

Comhairle Chontae Atha Cliath Theas

PR/0675/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SDZ22A/0004 **Application Date:** 06-Apr-2022
Submission Type: New Application **Registration Date:** 06-Apr-2022

Correspondence Name and Address: Stephen Barrett, Tom Phillips and Associates 80,
Harcourt Street, Dublin 2

Proposed Development: Internal separation of the house and associated granny
flat to provide for 2 permanent houses and extension of
rear garden.

Part of the development site is located within the
Clonburris Strategic Development Zone.

Location: 58a and 58b, Cappaghmore, Clondalkin, Dublin 22

Applicant Name: George Buffini

Application Type: Permission

(COS)

Description of Site and Surroundings

Site Area: stated as 0.035 Hectares on the application.

Site Visit: 12th of May 2022.

Site Description

The subject site is located on Cappaghmore with the existing Cappaghmore housing estate. The site consists of a 2 storey, semi-detached dwelling (No. 58A) and associated 2 storey family flat (No. 58B), permitted under planning permissions Reg. Refs. 91A/0072 and SD02B/0228 respectively. Vehicular access is provided via a shared driveway to the front, which is further split in two by low fencing.

The residential character of the area largely comprises of housing of a similar form and character to the original dwelling. The adjoining property to the south, No. 58 Cappaghmore, operates as a permitted playschool facility.

Proposal

Permission is being sought for the internal separation of the house and associated granny flat to provide for 2 permanent houses and extension of rear garden. Part of the development site is located within the Clonburris Strategic Development Zone.

Comhairle Chontae Atha Cliath Theas

PR/0675/22

Record of Executive Business and Chief Executive's Order

Zoning

The subject site overlaps with zoning objectives 'RES': *'To protect and/or improve residential amenity'* and 'SDZ': *'To provide for strategic development in accordance with approved planning schemes'* under the South Dublin County Development Plan 2016-2022. The site is largely zoned RES with a sliver of land along the north of the site (side and rear No. 58B) located within the Clonburris Strategic Development Zone.

Consultations

Water Services – no objection subject to conditions.

Irish Water – no objection subject to conditions.

Roads Department – no objections.

Public Lighting – no comments.

SEA Sensitivity Screening – no overlap indicated.

Submissions/Observations /Representations

None received.

Relevant Planning History

Subject site

SD20A/0164 & ABP Ref. PL06S.308289

Internal separation of house and associated granny flat to provide for 2 permanent houses. **SDCC refused permission. First party appeal to An Bord Pleanala. ABP refused permission.** This application is discussed further under the assessment part of this report.

SD02B/0338

Two storey granny flat extension of area 68 square metres to side of existing two storey semi-detached house. Additional information was requested regarding the need for the family flat, a reduction in floor area and the integration of the flat at ground and first floor level with the principal dwelling, which included the removal of the internal stairs. **Permission granted.** Condition No. 6 of permission granted under SD02B/0338 states:

That when the structure is no longer required for use as a family flat by the applicant, that its use reverts to use as part of the existing dwelling unit.

Reason: In the interest of the proper planning and development of the area.

Comhairle Chontae Atha Cliath Theas

PR/0675/22

Record of Executive Business and Chief Executive's Order

91A/0072

Development of 2 semi-detached dwellings. **Permission granted.**

Adjacent and surrounding sites

S01A/0003 (Same Applicant) Between 58a and 59 Cappaghmore Estate

New two storey detached house on site. **Permission granted.**

S99A/0204 (Same Applicant) Between 58a and 59 Cappaghmore Estate

Two storey detached house. **Permission refused. Reasons included inadequate private open space, at variance with prevailing density and materially contravenes zoning objective.**

S98A/0532 (Same Applicant) Between 58a and 59 Cappaghmore Estate

Outline permission for 2 storey detached house. **Outline permission refused due to provision of private open space, at variance with existing density and character of the area, contravenes materially the zoning objective.**

SD20A/0062 58 Cappaghmore Estate

Revision of previously approved planning SD09A/0313 including increase the number of children attending the playschool to 16 (maximum) in any one session; change opening hours to 9am - 12pm (morning session) and 12:30pm - 3:30pm (afternoon session), Monday to Friday; minor internal changes to the playschool; all associated site works. **Permission granted.**

SD09A/0313 58 Cappaghmore Estate

Retention of a single storey extension to rear of house for use as a playschool facility from 9:15am to 12:15pm Monday - Friday, also Permission for new front door for access to playschool with reception area and toilet facility in extension to side of dwelling also permission for new opening hours 12:30pm-3:30pm Monday to Friday and all associated site works. **Permission and retention permission granted.**

SD04A/0626 52 Cappaghmore Estate, Clondalkin, Dublin 22

Two storey detached house to the side of existing dwelling. **Permission granted.**

SDZ lands to the north

SDZ20A/0021

10 year permission for roads and drainage infrastructure works as approved under the Clonburris Strategic Development Zone Planning Scheme (2019) to form part of the public roads and drainage networks providing access and services for the future development of the southern half of the overall Strategic Development Zone (SDZ) lands. **Permission granted.**

Comhairle Chontae Atha Cliath Theas

PR/0675/22

Record of Executive Business and Chief Executive's Order

Relevant Enforcement History

None identified in APAS.

Pre-Planning Consultation

None identified in APAS.

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

1 Introduction & Core Strategy

Section 1.7.2 Metropolitan Consolidation Towns

Policy CS2 Metropolitan Consolidation Towns

It is the policy of the Council to support the sustainable long term growth of Metropolitan Consolidation Towns through consolidation and urban expansion.

CS2 Objective 1:

To promote and facilitate urban expansion on designated Strategic Development Zone sites at Adamstown and Clonburris, in tandem with the delivery of high capacity public transport services and subject to an approved Planning Scheme.

Section 1.10.0 Strategic Development Zones

Policy CS7 Strategic Development Zones

It is the policy of the Council to continue to implement the approved Planning Schemes for Adamstown SDZ and to secure the implementation of an approved Planning Scheme for the Clonburris SDZ.

2 Housing

Section 2.3.0 Quality of Residential Development

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

Policy H17 Residential Consolidation

H17 Objective 2:

To maintain and consolidate the County's existing housing stock through the consideration of applications for housing subdivision, backland development and infill development on large sites in established areas, subject to appropriate safeguards and standards identified in Chapter 11 Implementation.

H17 Objective 3:

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

7 Infrastructure & Environmental Quality

Policy IE 1 Water & Wastewater

Policy IE 2 Surface Water & Groundwater

Comhairle Chontae Atha Cliath Theas

PR/0675/22

Record of Executive Business and Chief Executive's Order

Policy IE 3 Flood Risk

Policy IE 7 Environmental Quality

8 Green Infrastructure

Policy G1 Overarching

Policy G5 Sustainable Urban Drainage Systems

9. Heritage, Conservation & Landscapes

Policy HCL2 Natura 2000 sites

11 Implementation

Section 11.2.7 Building Height

Section 11.3.1 Residential

Section 11.3.1 (iv) Dwelling Standards

Table 11.20: Minimum Space Standards for Houses

Section 11.3.1 (v) Privacy

Section 11.3.2 Residential Consolidation

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

Comhairle Chontae Atha Cliath Theas

PR/0675/22

Record of Executive Business and Chief Executive's Order

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

(ii) Corner/Side Garden Sites

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

- *The site should be of sufficient size to accommodate an additional dwelling(s) and an appropriate set back should be maintained from adjacent dwellings,*
- *The dwelling(s) should generally be designed and sited to match the building line and respond to the roof profile of adjoining dwellings,*
- *The architectural language of the development (including boundary treatments) should respond to the character of adjacent dwellings and create a sense of harmony. Contemporary and innovative proposals that respond to the local context are encouraged, particularly on larger sites which can accommodate multiple dwellings,*
- *Where proposed buildings project forward of the prevailing building line or height, transitional elements should be incorporated into the design to promote a sense of integration with adjoining buildings, and*
- *Corner development should provide a dual frontage in order to avoid blank facades and maximise surveillance of the public domain.*

Section 11.4.2 Car Parking Standards

Table 11.24 Maximum Parking Rates (Residential Development)

Section 11.4.4 Car Parking Design and Layout

Section 11.6.0 Infrastructure and Environmental Quality

(i) Flood Risk Assessment

(ii) Surface Water

(iii) SUDS

(iv) Groundwater

(v) Rainwater Harvesting

(vi) Water Services

Section 11.7.1 Energy Performance in Existing Buildings

Section 11.8.1 Environmental Impact Assessment

Section 11.8.2 Appropriate Assessment

Comhairle Chontae Atha Cliath Theas

PR/0675/22

Record of Executive Business and Chief Executive's Order

Clonburris Strategic Development Zone Planning Scheme 2019

Section 2 – Planning Scheme Framework

2.1.2 Character Areas

Figure 2.1.1 SDZ Character Areas

2.1.3 Types of Development

Table 2.1.1 Uses Permissible & Open for Consideration in Residential Areas

Table 2.1.3 Uses Permissible & Open for Consideration in Open Space Areas

2.1.4 Extent of Development

Figure 2.1.4 Development Areas and Sub Sectors Map

The subject site overlaps with Clonburris South East.

2.3.2 Green Infrastructure Network

Figure 2.3.1 Green Infrastructure

2.9.5 Surface Water Drainage and Sustainable Urban Drainage System (SUDS)

Figure 2.9.3 Surface Water Drainage and Sustainable Urban Drainage System

There is a main stormwater pipe indicated near the northern boundary of the subject site.

2.10 Landscape and Open Space

Figure 2.10.1 Open Space

Local Green Corridor along the northern boundary of the subject site.

2.13 Overall Proposals for Development

Figure 2.13.2 Overall Planning Scheme

Figure 2.13.3 Development Areas in Clonburris and Sub Sectors

Section 3 – Character Areas and Development Areas

3.2 Character Areas

Clonburris

3.3 Development Areas

Development Areas 2: Clonburris South East

There is an existing/improved hedgerow/tree line indicated along the northern boundary of the subject site.

Relevant Government Guidelines

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

Regional Spatial & Economic Strategy 2019 - 2031, Eastern & Midlands Regional Assembly, (2019).

Section 5 – Dublin Metropolitan Area Strategic Plan, in Regional Spatial and Economic Strategy 2019 – 2031.

Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government (2009).

Comhairle Chontae Atha Cliath Theas

PR/0675/22

Record of Executive Business and Chief Executive's Order

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

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

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

OPR Practice Note PN01 Appropriate Assessment Screening for Development Management (March 2021).

Assessment

The main issues for assessment relate to:

- Planning History;
- Zoning and Council Policy;
- Visual and Residential Amenity;
- Access and Parking;
- Services and Drainage;
- Environmental Impact Assessment; and
- Appropriate Assessment.

Planning History

A planning application, Reg. Ref. SD20A/0164 & ABP Ref. PL06S.308289, for the separation of the dwelling and family flat to provide for 2 no. houses was refused permission by SDCC and An Bord Pleanála for the following reason:

Having regard to guidance set out in 'Quality Housing for Sustainable Communities – Best Practice Guidelines' (2007) and 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages)' (2008) issued by the Department of the Environment, Heritage and Local Government, to the provisions of the South Dublin County Council Development Plan 2016-2022, to the zoning of the area, and to its nature and layout, it is considered that the proposed development would be substandard in terms of quantum and quality of private open space to be provided for the two-bedroom dwelling. The proposed development would seriously injure the residential amenity of its occupants and would, therefore, be contrary to the proper planning and sustainable development of the area.

Comhairle Chontae Atha Cliath Theas

PR/0675/22

Record of Executive Business and Chief Executive's Order

The subject application has a larger site area than the previously refused application. The subject site is approx. 0.035 ha, and the previous site was approx. 0.029 ha. The subject site has been extended northwards and now overlaps with part of the Clonburris SDZ (the previous application did not). This would provide for a larger private open space to the rear of the property that complies with the County Development Plan.

A letter of consent has been submitted from the landowner of the area in which the site has been extended into. This letter states that they are willing to sell this piece of land to the applicant. This is subject to Irish Water not having any requirement for the land for the installation of pipes or for reservation of an easement, in order to access any pipes now or in the future, to be constructed by Irish Water on their lands. Once the landowner has received confirmation from Irish Water that they have completed all works on their site and have no requirements as envisaged above, they will proceed to complete the assurance of the lands to the applicant.

A 10 year permission has been granted under Reg. Ref. SDZ20A/0021 on the adjoining lands to the north for roads and drainage infrastructure works as approved under the Clonburris Strategic Development Zone Planning Scheme (2019). This is to form part of the public roads and drainage networks providing access and services for the future development of the southern half of the overall Strategic Development Zone (SDZ) lands. A pumping station is permitted to the west of the subject site and surface water and wastewater drainage pipes in proximity to the northern boundary of the subject site. The drawings also show a proposed native hedge along this boundary.

This infrastructure has been permitted, however, not yet built. However, it is considered that there would be sufficient space between the proposed development and this infrastructure to provide for any required separation distances/easements. In the event of a grant of permission a note should be added that 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.

Given that sufficient private open space can be provided it is considered that this reason for refusal has been overcome.

Zoning and Council Policy

The subject site overlaps with zoning objectives 'RES': *'To protect and/or improve residential amenity'* and 'SDZ': *'To provide for strategic development in accordance with approved planning schemes'* under the County Development Plan.

Residential development is Permitted in Principle within the RES zoning. Under the Clonburris SDZ Planning Scheme 'Residential' is Permitted in Principle in Residential Areas and not included in the land use table for Open Space Areas. The SDZ land included within the subject site is shown

Comhairle Chontae Atha Cliath Theas

PR/0675/22

Record of Executive Business and Chief Executive's Order

generally in the Planning Scheme as residential with open space along the boundary. The inclusion of this land for residential development is therefore considered to be generally acceptable. It is noted that Section 2.11.2 of the Planning Scheme relates to biodiversity and natural heritage features and sets out that "the important hedgerow along the Cappagh boundary should be enhanced and protected". To be clear, the current application would not result in the loss of any existing hedgerow and is therefore considered acceptable in this regard.

Visual and Residential Amenity

Rationale for Development

Permission is sought to internally separate the existing dwelling from the family flat to form 2 no. independent dwellings. The applicant wishes to be able to sell No. 58A and intends to live at No. 58B. The dwellings would be separated at ground floor level by a block wall in place of the existing link doorway between the kitchens in both units.

Existing 2 storey 3 bedroom dwelling (No. 58A)

The internal accommodation for the 3 bed dwelling (No. 58A) is not assessed as part of this application given that it is existing and would have been assessed as part of the permitted development on the site and is deemed to be acceptable. Those elements impacted by the current proposal are assessed below.

Table 11.20 of the County Development Plan sets out minimum space standards for houses. Under this table a minimum of 60 sq.m of private open space should be provided for a three bedroom house. The existing rear garden wall would be moved to align with the dividing wall of the dwellings. This would result in an approx. 77sq.m rear garden for No. 58A. This is considered to be in compliance with the County Development Plan.

Proposed 2 storey 2 bedroom dwelling (No. 58B)

No schedule of areas has been provided; therefore, approximate measurements have been taken from the drawings submitted. The total gross floor area of No. 58B would be approx. 64sq.m. Table 11.20 of the County Development Plan requires a minimum of 80sq.m for two bedroom houses. The Quality Housing for Sustainable Communities-Best Practice Guidelines (2007) states 80sq.m for a 2-bed 4-person house and 70 sq.m for a 2-bed 3-person house. Given the size of the house it has been assessed as a 2-bed 3-person house.

No details of internal storage have been provided. It appears that a space is provided under the stairs. However, this would not be sufficient to meet the 3 sq.m standard outlined in the Quality Housing for Sustainable Communities-Best Practice Guidelines (2007). It is also noted that there is

Comhairle Chontae Atha Cliath Theas

PR/0675/22

Record of Executive Business and Chief Executive's Order

no clear distinction between the Bedroom 01 and the landing area at the first floor level. It should be confirmed that an adequately sized bedroom and landing can be provided in this space.

It is noted that in the planner's report on the previous permission, Reg. Ref. SD20A/0164 & ABP Ref. PL06S.308289, the proposed size of the dwelling was accepted, having regard to the details submitted in the cover letter, and to the adequate size of the bedrooms and living area. However, given the combination of being undersized with inadequate storage space, the applicant should be requested to confirm that sufficient internal accommodation can be provided and/or justified for a house. **This should be requested via additional information.**

Table 11.20 of the County Development Plan states that 55sq.m of private open space should be provided for a 2-bed dwelling, to be located behind the front building line of the house. For this application, No. 58B is stated as having a rear garden space of approx. 67sq.m. This would therefore be in compliance.

Visual and Residential Amenity

Both dwellings would continue to use the existing shared vehicular access. The external changes relate to amending the northern boundary wall and wall between the rear gardens of the dwellings. The boundary wall with No. 58 would remain as is. Given the scale and nature of the proposed development, it would have an acceptable impact in terms of visual and residential amenity.

Access and Parking

No changes to the existing vehicular access are proposed. The Roads Department have reviewed the proposed development and have no objections:

The proposal involves a shared driveway which is further split in two to serve the two dwellings. There is approximately 10m length and 4.0m width provided for each dwelling for vehicle parking. There are no roads related assets affected by this change to two separate dwellings.

No Roads objections.

The report from the Roads Department is noted.

Services and Drainage

Water Services have reviewed the proposed development and have no objection subject to conditions. This includes a condition that prior to the commencement of development SuDS are indicated. Irish Water has reviewed the proposed development and has no objection subject to standard conditions. These reports are noted and should be conditioned as such in the event of a grant of permission.

Comhairle Chontae Atha Cliath Theas

PR/0675/22

Record of Executive Business and Chief Executive's Order

Screening for Environmental Impact Assessment

Having regard to the modest nature of the proposed development, and the distance of the site from nearby sensitive receptors, there is no likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

Screening for Appropriate Assessment

The applicant has not provided information to assist the screening for Appropriate Assessment. 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 involves the subdivision of an existing dwelling and family flat.

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.

Conclusion

Having regard to the:

- guidance set out in Quality Housing for Sustainable Communities-Best Practice Guidelines (2007) and in Sustainable Residential Development in Urban Areas -Guidelines for Planning Authorities (2009) and
- to the provisions of the South Dublin County Development Plan 2016-2022 and Clonburris Strategic Development Zone Planning Scheme 2019,

it is considered that **Additional Information** is required to ensure the proposed development would be in compliance with Council policy, 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.

Comhairle Chontae Atha Cliath Theas

PR/0675/22

Record of Executive Business and Chief Executive's Order

Recommendation

I recommend that **ADDITIONAL INFORMATION** be requested from the applicant with regard to the following:

1. The Planning Authority notes that the proposed house at No. 58B would be under the requirements of the South Dublin County Development Plan 2016-2022 and Quality Housing for Sustainable Communities-Best Practice Guidelines (2007) in terms of total gross floor area and storage area for a 2-bed 3-person house. Given the combination of being undersized with inadequate storage space, the applicant is requested to confirm that sufficient internal accommodation can be provided and/or justified for the house. It is also noted that there is no clear distinction between the Bedroom 01 and the landing area at the first floor level of this house. It should be confirmed that an adequately sized bedroom and landing can be provided in this space.
If any necessary internal changes are required the applicant is requested to submit revised drawings. A schedule of accommodation should also be submitted.

Comhairle Chontae Atha Cliath Theas

PR/0675/22

Record of Executive Business and Chief Executive's Order

REG. REF. SDZ22A/0004

LOCATION: 58a and 58b, Cappaghmore, Clondalkin, Dublin 22

Colm Harte

**Colm Harte,
Senior Executive Planner**

ORDER: I direct that **ADDITIONAL INFORMATION** be requested from the applicant as set out in the above report and that notice thereof be served on the applicant.

Date:

31/5/22

E. R.

Eoin Burke, Senior Planner