

Comhairle Chontae Atha Cliath Theas

PR/0803/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD21B/0636 **Application Date:** 20-Dec-2021
Submission Type: Additional Information **Registration Date:** 27-May-2022

Correspondence Name and Address: Peter Kavanagh, DublinPlanning.ie 77, Lower Camden Street, St. Kevin's, Dublin 2

Proposed Development: New driveway entrance in the front garden & new pavement dish with associated site works.

Location: 13, Newcastle Manor Park, Newcastle, D22 WK22

Applicant Name: Gerard Holohan

Application Type: Permission

Description of Site and Surroundings:

Site Area

Stated as 0.024 Hectares.

Site Description

The subject site is located within the established residential estate of Newcastle Manor, at the western end of a cul-de-sac known as 'Newcastle Manor Park'. The site is a corner site directly adjoining No. 11 Newcastle Manor to the east, bound to the north by the internal roadway for Newcastle Manor Park, to the west by Main Street Newcastle and to the south by the rear garden of No. 1 Newcastle Manor Rise.

The site is comprised of an existing 2 storey semi-detached dwelling and ancillary garden. The surrounding streetscape is predominantly characterised by dwellings of a similar design to the subject site.

Proposal:

Permission is being sought for the following:

- Removal of a section of the existing shrubs and fence to form a new 3.3m wide driveway entrance to the front garden, providing 1 off-street car parking space.
- Removal of a section of existing shrubs and fence to form a new dished pedestrian entrance adjacent to the front door of the existing dwelling.
- Provision of a new timber fence adjacent to the boundary with No. 11 Newcastle Manor to match the existing fence.

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Zoning:

The site is subject to zoning objective 'RES' - 'To protect and/or improve Residential Amenity' in the South Dublin County Development Plan 2016-2022.

The site is located within the administrative area of the Newcastle Local Area Plan and within the Newcastle Architectural Conservation Area.

SEA Sensitivity Screening

Overlap is indicated with the following SEA Sensitivity Screening layers:

- Sites of Geological Interest.
- Architectural Conservation Area.

Submissions/Observations /Representations

Submission expiry date – 1st February 2022.

In total 3 No. submissions were received, the key points of which are summarised below:

- The existing dwelling already has their own driveway, which is not utilised properly.
- No further permanent car parking spaces should be made available unless it is for communal use.
- Delivery vans and refuse vehicles cannot access the end of the cul-de-sac owing to the current parking arrangement along the road.
- The Applicant should consider alterations to their existing driveway.
- The space adjacent to the northern boundary of No.13 Newcastle Manor is communal and is not within the ownership of the Applicant.
- No. 13 Newcastle Manor is the only property along the road which has their own driveway.
- The existing bay window to the western elevation of the dwelling could be removed to improve the car parking arrangement within the existing driveway.
- The Newcastle Manor Park Management CLG. have indicated that their support for the Planning Application has been withdrawn.
- The proposed development will result in an alteration to the common area and kerbs along the internal roadway and will cause interference to the existing car parking and the turning circle of the cul-de-sac.

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Planning Note

It is noted that the Applicant has provided a letter from Access Property Services (on behalf of Newcastle Manor Management CLG.) dated 10th August 2021. The letter states the following:

‘This letter is to confirm that Newcastle Manor Management grant permission to the above property, 13 Newcastle Manor Park to convert the garden into a driveway.

Please ensure there is no interference or damages to the footpath/roadway when works are implemented as you will be solely liable to correct same.’

The Newcastle Manor Management CLG. have provided a submission in relation to the proposed development of this Planning Application which states that their support for the proposed development has been withdrawn. The submission states that the letter dated 10th August 2021 pertained to a previous Planning Application (SD21B/0481).

Having regard to the above, the Planning Authority consider that the support of the Newcastle Manor Management CLG., as indicated in the letter dated 10th August 2021, should be disregarded.

Relevant Planning History

Subject Site

SD21B/0481 – No. 13 Newcastle Manor Park, Newcastle, Dublin 22, D22 WK22.

Vehicular access into front garden to create new driveway. **Decision:** Application declared Invalid.

Adjacent and Surrounding Sites

S00A/0505 - Ballinakelly & Commons Little, Newcastle, Co. Dublin, with access off adjoining, public road (Parent Permission for the residential development).

Residential development of 175 no. units consisting of 2 and 3 storey 2, 3 and 4 bed detached, terraced townhouses and duplex units on site of circa 12 acres with access off adjoining main public road. The development to include a 2 storey creche, all public open spaces, site development works, screen walls and car parking to serve the development and includes the demolition of the existing dwelling house and outhouses on the site. **Decision:** Grant Permission, subject to conditions.

Relevant Enforcement History

None recorded.

Pre-Planning Consultation

None recorded.

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Consultations

Roads Department:	Additional Information.
Water Services and Drainage Department:	No report received.
Irish Water:	No report received.
Department of Housing, Planning and Local Government:	No report received.

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

Policy H15 Privacy and Security

It is the policy of the Council to promote a high standard of privacy and security for existing and proposed dwellings through the design and layout of housing.

Section 6.4.4 Car Parking

Policy TM7 Car Parking

Section 11.4.2 Car Parking Standards

Table 11.24: Maximum Parking Rates (Residential Development)

Section 11.4.4 Car Parking Design and Layout

Relevant Government Guidelines

Design Manual of Urban Roads and Streets, Department of Transport, Tourism and Sport and Department of the Environment, Community and Local Government (2013).

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 concern the following:

- Zoning and Council policy
- Newcastle Local Area Plan
- Residential and visual amenity
- Roads
- Water Services and Drainage
- Appropriate Assessment
- Environmental Impact Assessment

Zoning and Council Policy

The site is located in an area which is subject to zoning objective 'RES' – 'To protect and/or improve Residential Amenity'. The development of an extension or alteration to a dwelling is permitted in principle subject to its design being in accordance with the relevant provisions in the Development Plan.

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Residential and Visual Amenity

The applicant is seeking permission for a new vehicular access onto Newcastle Manor Park providing an additional off-street, car parking space for the dwelling. There is an existing vehicular access serving the dwelling adjacent to the western elevation and a number of communal parking spaces located on the opposite side of the road.

It is contended in a number of submissions that there is space to park 2 cars in the existing driveway adjacent to the western elevation of the dwelling. It is noted that the Applicant has not provided any justification or rationale for the provision of an additional vehicular entrance and car parking space. A number of submissions make reference to the number of cars owned by the occupants of the dwelling and resultant issues with informal on-street parking. In this regard, the Planning Authority is of the opinion that the introduction of an additional off-street, car parking space at the subject dwelling may alleviate some of the pressure on the surrounding communal parking spaces. However, prior to making any decision in relation to this matter, the Planning Authority requires clarification regarding the ownership of the existing footpath in front of the dwelling. The Planning Authority must be satisfied that the proposed development will not have an adverse impact on the adjacent public realm and functionality of the cul-de-sac. This can be clarified by way of ADDITIONAL INFORMATION.

There are concerns regarding the potential for the proposed vehicular access and car parking space to impact on the adjacent public realm and functionality and safety of the cul-de-sac, which appears to provide a turning area. In this regard, the Block Plan and Site Plans are deficient in information and the Applicant should be requested to provide revised drawings which include greater detail of the surrounding receiving context of the subject site.

Roads

A Report provided by the Roads Department indicates that the following ADDITIONAL INFORMATION is required to facilitate a complete assessment of the proposed development:

- The Applicant is requested to submit a revised layout of not less than 1:100 scale that shows a car parking arrangement with a minimum distance of 6m.

In addition to the above, the Planning Authority has concerns regarding the potential for the proposed development to impact on the footpath adjacent to the front of the existing dwelling at No. 13 Newcastle Manor Park and the communal car parking arrangement on Newcastle Manor Park. It appears that the footpath is within the redline boundary of the subject site, and therefore is within the ownership and control of the Applicant. The purpose of the footpath appears to be to provide access to No. 13 Newcastle Manor Park. However, it noted that a number of the submissions appear to contend that the footpath is communal. In this regard, the Applicant should submit the following ADDITIONAL INFORMATION to facilitate a complete assessment of the proposed development:

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- Clarification of the ownership of the footpath adjacent to the front of the proposed dwelling and whether there is a public right of way. Such clarification can be provided by means of a letter obtained from the management company of the residential estate, confirming whether or not the footpath is a communal area/public right of way or whether the footpath is within the ownership of the owner of No. 13 Newcastle Manor Park.
- The Block Plan does not include sufficient detail of the surrounding area to facilitate a complete assessment of the proposed development. In this regard, the Applicant should submit a revised Block Plan at a scale of 1:500, which clearly demonstrates the existing receiving context of the subject site including but not limited to car parking spaces, footpaths, public rights of way (if applicable) and pedestrian access points to Newcastle Main Street.

Water Services and Drainage

No details of the water services and drainage infrastructure for the proposed development have been provided by the Applicant. In this regard, no report has been provided by Water Services and Drainage Department and Irish Water. However, having regard to the nature and extent of the proposed development the Planning Authority is satisfied that, should permission be granted, standard Water Services and Drainage conditions can be attached.

Screening for Appropriate Assessment

Having regard to the scale and nature of the development, connection to public services and the distance from Natura 2000 sites, it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

Environmental Impact Assessment

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

Conclusion

The Planning Authority generally accepts the principle of the proposed development at the subject site. However, clarification is required regarding the ownership of the footpath adjacent to the front of the dwelling and that the proposed development will not adversely impact the adjacent public realm and cul-de-sac. In this regard, ADDITIONAL INFORMATION is required to facilitate a complete assessment of the proposed development.

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Recommendation

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

1. The applicant is requested to submit a revised Block Plan (at a scale not less than 1:500) and Site Layout Plan (at a scale not less than 1:100) which includes the detail of the surrounding receiving context of the subject site including but not limited to car parking spaces, footpaths, public rights of way (if applicable), public lighting, landscaping, trees and pedestrian access points to Newcastle Main Street.
2. The applicant is requested to clarify whether the footpath adjacent to the front of the existing dwelling is within their ownership and whether there are any public rights of way to the footpath. It is recommended that a letter be obtained from the residential estate management company confirming the ownership status of the footpath.
3. The applicant is requested to submit a revised layout of not less than 1:100 scale that shows a car parking arrangement which is orientated in such a way that there is a minimum driveway length of 6m.
4. The applicant is advised that the Planning Authority has concerns in relation to the impact of the removal of the landscaping on the public realm and the visual amenity of the area. The Planning Authority is also concerned in relation to the removal of the pedestrian connection to the house. The applicant is requested to consider same in the context of responding to the further information request.

Additional Information

Additional Information was requested on 22nd February 2022.

Additional Information was received on 27th 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.

Submissions/Observations

No submissions / observations received.

Assessment

The following Additional Information was received from the Applicant on 27th May 2022:

- Cover Letter prepared by Dublin Planning dated 24th May 2022.
- Drawing No. P-02 – Proposed Site Layout Plan / Block Plan prepared by Dublin Planning.
- Land Registry Map

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The Additional Information provided by the Applicant will be assessed below in the context of the 4 No. items of Additional Information requested by the Planning Authority on 22nd February 2022:

Additional Information Item No. 1

The Applicant has provided a revised Site Layout Plan and Block Plan (Drawing No. P-02) in response to Additional Information Item No. 1.

It is noted that the Proposed Site Layout has been revised, resulting in the re-alignments of the car parking space, the re-instatement and re-alignment of the footpath to the front of the dwelling at No. 13 and the addition of timber fencing to screen the proposed parking space.

It is considered that the revisions have addressed the concerns regarding the potential for the proposed vehicular access and car parking space to impact on the adjacent public realm and functionality and safety of the cul-de-sac. The Roads Department have indicated that they are satisfied with the revised plans.

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

Additional Information Item No. 2

The Agent has provided a Land Registry Map and supporting documents in response to Additional Information Item No. 2 and has stated the following in their Cover Letter:

'The entire site as shown on the enclosed land registry map, is freehold and includes the footpath with no public rights of way.'

The Roads Department have assessed the Applicant's Response to Additional Information Item No. 2 and have indicated the following in their Report:

'The Roads Department is satisfied that the existing footpath adjacent to the front of the dwelling is within the applicant's ownership. The Roads Department considers the re-aligned layout of the footpath as satisfactory for pedestrian access to the property.'

The information provided by the Applicant is noted and accepted, Additional Information Item No. 2 has therefore been satisfactorily addressed.

Additional Information Item No. 3

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

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'Given the restricted length of the front garden, the angle of the proposed parking space has been altered to allow for a 6m long parking space as requested. However, it is worth noting that the average length of a family car is only 4.5m in length which can comfortably park at this location and allows for a pathway past it. However, as its private property and the last house on the road the only people using this path would be my Client'.

The Roads Department have assessed the Applicant's Response to Additional Information Item No. 3, with their Report noting the following:

'The revised parking layout plan shows a distance of 6812mm between the front wall of the property and the road edge. The re-aligned pedestrian footpath which is c.1m wide is included in this distance. This would leave the total parking space length under 6m. However, as this is a private footpath which is located at the end of the cul de sac there would be minimal inconvenience for pedestrians and would not be deemed a traffic hazard'.

It is therefore considered that Additional Information Item No. 3 has been satisfactorily addressed.

Additional Information Item No. 4

In response to Additional Information Item No. 4 the Agent has outlined the following in their Cover Letter:

'The proposed modification to accommodate a parking space allow for providing the timber fence and shrubbery to the front of the property to match the existing. This existing shrubbery is completely within my client's ownership and could be removed without requiring planning permission. However, my client's preference is to relocate and replant the existing shrubbery.'

The amendments applied in response to Additional Information Item No. 4 have resulted in planting to the eastern and western sides of the car parking space and a timber fence to the western side. The pedestrian connection to the dwelling has also been re-instated. It is considered that the amendments applied will result in the softening of the visual impact of the proposal and will lessen the impact on the public realm.

Additional Information Item No. 4 has therefore been satisfactorily addressed.

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Other Considerations

Development Contributions	
Building Use Type Proposed	Floor Area (sq.m)
New Driveway Entrance and Pavement	N/A
Assessable Area	0 sq m

SEA Monitoring Information	
Building Use Type Proposed	Floor Area (sq.m)
New Driveway Entrance and pavement.	N/A
Land Type	Site Area (Ha.)
Brownfield/Urban Consolidation	0.024 Ha

Conclusion

Having regard to the policies outlined in the South Dublin County Development Plan 2016-2022, 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.

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 27th May 2022, save as may be required by the other

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conditions attached hereto.

REASON: To ensure that the development shall be in accordance with the permission, and that effective control be maintained.

2. Vehicular Access, Dished Kerb and Footpath.

(a) The kerb and footpath of the public road at the vehicle entrance(s) shall be, dished and a widened 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.

(b) The boundary fences 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) Any gates shall open inwards and not out over the public domain.

REASON: In the interest of public safety and the proper planning and sustainable development of the area, and in order to comply with The Roads Act 1993 Section 13 Paragraph 10.

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: A Roads Opening Licence must be obtained from South Dublin County Council prior to the commencement of any works in the public domain in order to comply with the Roads Act 1993, Section 13, paragraph 10. Under this Act, non-compliance constitutes an offence.

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; please apply via <https://maproadroadworkslicensing.ie/MRL/> for a licence from the Local Authority to carry out those works.

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REG. REF. SD21B/0636

LOCATION: 13, Newcastle Manor Park, Newcastle, D22 WK22


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:

24/6/22



Eoin Burke, Senior Planner