

# Comhairle Chontae Atha Cliath Theas

**PR/0944/22**

## Record of Executive Business and Chief Executive's Order

**Reg. Reference:** SD22A/0155      **Application Date:** 30-May-2022  
**Submission Type:** New Application      **Registration Date:** 30-May-2022  
**Correspondence Name and Address:** CDP Architecture 4, Main Street, St. Edmondsbury,  
Lucan, Co. Dublin  
**Proposed Development:** Construction of a 2 two bed semi-detached dormer  
bungalows with access from Newlands Park for  
vehicular parking; all associated site works, car  
parking, landscaping and boundary treatments.  
**Location:** 13 Newlands Drive, Clondalkin, Dublin 22  
**Applicant Name:** H.H.M Investments Ltd  
**Application Type:** Permission

(COS)

### **Description of Site and Surroundings**

Site Area: stated as 0.0862 Hectares on the application form.

Site Visit: 22<sup>nd</sup> of June 2022.

### **Site Description**

The subject site is located on the corner of Newlands Drive and Newlands Park in Newlands. The site consists of a two storey, semi-detached dwelling. The site has vehicular entrances off both Newlands Drive and Newlands Park. The site has a long rear garden with a number of mature trees. The streetscape and surrounding area have houses of a similar form and character.

### **Proposal**

Permission is being sought for the construction of 2 no. two bed semi-detached dormer bungalows with access from Newlands Park for vehicular parking; all associated site works, car parking, landscaping and boundary treatments.

### **Zoning**

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

### **Consultations**

Water Services – additional information requested.

Irish Water – no objection subject to conditions.

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Roads Department – recommend refusal.

Public Realm – no objection subject to conditions.

H.S.E. Environmental Health Officer – additional information requested.

SEA Sensitivity Screening – no overlap indicated.

### Submissions/Observations/Representations

There were 5 no. third party submissions received. These are summarised as follows:

- Departure from the established pattern
- Does not match existing design, building lines or scale, not designed to integrate, no transitional elements, close to the footpath, fenestration out of step.
- Out of character in scale and design
- Private open space for proposed houses and No. 13 would have limited functionality and result in poor standard of residential amenity
- Overlooking and overbearing impacts on adjoining properties and rear gardens
- Ongoing parking issues and proposal would exacerbate this, entryway would face existing entryway, reduced sightlines increasing the risk of a traffic accident
- Cramped form of development indicative of overdevelopment on a constrained site. Previous applications rejected.
- Object to reduction in height and length of existing boundary wall along eastern boundary.
- Existing problems in relation to sewage and flooding in the estate and the proposed houses would put extra pressure on the system.
- Existing large beech trees on the subject site should be removed as causes damage to the boundary wall on the Newlands Park side. Deluge of leaves during winter.
- Loss of green spaces, and bird and fox habitat. Impact amenity and aesthetic value of area and views.

These submissions have been reviewed in full and taken into consideration in the assessment of this application.

### Relevant Planning History

#### *Subject site*

SD20A/0334

3 houses, comprised of two storey, two bed houses, one detached and two semi-detached on a site measuring 0.06ha. Each house is accessed from a private driveway with one private car parking space also provide per house. The development includes all associated site development works. **Permission refused** for the following three (3) reasons:

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1. Having regard to (a), (b) and (c) below, the proposed development would contravene the South Dublin County Development Plan 2016-2022 (Section 11.3.2 (ii) Corner/Side Garden Sites and the zoning objective for the area which seeks 'to protect/and or improve residential amenity') would seriously injure the amenity of property in the vicinity and would contravene the proper planning and sustainable development of the area
  - (a) In respect of the proposed pair of semi-detached dwellings, by reason of its height and proximity to the northern site boundary with the immediate neighbour to the north the proposed development would be overbearing, dominant and obtrusive when viewed from the rear garden of the immediate neighbour to the north;
  - (b) The proposed pair of semi-detached dwellings would have an overbearing impact on the dwelling to the east; and
  - (c) The proposed detached dwelling will not provide for dual frontage and presents a blank facade and no surveillance of the public domain; and
  - (d) The layout and depth of the private open space for the semi-detached dwellings would have limited functionality and would result in a poor standard of residential amenity for the occupants.
2. The proposed development (pair of semi-detached dwellings) would intensify the use of an existing access with reduced sightlines, increasing the risk of a traffic accident, and would provide no on site car parking. Having regard to the street layout and the location of the site in proximity to the junction, it is considered on street car parking only for the semi-detached dwellings would endanger public safety by reason of traffic hazard. Regarding the detached house, due to the lack of information submitted regarding vehicular parking and access arrangements for the existing dwelling and proposed dwelling, the Planning Authority is not satisfied, on the basis of the information submitted, that the proposed development would not endanger public safety by reason of a traffic hazard.
3. Having regard to the lack of information submitted in relation to Surface Water Drainage and Environmental Health requirements, the Planning Authority is not satisfied, on the basis of the information submitted, that the proposed development would not be prejudicial to public health and is not in the interests of the proper planning and sustainable development of the area.

S99B/0023

Extension to rear. **Permission granted.**

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### Relevant Enforcement History

None identified in APAS.

### Pre-Planning Consultation

Ref. PP027/21

Revisions to previously refused permission to develop 2 dwellings on the site with the removal of Dwelling A. It is also proposed to increase the open space provision area both of the new dwellings and the existing dwelling as a result of the reduction in the number of units being development on the subject lands.

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

#### *2 Housing*

##### *Section 2.3.0 Quality of Residential Development*

##### *Section 2.4.0: Residential Consolidation – Infill, Backland, Subdivision & Corner Sites*

##### *Policy H17 Residential Consolidation*

##### *H17 Objective 2:*

*To maintain and consolidate the County's existing housing stock through the consideration of applications for housing subdivision, backland development and infill development on large sites in established areas, subject to appropriate safeguards and standards identified in Chapter 11 Implementation.*

##### *H17 Objective 3:*

*To favourably consider proposals for the development of corner or wide garden sites within the curtilage of existing houses in established residential areas, subject to appropriate safeguards and standards identified in Chapter 11 Implementation.*

#### *7 Infrastructure & Environmental Quality*

##### *Policy IE 1 Water & Wastewater*

##### *Policy IE 2 Surface Water & Groundwater*

##### *Policy IE 3 Flood Risk*

##### *Policy IE 7 Environmental Quality*

#### *8 Green Infrastructure*

##### *Policy G1 Overarching*

##### *Policy G5 Sustainable Urban Drainage Systems*

#### *9. Heritage, Conservation & Landscapes*

##### *Policy HCL2 Natura 2000 sites*

#### *11 Implementation*

##### *Section 11.2.7 Building Height*

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*Section 11.3.1 Residential*

*Section 11.3.1 (iv) Dwelling Standards*

*Table 11.20: Minimum Space Standards for Houses*

*Section 11.3.1 (v) Privacy*

*Section 11.3.2 Residential Consolidation*

*(i) 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, materials, and finishes. Larger sites will have more flexibility to define an independent character.*
- *Significant site features, such as boundary treatments, 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 subdivision, 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,*

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- *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 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 11.4.2 Car Parking Standards*

*Table 11.24 Maximum Parking Rates (Residential Development)*

*Section 11.4.4 Car Parking Design and Layout*

*Section 11.6.0 Infrastructure and Environmental Quality*

*(i) Flood Risk Assessment*

*(ii) Surface Water*

*(iii) SUDS*

*(iv) Groundwater*

*(v) Rainwater Harvesting*

*(vi) Water Services*

*Section 11.7.2 Energy Performance in New Buildings*

*Section 11.8.1 Environmental Impact Assessment*

*Section 11.8.2 Appropriate Assessment*

### **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).*

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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).*

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

### **Assessment**

The main issues for assessment relate to:

- Zoning and Council Policy;
- Previous Reasons for Refusal;
- Residential Amenity;
- Visual Amenity;
- Access and Parking;
- Services and Drainage;
- Environmental Health;
- Environmental Impact Assessment; and
- Appropriate Assessment.

### ***Zoning and Council Policy***

The proposed development is consistent in principle with zoning objective RES – ‘*To protect and/or improve residential amenity*’. The residential development is permitted in principle subject to its accordance with the relevant provisions in the Development Plan with specific reference to Sections 11.3.2 (i) Infill Sites and (ii) Corner/Gardens Sites. The subject site forms the rear garden of No. 13 Newlands Drive.

### ***Previous Reasons for Refusal***

Permission for 3 no. houses, comprised of two storey, two bed houses, one detached and two semi-detached, was previously refused under Reg. Ref. SD20A/0334. An assessment of the subject application against the 3 no. reasons for refusal on this previous application is provided as follows:

1. *Having regard to (a), (b) and (c) below, the proposed development would contravene the South Dublin County Development Plan 2016-2022 (Section 11.3.2 (ii) Corner/Side Garden Sites and the zoning objective for the area which seeks 'to protect/and or improve residential amenity') would seriously injure the amenity of property in the vicinity and would contravene the proper planning and sustainable development of the area*
  - (a) *In respect of the proposed pair of semi-detached dwellings, by reason of its height and proximity to the northern site boundary with the immediate neighbour to the north the proposed development would be overbearing,*

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*dominant and obtrusive when viewed from the rear garden of the immediate neighbour to the north;*

The semi-detached dwellings proposed under Reg. Ref. SD20A/0334 were 2 storey pitched roof dwellings approx. 8.3m in overall height. These dwellings would have been offset approx. 2.45m from the boundary with the immediate neighbour to the north, No. 15 Newlands Drive, at the shortest point and project a length of approx. 15.0m along the northern boundary.

The proposed dwellings have been revised to 2 no. semi-detached, bungalow type houses. These dwellings would be approx. 7.0m in overall height. They would be setback approx. 5.1m and 5.3m from the northern boundary. The development would still extend approx. 15.1m in length when viewed from the north. While the setback has been increased, and height and scale of the dwellings reduced, the Planning Authority would still have concerns regarding the impact of the proposed dwellings on the property to the north.

The northern (rear) elevation of the dwellings, facing the rear amenity space of No. 15, would have first floor windows to bedrooms and hallways. The submitted drawings indicate that these windows would have obscured glass. Obscured glass to habitable rooms such as bedrooms is not acceptable due to daylight access. The proximity of the bedroom windows to the northern rear amenity space would lead to unacceptable levels of overlooking.

When viewed from the north, the proposed dwellings would still appear as two storey dwellings. Due to the proximity of the dwellings to the northern boundary and their scale and extent, they would appear as overbearing to this adjoining property.

The proposed dwellings would be approx. 9.9m from the existing dwelling at No. 13. There would be no windows on the elevation of Unit 01 facing this house and would therefore present a blank elevation. It is noted that this helps with addressing potential overlooking. However, it is considered an increased separation distance should be provided to reduce overbearing impacts and provide for a more usable private amenity space for the existing dwelling.

Given the levels of overlooking and overbearing, the proposed development would require a significant redesign and potentially the loss of one house to find a successful design solution. The level of impact from the current proposal would suggest overdevelopment of the site.



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It is acknowledged that there is a development opportunity on this site given its location and zoning. Sites, such as this one, are acceptable for residential development in line with infill development policy. It is clear that there is scope for the addition of a dwelling on this site. However, the proposed development has a significant impact on existing residential amenity, specifically to the north, rendering it unacceptable.

Given the above, it is not considered that this reason for refusal has been overcome.

*(b) The proposed pair of semi-detached dwellings would have an overbearing impact on the dwelling to the east; and*

The proposed dwellings have been revised to 2 no. semi-detached, bungalow type houses. The nearest proposed dwelling to the existing dwelling to the east would be Unit 02, with an approx. 7.8m setback from No. 2 Newlands Park. This is an increase in setback from the previous application. The reduction in height and scale of the dwellings also reduces the impact of the proposal on the dwellings to the east. It is therefore considered that this reason has been overcome.

*(c) The proposed detached dwelling will not provide for dual frontage and presents a blank facade and no surveillance of the public domain; and*

The detached dwelling has been omitted from the proposed development. The proposed semi-detached dwellings would front onto Newlands Park with no corner element of the sites. This reason has therefore been overcome.

*(d) The layout and depth of the private open space for the semi-detached dwellings would have limited functionality and would result in a poor standard of residential amenity for the occupants.*

The proposed development would have a similar site layout to what was previously proposed. Private open space for the proposed dwellings would be located to the rear and side and be approx. 79.6sq.m and 82.8sq.m in size. The depth of these spaces to the rear of the dwellings would be approx. 5.1m to 5.3m. The previously refused application had a depth of 3m to 4m on average. The remaining private open space for the existing dwelling would be approx. 86.1sq.m, with a depth of 5.8m.

While this is an increase from the depth proposed in the previous application, the Planning Authority would still have concerns with the usability of this space. Especially in combination with depth of the private open space retained for the existing house. **It is therefore not considered that this refusal reason has been overcome.**

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- 2. The proposed development (pair of semi-detached dwellings) would intensify the use of an existing access with reduced sightlines, increasing the risk of a traffic accident, and would provide no on site car parking. Having regard to the street layout and the location of the site in proximity to the junction, it is considered on street car parking only for the semi-detached dwellings would endanger public safety by reason of traffic hazard.*

*Regarding the detached house, due to the lack of information submitted regarding vehicular parking and access arrangements for the existing dwelling and proposed dwelling, the Planning Authority is not satisfied, on the basis of the information submitted, that the proposed development would not endanger public safety by reason of a traffic hazard.*

There would be 2 no. onsite car parking spaces provided for each dwelling. This level of car parking is acceptable to the Roads Department and the Planning Authority. A vehicular access would be constructed for each dwelling (2 no. new accesses from Newlands Park).

The proposed vehicular access for Unit 01 is located directly adjacent to an existing vehicular access to the site from Newlands Park. This is not acceptable, and the proposed access would either need to be moved or the existing access removed.

The Roads Department have reviewed the proposed development and recommend refusal due the addition of two more vehicular access points in close proximity to existing access points (existing access to No. 13 from Newlands Park and access to No. 2 Newlands Park). This would lead to an undesirable intensification of traffic accessing and egressing within relatively a short distance, which would endanger public safety by reason of traffic hazard.

The Roads Department also raises concerns regarding adequate visibility of vehicles egressing the site. The submitted visibility splays have been taken from 2.4m from the road edge. In order to ensure the safety of pedestrians, a visibility splay should be provided from a point 2m set back from the footpath edge.

For clarity, an extract from the Roads Department report is included under the Access and Parking section of this report, below.

**Given the above, it is not considered that this reason for refusal has been overcome. Permission should be refused on this basis.**

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- 3. Having regard to the lack of information submitted in relation to Surface Water Drainage and Environmental Health requirements, the Planning Authority is not satisfied, on the basis of the information submitted, that the proposed development would not be prejudicial to public health and is not in the interests of the proper planning and sustainable development of the area.*

Water Services have reviewed the proposed development and request additional information in relation to surface water and flood risk. They request that a report and drawing is submitted showing details of surface water attenuation. They also request a report demonstrating what, if any, flood risk there is for the development. For clarity, an extract from the Water Services report is included under the Services and Drainage section of this report, below.

The H.S.E. Environmental Health Officer has reviewed the proposed development and request additional information in relation to the impact of noise from the N7 on the proposed houses. While this formed part of a previous reason for refusal it is considered that the site is such a distance from the N7 that the noise from this would not have a significant impact.

**It is therefore not considered that this refusal reason has been overcome in relation to surface water drainage.**

Given the above, it is not considered that the previous reasons for refusal have been fully overcome. There are still concerns in relation to compliance with Council policy (Section 11.3.2 (ii) Corner/Side Garden Sites and the residential zoning objective for the area), impact on residential amenity, vehicular accesses and surface water drainage. **It is therefore considered that permission should be refused.**

### ***Residential Amenity***

#### Existing residential amenity

Existing residential properties directly adjoin the site of the proposed dwellings to the west, north and east. To the south, across Newlands Park, are existing residential properties. To the north, the site adjoins the rear amenity space associated with No. 15 Newlands Drive. The applicant has provided a proposed block plan which shows the proposed dwellings in relation to the existing properties in the area.

The proposed front and rear building lines would not align with the front and rear building lines of the existing semi-detached dwellings to the east on Newlands Park. Section 11.3.2(ii)

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Corner/Side Garden Sites states that the dwelling(s) should generally be designed and sited to match the building line and respond to the roof pitch profile of adjoining dwellings. The dwellings would be sufficiently setback from the dwellings to the east in this regard. It is therefore considered that the projection is generally acceptable and would not adversely impact on the visual amenity of the street.

Third parties have raised the issue of changes to the existing eastern boundary wall (adjoining No. 2 Newlands Park). The submitted Proposed Boundary Treatment drawing demonstrates that this wall would be retained as is. Although, it is noted that to achieve adequate visibility from the proposed access at this boundary, this wall may have to be lowered in part.

New boundary treatments are proposed along the front boundary of the houses, between the houses' amenity spaces and the amenity space of the existing house. Low walls approx. 1.0m in height are proposed along the front boundary. Walls of approx. 1.8m are proposed between the gardens. The front boundary walls would need to be amended to improve visibility for vehicles egressing the site. Otherwise, the proposed boundary treatments are acceptable.

### Standard of proposed accommodation

The proposed 2 bed dwellings would be the following sizes:

	<b>Unit 01 (2 bed 4 person)</b>	<b>Unit 02 (2 bed 3 person)</b>
<b>Gross Floor Area</b>	96.2sqm	80.7sq.m
<b>Private Open Space</b>	79.6sq.m	82.8sq.m

The dwelling and private open space would meet the minimum space standards for houses, as per Table 11.20 of the CDP and the Quality Housing for Sustainable Communities-Best Practice Guidelines (2007). However, as raised previously in this report, the Planning Authority has concerns in relation to the usability of the private open spaces.

The proposed bedrooms would meet the minimum floorspace requirements of the CDP and Quality Housing for Sustainable Communities-Best Practice Guidelines. The proposed unobstructed living room widths, aggregate living areas and storage would comply with Quality Housing for Sustainable Communities-Best Practice Guidelines. The single bedroom in Unit 02 would be under the minimum room width requirement of 2.1m for a single bedroom. However, the house otherwise complies with or exceeds all other space requirements. It is also marginally under and is therefore acceptable.

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### ***Visual Amenity***

Section 11.3.2 of the County Development Plan sets out a number of design criteria in relation to infill development and corner/garden sites. For infill sites, 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. Section 11.3.2 also outlines that where appropriate contemporary and innovative proposals that respond to the local context are encouraged.

The subject site is approx. 0.08862 ha in size, therefore a degree of architectural integration with the existing built form is required. The existing built form in the surrounding area is largely semi-detached two storey houses with hipped roofs. The dominant materials on these houses are render and brick, render at first floor and brick at ground.

The proposed dwellings are considered to have a degree of architectural integration with the surrounding built form. While they would be distinctly different, they use similar form features and materials as development in the area. The proposed materials are render walls, slate roof tiles, aluminium cladding, metal capping, exposed concrete. The dwellings are a modern intervention and are clearly legible as new development. This contemporary design would be acceptable.

### ***Landscaping***

No landscape proposals or information in relation to existing trees have been submitted. The majority of the existing trees and vegetation on site to the rear of the existing house would be removed to facilitate the proposal. No tree survey or arboricultural report has been submitted.

Public Realm have reviewed the proposed development and have no objections subject to a condition requiring the applicant to plant 3 no. street trees to mitigate the loss of a significant number of large trees onsite and a street tree. This report from Public Realm is noted. The Planning Authority concurs that significant mitigation would be required to offset the removal of the trees onsite and in the public realm.

The Proposed Site Layout Plan shows that part of the grass verge along Newlands Park would be removed to make way for a pedestrian access to the site. This is not considered to be necessary given that the footpath is located to the inside of this verge and the houses would be accessible. This should therefore be omitted from the layout.

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### *Access and Parking*

The Roads Department have reviewed the proposed development and recommend refusal:

#### *Description:*

*Construction of a 2 two bed semi-detached dormer bungalows with access from Newlands Park for vehicular parking.*

#### *Access:*

*The existing side boundary wall running adjacent to Newlands Park currently has vehicular access points at either end. The proposed development would result in the addition of two more vehicular access points in close proximity. This would lead to an undesirable intensification of traffic accessing and egressing within relatively short distance which would endanger public safety by reason of traffic hazard.*

#### *Parking:*

*2 No. parking spaces per house is in line with SDCC Development Plan standards. The car parking spaces are shown to have a minimum length of 6130mm which is considered acceptable.*

#### *Visibility:*

*The proposed front boundary wall is 1m high. SDCC Roads Department sets a height limit of 0.9m for boundary walls at vehicular access points in order to improve forward visibility for egressing vehicles.*

*Drivers of vehicles egressing the property should have adequate visibility before crossing the pedestrian footpath. The 1800mm high boundary walls at either end of the proposed properties may obstruct this visibility. The applicant has submitted a visibility splay, but it has been taken from 2.4m from the road edge. In order to ensure the safety of pedestrians, a visibility splay should be provided from a point 2m set back from the footpath edge.*

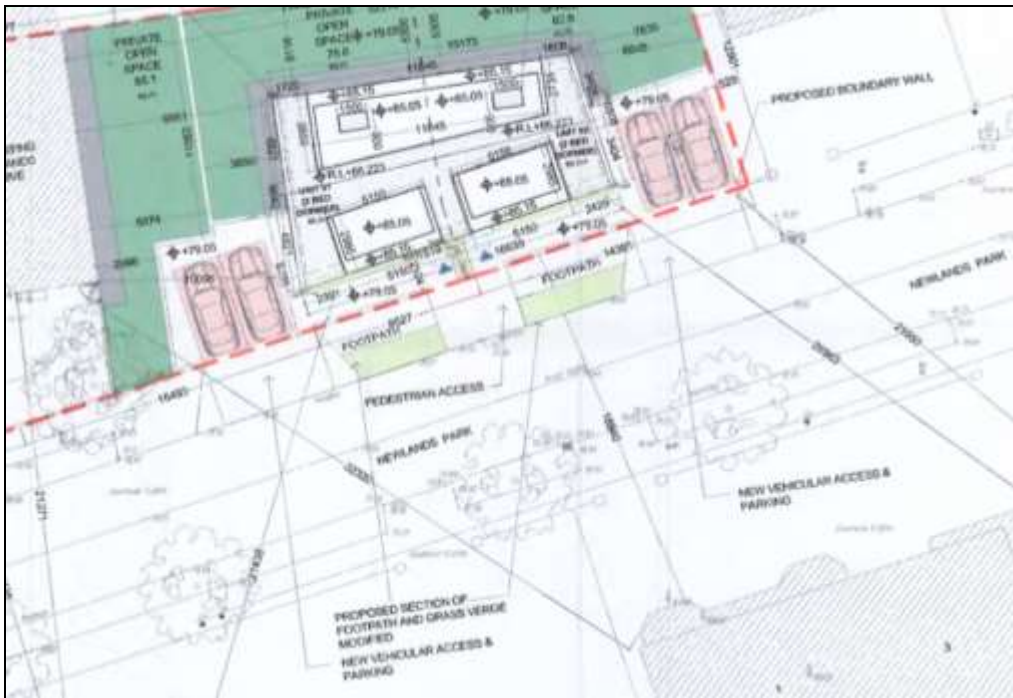
#### *Grass Verge:*

*The submitted site layout plans show proposed modifications to the grass verge at 3 No. locations. The removal of the grass verge for pedestrian access should be approved by SDCC Public Realm Department. There is a mature tree located in the grass verge at the Eastern end of the site. SDCC Public Realm Department will need to give approval for this tree's removal prior to the commencement of construction of the Eastern dished footpath.*

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### *Roads recommends refusal:*

1. *The addition of two more vehicular access points in close proximity would lead to an undesirable intensification of traffic accessing and egressing within relatively short distance which would endanger public safety by reason of traffic hazard.*

### *Should the permission be granted, the following conditions are suggested:*

1. *The applicant is requested to submit accurate plans demonstrating the provision of a visibility splay of 2m x 23m in both directions from the entrance. Sightlines should be taken from the centre of the parking spaces closest to the boundary walls and from a point 2m setback from the footpath edge.*
2. *The applicant is to submit details of discussions with Public Realm in resolving tree conflict with access point.*

The report from the Roads Department is noted. The Planning Authority consider that Newlands Park is a local street in a residential area and the provision of additional entrances is unlikely to cause a traffic hazard. If further consideration of the application is warranted, a further information request would be necessary. On balance, without further information and discussion with Roads, the concerns of a traffic hazard warrant a refusal reason.

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### *Services and Drainage*

Water Services has reviewed the proposed development and request that additional information be submitted in relation to surface water and flood risk:

*1 Submit a report and drawing showing how much surface water will be attenuated in m<sup>3</sup> and how much water is required to be attenuated in m<sup>3</sup> for each dwelling.*

*Also show where and how surface water will be restricted to greenfield runoff rates or 2 litres/second per hectare whichever is greater. Design surface water layout for proposed development as per the greater Dublin Regional Code of Practice for Drainage Works.*

*2 Submit a report to show what if any flood risk there is for proposed development.*

Irish Water have reviewed the proposed development and have no objection subject to connection agreements via condition.

These reports are noted. Insufficient information has been provided in relation to surface water drainage and permission should therefore be refused on this basis.

### *Environmental Health*

The H.S.E. Environmental Health Officer has reviewed the proposed development and requests additional information:

*Detailed information in the form of an acoustic report was not submitted with this application in consideration for the potential for noise from the nearby N7 motorway which may impact on residents residing at the proposed development.*

*The risk of noise nuisance to residents of the proposed development must be strongly considered. Design and structural noise mitigation measures may need to be incorporated to reduce the potential noise impact on the proposed residential properties.*

*Additional information is requested before the Environmental Health Officers Department can make a fully informed decision on this application.*

*1. An acoustic assessment must be undertaken by a suitably qualified acoustic consultant describing and assessing the potential noise impact of the nearby N7 on the proposed development. The investigation must include, but not be necessarily limited to, the following:*

*(a) The identification and cumulative assessment of all sources of noise including frequency analysis where necessary.*

*(b) An assessment of the existing background (LA<sub>90,15 min</sub>) and ambient (LA<sub>eq,15 min</sub>) acoustic environment at the receiver locations representative of the time periods that any noise impacts may occur including daytime and night time periods.*



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*(c) Distances between the proposed development and the nearest noise sources (i.e., traffic noise on the N7) and the predicted level of noise (L<sub>aeq</sub>, 15min) from this noise source when assessed at the boundary and within of the proposed development at both day and night time hours.*

*(e) A statement outlining recommended acoustic control measures that may need to be incorporated into the design and construction of the proposed residential units and/or site to ensure the use will not create adverse noise impacts on the occupiers.*

*BS8233:2014 and ProPG recommend an internal noise level of <35dB(A) in living rooms and bedrooms during the day and <30dB(A) in the bedroom during the night time period.*

*In order to achieve appropriate noise levels within the internal living areas of the proposed residential developments further information is requested regarding including the specification of the glazing and any other design features along the façade employed to reduce this potential for noise if warranted following the acoustic assessment.*

*The additional information submitted should specify the proposed sound reduction to be achieved by the control measures chosen to ensure the noise levels within the internal residential areas are in line with the recommendations of BS8233:2014 and ProPG.*

*This further information should include the following where deemed necessary –*

*2. The specification of the glazing and façade mitigation measures to be used within the residential units of the proposed development must be submitted.*

*3. The additional information submitted should specify the proposed sound reduction to be achieved and that the levels recommended in BS8233:2014 and ProPG.*

The EHO comments are noted. Nevertheless, the site is considered such a distance from the N7 that the noise from this would not be significant.

### ***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.

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### *Screening for Appropriate Assessment*

The applicant has not provided information to assist the screening for Appropriate Assessment. The subject site is not located within nor within close proximity to a European site. The development involves the construction of 2 no. houses.

Having regard to:

- the scale and nature of the development,
- the location of the development in a serviced area, and
- the consequent absence of a pathway to the European site,

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

### Conclusion

Having regard to the provisions of the South Dublin County Development Plan 2016-2022, Sections 11.3.2 (i) Infill Sites and (ii) Corner/Gardens Sites and the RES zoning objective, the impact of the proposed houses on existing residential amenity, the standard of development, the location and design of the proposed vehicular accesses, and insufficient information regarding surface water drainage, it is considered that **permission should be refused**.

It is considered that there is potential to provide additional residential on the subject site and the Planning Authority would welcome revised proposals for a revised proposal in the form of a pre planning consultation or a new planning application.

### 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 dwellings, by reason of their design, scale and proximity to the northern site boundary with the immediate neighbour to the north, would be overbearing and visually dominant when viewed from the rear garden of the immediate neighbour to the north and lead to unacceptable levels of overlooking into this neighbouring rear garden. Accordingly, the proposed development is considered to contravene Section 11.3.2 (ii) Corner/Side Garden Sites of the South Dublin County Development Plan 2016-2022 and the zoning objective for the area which seeks 'to protect/and or improve residential amenity'), would seriously injure the amenity of property in the vicinity and would

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contravene the proper planning and sustainable development of the area.

2. The addition of two more vehicular access points in close proximity to existing vehicular access points along Newlands Park would lead to an intensification of traffic accessing and egressing within a relatively short distance, which may endanger public safety by reason of a traffic hazard. Insufficient information has been submitted in relation to visibility splays to the satisfaction of SDCC's Roads Department. The proposed development would not accord with the proper planning and sustainable development of the area.
3. Having regard to the lack of information submitted in relation to Surface Water Drainage, the Planning Authority is not satisfied, on the basis of the information submitted, that the proposed development would not be prejudicial to public health and is not consistent with the County Development Plan and the proper planning and sustainable development of the area.

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**REG. REF. SD22A/0155**

**LOCATION: 13 Newlands Drive, Clondalkin, Dublin 22**

*Colm Harte*

**Colm Harte,  
Senior Executive Planner**

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

**Date:**

25/7/22

  
**Eoin Burke, Senior Planner**