

Comhairle Chontae Atha Cliath Theas

PR/0793/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD21B/0585 **Application Date:** 19-Nov-2021
Submission Type: Additional **Registration Date:** 27-May-2022
Information

Correspondence Name and Address: Katie Jakkulla, Jakulla Architecture and Design 56a, Ramleh Park, Milltown, Dublin 6, D06HY92

Proposed Development: Demolition of existing single storey structures; porch to front, bay window and store to rear; construction of single storey flat roof extension to front, part single storey flat roof extension and part two storey extension with pitch roof to match existing dwelling to rear and internal modifications with associated siteworks.

Location: Lissadell, Whitechurch Road, Rathfarnham, Dublin 16.

Applicant Name: Remy Farrell

Application Type: Permission

(COS)

Description of Site and Surroundings

Site Area: stated as 0.58 Hectares on the application.
Site Visit: 24th of November 2021 and 1st of December 2021.

Site Description

The subject site is located on Whitechurch Road. The site contains a two storey main dwelling, a single storey structure used as a dwelling (proposed for retention under a concurrent application) and outbuildings. Through the site is the Glin River (also known as Whitechurch Stream). The main dwelling is located to the front of the site and the single storey dwelling is located further back in the north-west corner of the site. There is one vehicular access from Whitechurch Road that the dwellings share. The site has a large amount of existing mature vegetation. To the north of the site is a driveway to the dwelling on neighbouring site 'Palmyra'. Further north is a residential development under construction proximate to Whitechurch Lodge (Protected Structure RPS No. 338) To the east is open space and the Grangebrook residential estate. To the south is the Edmondstown Golf Course.

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Proposal

Permission for the following works:

- Demolition of existing single storey structures; porch to front, bay window and store to rear;
- Construction of single storey flat roof extension to front, part single storey flat roof extension and part two storey extension with pitch roof to match existing dwelling to rear and internal modifications with associated siteworks.

Zoning

The subject site is subject to zoning objective 'RES': *'To protect and/or improve residential amenity'* under the South Dublin County Development Plan 2016-2022.

Consultations

Water Services – partial refusal recommended regarding surface water and further information requested regarding flood risk.

Irish Water – no objection regarding water supply.

H.S.E. Environmental Health Officer – no objection subject to conditions.

SEA Sensitivity Screening – the site overlaps with the Strategic Flood Risk Assessment (SFRA) Flood Zones A and B (South Dublin County Development Plan Strategic Flood Risk Assessment 2016).

Submissions/Observations /Representations

None received.

Relevant Planning History

SD21A/0297

Retention permission for detached single storey outhouse mono-pitch roof structure (4.7m high) containing a 1 bedroom dwelling with garage; retention permission also sought for a detached single storey steel shed structure (2.7m high) used as a home office ancillary to the main dwelling. Permission is sought for part garage conversion with internal modifications; external window and patio doors and associated siteworks to the outhouse structure.

Application currently under consideration.

Relevant Enforcement History

None relevant to the subject application.

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Pre-Planning Consultation

None recorded for the subject application according to APAS.

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

2 Housing

Section 2.4.1 Residential Extensions

Policy H18 Residential Extensions

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

Policy H18 Objective 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).

7 Infrastructure & Environmental Quality

Policy IE 1 Water & Wastewater

Policy IE 2 Surface Water & Groundwater

Policy IE 3 Flood Risk

It is the policy of the Council to continue to incorporate Flood Risk Management into the spatial planning of the County, to meet the requirements of the EU Floods Directive and the EU Water Framework Directive.

Policy IE3 Objective 3:

To manage flood risk in the County in accordance with the requirements of The Planning System and Flood Risk Management Guidelines for Planning Authorities, DECLG and OPW (2009) and Circular PL02/2014 (August 2014), in particular when preparing plans and programmes and assessing development proposals. For lands identified as being at risk of flooding in (but not limited to) the Strategic Flood Risk Assessment, a site-specific Flood Risk Assessment to an appropriate level of detail, addressing all potential sources of flood risk, is required, demonstrating compliance with the aforementioned Guidelines or any updated version of these Guidelines, paying particular attention to residual flood risks and any proposed site specific flood management measures.

Policy IE 7 Environmental Quality

8 Green Infrastructure

Policy G1 Overarching

Policy G2 Green Infrastructure Network

Policy G3 Watercourses Network

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Policy G3 Objective 2:

To maintain a biodiversity protection zone of not less than 10 metres from the top of the bank of all watercourses in the County, with the full extent of the protection zone to be determined on a case by case basis by the Planning Authority, based on site specific characteristics and sensitivities. Strategic Green Routes and Trails identified in the South Dublin Tourism Strategy, 2015; the Greater Dublin Area Strategic Cycle Network; and other government plans or programmes will be open for consideration within the biodiversity protection zone, subject to appropriate safeguards and assessments, as these routes increase the accessibility of the Green Infrastructure network.

Policy G5 Sustainable Urban Drainage Systems

Policy G6 New Development in Urban Areas

9. Heritage, Conservation & Landscapes

Policy HCL2 Natura 2000 sites

11 Implementation

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

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 11.5.5 Landscape

Section 11.6.0 Infrastructure and Environmental Quality

Section 11.6.1 Water Management

Section 11.7.2 Energy Performance in New Buildings

Section 11.8.1 Environmental Impact Assessment

Section 11.8.2 Appropriate Assessment

South Dublin County Council House Extension Design Guide (2010)

The House Extension design guide contains the following guidance on house extensions.

Elements of Good Extension Design:

- *Respect the appearance and character of the house and local area;*
- *Provide comfortable internal space and useful outside space;*
- *Do not overlook, overshadow or have an overbearing affect on properties next door;*
- *Consider the type of extension that is appropriate and how to integrate it; and*

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- Incorporate energy efficient measures where possible.

Relevant Government Guidelines

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

Regional Spatial & Economic Strategy 2019 - 2031, Eastern & Midlands Regional Assembly, (2019).

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

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

Urban Design Manual: A Best Practice Guide, A Companion Document to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, Department of the Environment, Heritage and Local Government, (2009).

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).

Assessment

The main issues for assessment relate to:

- Zoning and Council Policy;
- Concurrent Application;
- Visual and Residential Amenity;
- Services and Drainage;
- Environmental Health;
- Environmental Impact Assessment; and
- Appropriate Assessment.

Zoning and Council Policy

The subject site is within 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.

Concurrent Application

There is a concurrent application on the subject site, Reg. Ref. SD21A/0297, for retention permission of the detached, single storey outhouse mono-pitch roof structure (4.7m high) containing a 1 bedroom dwelling with garage; and the detached single storey steel shed

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structure (2.7m high) used as a home office ancillary to the main dwelling. Permission is sought for part garage conversion with internal modifications; external window and patio doors and associated siteworks to the outhouse structure. These works relate to other structures on the site and not the dwelling which is the subject of this application.

Visual and Residential Amenity

The proposed development would provide for the demolition of the existing porch and rear bay window and store, and the construction of front and rear extensions. It is noted that the dwelling is orientated so that the side (eastern) elevation is facing Whitechurch Road, and the front (northern) and rear (southern) elevations are therefore to the sides of the dwelling when viewed from the road.

The single storey front extension would extend by approx. 4.0m from the dwelling. The part one and part two storey rear extension would extend approx. 5.8m from the rear and approx. 2.8m to the western side of the dwelling. The single storey elements would have flat roofs and the two storey element would have a pitched roof to match existing. The roof height of the two storey extension would match the existing. The extensions would be constructed of external materials to match existing.

The extension would provide for a porch to the front and living/dining and kitchen at ground floor and bedroom at first floor to the rear. The new and reconfigured bedrooms would meet the minimum floorspace requirements (Bedroom 3 meets the minimum requirements for a single bedroom). A ground floor level terraced area is proposed from the rear and side (south-west) of the dwelling. A new guarding/barrier would be provided along Whitechurch Stream, including in part a structural glass guarding.

From the nearest boundary (front) the proposal would be setback approx. 5.25m. The closest point of the existing dwelling to this boundary is closer than this. The existing dwelling is located at a lower ground level from Whitechurch Road, so it is not easily visible from the road. The nearest dwelling is that proposed for retention under Reg. Ref. SD21A/0297, which is approx. 27m away. It is therefore considered the proposed extensions would not have a significant negative impact on existing residential amenity.

In summary, the proposed extensions are considered to comply with the guidance set out in the South Dublin County Council House Extension Design Guide (2010) and would have an acceptable impact in terms of residential and visual amenity.

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Services and Drainage

Water Services has reviewed the proposed development and requests further information:

Surface Water Report: Recommend: Partial Refusal

1.1 The proposed extension to the south of the existing dwelling is too close (Less than 2m) to the Whitechurch Stream to the west. A minimum setback distance of 10 metres is required between any proposed development and the top of bank of any water course. The existing dwelling does not meet these criteria however it is important to not exacerbate the situation and encroach further towards the water course.

Refusal is recommended for the proposed extension to the south of the existing dwelling as it does not meet the minimum setback requirement of 10m from the Whitechurch Stream to the west of existing dwelling. Permitting this extension would be prejudicial to public health and proper planning and would result in inadequate space to allow for access to the existing Watercourse for maintenance purposes and would also further encroach on the Watercourses 10m Riparian zone.

South Dublin County Council Water Services have no objection to the proposed extension to the north of the existing dwelling subject to:

1.2 There are no soil percolation test results, design calculations or dimensions submitted for the proposed soakaway. The applicant is required to submit a report showing site specific soil percolation test results and design calculations for the proposed soakaway in accordance with BRE Digest 365 – Soakaway Design.

1.3 The applicant is required to submit a revised drawing showing plan & 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) Where possible soakaways must include an overflow connection to the surface water drainage network.*

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1.4 *The applicant must include Water Butts as a SuDs measure (Sustainable urban Drainage).*

- *All works shall comply with the Building Regulations -Technical guidance document-Part H Drainage and Wastewater disposal*
- *The Developer shall ensure that there is complete separation of the foul and surface water drainage for the proposed development.*
- *All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.*

Flood Risk Report:

Further Information Required

2.1 *The proposed extension to the south of the existing dwelling is located in an area that is at risk of 1 in 100 year flood risk event. The applicant shall carry out a justification test for proposed development. Submit a report to outline what mitigation measures are proposed for the development to ensure flood risk is mitigated against on site as well as downstream/upstream of the site.*

The report from Water Services is noted. The proposal would extend the dwelling closer to Whitechurch Stream (less than 2m away).

It is noted that Policy G3 Objective 2 states:

To maintain a biodiversity protection zone of not less than 10 metres from the top of the bank of all watercourses in the County, with the full extent of the protection zone to be determined on a case by case basis by the Planning Authority, based on site specific characteristics and sensitivities...'

This raises concerns in regard to access to Whitechurch Stream and flood risk. The applicant should be firstly requested to undertake a flood risk justification test for the proposed development. Depending what the results are from this test, an extension to the existing dwelling may be acceptable so long that it does not further encroach on the Whitechurch Stream. Any proposed extension should not decrease the current setback of the existing dwelling from Whitechurch Stream at the closest point. A revised proposal should be submitted addressing this. This should be requested by way of **additional information**.

Irish Water has reviewed the proposed development and has no objection in relation to water supply subject to standard conditions. This report is noted and should be conditioned as such in the event of a grant of permission.

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Environmental Health

The H.S.E. Environmental Health Officer has reviewed the proposed development and has no objection subject to standard conditions relating to construction noise and air quality. This report is noted and should be conditioned as such in the event of a grant of permission.

Screening for Environmental Impact Assessment

Having regard to the modest nature of the proposed development 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

Having regard to the:

- provisions of the South Dublin County Development Plan 2016-2022 and South Dublin County Council House Extension Design Guide (2010),
- the established character of the area, and
- the nature and scale of the proposed development,

it is considered that **Additional Information** is required to ensure the proposed development would be in compliance with Council policy, would not pose a flood risk or further encroach on Whitechurch Stream, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Recommendation

Request Additional Information.

Additional Information

Additional Information was requested on the 24th of January 2022.

Additional Information was received on the 27th of May 2022 (not deemed significant).

Additional Information Consultations

Water Services – recommend refusal.

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Assessment

Item 1 Requested

The proposed extension to the south of the existing dwelling is located in an area that is at risk of 1 in 100 year flood risk event. The applicant is requested to carry out a site-specific Flood Risk Assessment to an appropriate level of detail, addressing all potential sources of flood risk. The FRA should demonstrate compliance with the Flood Risk Guidelines, paying particular attention to residual flood risks and any proposed site specific flood management measures. The applicant is requested to submit a report to outline what mitigation measures are proposed for the development to ensure flood risk is mitigated against on site as well as downstream/upstream of the site.

Applicant's Response:

The applicant has submitted a Flood Risk Assessment report prepared by Hydrocare Environmental Ltd. The report recommends mitigation measures including raising the finished floor level of the proposed extension, installing a non-return valve to the existing foul water drainage system, removing the weir/gate, installing a flood defence wall, and preparing a flood emergency plan.

It states that it is not feasible to increase the finished floor level of the proposed new extension to ensure a minimum freeboard of 300mm to the peak fluvial flood water levels as then the floor level would be approx. 1.039m higher than the floor level of the existing house. The report therefore recommends a partial raise. It states that this will provide ca.300mm freeboard to the peak exceedance flood event which occurs during the 1% AEP & 66% Blockage Test if the weir/gate is removed from the channel. If the weir/gate is not removed the extension would be located within Flood Zones A and B.

Assessment:

Water Services have reviewed the additional information submitted and recommend that permission be refused in relation to surface water and flooding:

Surface Water Report: Recommend Refusal

1.1 The proposed extension to the south of the existing dwelling is too close (approximately 4.5m) to the Whitechurch Stream to the west. A minimum setback distance of 10 metres is required between any proposed development and the top of bank of any water course. The existing dwelling does not meet these criteria however it is important to not exacerbate the situation and encroach further towards the water course.

Refusal is recommended for the proposed extension to the south of the existing dwelling as it does not meet the minimum setback requirement of 10m from the Whitechurch Stream to the west of existing dwelling. Permitting this extension would be prejudicial to public health and

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proper planning and would result in inadequate space to allow for access to the existing Watercourse for maintenance purposes and would also further encroach on the Watercourses 10m Riparian zone. Policy G3 Objective 2 of the County Development Plan stipulates a minimum setback distance of 10m from a building to the top of a bank of a watercourse to maintain a biodiversity protection zone. The development also does not comply with the Greater Dublin Regional Code of Practice for Drainage Works in respect to a setback distance to the top of bank of adjacent watercourse.

Flood Risk Report:

Recommend Refusal:

2.1 The proposed extension to the south of the existing dwelling is located in an area that is at risk of 1 in 100 year flood risk event. Proposed development is too close to adjacent watercourse of the Whitechurch Stream.

It is not acceptable to remove existing weir on Whitechurch Stream because of the additional risk of flooding to properties downstream of site.

2.2 Because the infiltration tests failed there is insufficient percolation in surrounding soil to allow surface water to dissipate from proposed attenuation system. An above ground SuDS system is more desirable than underground where this is practical such as grasscrete or other such SuDS.

As stated by the submitted Flood Risk Assessment the proposed development is in Flood Zones A and B. The mitigation measures required to address the flood risk have not been appropriately provided for. The removal of the weir/gate did not form part of the initially submitted application. The revised submitted drawings now show this weir/gate to be removed. This is a significant departure from the initial proposed development and has not been adequately addressed. Water Services have raised this as not being acceptable because of additional risk of flooding to properties downstream of the site.

It is not clear how the proposed front porch has been taken into account in the flood risk assessment. A higher finished floor level has been provided for the proposed rear extension. However, no revisions to the finished floor level of the proposed porch have been made. The assessment states that the existing house itself does not meet the minimum finished floor level recommended. So, this would suggest that the proposed porch would also not meet this minimum.

Given the above the proposed development is not acceptable in terms of flood risk. It is considered that the proposal would be injurious to the flood management capacity of Whitechurch Stream. **It is therefore recommended that permission is refused in relation to flood risk.**

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Item 2 Requested

Depending what the results are from the flood risk assessment, an extension to the existing dwelling may be acceptable so long as it does not further encroach on the Whitechurch Stream. Any proposed extension should not decrease the current setback of the existing dwelling from Whitechurch Stream at the closest point. The applicant is requested to submit a revised proposal addressing this. A full set of revised drawings should be submitted. The applicant is advised that Policy G3 Objective 2 of the Development Plan states: To maintain a biodiversity protection zone of not less than 10 metres from the top of the bank of all watercourses in the County, with the full extent of the protection zone to be determined on a case by case basis by the Planning Authority, based on site specific characteristics and sensitivities...'

Applicant's Response:

The applicant has submitted a revised set of architectural drawings. The rear extension has been amended so that it would be setback approx. 4.0m from the stream at the closest point (a setback of less than 2m previously proposed). As the finished floor level of the rear extension has been increased, the overall heights of the extension have increased. The rear extension would now be approx. 3.6m to 6.8m in height.

Assessment:

As noted above the proposed development is not acceptable in terms of flood risk. So, the Planning Authority has concerns with the location of the proposal. The proposed extension has been revised so that it is further setback from Whitechurch Stream. However, it would still be closer to the stream than the existing house (by approx. 0.4m). While this is noted as being minor in number, any encroachment beyond the existing house would not be supported. The proposed extension would involve ground preparation and associated construction works. Due to the location, there is the potential for the release of sediments and pollutants into the stream, thereby adversely impacting on its ecological integrity and associated watercourses downstream. An insufficient buffer zone between the proposed extension and the stream has been provided for. The proposed development would therefore be injurious to the ecological capacity of the Whitechurch Stream and flood management capacity of the stream.

In addition to the proposed extensions new structural guarding/barrier is proposed along the Whitechurch Stream. From a site visit there appears to be existing timber fencing along the stream. It is not clear how these works may impact the integrity and ecology of the stream.

It is therefore recommended that permission is refused.

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Item 3 Requested

There are no soil percolation test results, design calculations or dimensions submitted for the proposed soakaway. The applicant is required to submit a report showing site specific soil percolation test results and design calculations for the proposed soakaway in accordance with BRE Digest 365 –Soakaway Design.

(a) The applicant is requested to submit a revised drawing showing plan & 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) Where possible soakaways must include an overflow connection to the surface water drainage network.

(b) The applicant should include Water Butts as a SuDs measure (Sustainable urban Drainage).

Applicant's Response:

The applicant has submitted engineering drawings and infiltration and soakaway design prepared by OBA Consulting Engineering Ltd. This advises that the onsite infiltration tests failed, and it is therefore proposed to provide an underground attenuation tank. SUDS measures include water butts and sedum roof to the main extension.

Assessment:

Water Services have reviewed this additional information and advise that further investigation of above ground SUDS should be considered '*Because the infiltration tests failed there is insufficient percolation in surrounding soil to allow surface water to dissipate from proposed attenuation system. An above ground SuDS system is more desirable than underground where this is practical such as grasscrete or other such SuDS.*'

It is therefore not considered that this item has been satisfactorily addressed. **It is therefore recommended that permission is refused.**

Conclusion

It is not considered that the proposed development is acceptable in terms of flood risk, impact on the ecological and flood management capacity of Whitechurch Stream, and surface water management. Permission should therefore be refused as the proposal is contrary to the Development Plan and the proper planning and sustainable development of the area.

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Recommendation

I recommend that a decision to Refuse Permission be made under the Planning & Development Act, 2000 (as amended) for the reasons set out in the Schedule hereto: -

SCHEDULE

REASON(S)

1. The proposed development is in an area which is at risk of flooding. The proposed extension to the south of the existing dwelling is located in an area that is at risk of 1 in 100 year flood event. The proposed mitigation measures outlined in the submitted Flood Risk Assessment are not considered appropriate and/or have not been appropriately incorporated into the proposed development. It is not acceptable to remove the existing weir on Whitechurch Stream because of the additional risk of flooding to properties downstream of site. The proposed development is therefore contrary to Policy IE3 Objective 3 of the SDCC County Development Plan 2016-2022 and the proper planning and sustainable development of the area.
2. The proposed development results in an insufficient buffer zone, in reference to Policy IE2 Objective 9 and Policy G3 Objective 2 of the SDCC County Development Plan 2016-2022, between the proposed extension and the watercourse. The proposed extension would involve ground preparation and associated construction works. Works would also involve new guarding/barrier along the stream. Due to the location of works there is the potential for the release of sediments and pollutants into the stream, thereby adversely impacting on its ecological integrity and associated watercourses downstream. The proposed development would therefore be injurious to the ecological and flood management capacity of the Whitechurch Stream and contrary to the Development Plan and the proper planning and sustainable development of the area.
3. The proposed development does not include sustainable drainage systems for the management of surface water run-off to the satisfaction of the SDCC Environmental Services Department. An above ground SuDS system is more desirable than underground, where this is practical, such as grasscrete or other such above ground SuDS. The proposed development is therefore contrary to Policy IE2 Objective 5 of the SDCC County Development Plan 2016-2022 and the proper planning and sustainable development of the area.

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REG. REF. SD21B/0585


LOCATION: Lissadell, Whitechurch Road, Rathfarnham, Dublin 16.



Jim Johnston,
Senior Executive Planner

ORDER: A decision pursuant to Section 34(1) of the Planning & Development Act 2000 (as amended) to Refuse Permission for the above proposal for the reasons set out above is hereby made.

Date: 22/6/22



Eoin Burke, Senior Planner