

Comhairle Chontae Atha Cliath Theas

PR/0767/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22B/0102 **Application Date:** 09-Mar-2022
Submission Type: Additional **Registration Date:** 24-May-2022
Information

Correspondence Name and Address: John Shevlin 114, Ashington Rise, Navan Road,
Dublin 7.

Proposed Development: A single storey family flat to the side of existing
house.

Location: 2, Neilstown Gardens, Dublin 22

Applicant Name: Margaret Morgan

Application Type: Permission

Description of Site and Surroundings:

Site Description:

The subject site contains a 2 storey, semi-detached three-bedroom house towards the northern end of Neilstown Gardens, a residential street overlooking a large green space. The house and adjoining property at No. 1 Neilstown Gardens break slightly from the building line along Neilstown Gardens, owing to a bend in the road.

The existing dwelling is comprised of an entrance hallway, living room, toilet, store, and kitchen/living/dining room at ground floor level and 3 bedrooms, a hot press, and a family bathroom at first-floor level. The dwelling has been subject to previous modification in the form of a single-story extension to the rear, providing approximately 9.7sq.m additional floor area to the kitchen/living/dining room. Whilst the front façade of the existing dwelling appears to include a garage with a vehicular door and a pedestrian door, it is noted that the doors lead to an enclosed courtyard providing a car port and bin storage space. There is a shed structure located in the back garden adjacent to the southern boundary and a smaller shed structure adjacent to the western boundary.

The surrounding streetscape is generally characterised by 2 storey semi-detached and terraced dwellings of a similar architectural form and scale. The wider area includes Collinstown Park approximately 100m to the east, the M50 approximately 475m to the east and Neilstown approximately 400m to the southwest.

Site Area:

Stated as 0.027 Ha.

Proposal:

Permission is sought for the provision of a single-storey family flat affixed to the western elevation of the existing dwelling. The family flat has an approximate gross floor area of

Comhairle Chontae Atha Cliath Theas

PR/0767/22

Record of Executive Business and Chief Executive's Order

41.37m² and follows the 'wedge' shape of the site boundary with an approximate width of 5.4m to the front, narrowing to approximately 2.2m at the rear. The proposed family flat has a pitched roof profile to the front with a ridge height of approximately 4.2m, stepping down to a flat roof portion to the rear which has an approximate height of 3.1m.

Zoning

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

Consultations:

Drainage and Water Services Department: Additional Information required.
Irish Water: No objection, subject to conditions.
Parks and Public Realm Department: No objection.
Roads Department: Additional Information required.

Screening for Strategic Environmental Assessment

No overlap indicated with relevant environmental layers.

Submissions/Observations /Representations

Final date for submissions/observations – 12th April 2022. None received.

Relevant Planning History

Subject Site

None recorded.

Adjacent Sites

SD04A/0906 – No. 1 Neilstown Gardens, Neilstown, Clondalkin, Dublin 22.

Permission sought for a 2 storey two bedroom semi-detached dwelling with 2 storey rear extension with separate vehicular access & partial dishing of kerb. **SDCC Decision:** Refuse permission for the following reasons:

- The proposed development would seriously injure the amenities and would depreciate the value of property in the vicinity because, the proposed development would effectively transform the existing pair of semi-detached houses into a terrace of three dwellings.
- The proposed development would be contrary to the private amenity space standards as set out in section 11.11.7 of the South Dublin County Council Development Plan 2004-2010, as the required rear garden area has not been achieved. Accordingly, the proposed development would materially contravene the zoning objective for the area which seeks to 'protect and/or improve residential amenity'.
- The proposed development would infringe an existing building line.

Comhairle Chontae Atha Cliath Theas

PR/0767/22

Record of Executive Business and Chief Executive's Order

Relevant Enforcement History

None found in preliminary search.

Pre-Planning Consultation

None.

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

Section 2.4.1 Residential Extension

Policy H18 Residential Extension

Policy H18 Objective 1:

‘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).’

Policy H19 Family Flats

‘It is the policy of the Council to support family flat development subject to the protection of residential and visual amenities.’

Section 11.3.1 Residential

Section 11.3.1 (iv) Dwelling Standards

Section 11.3.1 (v) Privacy

Section 11.3.3 Additional Accommodation

Section 11.3.3 (i) Extensions

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

Section 11.3.3 (ii) Family Flat

‘A family flat is to provide semi-independent accommodation for an immediate family member (dependent of the main occupants of a dwelling). A family flat is not considered to represent an independent dwelling unit and as such open space and car parking standards are not independently assessed. Proposals for family flat extensions should meet the following criteria:

- The applicant shall be required to demonstrate that there is a genuine need for the family flat,
- The overall area of a family flat should not exceed 50% of the floor area of the main dwelling house,
- The family flat should be directly accessible from the main dwelling via an internal access door, and
- The design criteria for dwelling extensions will be applied.’

Comhairle Chontae Atha Cliath Theas

PR/0767/22

Record of Executive Business and Chief Executive's Order

Section 11.4.2 Car Parking Standards

Table 11.24 Maximum Parking Rates (Residential Development)

Section 11.4.4 Car Parking Design and Layout

Section 11.7.2 Energy Performance in New Buildings

Section 11.8.0 Environmental Assessment

South Dublin County Council House Extension Design Guide, 2010

The House Extension Design Guide contains the following guidance on house extensions, including in particular side extensions:

- Respect the appearance and character of the area;
- Provide comfortable internal space and useful outside space;
- Do not overlook, overshadow, or have an overbearing impact on neighbouring properties;
- Conserve water and save energy where possible;
- Locate extensions, particularly if higher than one storey, away from neighbouring property boundaries. As a rule of thumb, a separation distance of approximately 1m from a side boundary per 3m of height should be achieved.

For Side Extensions:

- *Respect the style of the house and the amount of space available between it and the neighbouring property, for example:*
 - o *if there is a large gap to the side of the house, and the style of house lends itself to it, a seamless extension may be appropriate;*
 - o *if there is not much space to the side of the house and any extension is likely to be close to the boundary, an ancillary style of extension set back from the building line is more appropriate;*
 - o *if the house is detached or on a large site or in a prominent location such as the corner of a street, it may be appropriate to consider making a strong architectural statement with the extension.*
- *Match or complement the style, materials, and details of the main house unless there are good architectural reasons for doing otherwise. Where the style and materials do not seamlessly match the main house, it is best to recess a side extension by at least 50cm to mark the change.*
- *Leave a gap of at least 1m between the extension and the side party boundary with the adjoining property to avoid creating a terraced effect. A larger gap may be required if that is typical between properties along the street.*
- *If no gap can be retained, try to recess side extensions back from the front building line of the main house by at least 50cm and have a lower roof eaves and ridge line to minimise the terracing effect. In the case of a first floor extension over an existing garage or car port that is flush with the building line of the main house, the first floor extension should be recessed by at least 50cm.*
- *Match the roof shape and slope of the existing house. In the case of houses with hipped roofs it can be particularly difficult to continue the ridge line and roof shape; however, it*

Comhairle Chontae Atha Cliath Theas

PR/0767/22

Record of Executive Business and Chief Executive's Order

is more visually pleasing to do so if this will not result in a terracing effect with the adjoining house.

- *Where the extension is to the side of a house on a corner plot, it should be designed to take into account that it will be visible from the front and side. The use of blank elevations will be unacceptable and a privacy strip behind a low wall, hedge or railings should be provided along those sections of the extension that are close to the public pavement or road.*
- *Avoid creating a terraced effect and awkward join between the rooflines of two adjacent properties if building up to the party boundary.*
- *Do not include a flat roof to a prominent extension unless there is good design or an architectural reason for doing so.*
- *Do not incorporate blank gable walls where extensions face onto public footpaths and roads.*
- *The use of a 'false' roof to hide a flat roofed extension is rarely successful, particularly if visible from the side.*
- *Avoid locating unsightly pipework on side elevations that are visible from public view. Consider disguising or recessing the pipework if possible.*
- *Extending a hipped roof to the side to create a gabled end of half-hip will rarely be acceptable, particularly if the hipped roof is visually prominent and typical of other houses along the street.*
- *Avoid the use of prominent parapet walls to the top of side extensions.*

Relevant Government 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.

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

Urban Design Manual, 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).

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

Comhairle Chontae Atha Cliath Theas

PR/0767/22

Record of Executive Business and Chief Executive's Order

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

Assessment

The main issues for assessment are:

- Zoning and Council Policy;
- Visual Impact;
- Residential Amenity;
- Drainage and Water Services;
- Vehicular Access and Parking;
- Environmental Impact Assessment; and
- Appropriate assessment.

Zoning and Council Policy

The proposed development is consistent with zoning objective 'RES' – 'To protect and/or improve residential amenity'. New residential extensions to existing dwellings are permissible in principle under this zoning objective, subject to their being in accordance with the relevant provisions of the South Dublin County Council House Extension Design Guide 2010.

Policy on Family Flats

The application is assessed below on the criteria provided in section 11.3.3 (ii) of the South Dublin County Development Plan 2016 - 2022.

- The applicant shall be required to demonstrate that there is a genuine need for the family flat.

In the Cover Letter provided with the application, it is indicated that the applicant requires the proposed family flat due to mobility issues accessing the first floor of the existing house. It is stated that the proposed family flat would provide a more accessible means of accommodation for the applicant whilst maintaining a link to the existing house where family members will continue to reside. The Planning Authority is satisfied that the applicant has demonstrated that there is a genuine need for the family flat and that a CONDITION can be attached to any decision to Grant Permission requiring the flat not to be operated or sold separately to the house.

- The overall area of a family flat should not exceed 50% of the floor area of the main dwelling house.

The area of the flat is stated to be 41.37m² and the area of the existing dwelling is stated to be 90.3m². The area of the proposed family flat is therefore less than 50% of the floor area of the main house.

Comhairle Chontae Atha Cliath Theas

PR/0767/22

Record of Executive Business and Chief Executive's Order

- The family flat should be directly accessible from the main dwelling via an internal access door

The flat is accessed internally from the existing entrance hallway of the main dwelling and has an external access to the rear garden.

- The design criteria for dwelling extensions will be applied.

The development is assessed below on the basis of a residential extension.

Temporary Nature of Development

Family flats are by nature a temporary development, creating an arrangement whereby someone who is unable to live completely autonomously, has some level of privacy in their residence. South Dublin County Council applies, as standard, a condition that the flat be reintegrated with the main dwelling house if and when it is no longer needed as a family flat.

In this case, it is apparent from the Floor Plan layout that the family flat would be easily reintegrated with the main house following its use as a flat.

South Dublin House Extension Design Guide (2010)

Having regard to the content of the South Dublin House Extension Design Guide (2010), the following concerns arise in relation to the proposed development:

Separation Distance – In relation to the provision of a gap between side extensions and adjoining properties, the House Extension Design Guide states that:

'Leave a gap of at least 1m between the extension and the side party boundary with the adjoining property to avoid creating a terraced effect. A larger gap may be required if that is typical between properties along the street.'

'If no gap can be retained, try to recess side extensions back from the front building line of the main house by at least 50cm and have a lower roof eaves and ridge line to minimise the terracing effect. In the case of a first floor extension over an existing garage or car port that is flush with the building line of the main house, the first floor extension should be recessed by at least 50cm' [Emphasis added]

In relation to the potential for extensions to have an overbearing impact, the Extension Design Guide (2010) states that:

'Locate extensions, particularly if higher than one storey, away from neighbouring property boundaries. As a rule of thumb, a separation distance of approximately 1m from a side boundary per 3m of height should be achieved'. [Emphasis added]

Comhairle Chontae Atha Cliath Theas

PR/0767/22

Record of Executive Business and Chief Executive's Order

Having regard to the above, a concern arises that the proposed family flat directly adjoins the boundary with No. 3 Neilstown Gardens, with the front façade of the proposed family flat set approximately 1m forward of the building line created by the dwelling and attached garage of No. 3 Neilstown Gardens.

Whilst it is acknowledged that a terraced appearance exists along the streetscape of Neilstown Gardens, the proposal is for a family flat which is larger in scale, bulk, and height than the existing garage and as such would introduce new development to the subject site which has the potential to impact on the character and setting of the receiving context. Having regard to the Family Flat policy contained within Section 11.3.3(ii) and the content of the South Dublin House Extension Design Guide, it is considered that the proposal in its current form is not consistent with the policies and objectives contained therein.

It is considered that a modification to the front building line of the proposed family flat may reduce the potential visually incongruous appearance of the structure. In this regard, the Applicant should be requested, by way of ADDITIONAL INFORMATION, to setback the proposed flat and align its north-western corner with the existing front building line of the adjoining building at No. 3 Neilstown Gardens. The height and scale of the flat may then be acceptable given that it largely extends along the existing garage at No. 3.

The pitched roof of the flat at the front is acceptable given that it is in keeping with the character of the dwelling and streetscape. Providing for a setback of the extension would better align with the adjoining property.

Visual Impact

The proposed development is essentially a single-storey side extension. As previously outlined a concern arises that the proposal will adversely impact on the visual character and setting of the streetscape along Neilstown Gardens.

Whilst the principle of a Family Flat is acceptable at the subject site, the development should be amended to comply with the South Dublin House Extension Design Guide (2010), having particular regard to its front building line as previously outlined in this Report.

Residential Amenity

It is unclear from the documentation provided by the Applicant, whether the proposed bedroom within the family flat is a double or single room. If it is intended for use as a double room, it does not meet the standard for a double bedroom under the County Development Plan and 'Quality Housing for Sustainable Communities - Best Practice Guidelines' (2007). In this regard, the Applicant should be requested to clarify whether the room is intended for use as a single or double room and if it is a double room proposal should be re-designed to achieve the minimum requirement. This should be requested via ADDITIONAL INFORMATION.

Comhairle Chontae Atha Cliath Theas

PR/0767/22

Record of Executive Business and Chief Executive's Order

It appears that sufficient rear amenity space for the dwelling would remain. The applicant is advised to ensure that the requested amendments do not result in insufficient rear amenity space.

Drainage and Water Services

The Report of the Drainage and Water Services Department indicates that the following ADDITIONAL INFORMATION is required:

'South Dublin County Council Water and Drainage section are concerned that there may be insufficient space to the rear of the property to cater 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.*
- *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*
- *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*
 - a) A revised surface water layout drainage drawing for the development showing the inclusion of alternative SuDS (Sustainable Drainage Systems) features. These may include green roofs, rain gardens, rain planter boxes for example.'*

Comhairle Chontae Atha Cliath Theas

PR/0767/22

Record of Executive Business and Chief Executive's Order

Irish Water has assessed the proposed development and indicated no objection, subject to the following conditions:

- All development shall be carried out in accordance with Irish Water's Standards, Codes and Practices in relation to water infrastructure.
- All development shall be carried out in accordance with Irish Water's Standards, Codes and Practices in relation to wastewater infrastructure.

Vehicular Access and Parking

The Roads Department has assessed the proposed development and indicated that the following ADDITIONAL INFORMATION is required to facilitate a complete assessment:

- The applicant to provide a revised drawing (with relevant dimensions) demonstrating how two cars could access/egress/park safely should the development be granted permission.
- The applicant to provide an Autotrack drawing showing the safe movements of cars entering and leaving the front driveway.

The proposed flat would extend into the existing driveway and be setback approximately 4.7m from the front boundary at the closest point. A 6m setback from the front boundary is advised to ensure sufficient room to park a car onsite. The above requested setback in relation to visual impact should also ensure that a car can be parked onsite.

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 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 in the form of a family flat affixed to an existing dwelling. 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,

Comhairle Chontae Atha Cliath Theas

PR/0767/22

Record of Executive Business and Chief Executive's Order

it is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

Conclusion

Having regard to the 'RES' land-use zoning of the area, the relevant policies, and objectives of the South Dublin County Development Plan 2016 – 2022 and the South Dublin House Extension Design Guide 2010, the proposed development of a family flat is generally acceptable in principle. However, ADDITIONAL INFORMATION is required to address concerns regarding the impact of the proposal on the visual and residential amenities of the subject site, adjoining properties, and the streetscape. Furthermore, ADDITIONAL INFORMATION is required to address the issues raised by the Drainage and Water Services Department and the Roads Department.

Recommendation

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

1. The applicant is requested to re-design the proposed development to ensure adherence with the South Dublin County Development Plan 2016-2022 and the House Extension Design Guide (2010) as follows:
 - (a) Setback the proposed front building line of the flat and align its north-western corner with the existing front building line of the adjoining building at No. 3 Neilstown Gardens. The setback should also ensure that a car(s) can be sufficiently parked onsite.
 - (b) Clarify whether the proposed bedroom is intended for use as a single or double room. If it is a double room, the proposed flat should be re-designed to achieve the minimum requirement for a double bedroom as set out in the South Dublin County Development Plan 2016-2022 and 'Quality Housing for Sustainable Communities - Best Practice Guidelines' (2007).
2. The applicant is requested to provide the following information in relation to the vehicular access and parking arrangements for the proposed development:
 - (a) a revised drawing (with relevant dimensions) demonstrating how two cars could access/egress/park safely should the development be granted permission.
 - (b) an AutoTRAK drawing showing the safe movements of cars entering and leaving the front driveway.

Comhairle Chontae Atha Cliath Theas

PR/0767/22

Record of Executive Business and Chief Executive's Order

3. The applicant is requested to submit the following information in relation to the Drainage and Water Services Infrastructure for the proposed development:
- (a) a report showing site specific soil percolation test results and design calculations for the proposed soakaway in accordance with BRE Digest 365 – Soakaway Design.
 - (b) 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
 - (c) 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. These may include green roofs, rain gardens, rain planter boxes for example.

Additional Information

Additional Information was requested on 3rd May 2022.

Additional Information was received on 24th May 2022.

The Additional Information received was not deemed to be significant, as such the Applicant was not required to erect a Site Notice or publish a Newspaper Notice.

Comhairle Chontae Atha Cliath Theas

PR/0767/22

Record of Executive Business and Chief Executive's Order

Submissions/Observations

No submissions / observations received.

Assessment

The following Additional Information was received from the Applicant on 24th May 2022:

- Cover Letter prepared by John Shevlin (Agent).
- Drawing No. 2205-01 Proposed Ground Floor Plan.
- Drawing No. 2205-08 Proposed Roof Plan.
- Drawing No. 2205-08 – Site Layout Plan.

The Additional Information provided by the Applicant will be assessed below in the context of the 3 No. items of Additional Information requested by the Planning Authority on 3rd May 2022:

Additional Information Item No. 1

The Applicant has revised the documents pertaining to this Planning Application to address Additional Information Item No. 1 as follows:

- a) The front building line of the proposed family flat has been re-positioned to ensure it aligns with the building line created by the adjoining building at No. 3 Neilstown Gardens.
- b) The Applicant has confirmed that the bedroom within the proposed family flat is a single room.

It is considered that Additional Information Item No. 1 has been satisfactorily addressed.

Additional Information Item No. 2

The Cover Letter provided by the Applicant outlines a rationale for the proposed car parking arrangements, stating that the future occupant of the proposed family flat does not drive and does not have access to a car. On this basis the Applicant contends that no additional parking is required within the curtilage of the subject site and that there is ample on-street car parking available should the need arise.

The Roads Department have assessed the Applicant's Response to Additional Information Item No. 2 and have indicated that the rationale is accepted and there is no objection to the proposed development, subject to CONDITIONS.

Additional Information Item No. 2 has therefore been satisfactorily addressed.

Comhairle Chontae Atha Cliath Theas

PR/0767/22

Record of Executive Business and Chief Executive's Order

Additional Information Item No. 3

In responding to Additional Information Item No. 3, the Applicant has outlined the following amendments in their Cover Letter:

'In relation to the on-site drainage, the proposed soakaway has now been omitted. A new 100 dia. surface water drain will take the roof drainage from a new AK in the small yard to a new manhole/AJ at the front of the flat and on into the existing drain as shown on Drawing 2201-01, Proposed Ground Floor Plan.'

The Drainage and Water Services Department have assessed the revised proposal and have indicated that the following CLARIFICATION OF ADDITIONAL INFORMATION is required:

- Water services note that revised drawing submitted has removed proposed soakaway from the development. Submit a report and drawing to explain why this (Soakaway) was removed. Should a soakaway prove not to be feasible, then the applicant shall submit the following in a report:
 - a) Soil percolation test results demonstrating a soakaway is not feasible
 - a) A revised surface water layout drainage drawing for the development showing the inclusion of alternative SuDS (Sustainable Drainage Systems) features. These may include green roofs, rain gardens, rain planter boxes for example.
- If a soakaway will not be used submit a report to explain why this is the case.
- If a soakaway is proposed 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.

Where a soakaway is proposed 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.

Comhairle Chontae Atha Cliath Theas

PR/0767/22

Record of Executive Business and Chief Executive's Order

- 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.

Additional Information Item No. 3 has therefore not been satisfactorily addressed. However, it is considered that the concerns of the Drainage and Water Services Department can be addressed by way of a CONDITION requiring a compliance submission to ensure the drainage and water services infrastructure design for the proposed development is agreed in writing with the Planning Authority, prior to the commencement of development.

Other Considerations

Development Contributions	
Building Use Type Proposed	Floor Area (sq.m)
Residential (Family Flat)	41.37 sq m
Previous Extension	9.7 sq m
Assessable Area	11.07 sq m

SEA Monitoring Information	
Building Use Type Proposed	Floor Area (sq.m)
Residential (Family Flat)	41.37 sq m
Land Type	Site Area (Ha.)
Brownfield/Urban Consolidation	0.027 Ha

Conclusion

Having regard to the policies outlined in the South Dublin County Development Plan 2016-2022 and the South Dublin County House Extension Design Guide (2010), the Additional Information provided by the Applicant, it is considered that, subject to conditions, the proposed development generally adheres to the key policies, objectives and guidance and would not be contrary to the proper planning and sustainable development of the area.

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.

Comhairle Chontae Atha Cliath Theas

PR/0767/22

Record of Executive Business and Chief Executive's Order

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 24th 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. Restrictions on Family Flat.
 - (a) The use of the family flat shall be restricted to a residential use only, directly associated with the use of the existing house on the site for such purposes and the family flat shall not be subdivided or separated from the main house. In particular, it shall not be sold, leased or let (including short-term letting) independently of the main house.
 - (b) The family flat extension shall revert to use as part of the main house when the development is no longer required for use as a family flat.REASON: To ensure that the family flat does not operate as an independent dwelling unit or for any commercial purpose, in the interest of residential amenity and the proper planning and sustainable development of the area.
3. (a) 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.
 - (b) Restriction on Use.
The house and the proposed extension shall be jointly used as a single dwelling unit for residential purposes and shall not be sub-divided or used for any commercial purposes, and the extension shall not be sold, let (including short-term letting), leased or otherwise transferred or conveyed, by way of sale, letting or otherwise save as part of the single dwelling unit.
REASON: To prevent unauthorised development.
 - (c) Minimise Air Blown Dust.
During the construction and or demolition phase of the development, Best Practicable

Comhairle Chontae Atha Cliath Theas

PR/0767/22

Record of Executive Business and Chief Executive's Order

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.

(d) 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 Dublin County Council Development Plan.

4. Drainage and Water Services

Prior to the commencement of development, the Applicant shall submit the following information for the written agreement of the Planning Authority:

Comhairle Chontae Atha Cliath Theas

PR/0767/22

Record of Executive Business and Chief Executive's Order

- (i) Submit a report and drawing detailing the rationale for the removal of the proposed Soakaway. If it is the case that a Soakaway has proved not to be feasible, then the applicant shall include Soil percolation test results demonstrating a soakaway is not feasible and a revised surface water layout drainage drawing / proposal for the development showing the inclusion of alternative SuDS (Sustainable Drainage Systems) features. These may include green roofs, rain gardens, rain planter boxes for example.
- (ii) Should a Soakaway be included the Applicant shall 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. Where a soakaway is proposed the Applicant shall 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:
- At least 5m from any building, public sewer, road boundary or structure.
 - Generally, not within 3m of the boundary of the adjoining property.
 - Not in such a position that the ground below foundations is likely to be adversely affected.
 - 10m from any sewage treatment percolation area and from any watercourse / floodplain.
 - Soakaways must include an overflow connection to the surface water drainage network.
- (iii) The Developer shall ensure that there is complete separation of the foul and surface water drainage for the proposed development.
- (iv) All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.
- (v) The water supply and drainage infrastructure shall comply with Irish Water's Standards, Codes and Practices in relation to water and wastewater.
- 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.

5. Vehicular Access and Parking

- (i) The boundary walls at both 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.
- (ii) The existing vehicular access point shall not exceed its current width.
- (iii) Any gates shall open inwards and not out over the public domain.
- (iv) All vehicles parked in the driveways must exit the site in a forward direction. No vehicles to reverse onto the public roadway at any time.
- REASON: In the interests of pedestrian safety.

6. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €1,156.70 (one thousand one hundred and fifty six euros and seventy 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

Comhairle Chontae Atha Cliath Theas

PR/0767/22

Record of Executive Business and Chief Executive's Order

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.

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.

NOTE: The applicant is advised that, in order to use the attic conversion as a habitable room, it must comply with the Building Regulations.

Comhairle Chontae Atha Cliath Theas

PR/0767/22

Record of Executive Business and Chief Executive's Order

**REG. REF. SD22B/0102
LOCATION: 2, Neilstown Gardens, Dublin 22**

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: 20/6/22

Eoin Burke

Eoin Burke, Senior Planner