

Comhairle Chontae Atha Cliath Theas

PR/0856/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD21A/0315 **Application Date:** 18-Nov-2021
Submission Type: Additional **Registration Date:** 09-Jun-2022
Information

Correspondence Name and Address: Richard McGrath 15, Cremore Road, Glasnevin,
Dublin 11

Proposed Development: 2 storey detached dwelling on site to side of existing
detached dwelling incorporating new vehicular
entrance to front garden to off street car parking; all
associated site works.

Location: 22, Killakee Green, Dublin 24

Applicant Name: Desmond Perkins

Application Type: Permission

(CM)

Description of Site and Surroundings:

Site Description:

The site appears to straddle two sites as physically defined by the old townland boundary with traverses the site from south-west to north-east.

The site to the east: This site accommodates a 2-storey detached dwelling with pitched roof on an L-shaped plan at first floor level, with attached garage to front and side, with lean-to pitched roof. This is atypical of the housing on the street, which is generally 2-storey hipped semi-detached housing with attached side garages.

The site to the west: a vehicular access off the cul-de-sac provides the entrance to a share front yard and two semi-detached houses. These are 2-storey houses with half hip roofs, and front projections at ground floor under hipped lean-to roofs. The front yard is used for car parking, but also adjoins a triangular green area – this green area forms part of the subject site.

The overall site is back-to-back with bungalow dwellings on Tara Crescent.

Note on the above: The applicant has stated that the subject site is in their ownership. Despite it currently appearing to be divided between two sites, the application is assessed on the basis that these can be brought together by the applicant as owner.

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Site Area: 0.0226 Ha.

Site Visit: 23/12/2021

Proposal:

2 storey detached dwelling on site to side of existing detached dwelling incorporating new vehicular entrance to front garden to off street car parking; all associated site works.

Zoning

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

Screening for Strategic Environmental Assessment

No overlap with the relevant environmental layers.

Consultations:

Environmental Services:

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

Submissions/Observations /Representations

None.

Relevant Planning History

None.

Relevant Enforcement History

None.

Pre-Planning Consultation

None.

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

Chapter 1 Core Strategy
Policy CS1 Objective 1
Policy CS2 Objective 5

Chapter 2 Housing
Section 2.4.0 Residential Consolidation
Policy H17 Residential Consolidation

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Chapter 11 Implementation
Section 11.3.0 Residential
Section 11.3.2 Residential Consolidation

Infill Sites

Development on infill sites should meet the following criteria:

Be guided by the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities DEHLG, 2009 and the companion Urban Design Manual.

A site analysis that addresses the scale, siting and layout of new development taking account of the local context should accompany all proposals for infill development. On smaller sites of approximately 0.5 hectares or less a degree of architectural integration with the surrounding built form will be required, through density, features such as roof forms, fenestration patterns and materials and finishes. Larger sites will have more flexibility to define an independent character.

Significant site features, such as boundary treatment, pillars, gateways and vegetation should be retained, in so far as possible, but not to the detriment of providing an active interface with the street.

Where the proposed height is greater than that of the surrounding area a transition should be provided (see Section 11.2.7 Building Height).

Subject to appropriate safeguards to protect residential amenity, reduced open space and car parking standards may be considered for infill development, dwelling sub-division, or where the development is intended for a specific group such as older people or students. Public open space provision will be examined in the context of the quality and quantum of private open space and the proximity of a public park. Courtyard type development for independent living in relation to housing for older people is promoted at appropriate locations. Car parking will be examined in the context of public transport provision and the proximity of services and facilities, such as shops.

Proposals to demolish a dwelling(s) to facilitate infill development will be considered subject to the preservation of the character of the area and taking account of the structure's contribution to the visual setting or built heritage of the area.

(ii) Corner/Side Garden Sites

Development on corner and/or side garden sites should meet the criteria for infill development in addition to the following criteria:

The site should be of sufficient size to accommodate an additional dwelling(s) and an appropriate set back should be maintained from adjacent dwellings,

The dwelling(s) should generally be designed and sited to match the building line and respond to the roof profile of adjoining dwellings,

The architectural language of the development (including boundary treatments) should respond to the character of adjacent dwellings and create a sense of harmony. Contemporary and

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innovative proposals that respond to the local context are encouraged, particularly on larger sites which can accommodate multiple dwellings,
Where proposed buildings project forward of the prevailing building line or height, transitional elements should be incorporated into the design to promote a sense of integration with adjoining buildings, and
Corner development should provide a dual frontage in order to avoid blank facades and maximise surveillance of the public domain.

Section 11.6.1 (i) Flood Risk Assessment
Section 11.8.0 Environmental Assessment

Relevant Government Policy Ministerial Guidelines and Policy

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

Regional, Spatial & Economic Strategy 2020-2032 (RSES), Eastern & Midlands Regional Assembly (2019)
Section 5 – Dublin Metropolitan Area Strategic Plan, in Regional, Spatial and Economic Strategy 2019 – 2031.

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

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

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

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

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

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

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

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

The Planning System and Flood Risk Management - Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government & OPW, (2009).

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

PL02/2020: Covid-19 Measures

PL03/2020: Planning Time Periods

PL04/2020: Event Licensing

PL05/2020: Planning Time Periods

PL06/2020: Working Hours Planning Conditions

PL07/2020: Public Access to Scanned Documents

PL08/2020: Vacant Site Levy

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

Assessment

The main issues for assessment are:

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

Submitted Plans

The Site Location Map submitted with the application does not comply with the Planning and Development Regulations 2001, as amended. The blue line on the drawing is misleading and should be removed. A line of a colour other than red or blue can be used, though it is not necessary, to highlight the part of the site the proposed development is to be located on. As there are other issues with the proposed development, this can be addressed by **additional information**.

Zoning and Council Policy

The proposed development is consistent with zoning objective 'RES' – 'To protect and/or improve residential amenity'. Infill residential development is permissible in principle under this zoning objective, subject to the criteria laid down in Chapter 11 of the South Dublin

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County Development Plan 2016 – 2022, and other relevant policies and objectives of the Plan. Development in corner gardens is guided by section 11.3.2 (ii) of the Plan.

Visual Impact and Residential Amenity

The proposed development would provide for a 2-storey detached house with pitched roof. The house of 99.75sq.m would have 3 bedrooms and a bathroom upstairs, and a living room, kitchen and utility room at ground level. In terms of visual amenity, the house only presents one difficulty and that is the overall height, which is 1 metre taller than that of the existing detached house. The separation distance between the two houses is considered to be acceptable, however, and the overall impact would not detract from the residential character of the area.

The rear garden would be just 4.5m deep according to the plans and there would be some 17m between the footprints of the proposal and the bungalow to the rear. As the house to the rear is a bungalow direct loss of privacy from window to window at first floor level is not a concern. However, with only a 17m set back, the proposed house may overlook the rear garden of the house to the rear. The limited separation between the boundary and the rear elevation of the house is therefore unacceptable and should be significantly increased.

In terms of overall private amenity space, the garden is shown in the proposed site layout plan to be provided in an L-shape around the side and rear of the house, and to reach a size of 75sq.m. The useability of this space is questionable given its layout. Overall, the layout of the rear amenity space should be improved.

It is considered that there is scope to improve the layout and avoid the issues raised above. A greater separation distance can be achieved from the rear boundary, and a simpler layout of rear amenity space would improve the residential amenity available to prospective occupants. This can be achieved by proposing a wider shallower house on the site. The current proposal provides for a house which is 6.325m wide on an overall site width of 11 metres, and 9.5m deep with an overall site depth of 20 metres.

It is considered that there is ample space to the side of the current proposal to accommodate those rooms currently proposed to be located to the rear (kitchen, bedroom 2, bedroom 3), although some reduction in overall footprint may be required. A revised layout should also minimise the use of rear-facing windows at first floor level given that the separation to the rear will still be below the traditional ideal standard of 11 metres. The applicant can address this by **additional information**.

The proposed dwelling meets the relevant standards under the 2007 'Quality Housing for Sustainable Communities' guidelines and would provide acceptable amenity for potential occupants.

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Public Realm

The Public Realm Department has stated no objection, subject to conditions. The proposed conditions relate to written agreement of a landscape plan, a tree bond, and protection of an SDCC Street tree to the front of the site.

It is considered appropriate to condition a bond and protection measures for the street tree to the front of the property.

Access, Transport and Parking

The Roads Department has stated no objection subject to standard conditions relating to the width of the vehicular access, dishing of the kerb, boundary treatment, gates to open inwards, and vehicles to exit the site in forward gear. It is not possible to enforce the latter proposed condition and this is therefore not considered appropriate to attach as a condition.

Water

The Environmental Services Department has sought additional information relating to surface water drainage plans, soil percolation testing, and SUDs measures. It is appropriate to seek **additional information** on these matters, especially as there are other issues with the proposed development.

Irish Water has sought additional information relating to water supply and foul water layouts. It is appropriate to seek **additional information** on these matters, especially as there are other issues with the proposed development.

Screening for Environmental Impact Assessment

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

Screening for Appropriate Assessment

The applicant has not provided information to assist the screening for Appropriate Assessment. Having regard to the nature of the development, connection to public services and the distance from the Natura 2000 sites the proposed development would not require a Stage 2 Appropriate Assessment.

Conclusion

The proposed layout does not provide for a quality configuration of private residential amenity space to the rear of the proposed house and would risk overlooking of the garden to the rear and

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subsequent loss of privacy for residents there. Although residential development is acceptable in principle on 'RES' zoned lands, the proposed development may contravene the objective 'to protect and/or improve residential amenity'. This can be addressed by additional information, by reconfiguring the proposed dwelling to provide a rectangular back garden. There are additionally some other items to be covered under additional information.

Recommendation

Request further information

Further information

Further Information requested on 21st January 2022.

Further Information received on 9th June 2022.

Six months deadline for receipt of FI is 21st July 2022. FI has been received within deadline.

Assessment of Further information

Item 1.

The proposed layout is deficient with regard to two aspects: overlooking and loss of privacy, and quality of private amenity space. A greater separation distance can be achieved from the rear boundary, and a simpler layout of rear amenity space would improve the residential amenity available to prospective occupants. This can be achieved by proposing a wider and shallower house on the site.

It is considered that there is ample space to the side of the current proposal to accommodate those rooms currently proposed to be located to the rear (kitchen, bedroom 2, bedroom 3), although some reduction in overall footprint may be required. A revised layout should also minimise the use of rear-facing windows at first floor level given that the separation to the rear boundary will still be below the traditional standard of 11 metres. The applicant is requested to address this by additional information.

Assessment

- The applicant submitted drawings including elevations, floor plans, site plan and sections as requested. The design and layout issues have been addressed and the revised depth has decreased from 9.515m to 6m thus achieving a more usable private rear amenity space which has increased from 75sqm to 88sqm.
- The width of the proposed development has increased from 4.060m to 10.350m resulting in a reduced distance of 2.425m to the adjoining property to the south east which is considered acceptable in the site context.

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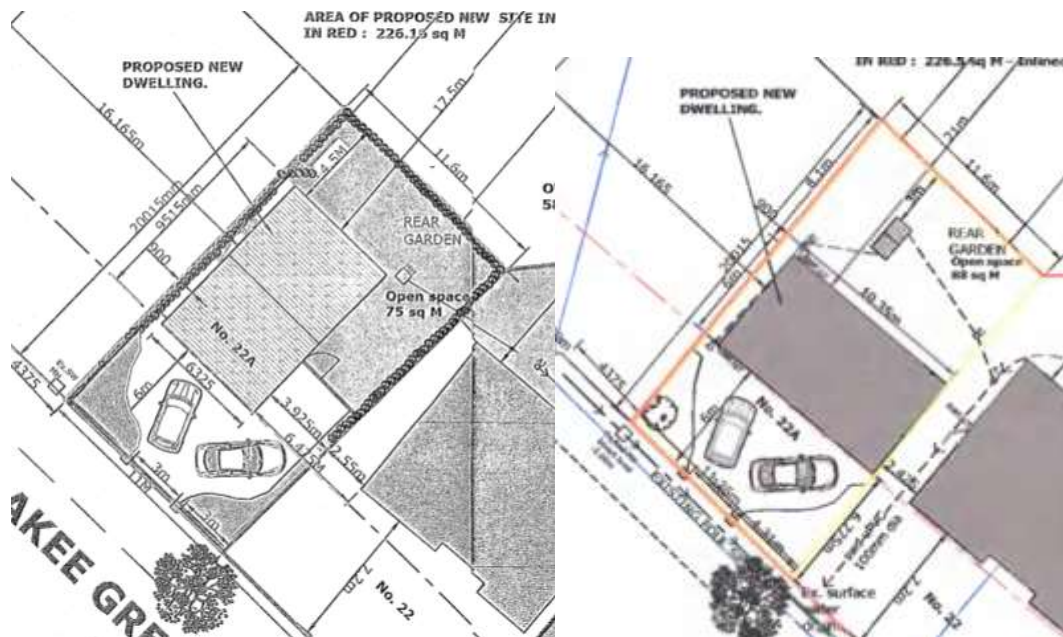
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- The rear windows on the proposed northeastern elevation have reduced in size in order to address any potential overlooking of the property to the rear which will lead onto two WC's and shall be obscured into perpetuity by way of condition. An additional window has been included between ground and first floor levels to allow light to the stairwell which although could be increased to provide a more prominent architectural feature to the rear elevation, is considered acceptable.
- **The ridge height has increased as a result of the revised design layout from 8.765m to 9.15m.** It is considered that the ridge height of the proposed development was overbearing in the original proposal and increasing this will exacerbate this issue which is unacceptable to the Planning Authority. vicinity.

Conclusion

The applicant has made substantial changes to the proposed development that were not specified by the Planning Authority when requesting additional information which would require readvertisement including raising the ridge height to a level which is unacceptable to the Planning Authority and would seriously injure the visual amenity of the surrounding area. It appears also that the width of the front of the site has increased from 11m to 11.25m. In addition to this, Additional Information was requested on 21st of January 2022 and the timeframe for the return of clarification of additional information required would render this unfeasible. Therefore, a **refusal of permission** is recommended.



Original

FI submitted

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Item 2.

The applicant is requested to submit:

(a) a report showing site specific soil percolation test results, design calculations for the proposed soakaway in accordance with BRE Digest 365 – Soakaway Design along with a drawing and a cross sectional view of the proposed soakaway. Such a soakaway should have an overflow connection to the public surface water sewer.

(b) a drawing showing existing and proposed surface water drainage layouts up to and including the point of connection to the public surface water sewer. The drawing shall include the location of all Aj's, manholes, pipe size, material type and direction of flow.

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

- *Rain Gardens*
- *Green Roofs*
- *Blue Roofs*
- *Planter boxes*
- *Permeable Paving*
- *Water Butts*
- *Grasscrete.*

Assessment

The following report was received from Water Services:

Surface Water Report: Recommend Refusal:

1.1 This application is refused on the grounds that it is unknown who carried out the percolation test, when was the percolation test carried out and what location was the percolation test carried out. The percolation test report submitted does not comment on the results of percolation in terms of pass or fail in respect to the requirements of the BRE Digest 365 Standards.

2.1 Water services do not recommend connection of overflow surface water pipe to adjacent property and such an overflow should have been shown to connect to the public surface water network.

Recommendation of refusal: Water services recommend refusal of proposed development because it would be prejudicial to public health and proper planning. Flood Risk No Objection:

Conclusion

The report from Water Services is noted and it is considered that the reasons for refusal are valid and therefore, a **refusal of permission** is recommended.

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Item 3.

The applicant is requested to submit:

(a) a drawing outlining the existing and proposed water supply layout for the development. Maps of the public watermains drainage networks may be obtained, if available, for required locations in by emailing: datarequests@water.ie.

(b) a drawing showing existing and proposed foul water drainage layouts up to and including the point of connection to the public foul water sewer. The drawing shall include the location of all Aj's, manholes, pipe size, material type and direction of flow. Maps of the public foul sewer networks may be obtained, if available, for required locations in by emailing: datarequests@water.ie.

Assessment

The following report was received from Irish Water:

IW Recommendation: Further Information Required

1 Water

1.1 The applicant has not submitted water supply drawings for the proposed development. The applicant is required to submit a drawing outlining the existing and proposed water supply layout for the development. Maps of the public watermains drainage networks may be obtained, if available, for required locations in by emailing: datarequests@water.ie. - Prior to the commencement of development, the applicant or developer shall enter into water connection agreement(s) with Irish Water.

Reason: In the interest of public health and to ensure adequate water facilities.

2 Foul

2.1 The applicant has not submitted foul water drainage plans for the proposed development. The applicant is required to submit a drawing showing existing and proposed foul water drainage layouts up to and including the point of connection to the public foul water sewer. The drawing shall include the location of all Aj's, manholes, pipe size, material type and direction of flow. Maps of the public foul sewer networks may be obtained, if available, for required locations in by emailing: datarequests@water.ie. - Prior to the commencement of development, the applicant or developer shall enter into waste water connection agreement(s) with Irish Water. Reason: In the interest of public health and to ensure adequate waste water facilities

Conclusion

The findings of the Irish Water report are noted, and it is believed that they could be addressed by way of clarification of additional information but the limited timeframe for response is such that this is not feasible.

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Item 4.

The Site Location Map submitted with the application does not comply with the Planning and Development Regulations 2001, as amended. The blue line on the drawing is misleading and should be removed. A line of a colour other than red or blue can be used, though it is not necessary, to highlight the part of the site the proposed development is to be located on. The applicant is requested to submit a revised site location map and site layout map accordingly.

Assessment

The applicant submitted a new site location map with the entire application site outlined in red as requested.

Conclusion

The site map submitted is acceptable.

Conclusion

Having regard to

- The increased ridge height of the dwelling
- the concerns of the Surface Water Drainage Department due to the nature of the percolation test and the runoff into the neighbouring property
- failure to submit water supply and foul drainage plans

the proposed development would seriously injure the amenities of the area and be prejudicial to public health and would not be in accordance with the proper planning and sustainable development of the area and therefore a **refusal of permission** is recommended.

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. In the further information submission the applicant has made substantial changes to the proposed development including changes that were not specified by the Planning Authority when requesting additional information which would require readvertisement including raising the ridge height and widening the front of the site. Such a raise in the ridge height would be visually out of character with the surrounding dwellings. Thus the proposed development would seriously injure the amenities of property in the vicinity,

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contravene the zoning objective 'to protect and/or improve residential amenity (in the South Dublin County Development Plan 2016 - 2022) and would contravene the proper planning and sustainable development of the area.

2. a) It is unknown who carried out the percolation test and when and in what location was the percolation test carried out. The percolation test report submitted does not comment on the results of percolation in terms of pass or fail in respect of the requirements of the BRE Digest 365 Standards.
- b) The connection of overflow surface water pipe to adjacent property is not acceptable and such an overflow should connect to the public surface water network.
- c) No water drainage plans and no foul drainage plans were submitted as further information.


Having regard to the above, the Planning Authority is not satisfied that the proposed development would not be prejudicial to public health.

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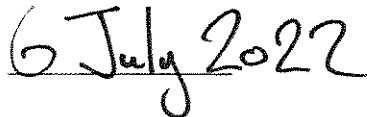
**REG. REF. SD21A/0315
LOCATION: 22, Killakee Green, Dublin 24**



**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:





**Colm Harte,
Senior Executive Planner**