

# Comhairle Chontae Atha Cliath Theas

**PR/0724/22**

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

**Reg. Reference:** SD22B/0157      **Application Date:** 14-Apr-2022  
**Submission Type:** New Application      **Registration Date:** 14-Apr-2022  
**Correspondence Name and Address:** Carol Forbes, 4bes Design Services 38, Larkfield Avenue, Lucan, Co. Dublin  
**Proposed Development:** Conversion of existing attic space comprising of modification of roof structure, new front window, roof windows to front and rear and new access stairs.  
**Location:** 45, Wilkin's Court, Whitehall, Dublin 12  
**Applicant Name:** Killian O Sullivan  
**Application Type:** Permission

(EW)

### **Description of Site and Surroundings:**

Site Area: as stated 0.022 Hectares.

#### Site Description:

The site is located in the residential estate of Wilkins Court, Whitehall, Dublin 12. No. 45 is semi-detached and is located mid road on a streetscape contains dwellings of similar form and appearance with a uniformed building line. Notable front elevation changes are evident within the estate.

### **Proposal:**

- Conversion of existing attic space comprising of modification of roof structure, new front window, roof windows to front and rear and new access stairs.

### **Zoning:**

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

### **Consultations:**

Surface Water Drainage – No objection, standards conditions applicable.  
Irish Water - No objections – No connection, standards conditions applicable.  
*SEA Sensitivity Screening* – No overlap indicated.

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### Submissions/Observations /Representations

None received.

### Relevant Planning History

None recorded for subject site.

### Adjacent sites

SD20B/0469 - 40, Wilkins Court, Limekiln Lawn, Dublin 12. **Granted Permission** for Construction of new bedroom, walk-in wardrobe and wc semi-detached property at attic level and associated works to include a new window and 'Velux' window on the front elevation; 'Velux' window to the rear and window on the gable side.

SD20B/0447- 5, Wilkin's Court, Whitehall, Dublin 12. SDCC **Granted Permission** for conversion of existing attic space comprising of modification of existing roof structure; new access stairs; A-style roof dormer and roof window to the front and 4 roof windows to the rear.

SD20B/0376 - 6, Wilkins Court, Limekiln Farm, Dublin 12. **Granted Permission** for Addition of 2 windows to the existing house, 1 dormer window and 1 'Velux' to the front roof.

### 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.

#### *Policy H18 Objective 2:*

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

#### *Section 11.2.7 Building Height*

#### *Section 11.3.1 Residential*

#### *Section 11.3.1 (iv) Dwelling Standards*

#### *Section 11.3.1 (v) Privacy*

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*Section 11.3.3 Additional Accommodation*

*Section 11.3.3 (i) Extensions*

*Section 11.7.2 Energy Performance in New Buildings*

*Section 11.8.2 Appropriate Assessment*

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

*Attic conversions and dormer windows:*

- Locate dormer windows as far back as possible from the eaves line (at least three tile courses).
- In the case of a dormer window extension to a hipped roof, ensure it sits below the ridgelines of the existing roof and matches the materials used in the main house.
- Relate dormer windows to the windows and doors below in alignment, proportion, and character.

*Overlooking and loss of privacy:*

- Provide frosted or opaque glass windows with restricted openings in bathrooms, halls, and stairways.

### **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).

***Project Ireland 2040 National Planning Framework***, Government of Ireland, 2018.

### **Assessment**

The main issues for assessment relate to:

- Zoning and Council policy,
- Residential and visual amenity
- Services and drainage.

### ***Zoning and Council Policy***

The conversion of an attic in a residential dwelling is consistent in principle with zoning objective 'RES', subject to compliance with the provisions of the South Dublin County Council

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House Extension Design Guide (2010), and the relevant detailed policies in the County Development Plan, which will be assessed below.

### ***Residential & Visual Amenity***

Having regard to the location of the dwelling, within a uniformed streetscape of sequenced terraced dwellings that notably already contain front attic and dormer windows. The uniformed design language within the overall layout of the estate allows for front attic roof window elevational changes in line with the existing street pattern and fenestration alignment within the estate.

It is considered that the proposed front attic window that will be inserted at the bay apex with a pitched roof would not be visually prominent, would not appear out of character, and would not result in the loss of visual symmetry. Additionally, it is noted that front dormer windows exist to the west of the site at No. 40, Wilkins Court and are similar to the south of the site; thus, the pattern of development already exists, having regard to the fenestration of the surrounding area, this proposal is considered acceptable.

The proposal also includes two 'Velux' windows to the front and three Velux' windows to the rear, with the insertion of a side gable attic window that shall be a condition to be frosted to prevent any overlooking to the adjacent property to the east, the proposal is also considered to be acceptable.

Having regard to the scale and nature of the proposed development, it is considered that the surrounding residential amenity will not be impacted negatively. The proposal would be visually acceptable; it will not give rise to overlooking, overshadowing and will not be overbearing; therefore is consistent with the guidance set out in the 'House Extension Design Guide 2010' and taking into consideration the pattern of development in the area, a grant of permission is recommended.

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

The drainage report states no objection to the proposed development subject to conditions being attached for the development in the event of a grant of permission.

### ***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 comprises of an attic conversion, dormer window and change of roof profile.

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,

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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.

### ***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.

### ***Development Contributions***

Dormer window/Attic conversion (Habitable): 50.82sq.m.

Assessable area: 10.82 sq.m

### **SEA Monitoring**

*Building Use Type Proposed:* Residential extension.

*Floor Area:* Dormer window/Attic conversion (Habitable): 50.82sq.m.

*Land Type:* Brownfield/Urban Consolidation

*Site Area:* 0.022 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.

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### **FIRST SCHEDULE**

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

### **SECOND SCHEDULE**

#### **Conditions and Reasons**

1. Development in accordance with submitted plans and details.  
The development shall be carried out and completed in its entirety fully in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the other conditions attached hereto.  
REASON: To ensure that the development shall be in accordance with the permission and that effective control be maintained.
2. (a) Amendments - Glazing.  
The following amendment to the design shall be carried out:  
The attic window on the side gable elevation shall be fitted with obscure glazing, and such obscure glazing shall be maintained in perpetuity.  
REASON: In the interest of residential amenity.  
(b) 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.  
(c) Drainage - Surface Water.  
(i) The proposed car parking area shall be constructed using a permeable surface such as Permeable Paving, Grass Paving or Porous Asphalt as part of SuDS (Sustainable Drainage System).  
(ii) The Developer shall ensure that there is complete separation of the foul and surface water drainage for the proposed development.  
(iii) All works for this development shall comply with the requirements of 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) Irish Water.  
(i) All development shall be carried out in compliance with Irish Water Standards codes and practices for water and foul.  
REASON: In the interests of public health, the proper planning and sustainable

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development of the area and in order to ensure adequate water supply and drainage provision.

(e) 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.

(f) 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 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

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Dublin County Council Development Plan.

### 3. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €1,130.58 (one thousand one hundred and thirty euros and fifty eight 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](mailto: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 order to use the attic conversion as a habitable room, it must comply with the Building Regulations.



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**REG. REF. SD22B/0157**

**LOCATION: 45, Wilkin's Court, Whitehall, Dublin 12**

*Colm Harte*

Colm Harte,  
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:**

8/6/22

*Eoin Burke*

Eoin Burke, Senior Planner