

Comhairle Chontae Atha Cliath Theas

PR/0897/22

Record of Executive Business and Chief Executive's Orders

Reg. Reference: SD22B/0231 **Application Date:** 24-May-2022
Submission Type: New Application **Registration Date:** 24-May-2022
Correspondence Name and Address: Paul Redmond 50, Riverforest View, Leixlip, Co. Kildare
Proposed Development: Single storey porch, hall and living room extension to front. Kitchen and living room extension to rear with internal alterations to house and all associated site and drainage works.
Location: 84, St Maelruans Park, Tallaght, Dublin 24, D24 XYR9
Applicant Name: Jenny Maloney and Darren Murray
Application Type: Permission

(AOCM)

Description of Site and Surroundings:

Site Area: stated as 0.021 hectares.

Site Description:

The application site contains a two storey, mid-terrace house, located on St Maelruan's Park in a row of similar dwellings. The surrounding area is residential in nature. There is an existing 2 storey rear extension that has been constructed without the benefit of planning permission and would not qualify as exempt development. This extension is outside the 7-year period for enforcement.

Proposal:

Permission is sought for the following:

- Single storey front extension (7.02 sq.m)
- Single storey rear extension (13.2 sq.m)

Zoning:

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

Consultations:

Water Services – No report to date, informal email consultation 11 July

Irish Water – No report to date, informal email consultation 11 July

SEA Sensitivity Screening

SEA monitoring indicates overlap with SFRA B 2016

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Submissions/Observations /Representations

Submission expiry date – 27 June 2022

No submissions or observations received.

Relevant Planning History

SD11B/0390: Construction of a single storey kitchen extension to the rear. **Permission refused.**

1. A 225mm diameter public foul sewer traverses the site under the location of the proposed extension. Having regard to the location and proximity of the proposed single storey extension to the public foul sewer, the proposed development would be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.

It is noted that there is an existing two-storey rear extension at the property that does not have the benefit of planning permission, nor is this development classified as exempt. The Planning Authority previously had concerns about extending this unauthorised structure and the undesirable precedent for other similar development that might be set as a result of permitting SD11B/0390.

Relevant Enforcement History

None recorded for subject site.

Pre-Planning Consultation

None recorded for subject site.

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

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.

Chapter 7 Infrastructure & Environmental Quality

Policy IE1 Water & Wastewater

It is the policy of the Council to work in conjunction with Irish Water to protect existing water and drainage infrastructure and to promote investment in the water and drainage network to support environmental protection and facilitate the sustainable growth of the County.

Section 11.3.3 Additional Accommodation

(i) Extensions

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

Relevant Government Guidelines

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Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities, 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).

Assessment

The main issues for assessment concern the following:

- Zoning and Council Policy
- Residential and Visual Amenity
- Overcoming Previous Reasons for Refusal
- Services, Drainage and the Environment
- Appropriate Assessment
- Environmental Impact Assessment

Zoning and Council Policy

The site is subject to zoning objective 'RES' - *'To protect and/or improve residential amenity'*. A residential extension is 'Permitted in Principle' under this zoning objective.

Residential and Visual Amenity

The proposal comprises a single storey front living room and porch extension and single storey rear extension. No other changes are noted from drawings.

Front Extension

A front extension with a hipped roof, and pitched roof over the front door would span the full width of the house, protruding 1.5m from the front building line. A front garden 2.5m in depth would be retained. It is noted that car parking is not provided in curtilage so a driveway length of 6m is not a consideration in this instance. The extension would be approximately 7 sq.m. This extension is considered acceptable.

Rear Extension

A single storey, flat roof rear extension would infill the area up to the north-eastern site boundary, between the original rear building line of the dwelling, and the rear building line of the existing, unauthorised, two-storey extension, creating a unified ground floor plan. The extension would be approximately 13.2 sq.m and would provide for an enlarged kitchen / dining area.

The extension would protrude 4.7m from the existing rear building line and would have a flat roof, up to the point of meeting the existing, unauthorised, first floor extension. The rear wall would be amended to provide level access patio glazed doors. Given the existing two-storey rear extension, it is not considered that the proposed rear extension would have any additional impact on the neighbouring dwelling, further to that already experienced.

The Planner's report from SD11B/0390 states:

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'this application seeks an extension to an unauthorised structure, it is not in the interest of the proper planning and sustainable development of the area to consider permission for a development that could impact on the residential amenity of the subject and neighbouring sites...planning permission should be refused in order to prevent development which would set an undesirable precedent for other similar developments, which would in themselves and cumulatively seriously injure the visual amenities of the area and of property in the vicinity.'

These concerns are noted and have not been addressed in this current application however, these concerns did not form the basis of the previous refusal.

Overcoming Previous Reason for Refusal

Similar development at the site was previously refused for the following reason:

A 225mm diameter public foul sewer traverses the site under the location of the proposed extension. Having regard to the location and proximity of the proposed single storey extension to the public foul sewer, the proposed development would be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.

The applicant has indicated on drawings that drains passing under the extension would be encased in 150mm concrete and RC lintel walls would be fitted over the main drain to provide protection.

The extension would be constructed over an existing 225mm public foul sewer. Concern regarding this foul sewer was raised by the Drainage Department under SD11B/0390 and refusal was recommended. These concerns have not been adequately addressed in this instance as a 3m wayleave has not been provided. The ground floor extension should therefore be **refused** on this basis.

Services, Drainage and the Environment

Water Services have been consulted with regard to the rear extension and have stated that the development should be **refused** on the basis a 3m wayleave is not provided between the proposed extension and the existing foul water sewer to the rear.

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.

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,

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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.

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.

Development Contributions

Development Contributions

Existing Extensions:	29 sq.m
Front Extension:	7.02 sq.m

Assessable Area:	Nil
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SEA Monitoring Information

Building Use Type Proposed:	Residential Extension
Floor Area:	7.02 sq.m
Land Type:	Urban Consolidation
Site Area:	0.21 Hectares.

Conclusion

Having regard to the provisions of the South Dublin County Council Development Plan 2016-2022 and the overall design and scale of the development proposed it is considered that, subject to conditions set out below, the proposed front extension would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area. It is considered that the front porch would be consistent with Council policy in relation to extensions to dwelling houses.

In relation to the single storey rear extension, this part of the proposal would not comply with Irish Water Standard Codes and Practices in that the extension would be located over an existing foul water sewer. This would be contrary to the proper planning and sustainable development of the area.

Recommendation

I recommend that permission be granted for the front extension subject to the Conditions/Reasons set out in the First Schedule hereto and that Permission be refused for the single storey rear extension for the Reason(s) set out in the Second Schedule hereto.

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FIRST SCHEDULE

Conditions and Reasons:

1. Development in accordance with submitted plans and details.
The development front extension to the dwelling shall be carried out and completed in its entirety fully in accordance with the plans, particulars and specifications lodged with the application, 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. (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) Drainage - Irish Water.
(i) The water supply and drainage infrastructure, shall comply with the requirements of Irish Water.
(ii) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use. All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.
(iii) All drainage works for this development shall comply fully with the Greater Dublin Regional Code of Practice for Drainage Works.
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.

(d) Minimise Air Blown Dust.
During the construction and or demolition phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances. The applicant/developer shall comply with British Standard B.S. 5228 Noise Control on Construction and Open sites and British Standard B.S. 6187 Code of Practice

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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.

(e) 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.

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.

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REG. REF. SD22B/0231

LOCATION: 84, St Maelruans Park, Tallaght, Dublin 24, D24 XYR9

SECOND SCHEDULE


Reason(s)

1. A 225mm diameter public foul sewer traverses the site under the location of the proposed rear extension. Having regard to the location and proximity of the proposed single storey rear extension to the public foul sewer, the proposed development would be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.

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Jim Johnston,
Senior Executive Planner

ORDER: That Permission be hereby granted for the front extension subject to the Conditions/Reasons set out in the First Schedule hereto and that permission be hereby refused for the single storey rear extension for the Reason(s) set out in the Second Schedule hereto.

Date: 18/7/22


Eoin Burke, Senior Planner