

Comhairle Chontae Atha Cliath Theas

PR/0761/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22B/0062 **Application Date:** 14-Feb-2022
Submission Type: Additional Information **Registration Date:** 24-May-2022

Correspondence Name and Address: H2b Architects 20, Moyview, Kildalkey, Co. Meath

Proposed Development: New 2 storey extension to front, side and rear of family home, also single storey home office/storage to rear garden and all associated site works.

Location: 45, Homelawn Road, Dublin 24

Applicant Name: Darragh Satelle

Application Type: Permission

(AOCM)

Description of Site and Surroundings:

Site Area: stated as 0.0193 hectares.

Site Description:

The application site contains a two storey, semi-detached/end-of-terraced house, located on Homelawn Road in a row of similar dwellings. The surrounding area is residential in nature.

Site visited:

16 March 2022

Proposal:

Permission is sought for the following:

- Two-storey front and side extension (50sq.m) with hipped roof
- Single storey garden room (23sq.m)

Zoning:

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

Consultations:

Surface Water Drainage – **Further information** recommended

Irish Water – **Further information** recommended

SEA Sensitivity Screening

No overlap with relevant environmental layers

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Submissions/Observations/Representations

Submission expiry date – 21/03/2022

3 submissions were received raising points including:

- Extensions to neighbouring dwellings not shown on layout plans
- Overlooking and loss of privacy as a result of upstairs window
- Overshadowing and loss of light
- Rainwater overflow into neighbouring gardens
- Overbearing visual impact
- Proximity to boundary wall of neighbouring property and inappropriate separation distance to neighbouring dwellings

Relevant Planning History

SD21A/0097: Two storey house to side of family home, two bedroom house with attic converted for storage use, also single storey home office to rear garden and all associated site works.
Permission refused.

Reasons for Refusal

- 1. Having regard to the 'RES; land-use zoning and the provisions of Section 11.3.2 (ii) of the South Dublin County Development Plan 2016 – 2022, the proposed development would have an overbearing visual impact on the adjoining property to the east (No. 1 Homelawn Villas) and potentially a second property (No. 2 Homelawn Villas), by way of a 2-storey gable elevation directly adjoining the rear boundary of these properties and being approximately 11 metres separate from the rear windows of these properties. The overbearing impact is due to the massing and bulk of this gable elevation, and the loss of daylight and aspect (assessed through loss of vertical sky component) to rooms within those properties.
Overall, the house would not provide a reasonable standard of residential amenity for potential occupants and, noting the flexibility provided for in the case of infill development, this layout would not be acceptable.
Furthermore, the proposed house would not provide a reasonable standard of residential amenity for potential occupants and with an internal width of 3.8m is extremely narrow. Thus, the proposed development is considered to be overdevelopment of the subject site and contrary to the pattern of development in the area. The development would seriously injure the amenities of property in the vicinity and would therefore be contrary to the 'RES' land use objective and the proper planning and sustainable development of the area.*
- 2. Having consideration for exemptions from the requirement to obtain planning permission for certain development under the Planning and Development Act 2000 as amended, and the Planning and Development Regulations 2001 (as amended), the proposed development would, by virtue of its overbearing impact on adjoining properties, also prejudice the ability of the occupants or owners of said properties to construct domestic rear extensions which do not require planning permission, as such extensions would further degrade the available daylight within these houses. The development would therefore be contrary to the 'RES' land-use zoning objective and the proper planning and sustainable development of the area.*

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3. *The application particulars do not specify the quantum of private amenity space to be provided for both the existing and proposed house. The Planning Authority is not satisfied that the proposed development complies with Table 11.19 of the South Dublin County Development Plan 2016 - 2022, and section 11.3.3 (ii) of the County Development Plan which relates to infill residential development.*
4. *The application particulars do not specify the proposed boundary treatment or accessing and parking arrangements to the front of the site. The proposed development would risk the loss of on-street parking in the area in favour of potentially haphazard and/or unsafe access arrangements and would therefore endanger public safety due to the risk of traffic hazard.*
5. *The proposed development does not feature proposals for sustainable urban drainage systems to limit surface water run-off. The development would lead to an increase in surface water run-off from the site, in breach of Policy IE2 Objective 5 and section 11.6.1 (ii) of the South Dublin County Development Plan 2016 - 2022 and would therefore be contrary to the proper planning and sustainable development of the area.*

Relevant Enforcement History

None recorded for subject site.

Pre-Planning Consultation

None recorded for subject site.

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

Section 2.4.1 Residential Extensions

Policy H18 Residential Extensions

It is the policy of the Council to support the extension of existing dwellings subject to the protection of residential and visual amenities.

Section 11.3.3 Additional Accommodation

(i) Extensions

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

Relevant Government Guidelines

Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government (2008).

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

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Assessment

The main issues for assessment concern the following:

- Zoning and Council policy
- Residential and Visual Amenity
- Overcoming Previous Reasons for Refusal
- Services, Drainage and the Environment
- Appropriate Assessment
- Environmental Impact Assessment

Zoning and Council Policy

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

Residential and Visual Amenity

The proposal includes construction of a two-storey side extension and separate garden room for use as home office. No other changes are noted from drawings.

Garden Room

A 23sq.m half-pitched roof garden room would be located at the end of the rear garden. The structure has a stated use of home office and would have two windows and a door on the front elevation and a single window on the rear elevation. The maximum height of the structure would be 3.5m at the front and 2.7m at the rear. The design of the home office is considered acceptable.

From the plan provided it appears that there would be direct access from the laneway to the rear of the dwelling, with no access through the garden of the main dwelling. This would be unacceptable as a garden room could only be considered if its use would be ancillary to the main dwelling. The separate access arrangement would conflict with this. The applicant should be requested to clarify the site layout by way of **additional information**, providing direct access from the subject site only, and not from the rear laneway. In the event of a grant a **condition** should be attached stating that home office must be used as an ancillary use to the main dwelling and cannot be separately rented or sold.

Two-Storey Extension

The proposed extension would extend to the eastern boundary of the site, shared with the rear gardens of Nos. 1 and 2 Homelawn Villas. The footprint of the ground and first floor plans has not changed from the previous application (SD21A/0097), albeit there are internal layout changes. The ground floor would comprise a large lounge and dining area and the first floor would comprise a bedroom suite with bathroom and walk-in-wardrobe. The Planning Authority would have a concern that on this basis there is still an intention to subdivide the dwelling and it should be noted by the applicant that this would be completely unacceptable. In the event of a grant, a **condition** shall be imposed stating this.

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The extension would be two-storeys with a hipped roof, maximum right height 7.77m and eaves level appears to be approximately 5m over ground. The front building line of the terrace would be maintained and to the rear at first floor level the rear building line would be maintained, with the ground floor protruding 3.5m. The ground floor protrusion would have a flat roof and measured from drawings appears to have a maximum height of approximately 2.8m.

It is noted that the development would 'book-end' an established terrace of pitched roof dwellings, in an area where pitched roofs are the predominant roof type. While the hipped roof is out of character with the area, there is potential for the dwelling at the other end of the terrace to undertake similar works in the future. In this regard, the hipped roof is considered acceptable and would reduce any perceived overbearing to the dwellings in the vicinity.

On review of the current plans, the only significant changes to the proposal are that the development now comprises an extension and not a separate dwelling, and the roof profile has been altered. It is the opinion of the Planning Authority that these changes are not significant enough to address the previous concerns, detailed further in the section below.

Overcoming Previous Reasons for Refusal

While it is noted the previous application was for a two-bedroom house, the floorplan is unchanged and therefore the previous reasons for refusal are still relevant. Reason 3 related to amount of private amenity space and as this is now an extension, this issue is not relevant. Reason 4 related to car parking at the front and as this is now an extension rather than a dwelling this reason is no longer relevant. Below the current application is assessed against each reason for refusal.

1. *Having regard to the 'RES; land-use zoning and the provisions of Section 11.3.2 (ii) of the South Dublin County Development Plan 2016 – 2022, the proposed development would have an overbearing visual impact on the adjoining property to the east (No. 1 Homelawn Villas) and potentially a second property (No. 2 Homelawn Villas), by way of a 2-storey gable elevation directly adjoining the rear boundary of these properties and being approximately 11 metres separate from the rear windows of these properties. The overbearing impact is due to the massing and bulk of this gable elevation, and the loss of daylight and aspect (assessed through loss of vertical sky component) to rooms within those properties.*

Overall, the house would not provide a reasonable standard of residential amenity for potential occupants and, noting the flexibility provided for in the case of infill development, this layout would not be acceptable.

Furthermore, the proposed house would not provide a reasonable standard of residential amenity for potential occupants and with an internal width of 3.8m is extremely narrow. Thus, the proposed development is considered to be overdevelopment of the subject site and contrary to the pattern of development in the area. The development would seriously injure the amenities of property in the vicinity and would therefore be contrary to the 'RES' land use objective and the proper planning and sustainable development of the area.

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The internal layout and external appearance of the development remain largely unchanged, except a hipped roof is now proposed and on the front elevation the previously proposed front door has been amended to a large window. The side elevations provided do not accurately show the development as now proposed, with a hipped roof. This could be addressed by **additional information**.

As previously stated, while houses in the area all have pitched roofs with gable walls, the provision of a hipped roof is considered acceptable in this instance to reduce the overbearing impact of the development. There is the potential for the dwelling at the end of the terrace to undertake similar works in the future which would then provide a hipped roof to the other end of the terrace.

It is considered that, through the provision of a hipped roof, the overbearing impact of the extension has been reduced and this reason for refusal has been acceptably dealt with.

- 2. Having consideration for exemptions from the requirement to obtain planning permission for certain development under the Planning and Development Act 2000 as amended, and the Planning and Development Regulations 2001 (as amended), the proposed development would, by virtue of its overbearing impact on adjoining properties, also prejudice the ability of the occupants or owners of said properties to construct domestic rear extensions which do not require planning permission, as such extensions would further degrade the available daylight within these houses. The development would therefore be contrary to the 'RES' land-use zoning objective and the proper planning and sustainable development of the area.*

As previously stated, the overbearing impact of the development has been addressed by the provision of a hipped roof, rather than a pitched roof and gable wall. In this regard, this reason for refusal has been overcome.

- 3. The proposed development does not feature proposals for sustainable urban drainage systems to limit surface water run-off. The development would lead to an increase in surface water run-off from the site, in breach of Policy IE2 Objective 5 and section 11.6.1 (ii) of the South Dublin County Development Plan 2016 - 2022 and would therefore be contrary to the proper planning and sustainable development of the area.*

Water Services has reviewed the application and requests **additional information** as follows:

- 1. There are no soil percolation test results, design calculations or dimensions submitted for the proposed soakaway. The applicant is required to submit a report showing site specific soil percolation test results and design calculations for the proposed soakaway in accordance with BRE Digest 365 – Soakaway Design.*
- 2. The applicant is required to submit a revised drawing showing plan and cross-sectional views, dimensions, and location of proposed soakaway. Any proposed soakaway shall be located fully within the curtilage of the property and shall be:*
 - a. At least 5m from any building, public sewer, road boundary or structure.*
 - b. Generally, not within 3m of the boundary of the adjoining property.*

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- c. Not in such a position that the ground below foundations is likely to be adversely affected.*
 - d. 10m from any sewage treatment percolation area and from any watercourse / floodplain.*
 - e. Soakaways must have an overflow connection to the surface water network*
- 3. The applicant shall include Water Butts and green roofs where feasible as part of additional Sustainable Drainage Systems (SuDS) measures for the proposed development.*
- 4. Should a soakaway prove not to be feasible, then the applicant shall submit the following:*
 - a. Soil percolation test results demonstrating a soakaway is not feasible*
 - b. A revised surface water layout drainage drawing for the development showing the inclusion of alternative SuDS (Sustainable Drainage Systems) features.*

In this regard this reason for refusal has not been addressed.

Services, Drainage and the Environment

As previously stated, Water Services has reviewed the application and recommended **additional information**.

Irish Water has reviewed the application and has requested **additional information** in relation to foul water as follows:

- 1. It is unclear where the foul water discharges from 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. The drawing shall include the location of all Aj's, manholes, pipe size, material type and direction of flow. The drawing shall clearly show that the foul and surface water systems are discharging to separate pipe networks. Maps of the public watermains and Wastewater drainage networks may be obtained, if available, for required locations in by emailing: datarequests@water.ie.*

The recommended **additional information** is considered appropriate to ensure adequate provision of SuDS and consideration of foul water.

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 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.

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Environmental Impact Assessment

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

Conclusion

The applicant has not fully addressed the previous reasons for refusal under SD21A/0097. **Additional information** should be sought in relation to the following:

- Site layout plan clearly showing orientation of home office, with access from rear garden and not laneway
- Accurate side elevations showing the hipped roof proposal are required
- Soil percolation tests
- Plan and cross-sectional views of soakaway required
- Foul water drainage plans

Recommendation

Request Further Information.

Further Information

Further Information was requested on 11/04/22

Further Information was received on 24/05/22

Consultations

Surface Water Drainage – **Clarification of further information** recommended

Irish Water – No objection, **conditions** recommended

Submissions/Observations

No further submissions/observations received.

Further Information

The Further Information requested was as follows:

1. *The plan provided for the home office appears to show an access onto the rear laneway of Homelawn Villas and no access from the rear garden of the existing dwelling. This arrangement would not be acceptable and contrary to the proper planning and sustainable development of the area. The applicant is requested to provide a revised site layout plan clearly showing the orientation of the garden room, with an access from the rear garden of the main dwelling and no access onto the rear laneway.*

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2. *The hipped roof of the side extension is not accurately shown on side elevations. The applicant is requested to submit accurate site elevations noting all changes to the roof as currently proposed.*
3. *There are no soil percolation test results, design calculations or dimensions submitted for the proposed soakaway. The applicant is requested to submit a report showing site specific soil percolation test results and design calculations for the proposed soakaway in accordance with BRE Digest 365 – Soakaway Design.*
4. *The applicant is requested to submit a revised drawing showing plan and cross-sectional views, dimensions, and location of proposed soakaway. Any proposed soakaway shall be located fully within the curtilage of the property and shall be:*
 - (i) *At least 5m from any building, public sewer, road boundary or structure.*
 - (ii) *Generally, not within 3m of the boundary of the adjoining property.*
 - (iii) *Not in such a position that the ground below foundations is likely to be adversely affected.*
 - (iv) *10m from any sewage treatment percolation area and from any watercourse / floodplain.*
 - (v) *Soakaways must have an overflow connection to the surface water network*

Should a soakaway prove not to be feasible, then the applicant shall submit the following:

- (i) *Soil percolation test results demonstrating a soakaway is not feasible*
 - (ii) *A revised surface water layout drainage drawing for the development showing the inclusion of alternative SuDS (Sustainable Drainage Systems) features.*
5. *The applicant is requested to include Water Butts and green roofs where feasible as part of additional Sustainable Drainage Systems (SuDS) measures for the proposed development.*
 6. *It is unclear where the foul water discharges from the proposed development. The applicant is requested 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. The drawing shall include the location of all Aj's, manholes, pipe size, material type and direction of flow. The drawing shall clearly show that the foul and surface water systems are discharging to separate pipe networks. Maps of the public watermains and Wastewater drainage networks may be obtained, if available, for required locations in by emailing: datarequests@water.ie.*

Assessment

The applicant has submitted drawings as requested and a letter from the agent date stamped 24th May 2022.

Item 1 – Revised Site Layout

The applicants have submitted a revised site layout, showing the location of the proposed home office with the access door fronting into the rear garden. The plan does not include an access into the rear laneway and the applicants response to the additional information states '*the orientation in terms of door access is from the rear garden, there is no access from laneway to rear of site.*'

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Following a site visit on 3 June 2022, it is clear that a rear access gateway has been provided onto the laneway. The applicant should be requested to submit **clarification of additional information**, including a completely accurate site layout, detailing any changes that have occurred to the site since the original submission of the application, including the rear access. The applicant should note again that it would be unacceptable for the rear building to be accessed from the laneway and not from the rear garden of the site. The applicant should be requested to submit plans of the home office, including north arrow, to confirm the orientation of the structure and how this would interact with the access provided from the laneway. In addition, a contiguous elevation of the home office, including the rear garden wall and new access gate, should be provided to allow for an assessment of the interaction of these elements.

Item 2 – Side Elevations

The applicants have submitted revised side elevations clearly showing a hipped roof on the side extension. This is considered acceptable.

Item 3 and Item 4 – Soil Percolation Test Results and Soakaway

The Drainage department have reviewed the additional information and have recommended the following **clarification of additional information** is sought:

1. *There are no soil percolation test results and design details submitted for the proposed soakaway. The applicant is required to submit a report showing site specific soil percolation test results and design calculations for the proposed soakaway in accordance with BRE Digest 365 – Soakaway Design.*
2. *The applicant is required to submit a revised drawing showing plan and cross-sectional views, dimensions, and location of proposed soakaway. Any proposed soakaway shall be located fully within the curtilage of the property and shall be:*
 - i. *At least 5m from any building, public sewer, road boundary or structure.*
 - ii. *Generally, not within 3m of the boundary of the adjoining property.*
 - iii. *Not in such a position that the ground below foundations is likely to be adversely affected.*
 - iv. *10m from any sewage treatment percolation area and from any watercourse / floodplain.*
 - v. *Soakaways must include an overflow connection to the surface water drainage network.*

Item 5 – Sustainable Urban Drainage Systems

The applicant has stated in their response that they have no issue with including water butts as part of the home office and side extension works. A **condition** should be attached requiring the inclusion of water butts to ensure SuDS measures are provided at the site.

Item 6 – Foul Water

Irish Water have reviewed the application and have stated no objection. Their response recommends conditions attached in the event of a grant that all works comply with Irish Water Standards codes

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and practices, and that a drawing showing existing and proposed foul water drainage layouts is submitted. The condition relating to foul water drainage formed part of the additional information request. On this basis, as the applicant has not supplied the information, **clarification of additional information** should be sought.

Conclusion

The applicant has provided additional information that does not accurately reflect the circumstances of the site. In this regard the following clarification of additional information should be sought:

- Site layout plan clearly detailing all access to the site, including any that have been provided since the original application date
- Floor plans for the home office including a north arrow
- Contextual elevations of the laneway elevation, to show the interaction of the home office with the recently provided laneway access.
- Soil percolation test results
- Drawing showing plan and cross-sectional views, dimensions, and location of proposed soakaway
- Drawing showing existing and proposed foul water drainage layouts

Recommendation

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

1. Following a site visit on 3 June 2022, it is clear that the submitted site layout plan is not accurate. A gate has been provided into the rear laneway and is not indicated on drawings. The applicant is requested to submit an up to date, fully accurate, site layout plan, including all boundary features and their interaction with the proposed home office.
2. The applicant is requested to submit floor plans of the home office, including a north arrow, to confirm the correct and accurate orientation of the rear structure.
3. Contextual elevations of the rear laneway are required, showing the rear garden wall and the home office structure behind, to allow for a full and accurate assessment of the home office and its interaction with boundary features at the site.
4. There are no soil percolation test results and design details submitted for the proposed soakaway. The applicant is required to submit a report showing site specific soil percolation test results and design calculations for the proposed soakaway in accordance with BRE Digest 365 – Soakaway Design.
5. The applicant is required to submit a revised drawing showing plan and cross-sectional views, dimensions, and location of proposed soakaway. Any proposed soakaway shall be located fully within the curtilage of the property and shall be:
 - i. At least 5m from any building, public sewer, road boundary or structure.
 - ii. Generally, not within 3m of the boundary of the adjoining property.
 - iii. Not in such a position that the ground below foundations is likely to be adversely

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affected.

- iv. 10m from any sewage treatment percolation area and from any watercourse / floodplain.
 - v. Soakaways must include an overflow connection to the surface water drainage network.
6. It is unclear where the foul water discharges from the proposed development. The applicant is requested 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. The drawing shall include the location of all AJs, manholes, pipe size, material type and direction of flow. The drawing shall clearly show that the foul and surface water systems are discharging to separate pipe networks. Maps of the public watermains and Wastewater drainage networks may be obtained, if available, for required locations in by emailing: datarequests@water.ie.

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REG. REF. SD22B/0062
LOCATION: 45, Homelawn Road, Dublin 24

jjohnston
Jim Johnston,
Senior Executive Planner

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

Dated: 17/6/22

E Burke
Eoin Burke, Senior Planner