

Comhairle Chontae Atha Cliath Theas

PR/0753/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0054 **Application Date:** 16-Feb-2022
Submission Type: Additional **Registration Date:** 19-May-2022
Information

Correspondence Name and Address: Eamon Davenport 37, Ashgrove Park, Naas, Co. Kildare

Proposed Development: Construction of a single storey, 2 bedroom dwelling, new entrance gate, and all associated site works and drainage connections.

Location: Rear garden of, 19, Ballyboden Crescent, Ballyboden, Dublin 16

Applicant Name: Laura Harrington

Application Type: Permission

(CM)

Description of Site and Surroundings:

Site Description:

The site identified in the planning notices is the rear garden of No. 19 Ballyboden Crescent. The overall site accommodates a terraced 2-storey house with pitched roof fronting onto Ballyboden Crescent to the west. The site like its neighbouring sites has a lengthy back garden. This site shares a rear boundary with Moyville Lawns, a cul-de-sac to the east.

Moyville Lawn is a cul-de-sac from Taylor's Lane, which accommodates 15 no. original semi-detached and detached 2-storey houses, plus an additional detached bungalow granted under a 1998 permission, which is located on the neighbouring site directly north of the subject site. The architectural character of Moyville Lawns is typical of the wider area: these are 2-storey dwellings with hipped roofs, pebble dash treatment at first floor and brick treatment at ground floor. Many of the houses have front porches, side extensions and/or rear extensions.

The houses on the north and east side of Moyville Lawns back onto Glendoher Park and playground though there is no access through to it. The cul-de-sac arcs to the west and finishes at a turning circle, which is where the subject site shares a boundary with the street.

No. 13 is on the only detached original house and is located south-east of the subject site. It is similar in character to the others and has side access to the north via a vehicular gate, though its main frontage is to the east via the original vehicular access.

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No. 13A is located immediately north of the subject site. This house, permitted under S98A/0868, is a single storey bungalow with rendered treatment. The site has on-site parking and vehicular access to Moyville Lawns.

Site Area: 0.017 Ha.

Site Visit: 28/03/22

Proposal:

- Four bedroom, two storey plus roof space accommodation residential unit including the demolition of existing side extension;
- rear facing second floor dormer window;
- new side vehicular access to accommodate two cars;
- relocated pedestrian access;
- site landscaping and all other site works.

Zoning

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

Screening for Strategic Environmental Assessment

No overlap with the relevant environmental layers.

Consultations:

Environmental Services:

Surface Water	Requests Additional Information.
Flood Risk	No Objection, subject to conditions.
Irish Water	Requests Additional Information.
Roads	Requests Additional Information.

Submissions/Observations /Representations

Third Party observations have been received from:

- Fiona and Aaron McGee of 13A Moyville Lawn, Ballyboden, Dublin 16.
- Hendrik W van der Kamp, agent on behalf of 'local residents living in the Moyville Lawn development'.
- Paul Gregory of No. 17 Ballyboden Crescent

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The points raised in the submissions can be summarised thus:

- Windows on north-east elevation would overlook No. 13A garden.
- No. 13A required to remove side windows in planning to protect 19 Ballyboden Crescent rear garden privacy under S98A/0868.
- Window heights are higher than at No. 13A windows and this suggests overlooking of the boundary wall. Should be removed.
- Roof lights mentioned in notes, not shown in drawings.
- No. 13A was required to remove roof lights under S98A/0868.
- No extract vents should be located on north-east elevation due to proximity to No. 13A.
- Application is invalid because address is incorrectly stated on application form.
- Traffic hazard arising from inadequate road frontage to facilitate vehicular access.
- Traffic hazard arising from infringement of turning area and interruption of forward vehicular movements.
- Traffic hazard arising from on-street parking on the turning circle.
- Off-street car parking not provided. Notes that it is provided on a wider site next door.
- CDP standard is 1.5 spaces for a 2-bedroom house.
- Excessive density (59 dph)
- Site is inadequate in size to accommodate the proposed house.
- Concerns regarding connection to foul sewer.
- Excessive rear facing fenestration which would compromise privacy at No. 17 Ballyboden Crescent.
- Mention of roof lights suggests that dwelling will become 2-storey in future. Roof lights should be omitted.

The issues raised have each been taken into account in the assessment of the application.

Relevant Planning History

SD98A/0868 on adjoining site – Permission **granted** for Single storey house with vehicular access from Moyville Lawn.

Relevant Enforcement History

None.

Pre-Planning Consultation

None.

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

Chapter 1 Core Strategy

Policy CS1 Objective 1

Policy CS2 Objective 5

Chapter 2 Housing

Section 2.4.0 Residential Consolidation

Policy H17 Residential Consolidation

Chapter 11 Implementation

Section 11.3.0 Residential

Section 11.3.2 Residential Consolidation

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 treatment, 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.

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.

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(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 11.6.1 (i) Flood Risk Assessment

Section 11.8.0 Environmental Assessment

Relevant Government Policy

Ministerial Guidelines and Policy

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

Regional, Spatial & Economic Strategy 2020-2032 (RSES), Eastern & Midlands Regional Assembly (2019)

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

Rebuilding Ireland: Action Plan for Housing and Homelessness, Government of Ireland (2016).

Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, Department of Housing, Planning and Local Government (2020).

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

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Urban Design Manual, Department of the Environment, Heritage and Local Government, (2008).

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

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

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).

Departmental Circulars, Department of Housing, Planning and Local Government (2020) – as listed:

PL02/2020: Covid-19 Measures

PL03/2020: Planning Time Periods

PL04/2020: Event Licensing

PL05/2020: Planning Time Periods

PL06/2020: Working Hours Planning Conditions

PL07/2020: Public Access to Scanned Documents

PL08/2020: Vacant Site Levy

Circular NRUP 02/2021 - Residential Densities in Towns and Villages

Assessment

The main issues for assessment are:

- Zoning and Council policy;
- Location of development;
- Visual Impact and Residential Amenity;
- Access, Transport and Parking;
- Water;
- Environmental impact assessment; and
- Appropriate assessment.

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Zoning and Council Policy

The proposed development is consistent with zoning objective 'RES' – 'To protect and/or improve residential amenity'. Infill residential development is permissible in principle under this zoning objective, subject to the criteria laid down in Chapter 11 of the South Dublin County Development Plan 2016 – 2022, and other relevant policies and objectives of the Plan. Development in corner gardens is guided by section 11.3.2 (ii) of the Plan.

Location of Development

Third parties have noted that the address given in the description of development (Question 9) on the application form does not match the address on the notices and suggest that the application is invalid. The address on the notices accurately describes the site, matches the site on the drawings, and would not leave any third party in confusion as to where the site is. The correct address has appeared on the site notice, the newspaper notice, the Planning Register and in response to Question 2 of the application form (location of development). The typographical error in response to question 9 is considered to be immaterial and would not impact the fair assessment of the application nor the rights of third parties to be informed and participate in the process.

Visual Impact and Residential Amenity

The proposed development would provide for a 2-bedroom (3-person) single storey house, with a pitched roof oriented with gable to the front (front elevation includes significant set back on one side, providing set-back front door access.

The site is extremely tight, and the house is set back from the site boundary by 4 metres to the front, and 5 metres to the back. It is noted that No. 19 Ballyboden Crescent (the overall site) has single ownership and that the red line boundary should've been placed around the full site reflecting the proposed division of this single site, being a key proposal in the planning application.

Residential Amenity

The proposed house size is given as 72.5sq.m. This exceeds the 60sq.m. standard contained in the 2007 Quality Housing for Sustainable Communities guidelines for a 1-storey, 2-bed, 3-person house. It is below the County Development Plan standard for a 2-bed house however, which is 80sq.m. Having regard to the infill nature of the scheme, it is considered that the lower standard can be acceptable once other aspects of the design and layout are considered to be adequate.

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The interior of the house appears to meet the standards sought by the 2007 guidelines, with the provision of a double and a single bedroom. Storage space is provided in a utility room but is otherwise lacking in circulation areas and this could be improved. Given the tight nature of the site and uncertainty over dimensions, it is concerning that the main interior corridor does not provide additional turning space to allow someone with mobility issues to live or to remain living in the house. This may be revisited by **condition** or **additional information** should other issues arise.

Private Open Space

The separation distance from the proposed house to the new party boundary with 19 Ballyboden Crescent is given as 5 metres. This does not appear to be accurate however and it appears to be more like 4 metres. The overall width of the site appears to be about 7.5 to 8 metres. This indicates a proposed rear garden of approx. 30 – 32sq.m, or as large as 40sq.m. if the dimensions given by the applicant are accurate. This is well below the County Development Plan standard of 55sq.m. for a 2-bed house.

When assessing infill development, it is considered that compromises to quantitative standards can be made where there are good design reasons to do so. Here, however, the reason for the poor provision of rear amenity space is the decision to restrict the size of site to be subdivided from the main site. There is ample additional space on the overall site to accommodate a larger rear garden; otherwise, there is room to reduce the size of the proposed house to a 1-bed and increase the size of the rear garden. The applicant should deal with this via **additional information**.

Roof Lights

Multiple third party submissions refer to the possibility of rooflights being provided in the dwelling. The applicant has not included roof lights in the notices or drawings. As there are other issues with the proposal, this one can be clarified on drawings by way of **additional information**.

One submission seeks that roof lights are removed from the development due to the possibility of provided for upper floor accommodation. This is not a valid reason to remove roof lights – nor indeed would upper floor accommodation be non-permissible in principle at this site; however, it appears that upper floor accommodation could not be accommodated as per the section drawings.

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Material

The proposed treatment is a nap plaster finish. It should be specified by condition that the treatment should substantially match that of No. 13A.

Overlooking and Privacy

It is unclear from the drawings what the separation distance from the rear of 19 Ballyboden Crescent would be wall-to-wall, but it would appear to be approx. 23 metres from the body of the main house. Third parties to the rear and side suggest that the fenestration is excessive and would compromise the privacy of both 17 Ballyboden Crescent and 13 Moyville Lawns.

To 17 Ballyboden Crescent

The proposed house would not have windows at first floor level and so it is difficult to establish how overlooking from the development could occur, but a loss of privacy may result from being too close to the rear 1st floor windows of dwellings on Ballyboden Crescent. The traditional standard for this is 22 metres from wall to wall at first floor level, but reduced distances have been allowed in more recent times. In any case, a loss of privacy is not generally considered to occur due to ground floor fenestration or rear gardens being within this distance.

13 Moyville Lawns

The neighbouring party seeks that the kitchen window on the north-east elevation is removed and that windows are taken down in height to reduce overlooking potential. The issue of window height is not related to overlooking, unless there is a significant change in ground/site levels which is not apparent from the drawings or from the site inspection, but nonetheless may be apparent from within the site.

In fact, contrary to the submission by the neighbouring third party, high level windows can provide for natural light without the prospect of overlooking, however such high-cilled windows have not been proposed here.

The kitchen window on the north-east elevation may be located behind the rear building line of No. 13, which would be inappropriate as it could provide views of the neighbouring garden and would certainly lead to the feeling of a loss of privacy, and/or a taller boundary treatment which would benefit neither party. A high-cilled window here would be preferable, and/or relocating the window. Alternatively, it would need to be fixed with obscure glazing and such glazing to remain in place in perpetuity.

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The above issues can be resolved by way of **additional information**, mostly by the submission of additional, detailed plans, which either clarify or provide revisions as follows:

- (i) In relation to houses on Ballyboden Crescent, provide a site section showing the relationship between the proposed dwelling and the existing dwellings on Ballyboden Crescent (reference distance to first floor of No. 19 would be appropriate). The section should illustrate the proposed boundary treatment between the site and No. 19, and the relative levels (ground and floor) of the dwellings.
- (ii) In relation to 13 Moyville Lawns, provide a site section / rear elevation showing the relationship between the proposed dwelling and No. 13 Moyville Lawns, showing in particular the relative ground and floor levels, the existing boundary treatment (and any proposed changes).
- (iii) In relation to 13 Moyville Lawns, show the relative position of the proposed house and neighbouring house on a Site Layout Plan at a scale of not less than 1:500, and show in particular the location of the proposed kitchen window.
- (iv) Windows beyond the rear building line of No. 13 Moyville Lawns, on the north-east elevation of the proposed dwelling, would not be acceptable in the form proposed for the kitchen window. A high-cilled window to prevent overlooking would be required, or else the window should be relocated. Similarly, if any other window on the north-east elevation is beyond the rear building line, it should be altered to prevent loss of privacy to the neighbouring dwelling.
- (v) The windows on the south-west elevation should also be checked to ensure no overlooking of the neighbouring garden. The back door is acceptable, but the bathroom window and hall window should be fitted with obscure glazing.

Residential Density

Residential density has been raised by a third party. Having regard to the context of the development, the fact that it does not provide access or precedent for future developments in the same location, and relates only to a single house, the calculation of a per-hectare density is not considered to be relevant. The size of the site in terms of how it accommodates a house is relevant and this has been considered above.

Boundary Treatment

See Access, Transport and Parking below. It is considered that the front boundary treatment may need revising. Otherwise, the applicant should confirm with drawings what the proposed boundary treatment to the rear is, by way of **additional information**.

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Access, Transport and Parking

The Roads Department has sought additional information for the development. In their report, the Roads Department agrees with third parties that off-street parking on the turning circle could cause a traffic hazard. The proposed items for additional information are:

1. The applicant is requested to submit a revised layout of not less than 1:200 scale demonstrating that there is sufficient on-curtilage parking by providing a safe parking distance of 6 metres. Please refer to Table 11.23: Maximum Parking Rates (Non-Residential) – from the SDCC County Development Plan 2016-2022
2. The applicant is requested to submit a swept path analysis showing how a car can safely access and egress the parking space.

It is considered appropriate that enough space should be provided on the site to provide for off-street, car parking. This is appropriate due to the context of the access onto Moyville Lawns. Although parking does appear to take place here, it is in an area where on-street parking should not be encouraged due to the constrained layout and relatively restricted vehicular movements available. The applicant should therefore be requested to deal with the above issues by way of **additional information**.

The Roads Department has also queried the use of mews-style high gate and maintenance of a high wall at this location. The house would open onto a cul-de-sac, and it is not considered appropriate to adopt a defensive boundary treatment as might befit a mews development on an otherwise undeveloped or under-developed lane. The Roads Department has sought to condition the height of the gate and walls. This can also be dealt with by **additional information**.

Water

The SDCC Environmental Services Department has sought additional information regarding SUDs features (not shown in the proposal). Given that the site is currently a garden, it should be possible to ensure retention of rainwater above ground, or infiltration to ground, without the need for an underground tank, in normal weather conditions. Appropriate features could include a blue roof, permeable paving, rain garden or rainwater-fed water feature. This should be dealt with by **additional information**.

Irish Water and the Environmental Services Department have each sought additional details regarding drainage layouts; drainage layouts have been provided, however. The applicant should amend drainage layouts to comply with any other revisions in the response to the request for **additional information**.

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Third parties have raised the potential issue of foul sewer capacity in the area. The addition of a house is considered to comply with residential infill policy generally; but any connection to the foul water network would need to come about by way of a waste water connection with Irish Water. The applicant should submit a pre-connection enquiry with Irish Water and provide evidence of this by way of **additional information**.

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. Having regard to the nature of the development, connection to public services and the distance from the Natura 2000 sites the proposed development would not require a Stage 2 Appropriate Assessment.

Conclusion

The proposed provision of a house on this site is acceptable in principle. There are a number of matters which require attention and can be revised through the **additional information** process.

Recommendation

Request Additional information.

Additional Information

SDCC issued its request on 12th April 2022. Additional information was received on 19th May 2022.

Further Consultations

Environmental Services
Roads

Requests Clarification of Additional Information.
No objection, subject to conditions.

Further Observations/Submissions

None.

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Assessment of Additional Information

Item 1

Considering the following issues:

- (i) The proposed garden appears to be 30 - 40sq.m. in size. The County Development Plan standard for a 2-bed house is 55sq.m.
- (ii) The Site Layout Plan does not appear to reliably scale, and the separation distance from building to rear boundary appears to be approx. 4 metres, not 5 metres as stated.
- (iii) compromises to quantitative standards for infill development can be made where there are good design reasons to do so. Here, however, the reason for the poor provision of rear amenity space is the decision to restrict the size of site to be subdivided from the main site.
- (iv) There is ample additional space on the overall site to accommodate a larger rear garden; otherwise, there is room to reduce the proposed house to a 1-bed and increase the size of the size of the rear garden. The applicant should address with this via a revised proposal by additional information.

The applicant is requested to provide revised plans which show an acceptable provision of private amenity space, both quantitatively (noting the CDP standard of 55 sq.m. for a 2-bed house) and in such a configuration that the space would function well. The applicant may need to consider revising the proposed subdivision of the site to accommodate this.

Response

It is now proposed to reduce the dwelling to a 1-bedroom dwelling and provide a rear garden area of 48.84 sq.m

Assessment

The minimum private amenity space requirement applying to 1-bed houses is 48 sqm under the County Development Plan. The proposals comply with the suggestion in the item and would accord with the County Development Plan.

The revised layout has also been checked against the 'Quality Housing for Sustainable Communities – Best Practice Guidelines' (2007) and is acceptable.

Item 2

The applicant is requested to submit:

- (a) a revised layout of not less than 1:200 scale demonstrating that there is sufficient on-curtilage parking by providing a safe parking distance of 6 metres. Please refer to Table 11.23: Maximum Parking Rates (Non-Residential) – from the SDCC County Development Plan 2016-2022
- (b) a Swept Path Analysis showing how a car can safely access and egress the parking space.

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Response

Revised Site Layout Plan with a swept path analysis drawing has been provided, showing parking for 1 car on the site.

Assessment

The Roads Department has assessed the response and found it to be acceptable, and not a likely traffic hazard.

This is noted and acceptable.

Item 3

The proposed development would comprise the subdivision of an existing site. The red line boundary should be revised to take in the whole of that existing site, and the following should be provided:

- (a) proposed area of the rear garden space remaining to serve No. 17 [sic] Ballyboden Crescent;
- (b) if enlarging the site to be provided for the new house in response to other items, provide an updated letter of consent.

Note: Above reference should be to No. 19 Ballyboden Crescent.

Response

Applicant has provided a revised Site Location Plan and Site Layout Plan with extended red line. The site to be provided for the new house has not been extended.

Item 4

Storage space is provided in a utility room but is otherwise lacking in circulation areas and this could be improved. Given the tight nature of the site and uncertainty over dimensions, it is concerning that the main interior corridor does not provide additional turning space to allow someone with mobility issues to live or to remain living in the house. As there are other issues with the development, the applicant is requested to reconsider the above also.

Response

In addition to other design changes to the house, circulation areas have been increased to 1100mm wide.

Assessment

The response is adequate.

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Item 5

Multiple third party submissions refer to the possibility of rooflights being provided in the dwelling, being mentioned in notes. The applicant has not included roof lights in the notices or drawings. The applicant is requested either to confirm in writing that no roof lights are proposed, or to show on revised drawings the location and scale of roof lights.

The Planning Authority does not object to the provision of roof lights as per this development, except where they would provide for a loss of privacy (this is not apparent from the plans).

Response

The applicant confirms there are no proposals to provide rooflights to the attic space.

Assessment

The response is adequate.

Item 6

A number of issues relating to potential overlooking or loss of privacy have been raised by third parties or noted by the Planning Authority.

(i) In relation to houses on Ballyboden Crescent, the applicant is requested to provide a site section showing the relationship between the proposed dwelling and the existing dwellings on Ballyboden Crescent (reference distance to first floor of No. 19 would be appropriate). The section should illustrate the proposed boundary treatment between the site and No. 19, the relative levels (ground and floor) of the dwellings, and distance from dwelling to dwelling (excluding ground floor rear extensions).

(ii) In relation to 13 Moyville Lawns, the applicant is requested to provide a site section / rear elevation showing the relationship between the proposed dwelling and No. 13 Moyville Lawns, showing in particular the relative ground and floor levels, the existing boundary treatment (and any proposed changes).

(iii) In relation to 13 Moyville Lawns, show the relative position of the proposed house and neighbouring house on a Site Layout Plan at a scale of not less than 1:500, and show in particular the location of the proposed kitchen window.

(iv) Windows beyond the rear building line of No. 13 Moyville Lawns, on the north-east elevation of the proposed dwelling, would not be acceptable in the form proposed for the kitchen window. A high-cilled window to prevent overlooking would be required, or else the window should be relocated. Similarly, if any other window on the north-east elevation is beyond the rear building line, it should be altered to prevent loss of privacy to the neighbouring dwelling.

(v) The windows on the south-west elevation should also be checked to ensure no overlooking of the neighbouring garden. The back door is acceptable, but the bathroom window and hall window should be fitted with obscure glazing.

Note: above references to No. 13 Moyville Lawns should read 'No. 13A'. This was clarified to the applicant prior to submission of their response.

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Response

- (i) Applicant has provided site section, showing 2m high boundary wall between sites.
- (ii) Applicant has provided a rear elevation showing both the existing and proposed house.
- (iii) Applicant has provided a site layout plan with kitchen window illustrated.
- (iv) Applicant confirms there are no windows beyond the rear building line of No. 13A.
- (v) The only window on the south-west elevation is a bathroom window which will be fitted with obscure glazing.

Assessment

Having reviewed the plans, elevations and sections submitted, it appears that the proposals would provide adequate privacy for potential occupants and would not lead to loss of privacy or overlooking of adjacent properties. This is acceptable. The bathroom window should be fitted with obscure glazing per condition of permission.

Item 7

- (a) The house would open onto a cul-de-sac, and it is not considered appropriate to adopt a defensive boundary treatment as might befit a mews development on an otherwise undeveloped or under-developed lane. The applicant is requested to revise the front boundary treatment. The applicant should note that the standard planning condition for front residential boundary treatments provides for the following: "The boundary walls 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." This may be required as a condition of permission.
- (b) The applicant is requested to confirm with drawings what the proposed boundary treatment to the rear is, by way of additional information.

Response

- (a) The applicant considers the originally proposed boundary treatment to be acceptable but is willing to accept a modification by condition.
- (b) The applicant has confirmed that the rear boundary treatment will be a 2m high boundary wall.

Assessment

- (a) The Roads Department has proposed that a shorter boundary wall and gate be provided by way of **condition**. This is acceptable and appropriate.
- (b) The rear wall is acceptable.

Item 8

The applicant is requested to amend drainage layouts to comply with any other revisions in the response to the request for additional information.

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Assessment

The applicant has provided revised layouts. These include the use of a permavoid diffuser system (a Suds feature) to the front and rear.

Response

The Environmental Services Department has not challenged the drainage layout, although their report does seek clarification of additional information in relation to the Suds features. This is dealt with under item 10. Otherwise, the response is acceptable.

Item 9

Third parties have raised the potential issue of foul sewer capacity in the area. The addition of a house is considered to comply with residential infill policy generally; but any connection to the foul water network would need to come about by way of a waste water connection with Irish Water. The applicant is requested to submit a pre-connection enquiry with Irish Water and provide evidence of this by way of additional information.

Response

The applicant has provided a letter of feasibility from Irish Water confirming that a new connection can be made without upgrades to local infrastructure for water supply and foul water.

Assessment

The response is acceptable.

Item 10

The applicant has not proposed any SuDS (Sustainable Drainage Systems) features for the proposed development. The applicant is requested to submit a drawing in plan and cross sectional views clearly showing proposed Sustainable Drainage Systems (SuDS) features for the development.

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

- Blue/green roof
- Permeable Paving
- Rain Gardens
- Planter boxes with overflow connection to the public surface water sewer where possible.
- Grasscrete
- Water Butts.

Response

The applicant has proposed to provide a permavoid diffuser system.

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Assessment

Environmental Services has sought clarification of additional information regarding the performance and specifications of the system. The details of this can be agreed in compliance, subject to a **condition of permission**.

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. Having regard to the nature of the development, connection to public services and the distance from the Natura 2000 sites the proposed development would not require a Stage 2 Appropriate Assessment.

Other Considerations

Bonds & Contributions

The proposed development is for a 1-bed house of 68sqm.

SEA Monitoring

Development Type: Residential

Floor Area (Sqm): 68

Site Type: Brownfield / Urban Consolidation

Site Area (ha.): 0.017

Conclusion

The applicant has addressed the concerns raised by third parties and the planning authority and issued as part of the request for additional information. It is evident from the revised scheme that the proposed development would provide adequate residential amenity for potential occupants and would not be seriously injurious to adjoining properties. The development would therefore accord with the 'RES' land-use zoning objective and the South Dublin County Development Plan 2016 – 2022 and would also accord with the proper planning and sustainable development of the area.

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Recommendation: Grant permission

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.

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 to be in accordance with submitted plans and details.
The development shall be carried out and completed in its entirety in accordance with the plans, particulars and specifications lodged with the application, and as amended by Further Information received on 19th May 2022, 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. Amendments - Glazing.
The bathroom window on the south-west elevation shall be fitted with obscure glazing, and such obscure glazing shall be maintained in perpetuity.
REASON: In the interest of residential amenity.
3. Vehicular access.
 - (a) The vehicular access point shall be limited to a width of 3.5 meters.
 - (b) 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.
 - (c) 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.
 - (d) Any gates shall not open out over the public domain.REASON: In the interests of visual amenity and pedestrian safety, and to avoid traffic hazard.

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4. Drainage - Surface Water.
 - (a) The disposal of surface water, shall fully comply with all of the technical requirements of the Council's Water Services Section. In this regard, prior to the commencement of development, the applicant/developer shall submit the following for the written agreement of the Planning Authority:
 - (i) Detailed cross section of the proposed permavoid diffuser system.
 - (ii) Detailed specifications and calculations relating to the anticipated performance of the system.
 - (iii) A sufficient technical report outlining the proposed operation of the diffuser system as a Suds mechanism.
 - (iv) Any design or location changes as per the requirements of the council's Water Services section.
 - (b) The Developer shall ensure that there is complete separation of the foul and surface water drainage for the proposed development.
 - (c) 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, safety, the proper planning and sustainable development of the area and in order to ensure adequate and appropriate surface water drainage provision.
5. Irish Water Connection Agreement.

Prior to the commencement of development the applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

REASON: In the interest of public health and to ensure adequate water/wastewater facilities.
6. House Number.

The number of the house shall be 13B, and this number shall be placed on the completed house prior to its occupation in a manner so as to be clearly legible from the public road. In the event that this number already exists no development shall take place under this permission until the applicant, owner or developer shall agree in writing an alternative number with the Planning Authority;

REASON: In the interests of the proper planning and sustainable development of the area and compliance with the Council's Development Plan.
7. External Finishes.

All external finishes shall harmonise in colour and texture with the adjacent dwelling at No. 13A.

REASON: In the interest of visual amenity.
8. Restriction on Use.

The house shall be used as a single dwelling unit and shall not be sub-divided by way of sale or letting (including short-term letting) or otherwise nor shall it be used for any commercial purposes.

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REASON: To prevent unauthorised development.

9. Occupation subject to service connection.

No dwelling unit shall be occupied until all the services (drainage, water supply, electricity and or other energy supply, public lighting and roads) for each dwelling unit have been completed thereto and are operational.

REASON: In the interest of the proper planning and sustainable development of the area.

10. 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.

11. Construction Noise and Hours.

To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, no 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 be operated on the site before 7.00 hours on weekdays and 9.00 hours on Saturdays nor after 19.00 hours on weekdays and 13.00 hours on Saturdays, nor 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

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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 Dublin County Council Development Plan.

12. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €7,105.32 (seven thousand one hundred and five euros and thirty two 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.

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: Adequate provision should be made to facilitate access to and the use of the development, buildings, facilities and services by disabled persons, including sanitary conveniences. The minimum requirements should be as per Part M of the Building Regulations.

NOTE: The applicant/developer of these lands is advised that in the event of encroachment or oversailing of adjoining property, the consent of the adjoining property owner is required.

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NOTE: Notwithstanding any grant of planning permission; if an applicant requires permission to access local authority land (e.g. public footpaths, public open space or roadways) in order to access utilities, or for any other reason; the applicant should apply via <https://maproadroadworkslicensing.ie/MRL/> for a licence from the Local Authority to carry out those works.

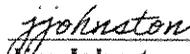
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REG. REF. SD22A/0054

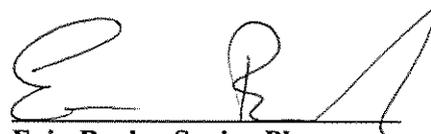
LOCATION: Rear garden of, 19, Ballyboden Crescent, Ballyboden, Dublin 16



Jim Johnston,
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: 5/6/22_____



Eoin Burke, Senior Planner