

# Comhairle Chontae Atha Cliath Theas

PR/0654/22

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

**Reg. Reference:** SD22A/0094      **Application Date:** 01-Apr-2022  
**Submission Type:** New Application      **Registration Date:** 01-Apr-2022  
**Correspondence Name and Address:** SONAA Architects 14, Coulson Avenue, Rathgar, Dublin 6  
**Proposed Development:** 3 bed detached sustainable 2 storey house; new vehicular/pedestrian entrance; 2 car driveway; all associated site boundaries, landscaping, drainage, new foul water connection to Whitehall Road and ancillary works.  
**Location:** 42, Whitehall Road, Terenure, Dublin 12, D12 YR60  
**Applicant Name:** Derek Glennon  
**Application Type:** Permission

(CS)

### Description of Site and Surroundings:

Site Area: 0.039 Hectares (as stated)

#### Site Description:

This rear garden site is located to the rear of No.42 Whitehall Road and is more precisely located at the junction with Whitehall Road and Whitehall Gardens in Terenure. The existing site contains a one storey, detached dwelling with hipped roof and a relatively large garden to the rear (south) outlined in red. The subject site is broadly 'L' shaped in design and is narrow to the front and wider to the rear.

#### Proposal:

The proposed development consists of the following:

- Two storey 3 bedroom **detached dwelling** to rear of existing dwelling
- New vehicular/pedestrian entrance.
- Provision for 2 no. car parking spaces.
- Proposed works measure 96.7sq.m.

It is noted that an Architectural Design Statement has been attached to this application.

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### **Zoning:**

The subject site is subject to zoning objective 'RES' – 'To protect and/or improve residential amenity'. Residential development is permitted in principle under land use zoning objective 'RES'.

### **Consultations**

Roads Section – **Additional Information** recommended or **conditions** to be attached in the event of a grant.

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

Irish Water – **Additional Information** recommended

Parks Department – Grant with **conditions** recommended.

### ***SEA Sensitivity Screening***

Overlap identified with the following environmental layers:

- SFRA A 2016
- SFRA B 2016

It is noted there is a record of monuments and places (2016) located to the south-east of the subject site. 022-003 identified as the River Poddle Watercourse in the SDCC Development Plan 2016-2022.

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

4 no. submissions were received objecting to the proposed development and can be summarised as follows:

- Whitehall Gardens is a narrow cul-de-sac (only c.6.245m wide) is already heavily used for car parking.
- Residents already have difficulty entering and exiting driveways.
- Increased traffic will exasperate access problems.
- Access for emergency vehicles will be compromised.
- Increased traffic will increase the risk of accidents.
- Contrary to the 'RES' zoning objective for the area.
- Limited separation distance between neighbouring dwellings in the vicinity.
- Visual impact, overshadowing, overbearing impact, overlooking surrounding properties.
- Private open space is a concern.
- Remaining private open space for the existing dwelling would negatively impact its current and future occupants.
- Subject site is within the fluvial flood zone of the River Poddle as is susceptible to flooding.
- Out of character with neighbouring dwellings in the vicinity.

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- Loss of privacy, loss of light.
- Depreciate the value of neighbouring properties in the vicinity.
- Proposed development is piecemeal and represents haphazard unstructured infill development.
- Proposed development would set an undesirable precedent for other similar developments in the vicinity.
- Similar proposals S01A/0285 and SD07A/0018 for 40 & 44 Whitehall Roads were refused permission.
- A detached dwelling with front entrance onto Whitehall Gardens would alter the structure and streetscape and character of Whitehall Gardens.
- Height of the proposed two storey dwelling is excessive and will overlook and overshadow neighbouring properties and their private open spaces.
- Noise pollution with increased traffic levels.
- Overdevelopment of a constrained site.
- Contrary to SDCC Development Plan Section 2.4.0 (policy 17 Residential Consolidation) Objective 5 which seeks 'to ensure that new development in established areas does not impact negatively on the amenities and character of an area'.
- Does not comply with SDCC Development Plan policies in respect of backland development. Section 11.3.2 (iii). Of the SDCC Development Plan p207 and should be single storey.
- The siting of a two storey dwelling into this location is completely out of character with the established grain of the neighbourhood.

The submissions lodged with the application have been considered in the overall assessment of the development.

### Relevant Planning History

**SD07A/0018:** Rear of 42/44, Whitehall Road, Dublin 12.

Dormer bungalow, provision of separate entrance & all ancillary works.

Decision: **REFUSE PERMISSION.**

### **Reasons for Refusal:**

- 1) The proposed development of an additional dwelling behind the existing dwelling would constitute an over development of a restricted site area, and as such would detract from the residential amenity of neighbouring properties, and would therefore contravene Council policy in relation to residential development as set out in Sections 12.4.5 and 12.4.6 of South Dubin County Development Plan 2004 - 2010. Thus the proposed development would seriously injure the amenities and depreciate the value of property in the vicinity.

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- 2) The proposed development would set an undesirable precedent for further similar developments, which would in themselves and cumulatively be harmful to the residential amenities of the area and be contrary to the proper planning and sustainable development of the area.

### *Adjacent sites*

**S97A/0713:** Dwelling to the rear of no. 40 Whitehall Road opposite the current site.

Decision: **REFUSE OUTLINE PERMISSION.**

### **Reasons for Refusal.**

Refused for three reasons on the grounds of inadequate open space and density and sub-standard, devaluing of property due to relationship with surroundings and density, and precedent.

1. The proposed development, by reason of inadequate provision of open space and density, does not provide for an adequate standard of development and would thereby contravene materially the zoning objective for the area 'to protect and improve residential amenity'. The proposed development would have an inadequate area and depth of front and rear gardens.
2. The proposed development by reason of its density and relationship with adjoining property and property in the vicinity would seriously injure the amenities and depreciate the value of property in the vicinity.
3. The grant of outline permission for the proposed development would set an undesirable precedent for similar development which would not be consistent with the proper planning and development of the area.

**No appeal to ABP.**

**S01A/0285:** Two storey 3 bedroom house to the rear of 40 Whitehall Road.

Decision: **REFUSE PERMISSION.**

1. The proposed development would seriously infringe the existing building line established by the row of houses along Whitehall Gardens, and as such would be visually obtrusive and would seriously injure the amenities of property in the vicinity. It is further considered that the relationship created between these properties and the proposed house is particularly unacceptable having regard to the two storey height of the latter.
2. The proposed development by virtue of the ground floor level living and dining room windows and first floor level window to bedroom no. 3, all facing no. 2 Whitehall Gardens, would result in an unacceptable level of overlooking which would seriously injure the amenities of property in the vicinity.

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3. The site is located in an area zoned 'A', the objective for which is 'to protect and/or improve residential amenity'. For the reasons given at 1 and 2 above, the proposed development would contravene materially this Development Plan zoning objective.
4. The proposal would be located within 5 metres of a public foul sewer and public watermain. As such, the proposal would be prejudicial to public health.
5. The Roads Department normally require a 2 metre setback from proposed development and the back of the public footpath. The setback proposed measures only 1 metre and the proposal is therefore considered to be inconsistent with the proper planning and development of the area.

**Refused on appeal to An Bord Pleanala 06S.128337.**

### Relevant Enforcement History

None traced.

### Pre-Planning Consultation

PP007/19.

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

#### *Policy H6 Sustainable Communities*

It is the policy of the Council to support the development of sustainable communities and to ensure that new housing development is carried out in accordance with Government policy in relation to the development of housing and residential communities.

#### *Policy H7 Urban Design in Residential Developments*

It is the policy of the Council to ensure that all new residential development within the County is of high quality design and complies with Government guidance on the design of sustainable residential development and residential streets including that prepared by the Minister under Section 28 of the Planning & Development Act 2000 (as amended).

#### *Section 2.3.0 Quality of Residential Development*

##### *Policy H11 Residential Design and Layout*

It is the policy of the Council to promote a high quality of design and layout in new residential development and to ensure a high quality living environment for residents, in terms of the standard of individual dwelling units and the overall layout and appearance of the development.

##### *Policy H13 Private and Semi-Private Open Space*

It is the policy of the Council to ensure that all dwellings have access to high quality private open space (incl. semi-private open space for duplex and apartment units) and that private open space is carefully integrated into the design of new residential developments.

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#### *Policy H14 Internal Residential Accommodation*

It is the policy of the Council to ensure that all new housing provides a high standard of accommodation that is flexible and adaptable, to meet the long-term needs of a variety of household types and sizes.

#### *Policy H15 Privacy and Security*

It is the policy of the Council to promote a high standard of privacy and security for existing and proposed dwellings through the design and layout of housing.

#### Policy H17 – Residential Consolidation:

*It is the policy of the Council to support residential consolidation and sustainable intensification at appropriate locations, to support ongoing viability of social and physical infrastructure and services and meet the future housing needs of the County.*

H17 Objective 1: To support residential consolidation and sustainable intensification at appropriate locations and to encourage consultation with existing communities and other stakeholders.

H17 Objective 7: To support and facilitate the replacement of existing dwellings with one or more replacement dwellings, subject to the protection of existing residential amenities and the preservation of the established character (including historic character and visual setting) of the area (see Section 9.1.4 Older Buildings, Estates and Streetscapes).

#### *Policy HCL2 Archaeological Heritage*

#### *Policy HCL5 Older Buildings, Estates and Streetscapes*

#### Section 11.2.1 Design Statements

#### 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*

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### 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 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).

### (iii) Backland Development

The design of development on backland sites should meet the criteria for infill development in addition to the following criteria:

Be guided by a site analysis process in regard to the scale, siting and layout of development.

Avoid piecemeal development that adversely impacts on the character of the area and the established pattern of development in the area.

Development that is in close proximity to adjoining residential properties should be limited to a single storey, to reduce overshadowing and overlooking.

Access for pedestrians and vehicles should be clearly legible and, where appropriate, promote mid-block connectivity.

*Section 6.4.4 Car Parking*

*Policy TM7 Car Parking*

*Section 11.4.2 Car Parking Standards*

*Table 11.24: Maximum Parking Rates (Residential Development)*

*Section 11.4.3 Car Parking for Electric Vehicles*

*Section 11.4.4 Car Parking Design and Layout*

*Section 11.4.5 Traffic and Transport Assessments*

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### *Section 7.1.0 Water Supply & Wastewater*

#### *Policy IE1 Water & Wastewater*

It is the policy of the Council to work in conjunction with Irish Water to protect existing water and drainage infrastructure and to promote investment in the water and drainage network to support environmental protection and facilitate the sustainable growth of the County.

### *Section 7.2.0 Surface Water & Groundwater*

#### *Policy IE2 Surface Water & Groundwater*

It is the policy of the Council to manage surface water and to protect and enhance ground and surface water quality to meet the requirements of the EU Water Framework Directive.

### *Section 7.3.0 Flood Risk Management*

#### *Policy IE3 Flood Risk*

It is the policy of the Council to continue to incorporate Flood Risk Management into the spatial planning of the County, to meet the requirements of the EU Floods Directive and the EU Water Framework Directive.

### *Section 8.0 Green Infrastructure*

#### *Policy G1 Overarching*

#### *Policy G1 Green Infrastructure Network*

#### *Policy G3 Watercourses Network*

#### *Policy G4 Public Open Space and Landscape Setting*

#### *Policy G5 Sustainable Urban Drainage Systems*

#### *Policy G6 New Development in Urban Areas*

### *Section 9.3.1 Natura 2000 Sites*

#### *Policy HCL12 Natura 2000 Sites*

### *Section 11.6.1 (i) Flood Risk Assessment*

#### *Section 11.6.1 (ii) Surface Water*

#### *Section 11.6.1 (iii) Sustainable Urban Drainage System (SUDS)*

#### *Section 11.6.1 (iv) Groundwater*

#### *Section 11.6.1 (v) Rainwater Harvesting*

#### *Section 11.6.1 (vi) Water Services*

### *Section 11.7.2 Energy Performance in New Buildings*

#### *Section 11.8.1 Environmental Impact Assessment*

#### *Section 11.8.2 Appropriate Assessment*



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### **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 (2008).*

*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, (2008)*

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

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

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

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

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

*Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, Building Research Establishment, (1991).*

### **Assessment**

The main issues for assessment are:

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

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### *Zoning and Council Policy*

The site is subject to zoning objective RES which is '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 (i) Infill Sites (iii) **Backland Development**.

**'The proposed house is considered to constitute Backland Development (Sc. 11.3.2 (iii), South Dublin County Council Development Plan 2016-2022). The design of development on backland sites should meet the criteria for infill development in addition to the criteria set out in Section 11.3.2 (i) Infill Sites (iii) Backland Development of the County Development Plan.**

### *Residential and Visual Amenity*

It is proposed to construct a two storey, three bedroom detached dwelling measuring approximately 96.7sq.m (as stated) on this backland site. The subject site is broadly 'L' shaped in design and is narrow to the front (north) and significantly wider to the rear (south). A pedestrian access along the eastern site boundary of the existing dwelling (No.42 Whitehall Road) will have a width of c.2.8m. The vehicular entrance to provide off street parking for 2 no. vehicles is located off Whitehall Gardens to the east of subject site.

It is noted that the applicant has submitted an Architectural Design Statement including a site analysis to address the scale, siting and layout of development which would comply with Section 11.3.2 (i) Infill Sites (iii) Backland Development of the SDCC Development Plan 2016-2022.

### *2 storey, 3 bedroom detached dwelling*

It is proposed to construct a 2 storey, 3 bedroom detached dwelling with pitched roof measuring c.96.7sq.m. (as stated) on the backland site. In principle the contemporary architectural proposal would integrate well with existing building types and the overall character of the area subject to accordance with the SDCC Development Plan 2016-2022.

### *Internal Floor Area*

At c.96.7sq.m. this complies for a three bedroom house. This would comply with the provisions of the South Dublin County Council Development Plan 2016-2022 which requires a minimum floor area of 92sq.m for a house with three bedrooms (Table 11.20: Minimum Space Standards for Houses).

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### *Private open space*

The **area of proposed private open space to serve the proposed dwelling which would be located to the rear of the front building line is approximately c.79sq.m** which would technically comply with the 60sq.m minimum private open space minimum requirement set out in the South Dublin County Council Development Plan 2016-2022 for a house with three bedrooms.

There are concerns with the layout of the private amenity space. The design of the private open space to serve the proposed dwelling is 'L' shaped in design with only c.36sq.m. located behind the main rear building line. This **would result in a 2m deep rear garden and a 6m wide side garden.**

Having regard to this, it is considered that the design of the private open space would not be considered to provide for adequate private amenity and therefore would be contrary to Section 11.3.1 Residential (iv) Dwelling Standards of the SDCC Development Plan 2016-2022.

Therefore, the proposal should be **refused**.

### *Bedroom sizes & unobstructed living room widths*

The proposed internal floor area of all proposed bedrooms would broadly comply with Section 11.3.1 Residential (iv) Dwelling Standards. At c.3.8m the proposed unobstructed living room widths would comply with Quality Housing for Sustainable Communities, Best Practice Guidelines for Delivering Homes Sustaining Communities 2007. At 38.6sq.m. the aggregate proposed living area would comply with Table 5.1 Space Provision and room sizes for typical dwellings (Quality Housing for Sustainable Communities) where a minimum of 30sq.m. should be provided for a 3 bed/4 person (2 storey) dwelling.

### *Storage*

The proposed dwelling has approximately c.4.4sq.m. dedicated for storage. This would comply with the Quality Housing for Sustainable Communities, Best Practice Guidelines for Delivering Homes Sustaining Communities 2007 where the minimum area for storage for a three bedroom, two storey house for 4 people is 4sq.m.

### *Boundary Treatment*

Clear proposed boundary treatment details have not been submitted as part of this application. This would not comply with the South Dublin County Council Development Plan 2016-2022.

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### *Building Lines*

The proposed dwelling will broadly align with the main front and rear building lines of the immediate neighbour to the south (No. 1 Whitehall Gardens). The proposed dwelling will have a separation distance averaging c.1m between the immediate neighbour to the south (No.1 Whitehall Gardens). However it is noted that due to the splay in the southern site boundary of the subject site the distance between the gable wall of No.1 Whitehall Gardens and the gable wall of the proposed dwelling varies from c.2m at the front to less than c.1m to the rear.

This is considered to accord with the residential and visual amenity of the area.

### *Building Height*

The proposed dwelling will have an eaves height of c.6.0 metres and a ridge height of c.9.189 metres. At c.9.189m the ridge height of the proposed two storey dwelling will be considerably higher than the ridge height of the existing one storey dwelling on the site (No.42 Whitehall Road) which has a ridge height of c.5.8m. However as the proposed two storey dwelling will be located immediately adjacent to and will align with No.1 Whitehall Gardens it is considered that the assessment regarding building height is more relevant in relation to its context regarding No.1 Whitehall Gardens whereby the ridge height and eaves height of the proposed will match that of No.1 Whitehall Gardens.

This would not have a significant adverse impact on residential and visual amenity.

### *Overlooking*

The first floor of the proposal has been designed and sited to avoid overlooking and to avoid directly opposing above ground floor windows facing surrounding properties. There are no windows proposed above ground floor level on the western elevation and there are louvered panels proposed for windows at first floor level on the southern elevation. Therefore, the proposal will have no undue overlooking and complies with Section 11.3.1 Residential (v) Privacy of the South Dublin County Council Development Plan 2016-2022. This would comply with Section 10 of the Urban Design Manual (2009).

### *Overbearing Impact*

As the rear building line of the proposed two storey dwelling will be offset by only c.2m from the boundary with the immediate neighbour to the west (No.46 Whitehall Road) this will have a significant adverse overbearing impact on the residential and visual amenity for this property and for its private open space. The proposal would be contrary to the 'RES' zoning objective for the area which seeks 'To protect and/or improve residential amenity'.

Therefore, the proposal should be **refused**.

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To comply with Section 11.3.2 (iii) Backland Development , backland development that is in close proximity to adjoining residential properties should be limited to a single storey, to reduce overshadowing and overlooking. As the proposed dwelling is located in close proximity to adjoining residential properties a two storey proposal is not acceptable in this instance and would not accord with the 'RES' zoning objective for the area which is 'to protect and/or improve residential amenity'.

### **Access and Car Parking**

A report was received from the Roads Department recommending **Additional Information** while also recommending **conditions** to be attached in the event of a grant. 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.*

### *Description*

*Proposed 3 bed house at rear of 42 Whitehall gardens.*

*A new access is proposed from Whitehall gardens. The width of the vehicle access is excessive, a maximum of 3.5m would be considered safer at this location. There are no dimensions for the heights of the boundary near the vehicle access location.*

*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 access.*
- 2. The applicant is requested to submit a revised layout of not less than 1:100 scale, showing provision of space for two on curtilage parking spaces. And a swept path analysis showing how the two cars can safely access and egress these parking spaces.*

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

- 1. Footpath and kerb shall be dished and widened, and the dropped crossing shall be constructed to the satisfaction of South Dublin County Council and at the applicant's expense. The footpath and kerb shall be dished and widened to the full width of the proposed widened driveway entrance.*
- 2. The vehicular access points shall be limited to a width of 3.5 meters.*
- 3. The boundary walls and gates 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.*
- 4. Any gates shall open inwards and not out over the public domain.*

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*5. All vehicles parked in the driveways must turn within the site and exit the site in a forward direction. No vehicles to reverse onto the public roadway at any time.*

Notwithstanding the report from the Roads Department, considering the reasons for refusal above and considering that insufficient information has been submitted regarding requirements for the Roads Section, the Planning Authority cannot be satisfied that the proposal would not endanger public safety by reason of a traffic hazard.

It is noted that as no details or dimensions for the heights of the boundaries adjacent to the proposed vehicle access have been submitted it is not possible to assess if appropriate sight lines can be achieved.

Considering the above, the proposal would not be acceptable.

### ***Parks & Landscaping***

The Parks Department has recommended recommend **conditions** to be applied in event of a grant of permission. This is noted.

### ***Services & Drainage***

Both Irish Water and Surface Water Drainage have recommended **Additional Information** be requested. An extract taken from the Irish Water report states the following:

*IW Recommendation:*

*Further Information Required*

#### *1 Water*

*1.1 The applicant has not submitted water supply drawings for the proposed development. The applicant is required to submit a drawing in plan outlining the existing and proposed water supply layout for the development.*

*1.2 Prior to the commencement of development the applicant or developer shall enter into a water connection agreement(s) with Irish Water.*

*- All development shall be carried out in compliance with Irish Water Standards codes and practices. Reason: In the interest of public health and to ensure adequate water facilities.*

#### *2 Foul*

*2.1 The applicant has not submitted foul water drainage plans for the proposed development. 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.*

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*2.2 Prior to the commencement of development the applicant or developer shall enter into a water connection agreement(s) with Irish Water. - All development shall be carried out in compliance with Irish Water Standards codes and practices.*

*Reason: In the interest of public health and to ensure adequate water facilities.*

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

*Surface Water Report: **Further Information** Required:*

*1.1 The applicant has not submitted surface water drainage plans for the proposed development. The applicant is required to submit a drawing showing existing and proposed surface water drainage layouts up to and including the point of connection to the public surface water sewer. The drawing shall include the location of all Aj's, manholes, pipe size, material type and direction of flow.*

*1.2 The applicant shall include SuDS (Sustainable urban Drainage Systems) features for the proposed development such as but not limited to the following:*

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

*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.*

Notwithstanding the recommendations from Surface Water Drainage and Irish Water, due to insufficient information being submitted by the applicant the Planning Authority cannot be satisfied that the proposed development would not be prejudicial to public health and therefore the proposal should be **refused**.

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### *Overcoming Previous Reasons for Refusal*

Application reg. ref. SD07A/0018 for a dormer bungalow to the rear of the subject site was refused permission in 2007. The reasons for refusal are set out below:

- 1) *The proposed development of an additional dwelling behind the existing dwelling would constitute an over development of a restricted site area, and as such would detract from the residential amenity of neighbouring properties, and would therefore contravene Council policy in relation to residential development as set out in Sections 12.4.5 and 12.4.6 of South Dubin County Development Plan 2004 - 2010. Thus the proposed development would seriously injure the amenities and depreciate the value of property in the vicinity.*
  
- 1) *The proposed development would set an undesirable precedent for further similar developments, which would in themselves and cumulatively be harmful to the residential amenities of the area and be contrary to the proper planning and sustainable development of the area.*

It is considered that the current application SD22A/0094 has not satisfactorily overcome the previous reasons for **refusal**.

### *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.



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### **Conclusion**

Having regard to the provisions of the South Dublin County Council Development Plan 2016-2022, the Planning Authority is not satisfied that proposed backland development is consistent with the Development Plan provisions. The Planning Authority has serious concerns regarding the proposed poor quality inadequate private open space and the significant adverse overbearing impact on the immediate neighbour to the west which combined together provide for overdevelopment of a constrained site. The proposal would be contrary to the 'RES' zoning objective for the area and would not be in the interests of proper planning and sustainable development.

### **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:-

## **SCHEDULE**

### **REASON(S)**

1. The design of the private open space to serve the proposed dwelling is 'L' shaped in design with only c.36sq.m. located behind the main rear building line. The geometry of the private open space is such that it will only provide a rear garden of some 2m depth and will project outwards from the side building line by only c.6m. The design of the private open space is such that it would not be considered to provide for adequate private amenity and therefore would be contrary to Section 11.3.1 Residential (iv) Dwelling Standards of the SDCC Development Plan 2016-2022.
2. As the rear building line of the proposed two storey dwelling will be offset by only c.2m from the boundary with the immediate neighbour to the west (No.46 Whitehall Road) this will have a significant adverse overbearing impact on the residential and visual amenity for this property and for its private open space. Having regard to this overbearing impact and unacceptable quality of private open space, the proposed development constitutes overdevelopment of a constrained site and would detract from the residential amenity of neighbouring properties, and would therefore contravene Council policy in relation to residential development as set out in Sections 11.3.1 Residential (iv) Dwelling Standards and Section 11.3.2 Residential Consolidation of South Dublin County Development Plan 2016 - 2022. As a result, the proposed development would seriously injure the amenities of property in the vicinity and would contravene the proper planning and sustainable development for the area.

# **Comhairle Chontae Atha Cliath Theas**

**PR/0654/22**

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

3. Due to insufficient information being submitted by the applicant the Planning Authority cannot be satisfied that the proposed development would not be prejudicial to public health and would not give rise to traffic hazard.


**Comhairle Chontae Atha Cliath Theas**

**PR/0654/22**

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

**REG. REF. SD22A/0094**

**LOCATION: 42, Whitehall Road, Terenure, Dublin 12, D12 YR60**

  
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**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:**

26/5/22

  
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**Eoin Burke, Senior Planner**