the following **conditions**:

1. *The vehicular access points shall be limited to a width of 3.5 meters.*
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.*
2. *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.*
3. *A distance of 600mm shall be maintained between the footpath and tree located in the grass verge in order to protect the tree.*
4. *Any gates shall open inwards and not out over the public domain.*
5. *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.*

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In the event of a grant of permission, it is considered appropriate to attach the above **conditions** to ensure the ongoing safety of all road users and protection of existing vegetation proximate to the site entrance. It is noted that elevation drawings of the proposed access arrangements show a pillar height of 1.225m. As these are the original pillars and are common to properties along the road, it is considered appropriate to amend the restrictions of recommended **condition 2** to state pillars must be no more than 1.3m, in the interests of visual amenity. The boundary wall is just under 0.9m and would therefore comply with the recommended **condition**. It is considered that it would be impossible to enforce recommended **condition 6** in relation to forward exiting of the site. This **condition** should not be attached in the event of a grant.

Parks

The Parks Department has reviewed the application and stated no objection subject to the following conditions:

1. *Street Trees*

The applicant has not provided any information as to the potential impacts of the development on the adjacent street tree in the grass margin. The applicant should submit a tree survey report for the tree in the adjoining grass margin. This tree survey should be undertaken by a suitably qualified arborist. The report should provide detailed information on the condition and health of the existing street tree and it should also clearly detail what impacts the development will have on the tree but especially the tree roots. It is the opinion of the Public Realm Section that reduction/removal of the grass margin in order to facilitate the widening of the entrance driveway will negatively impact/impinge on the existing street tree. The tree survey should be in line with BS 5837:2012 Trees in relation to design, demolition and construction.

1. *Protection of Street Tree in Grass Margin*

In order to ensure the protection of existing street trees in adjacent grass margin, 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: 2012. 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.

Detailed existing and proposed site layout drawings have not been submitted. The applicant should be requested to submit **additional information** comprising detailed existing and proposed site layout drawings, clearly showing the grass verge and the location of existing street trees as well as the proposed entrance widening. It is considered appropriate to request the tree survey recommended as **additional information**, to ensure early consideration of the potential impacts of the development on this tree, in advance of a final determination being made in relation to this application.

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Following submission of acceptable **additional information**, it is considered appropriate to attach recommended **condition 2** in the event of a grant to ensure the protection of existing street trees in the interests of visual amenity.

Services, Drainage and the Environment

Water Services has reviewed the application and have recommended **further information** is sought as follows:

- 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.*
- 1.1 *The applicant is required to submit a revised drawing showing plan & cross-sectional views, dimensions, and location of proposed soakaway. Any proposed soakaway shall be located fully within the curtilage of the property and shall be:*
 - i) *At least 5m from any building, public sewer, road boundary or structure.*
 - i) *Generally, not within 3m of the boundary of the adjoining property.*
 - ii) *Not in such a position that the ground below foundations is likely to be adversely affected.*
 - iii) *10m from any sewage treatment percolation area and from any watercourse / floodplain.*
 - iv) *Soakaways must include an overflow connection to the surface water drainage network.*
- 1.2 *Include water butts as part of additional SuDS (Sustainable Drainage Systems) for the proposed development.*

It is considered appropriate to request the recommended **additional information** to ensure all plans for SuDS measures are appropriate for the site.

Irish Water have reviewed the application and have stated no objection subject to standard **conditions** that all development be in compliance with Irish Water standards codes and practices.

Screening for Appropriate Assessment

Having regard to the scale and nature of the development, connection to public services and the distance from Natura 2000 sites, it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

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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.

Conclusion

Prior to reaching a final conclusion on the proposals, it is considered necessary to request **additional information** as follows:

- The applicant should be required to readvertise the development, clearly stating on site and newspaper notices that the development includes the demolition of an existing rear extension and the construction of a larger rear extension.
- The applicant should be required to submit existing and proposed site layout plans clearly showing the location of existing street trees and grass verges to the front of the property.
- The applicant should be required to submit a tree survey report for the tree in the adjoining grass margin.
- The applicant should be required to submit soil percolation test results, design calculations and dimensions for the proposed soakaway.
- The applicant should be required to submit a revised drawing showing plan & cross-sectional views, dimensions, and location of proposed soakaway.

Recommendation

Request Further Information.

Further Information

Further Information was requested on 14/02/22

Further Information was received on 29/04/22

Consultations

Roads – No objection, **conditions** recommended

Parks – No objection, **conditions** recommended

Surface Water Drainage – No objection, **conditions** recommended

Submissions/Observations

No further submissions/observations received.

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Assessment of Further Information

The Further Information requested was as follows:

1. *The applicant is requested to readvertise the development, clearly stating on site and newspaper notices that the development includes the demolition of an existing rear extension and the construction of a larger rear extension.*
1. *The applicant is requested to submit detailed existing and proposed site layout plans clearly showing the location of existing street trees and grass verges to the front of the property. Site layouts should also clearly indicate the existing site entrance and the proposed widened entrance, to ascertain the level of impact on the grass verge and street trees.*
2. *The applicant has not provided any information as to the potential impacts of the development on the adjacent street tree in the grass margin. The applicant is requested to submit a tree survey report for the tree in the adjoining grass margin. This tree survey should be undertaken by a suitably qualified arborist. The report should provide detailed information on the condition and health of the existing street tree and it should also clearly detail what impacts the development will have on the tree but especially the tree roots. It is the opinion of the Public Realm Section that reduction/removal of the grass margin in order to facilitate the widening of the entrance driveway will negatively impact/impinge on the existing street tree. The tree survey should be in line with BS 5837:2012 Trees in relation to design, demolition and construction.*
3. *There are no soil percolation test results, design calculations or dimensions submitted for the proposed soakaway. The applicant is requested 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.
Should a soakaway prove not to be feasible, then the applicant shall submit A revised surface water layout drainage drawing for the development showing the inclusion of the following SuDS (Sustainable Drainage Systems) features.*
4. *The applicant is required to submit a revised drawing showing plan & cross-sectional views, dimensions, and location of proposed soakaway. Any proposed soakaway shall be located fully within the curtilage of the property and shall be:*
 - i) *At least 5m from any building, public sewer, road boundary or structure.*
 - i) *Generally, not within 3m of the boundary of the adjoining property.*
 - ii) *Not in such a position that the ground below foundations is likely to be adversely affected.*
 - iii) *10m from any sewage treatment percolation area and from any watercourse / floodplain.*
 - iv) *Soakaways must include an overflow connection to the surface water drainage network.*

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Assessment

The applicant has submitted drawings and responses as requested and a cover letter from the agent date stamped 29 April 2022.

Item 1 – Readvertisement

The applicant has readvertised the development and submitted copies of the revised newspaper and site notices, correctly stating the full extent of the works proposed. This is considered acceptable.

Items 2 and 3 – Site Layout and Tree Protection

The Public Realm section have reviewed the additional information and have stated no objection. Based on the response of the applicant they have not recommended any further requirement for **conditions**.

The Roads Department have reviewed the additional information and have stated no objection subject to the previously recommended **conditions**.

Items 4 and 5 – SuDS

Water Services have reviewed the additional information and have stated no objection to the development. Their report recommends a **condition** requiring the applicant to provide water butts. This is considered appropriate to attach as an additional SuDS measure.

Conclusion

The development subject to **conditions**, is considered to be consistent with the zoning objective 'RES' – 'To protect and/or improve residential amenity', and the relevant provisions in the County Development Plan 2016-2022 and is considered acceptable.

Development Contributions

Development Contributions

Existing habitable extensions (first floor): 21 sq.m

Proposed works

Non habitable Attic: 35sq.m

Ground floor extension: 33 sq.m

Change of Use (garage to toilet): 2.5 sq.m

Assessable Area: 16.5 sq.m

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SEA Monitoring Information

Building Use Type Proposed:	Residential extension
Floor Area:	33 sq.m additional
Land Type:	Urban Consolidation
Site Area:	0.04 hectares.

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 conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area. It is considered that the proposal would be consistent with Council policy in relation to extensions to dwelling houses.

Recommendation

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

FIRST SCHEDULE

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

SECOND SCHEDULE

Conditions and Reasons

1. Development 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 29 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.

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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.

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

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

(iii) All drainage works for this development shall comply fully with the Greater Dublin Regional Code of Practice for Drainage Works.

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

(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. Entrance and Access Arrangements

- A. The vehicular access points shall be limited to a width of 3 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. Any alterations to the entrance shall be constructed to the satisfaction of South Dublin County Council and at the applicant's expense.
- D. Any gates shall open inwards and not out over the public domain.

REASON: In the interests of pedestrian and other traffic safety and amenity.

4. Sustainable Urban Drainage Systems

Water butts shall be used on site as part of SuDS (Sustainable Drainage Systems) for the proposed development.

REASON: To ensure provision of SuDS

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5. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €1,724.09 (one thousand seven hundred and twenty four euros and nine 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.

NOTE: The applicant is advised that under the provisions of Section 34 (13) of the Planning and Development Act 2000 (as amended) a person shall not be entitled solely by reason of a permission to carry out any development.

NOTE: The applicant or developer should ensure that all necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works and to ensure that any such instances arising are remedied immediately.

NOTE: The applicant is advised that in the event of encroachment or oversailing of adjoining property, the consent of the adjoining property owner is required.

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

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REG. REF. SD21B/0619

LOCATION: 66, Wainsfort Road, Terenure, Dublin 6W

jjohnston

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: _____

26/9/22

E Burke

Eoin Burke, Senior Planner