

Comhairle Chontae Atha Cliath Theas

PR/0721/22

Record of Executive Business and Chief Executive's Order

Register Reference: ED22/0012
Correspondence Name & Address: David Corbally 55, Ludford Drive,
Ballinteer, Dublin 16
Development: First Floor extension to rear
Location: 2, Ballyboden Crescent, Rathfarnham,
Dublin 16
Applicant: Sean & Lisa Sheridan

Description of Site and Surroundings:

This corner site comprises a two-storey, three-bed, semi-detached house with a pitched roof and with single storey side and rear extensions. The subject site has a relatively large 'L' shaped rear garden.

Proposal:

This is an application requesting a Section 5 Declaration on whether works to a dwelling at 2 Ballyboden Crescent, Rathfarnham, Dublin 16, comprising the following, is exempted development:

- First Floor Extension To Rear.

Recent Relevant Planning History:

SD14B/0188: Single storey front extension; single storey side and rear extension and associated works.

Decision: **GRANT PERMISSION.**

SD11A/0081: Two storey attached two bed house to side with new vehicular access.

Decision: **REFUSE PERMISSION.**

SD09A/0271: Two storey attached two bed house to side with new vehicular access.

Decision: **REFUSE PERMISSION.**

ABP PL06S.234876: **REFUSE PERMISSION.**

SD04A/0880: For a detached 2-storey dwelling house to the eastern side.

Decision: **GRANT PERMISSION.**

ABP PL 06S.210803 : **REFUSE PERMISSION.**

SD10A/0235: Two storey attached 2 bed house to side with new vehicular access.

Decision: **REFUSE PERMISSION.**

Recent Relevant Enforcement History:

No recent relevant enforcement history.

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Zoning and Council Policies:

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

Assessment:

Consideration as to whether a development constitutes exempted development or not is governed by Sections 3, 4 and 5 of the Planning and Development Act 2000 (as amended) and Articles 5,6,7,8,9,10 and 11 of the Planning and Development Regulations 2001 (as amended).

Is the proposal development?

Section 3(1) defines 'development' as '*the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land*'. The term 'works' is defined in Section 2(1) of the 2000 Act as '*any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal*'.

- It is considered that the proposed development constitutes 'works' and 'development'.

Is the proposal exempted development?

In order to assess whether or not the works to be carried out constitute exempted development, regard must be had to Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

Development within the Curtilage of a House

Class 1 of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended) relates to development within the curtilage of a house. The development is within the curtilage of a house.

Class 1 sets out relevant development which is exempted development subject to conditions:

The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.

1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.

- Not Applicable as house has been extended previously

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1.(b) – Not applicable as house has been extended previously

1.(c) – Not applicable as house has been extended previously

2.(a) *Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.*

- The house has been extended previously to the side and rear by 28.55sq.m. (as stated). The floor area proposed is 11.06sq.m. The total floor area would be 39.61sq.m. and therefore complies with this condition.

2.(b) *Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.*

- The house is semi-detached and has been extended previously to the side and to the rear at ground floor level. The proposed above ground extension is 11.06sq.m. (as stated) which does not exceed 12sq.m. and therefore the proposal complies with this condition.

2.(c) *Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.*

- Not applicable as house is not detached.

3. *Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.*

- The proposed first floor extension would be c.2.25 metres from the neighbouring party boundary and therefore complies with this condition.

4. (a) *Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.*

- The rear wall of the dwelling does not include a gable. The height of the proposed first floor extension with flat parapet roof would exceed the height of the rear wall of the house and therefore the proposal does not comply with this condition.

4. (b) *Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.*

-Not applicable as the rear wall of the house does not include a gable.

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4.(c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.

- The proposed flat parapet roof extension would exceed the height of the eaves of the existing dwelling and therefore does not comply with this condition.

5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.

- The proposed extension would not reduce the private open space of the house to less than 25 metres and therefore complies with this condition.

6.(a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.

- Not applicable as the proposal is a first floor rear extension.

6.(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.

- The proposed east elevation window at first floor level would be 10 metres from the northeast boundary to which it faces and therefore does not comply with this condition.

7. The roof of any extension shall not be used as a balcony or roof garden.

- The proposed extension does not incorporate a balcony or roof garden and therefore complies with this condition.

Conclusion:

It is considered that the proposed development would not be exempted development having regard to the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended).

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Recommendation:

The applicant should be written to and informed that the proposed development would not be considered as Exempted Development and would require planning permission.



Jim Johnston
Senior Executive Planner

ORDER: That the applicant be informed that the proposed development of First Floor extension to rear at 2, Ballyboden Crescent, Rathfarnham, Dublin 16 is development and is not considered to be exempted development under the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations, 2001 (as amended) and therefore **does require** planning permission.

Date: 9th June 2022



Eoin Burke, Senior Planner